

No.

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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STATE OF CALIFORNIA  
by and through ARNOLD SCHWARZENEGGER, GOVERNOR OF THE STATE OF  
CALIFORNIA, the CALIFORNIA AIR RESOURCES BOARD,  
and EDMUND G. BROWN JR., ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

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Petition for Review of Decision  
of the United States Environmental Protection Agency

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**PETITION FOR REVIEW**

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EDMUND G. BROWN JR., Attorney General of  
the State of California  
JANET GAARD  
Acting Chief Assistant Attorney General  
MARY E. HACKENBRACHT  
Senior Assistant Attorney General  
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Supervising Deputy Attorney General  
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[REDACTED]

Attorneys for Petitioner State of California

**PETITION FOR REVIEW**

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure, section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), and 40 C.F.R. section 23.3, petitioner State of California by and through Arnold Schwarzenegger, Governor of the State of California, the California Air Resources Board, and Edmund G. Brown Jr., Attorney General of the State of California, hereby petitions the Court to review a final action of the Administrator of the United States Environmental Protection Agency (“US EPA”). This final agency action denied California’s request, under section 209(b) of the Clean Air Act, 42 U.S.C. § 7543(b), for a waiver of federal preemption for California’s regulations to control greenhouse gas emissions from motor vehicles. These regulations would require reductions in fleet-average greenhouse gas emissions, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and hydrofluorocarbons (HFCs), for most new passenger motor vehicles sold in California, beginning with the 2009 model year.

This final agency action was issued by US EPA on December 19, 2007, and is attached. In that document, US EPA’s Administrator wrote “to inform [Governor Schwarzenegger] of my decision with respect to the request for a waiver of Federal preemption for motor vehicle greenhouse gas emission standards submitted by the California Air Resources Board,” and explained his reasons for his denial decision. The document did not make a finding of “nationwide scope or effect” as provided for in the third sentence of section 307(b)(1) of the

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Clean Air Act, 42 U.S.C. § 7607(b)(1).

DATED: January 2, 2008

Respectfully submitted,

EDMUND G. BROWN JR., Attorney General  
of the State of California

JANET GAARD

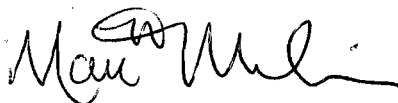
Acting Chief Assistant Attorney General

MARY E. HACKENBRACHT

Senior Assistant Attorney General

ELLEN M. PETER

Supervising Deputy Attorney General

A handwritten signature in black ink, appearing to read "Marc N. Melnick". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke at the end.

MARC N. MELNICK

Deputy Attorney General

Attorneys for Petitioner State of California