

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN FREE ENTERPRISE
CHAMBER OF COMMERCE; CLEAN
FUELS DEVELOPMENT COALITION;
ICM, INC.; ILLINOIS CORN GROWERS
ASSOCIATION; INDIANA CORN
GROWERS ASSOCIATION; IOWA CORN
GROWERS ASSOCIATION; KANSAS CORN
GROWERS ASSOCIATION; KENTUCKY
CORN GROWERS ASSOCIATION;
MICHIGAN CORN GROWERS
ASSOCIATION; MINNESOTA CORN
GROWERS ASSOCIATION; MISSOURI
CORN GROWERS ASSOCIATION;
NEBRASKA CORN GROWERS
ASSOCIATION; OHIO CORN AND WHEAT
GROWERS ASSOCIATION; SOUTH
DAKOTA CORN GROWERS
ASSOCIATION; TENNESSEE CORN
GROWERS ASSOCIATION; WISCONSIN
CORN GROWERS ASSOCIATION;
DIAMOND ALTERNATIVE ENERGY, LLC;
and VALERO RENEWABLE FUELS
COMPANY, LLC,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 24-1197

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, Rule 15(a) of the Federal Rules of Appellate Procedure, Rule 15(a) of the D.C. Circuit Rules, and the U.S. Constitution, Petitioners American Free Enterprise Chamber of Commerce; Clean Fuels Development Coalition; ICM, Inc.; Illinois Corn Growers Association; Indiana Corn Growers Association; Iowa Corn Growers Association; Kansas Corn Growers Association; Kentucky Corn Growers Association; Michigan Corn Growers Association; Minnesota Corn Growers Association; Missouri Corn Growers Association; Nebraska Corn Growers Association; Ohio Corn and Wheat Growers Association; South Dakota Corn Growers Association; Tennessee Corn Growers Association; Wisconsin Corn Growers Association; Diamond Alternative Energy, LLC; and Valero Renewable Fuels Company, LLC (collectively, “Ethanol Petitioners”) hereby petition this Court for review of the final agency action of the Administrator of the United States Environmental Protection Agency in promulgating a rule entitled “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,”

and published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

A copy of this final rule is attached as Exhibit A. This Court has jurisdiction, and venue is proper under 42 U.S.C. § 7607(b)(1).

Dated: June 13, 2024

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Respectfully submitted,

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RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, Petitioners make the following disclosures:

American Free Enterprise Chamber of Commerce (“AmFree”) is a business league organization established in a manner consistent with Section 501(c)(6) of the Internal Revenue Code. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in AmFree.

Clean Fuels Development Coalition (“CFDC”) is a business league organization established in a manner consistent with Section 501(c)(6) of the Internal Revenue Code. Established in 1988, CFDC works with auto, agriculture, and biofuel interests in support of a broad range of energy and environmental programs. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in CFDC.

ICM, Inc. is a Kansas corporation that is a global leader in developing biorefining capabilities, especially for the production of ethanol. It is a wholly owned subsidiary of ICM Holdings, Inc., and no publicly held company has a 10% or greater ownership interest in ICM Holdings, Inc.

Illinois Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Indiana Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Iowa Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Kansas Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Kentucky Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Michigan Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Minnesota Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Missouri Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Nebraska Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Ohio Corn and Wheat Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

South Dakota Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Tennessee Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Wisconsin Corn Growers Association is an agricultural organization. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in it.

Diamond Alternative Energy, LLC, is a Delaware limited liability company, wholly owned direct subsidiary of Valero Energy Corporation, a Delaware corporation whose common stock is publicly traded on the New York Stock Exchange under the ticker symbol: VLO.

Valero Renewable Fuels Company, LLC, a Texas limited liability company, is a wholly owned direct subsidiary of Valero Energy Corporation, a Delaware corporation whose common stock is publicly traded on the New York Stock Exchange under the ticker symbol VLO.

Dated: June 13, 2024

/s/ Michael Buschbacher
Michael Buschbacher
Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that that on June 13, 2024, I will cause a true and correct copy of the Petition for Review and Exhibit A attached thereto, to be served via first-class certified mail, return receipt requested, to:

U.S. Environmental Protection Agency
Correspondence Control Unit
Office of General Counsel (2311)
1200 Pennsylvania Ave., NW
Washington, DC 20460

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington DC 20530-0001

The Honorable Todd Kim
Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington DC 20530-0001

Dated: June 13, 2024

Respectfully submitted,

/s/ Michael Buschbacher
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