

No. 19-1243, consolidated with Nos. 19-1230(L),
-1239, -1241, -1242, -1243, -1245, -1246, and -1249

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

SIERRA CLUB et al.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY et al.,

Respondents,

ASSOCIATION OF GLOBAL AUTOMAKERS, INC., et al.,

Intervenors for Respondent,

STATE OF OHIO et al.,

Movant-Intervenors for Respondent,

STATEMENT OF ISSUES TO BE RAISED

Petitioners in Case No. 19-1243 (Sierra Club et al.) submit the following non-binding statement of issues:

1. Whether the United States Environmental Protection Agency (EPA) exceeded its statutory authority and acted *ultra vires* by partially revoking a waiver of preemption granted pursuant to 42 U.S.C. § 7543(b)(1).

2. Whether EPA's partial revocation of a waiver of preemption granted to the State of California was, in numerous respects, arbitrary and capricious; an abuse of

discretion; contrary to record evidence; and otherwise not in accordance with laws including the Administrative Procedure Act, Clean Air Act, Energy Independence and Security Act of 2007, and Energy Policy and Conservation Act of 1975.

3. Whether EPA acted arbitrarily, capriciously, and otherwise not in accordance with laws, including the Clean Air Act, by construing 42 U.S.C. § 7507 not to permit any State to adopt or enforce standards for vehicular emissions of greenhouse gases for which EPA has granted the State of California a waiver of preemption.

Respectfully submitted,

/s/ Matthew Littleton

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