

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

THE STATE SOYBEAN
ASSOCIATIONS OF THE STATES
OF ILLINOIS, IOWA, INDIANA,
MICHIGAN, MINNESOTA, NORTH
DAKOTA, OHIO, and SOUTH
DAKOTA, and DIAMOND
ALTERNATIVE ENERGY, LLC,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Case No. 22-1033

NON-BINDING STATEMENT OF ISSUES

Pursuant to this Court's March 2, 2022 Order, Petitioners the State Soybean Associations of the States of Illinois, Iowa, Indiana, Michigan, Minnesota, North Dakota, Ohio, and South Dakota, and Diamond Alternative Energy, LLC hereby submit the following non-binding statement of issues presented for review.

1. Whether EPA exceeded its authority under the Clean Air Act by establishing emissions standards that can be met only by averaging emissions from internal combustion engine vehicles with the emissions from zero-emission and near-zero emission vehicles.

2. Whether EPA exceeded its authority under the Clean Air Act by establishing emissions standards independent from and inconsistent with the Renewable Fuels Standard and National Highway Traffic Safety Administration's establishment of Corporate Average Fuel Economy standards.
3. Whether it was arbitrary and capricious in violation of the Administrative Procedure Act for EPA to set emissions standards that can only be met by averaging emissions from internal combustion engine vehicles with the emissions from zero-emission and near-zero emission vehicles.
4. Whether EPA's analysis of lifecycle greenhouse gas emissions for the vehicles and fuels at issue in the rule was arbitrary and capricious in violation of the Administrative Procedure Act.

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.

Date: April 1, 2022

Respectfully submitted,

/s/ Matthew W. Morrison

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CERTIFICATE OF SERVICE

I certify that on April 1, 2022, I electronically filed the foregoing Nonbinding Statement of Issues with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Date: April 1, 2022

Respectfully submitted,

/s/ Matthew W. Morrison
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