

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

CENTER FOR BIOLOGICAL)
DIVERSITY; CHESAPEAKE BAY)
FOUNDATION, INC.;)
COMMUNITIES FOR A BETTER)
ENVIRONMENT;)
CONSERVATION LAW)
FOUNDATION; ENVIRONMENT)
AMERICA; ENVIRONMENTAL)
DEFENSE FUND;)
ENVIRONMENTAL LAW &)
POLICY CENTER; NATURAL)
RESOURCES DEFENSE)
COUNCIL, INC.; PUBLIC)
CITIZEN, INC.; SIERRA CLUB;)
and UNION OF CONCERNED)
SCIENTISTS,)

Petitioners,

v.

UNITED STATES)
ENVIRONMENTAL)
PROTECTION AGENCY and)
NATIONAL HIGHWAY TRAFFIC)
SAFETY ADMINISTRATION,)

Respondents.

20-1178

Petition for Review

Petitioners Center for Biological Diversity et al. protectively petition for review of final actions of the National Highway Traffic Safety Administration (NHTSA) and U.S. Environmental Protection Agency (EPA) published at 84 Fed. Reg. 51,310 (Sept. 27, 2019), and attached hereto.

Every petitioner in this case is already a petitioner in a consolidated proceeding in which the same agency actions are challenged.* *Union of Concerned Scientists v. NHTSA*, D.C. Cir. No. 19-1230 (lead case, filed Oct. 28, 2019) (*UCS*). Petitioners plan to raise the same issues here as in *UCS*. This Court has received initial submissions from all parties in *UCS* and entered a briefing order that directs petitioners to file opening briefs by June 26, 2020. *See* ECF No. 1843712.

* The present protective petition is based solely on grounds arising from other agency actions (not challenged here) that NHTSA and EPA published on April 30, 2020. *See* NHTSA & EPA, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks*, 85 Fed. Reg. 24,174.

Respectfully submitted,

/s/ Matthew Littleton

Matthew Littleton

Sean H. Donahue

Donahue, Goldberg, Weaver & Littleton

1008 Pennsylvania Avenue SE

Washington, DC 20003

(202) 683-6895

matt@donahuegoldberg.com

Vickie L. Patton

Peter M. Zalzal

Alice Henderson

Environmental Defense Fund

2060 Broadway, Suite 300

Boulder, CO 80302

(303) 447-7215

vpatton@edf.org

Counsel for Environmental Defense Fund

Maya Golden-Krasner

Katherine Hoff

Center For Biological Diversity

660 South Figueroa Street, Suite 1000

Los Angeles, CA 90017

(213) 785-5402

mgoldenkrasner@biologicaldiversity.org

Counsel for Center For Biological Diversity

Ariel Solaski

Jon A. Mueller

Chesapeake Bay Foundation, Inc.

6 Herndon Avenue

Annapolis, MD 21403

(443) 482-2171

asolaski@cbf.org

Counsel for Chesapeake Bay Foundation, Inc.

Shana Lazerow
Communities For A Better Environment
6325 Pacific Boulevard, Suite 300
Huntington Park, CA 90255
(323) 826-9771
slazerow@cbecal.org

Counsel for Communities For A Better Environment

Emily K. Green
Conservation Law Foundation
53 Exchange Street, Suite 200
Portland, ME 04101
(207) 210-6439
egreen@clf.org

Counsel for Conservation Law Foundation

Michael Landis
The Center For Public Interest Research
1543 Wazee Street, Suite 400
Denver, CO 80202
(303) 573-5995 ext. 389
mlandis@publicinterestnetwork.org

Counsel for Environment America

Robert Michaels
Ann Jaworski
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
Chicago, IL 60601
(312) 795-3713
rmichaels@elpc.org

Counsel for Environmental Law & Policy Center

Ian Fein
Natural Resources Defense Council
111 Sutter Street, 21st Floor
San Francisco, CA 94104
(415) 875-6100
ifein@nrdc.org

David D. Doniger
Benjamin Longstreth
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
(202) 289-6868
ddoniger@nrdc.org

Counsel for Natural Resources Defense Council, Inc.

Scott L. Nelson
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
(202) 588-1000
snelson@citizen.org

Counsel for Public Citizen, Inc.

Joanne Spalding
Andrea Issod
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5725
joanne.spalding@sierraclub.org

Paul Cort
Regina Hsu
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
(415) 217-2077
pcort@earthjustice.org

Vera Pardee
726 Euclid Avenue
Berkeley, CA 94708
(858) 717-1448
pardeelaw@gmail.com

Counsel for Sierra Club

Travis Annatoyn
Democracy Forward Foundation
1333 H Street NW
Washington, DC 20005
(202) 601-2483
tannatoyn@democracyforward.org
Counsel for Union Of Concerned Scientists

Filed: May 28, 2020

CERTIFICATE OF SERVICE

I certify that, on May 28, 2020, I served copies of the foregoing petition for review on the United States Environmental Protection Agency and National Highway Traffic Safety Administration by first-class mail, postage prepaid, at the following addresses:

Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Ave NW
Washington, DC 20460

National Highway Traffic Safety
Administration
1200 New Jersey Ave SE
Washington, DC 20590

/s/ Matthew Littleton

Matthew Littleton
Donahue, Goldberg, Weaver & Littleton
1008 Pennsylvania Avenue SE
Washington, DC 20003
(202) 683-6895
matt@donahuegoldberg.com

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