

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

NATURAL RESOURCES DEFENSE  
COUNCIL,

*Petitioner,*

v.

NATIONAL HIGHWAY TRAFFIC  
SAFETY ADMINISTRATION, *et al.*,

*Respondents.*

Case No. 22-1080

**PETITIONER’S NON-BINDING STATEMENT  
OF ISSUES TO BE RAISED**

Petitioner Natural Resources Defense Council challenges a final action of the National Highway Traffic Safety Administration (“NHTSA”) entitled *Corporate Average Fuel Economy Standards for Model Years 2024-2026 Passenger Cars and Light Trucks*, 87 Fed. Reg. 25,710 (May 2, 2022) (“Final Rule”). The Final Rule purports to carry out NHTSA’s duty under the Energy Policy and Conservation Act, 49 U.S.C. §§ 32901 *et seq.* (as amended) (“EPCA”), to establish corporate average fuel economy standards for cars and light trucks at maximum feasible levels.

In the Final Rule, NHTSA rescinded existing fuel economy standards for light-duty motor vehicles of model years 2024–2026 and promulgated new standards for these model years. Without waiving its right to modify these issues or

raise additional ones, Petitioner intends to raise the following issues, particularly with respect to NHTSA's decision to exclude from consideration the technologically-feasible and economically-practicable deployment of certain high compression ratio engine efficiency technologies to new vehicles:

1. Whether NHTSA's adoption of the standards contained in the Final Rule was arbitrary, capricious, or otherwise not in accordance with EPCA, the Administrative Procedure Act, or other law, because:
  - a. In setting average fuel economy standards, NHTSA failed to comply with EPCA, including the requirement at 49 U.S.C. § 32902 that the standards "shall be the maximum feasible average fuel economy standard[s]."
  - b. NHTSA failed to adequately consider relevant factors and the evidence before it, gave undue weight to non-statutory factors, and inconsistently applied the agency's interpretation of the relevant statutory factors.
  - c. The analyses and modeling underlying NHTSA's decision were flawed, ignored contrary evidence, and contained errors that render NHTSA's decision unsupported, arbitrary and capricious, and otherwise unlawful.

Dated: June 13, 2022

Respectfully submitted,

*/s/ Pete Huffman*

---

Pete Huffman  
Benjamin Longstreth  
Natural Resources Defense Council  
1152 15th St. NW, Suite 300  
Washington, DC 20005  
(202) 289-6868  
phuffman@nrdc.org  
*Counsel for*  
*Natural Resources Defense Council*

**CERTIFICATE OF SERVICE**

I certify that on June 13, 2022, I filed the foregoing Petitioner's Non-binding Statement of Issues To Be Raised via the Court's CM/ECF system, which will provide copies to all registered counsel.

/s/ Pete Huffman  
Pete Huffman