

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

CLEAN FUELS DEVELOPMENT
COALITION., *et al.*,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

No. 22-1036

(consolidated with Nos. 22-1031
(lead case), 22-1032, 22-1033, 22-
1034, and 22-1038)

STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court’s Order of March 2, 2022, Petitioners Clean Fuels Development Coalition *et al.* hereby submit the following Statement of Issues to be Raised in this Petition for Review of EPA’s final rule entitled “Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards,” 86 Fed. Reg. 74,434 (Dec. 30, 2021) (“the Rule”).

1. Whether the Rule should be set aside under the Administrative Procedure Act because it exceeds EPA’s authority under Title II of the Clean Air Act;
and
2. Whether the Rule should be set aside under the Administrative Procedure Act because it is arbitrary, capricious, and contrary to law.

This is a preliminary listing of issues that Petitioners may raise. Petitioners reserve their right to modify this statement of issues, as well as to raise these and other issues.

April 1, 2022

Respectfully Submitted

/s/ Michael Buschbacher

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing through the CM/ECF system, which will send a notice of filing to all registered CM/ECF users.

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Dated: April 1, 2022