

ORAL ARGUMENT NOT YET SCHEDULED
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

RACING ENTHUSIASTS AND
SUPPLIERS COALITION,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY; and
MICHAEL S. REGAN, in his official
capacity as Administrator, U.S.
Environmental Protection Agency,

Respondents.

No. 16-1447

Respondents' Status Report

As ordered by this Court on December 26, 2019, Respondents submit this status report:

Petitioner Racing Enthusiasts and Suppliers Coalition (the Coalition) seeks review of the action “Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2,” 81 Fed. Reg. 73,478 (Oct. 25, 2016) (the Rule). The Rule was promulgated by the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration

(NHTSA) on behalf of the U.S. Department of Transportation under the Clean Air Act and the Energy Policy and Conservation Act.

The Coalition's petition for review was originally consolidated with Case No. 16-1430, a separate petition challenging the Rule filed by the Truck Trailer Manufacturers Association (TTMA). On September 18, 2017, Respondents moved to hold both the consolidated petitions in abeyance pending EPA's reconsideration of the trailer provisions in the Rule. On October 26, 2017, the Court granted this motion and ordered status reports every 90 days.

On December 3, 2019, TTMA filed a motion to lift the abeyance. The Coalition took no position on this motion but requested that if the motion was granted, that the Court continue the abeyance as to the issues raised by the Coalition.

In a December 26, 2019, order, the Court on its own motion severed the Coalition's petition from Case No. 16-1430 and directed that the case continue to be held in abeyance pending further order of the Court. The Court directed EPA to file status reports every 90 days.

Since this case entered abeyance, the Coalition has met with EPA three times. The Coalition met with EPA's Office of Air and Radiation on October 25, 2019, and with EPA's Office of Enforcement and Compliance Assurance on

November 14, 2019, and February 18, 2020. Though none of these meetings included any settlement discussions, issues relevant to the case were discussed.

In addition, on October 16, 2019, bills entitled “Recognizing the Protection of Motorsports Act of 2019” or the “RPM Act of 2019” were introduced in the U.S. House of Representatives (H.R. 5434) and the U.S. Senate (S. 2602). The bills’ purpose is generally to exempt vehicles to be used solely for competition from certain Clean Air Act provisions. These bills, if enacted into law, could potentially impact the issues in this case.

Because further developments may impact the issues to be litigated here, the Court should thus continue to hold this case in abeyance. The next status report is due on December 27, 2021.

Submitted on September 27, 2021

/s/ Sue Chen
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Certificate of Service

I certify that on September 27, 2021, I filed the foregoing with the Court's CMS/ECF system, which will notify each party.

/s/ Sue Chen

Sue Chen