

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

IN THE UNITED STATES COURT OF APPEALS
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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
FILED DEC 22 2016
CLERK

TRUCK TRAILER
MANUFACTURERS ASSOCIATION,
INC.,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY;

GINA MCCARTHY, in her official
capacity as Administrator of the U.S.
Environmental Protection Agency;

NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION; and

MARK R. ROSEKIND, in his official
capacity as Administrator of the National
Highway Traffic Safety Administration,

Respondents.

16-1430

No. _____

December 22, 2016

ORIGINAL

PETITION FOR REVIEW

Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), section 32909(a) of the Energy Independence and Security Act, 49 U.S.C. § 32909(a), 5 U.S.C. § 702, and Federal Rule of Appellate Procedure 15(a), the Truck Trailer Manufacturers Association hereby petitions this Court for review of a nationally applicable rule of respondents the United States Environmental

Protection Agency and the National Highway Traffic Safety Administration (collectively, the “Agencies”). The Agencies adopted the final rule, “Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2,” on August 16, 2016, and it was published in the Federal Register on October 25, 2016. 81 Fed. Reg. 73478 (Oct. 25, 2016) (“Final Rule”).

Petitioner seeks review of the Final Rule on the grounds that, *inter alia*, it is in excess of the Agencies’ statutory authority, contrary to the Clean Air Act and the Energy Independence and Security Act, arbitrary and capricious, and otherwise contrary to law. Petitioners request that this Court hold unlawful, vacate, enjoin, and set aside the Final Rule provisions applicable to trailers, and that the Court provide such additional relief as may be necessary and appropriate.

Dated: December 22, 2016

Respectfully submitted,



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Jonathan S. Martel

Elisabeth S. Theodore

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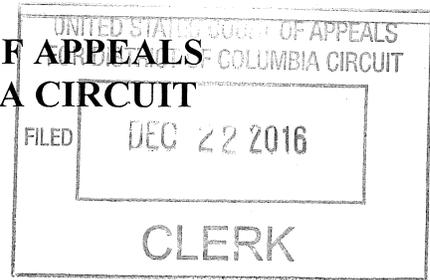
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Attorneys for Petitioner

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No. 16-1430

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, the Truck Trailer Manufacturers Association states that it is a nonprofit, nonstock trade association that represents the interests of manufacturers of truck trailers across the United States and internationally. The Association estimates that its members produce more than 90% of truck trailers sold in the United States each

year. The Association has no parent company, and no publicly held company has a 10% or greater ownership interest in the Association.

Dated: December 22, 2016

Respectfully submitted,



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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify, pursuant to Fed. R. App. P. 25(c), that, on December 22, 2016, I caused a copy of the foregoing Petition for Review and Corporate Disclosure Statement to be served by first-class mail upon the following:

U.S. Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Gina McCarthy, in her official capacity as
Administrator, U.S. Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590

Mark A. Rosekind, in his official capacity as
Administrator, National Highway Traffic Safety
Administration,
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590

Hon. Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated: December 22, 2016


Elisabeth S. Theodore

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December 22, 2016

VIA HAND-DELIVERY

Mark Langer
Clerk of the Court
U.S. Court of Appeals for the D.C. Circuit
333 Constitution Ave., NW
Washington, DC 20001

16-1430

Re: Petition for Review of the Final Rule entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2"

Dear Mr. Langer,

Enclosed for filing please find: (1) a petition for review by the Truck Trailer Manufacturers Association of the Final Rule entitled "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2," published by the United States Environmental Protection Agency and the National Highway Traffic Safety Administration on Oct. 25, 2016; (2) four copies of the petition; (3) a CD containing a copy of the Final Rule, and (4) the \$500 filing fee.

Sincerely,



Elisabeth S. Theodore

Counsel for Petitioner

Enclosures