

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

CLEAN FUELS DEVELOPMENT  
COALITION; ENVIRONMENTAL  
AND ENERGY STUDY INSTITUTE;  
THE FARMERS' EDUCATIONAL &  
COOPERATIVE UNION OF  
AMERICA D/B/A NATIONAL  
FARMERS UNION; FARMERS  
UNION ENTERPRISES, INC.;  
GLACIAL LAKES ENERGY LLC;  
GOVERNORS' BIOFUELS  
COALITION; MONTANA FARMERS  
UNION; NORTH DAKOTA  
FARMERS UNION; SIOUXLAND  
ETHANOL LLC; SOUTH DAKOTA  
FARMERS UNION; and URBAN AIR  
INITIATIVE, INC.

*Petitioners,*

v.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY; UNITED STATES  
DEPARTMENT OF  
TRANSPORTATION; and  
NATIONAL HIGHWAY TRAFFIC  
SAFETY ADMINISTRATION

*Respondents.*

No. 20-1230

## PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 7607(b)(1) (Clean Air Act § 307(b)(1)), 49 U.S.C. §32909(a)(1), Rule 15(a) of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, Petitioners Clean Fuels Development Coalition, Environmental and Energy Study Institute, The Farmers’ Educational & Cooperative Union of America d/b/a National Farmers Union, Farmers Union Enterprises, Inc., Glacial Lakes Energy, LLC, Governors’ Biofuels Coalition, Montana Farmers Union, North Dakota Farmers Union, Siouxland Ethanol, LLC, South Dakota Farmers Union, and Urban Air Initiative, Inc. (collectively “Petitioners”) hereby petition this Court for review of the final actions of Respondents United States Environmental Protection Agency and Administrator Andrew R. Wheeler, in his official capacity, United States Department of Transportation and Secretary Elaine L. Chao, in her official capacity, the National Highway Safety Administration and Acting Administrator James C. Owen, in his official capacity, set forth in the Federal Register notice published at 85 Fed. Reg. 24,174 (April 30, 2020) and titled “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks.”<sup>1</sup> This petition also seeks review of EPA’s action titled “Mid-Term Evaluation of Greenhouse Gas Emissions

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<sup>1</sup> The authenticated copy of the SAFE Vehicles Rule Part Two is available at <https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-06967.pdf>.

Standards for Model Year 2022-2025 Light-Duty Vehicles,” set forth in the Federal Register notice published at 83 Fed. Reg. 16,077 (April 13, 2018).<sup>2</sup> See 5 U.S.C. §704 (“A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action.”)

Dated: June 29, 2020

Respectfully submitted,

**CUNEO GILBERT & LADUCA, LLP**

By: /s/ Jonathan W. Cuneo

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<sup>2</sup> The authenticated copy of the Mid-Term Evaluation is available at <https://www.govinfo.gov/content/pkg/FR-2018-04-13/pdf/2018-07364.pdf>.

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*Counsel for Petitioners*

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<sup>3</sup> Application for admission *pro hac vice* forthcoming.

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CLEAN FUELS DEVELOPMENT  
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## **RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioners Clean Fuels Development Coalition, Environmental and Energy Study Institute, The Farmers' Educational & Cooperative Union of America d/b/a National Farmers Union, Farmers Union Enterprises, Inc., Glacial Lakes Energy, LLC, Governors' Biofuels Coalition, Montana Farmers Union, North Dakota Farmers Union, Siouxland Ethanol, LLC, South Dakota Farmers Union, and Urban Air Initiative, Inc. provide the following disclosure statements.

Farmers' Educational & Cooperative Union of America, d/b/a National Farmers Union ("National Farmers Union"), is a Texas nonprofit agricultural organization incorporated in a manner consistent with Section 501(c)(5) of the Internal Revenue Code. Established in 1902, National Farmers Union works to protect and enhance the economic wellbeing and quality of life for family farmers, fishers, ranchers, and rural communities, including farmers who grow corn for use in fuel ethanol. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in Nation Farmers Union.

Farmers Union Enterprises, Inc., (FUE) is a Minnesota corporation that oversees a diverse portfolio of farm-related businesses, and promotes and advocates for rural economic development and the interests of family farmers and ranchers across the upper Midwest, including the development of biofuels and

ethanol. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in FUE.

South Dakota Farmers Union is a nonprofit organization that works to promote the interests of South Dakota farmers, ranchers, and their families, including those who grow corn for use in fuel ethanol. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in South Dakota Farmers Union.

Montana Farmers Union is a nonprofit organization that works to promote the interests of Montana farmers, ranchers, and their families, including those who grow corn for use in fuel ethanol. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in Montana Farmers Union.

North Dakota Farmers Union is a nonprofit organization that works to promote the interests of North Dakota farmers, ranchers, and their families, including those who grow corn for use in fuel ethanol. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in North Dakota Farmers Union.

Glacial Lakes Energy, LLC is wholly-owned by the Glacial Lakes Corn Processors. Glacial Lakes Corn Processors is a South Dakota cooperative with 4,100 shareholder/investors who reside primarily in eastern South Dakota. Glacial Lakes Energy, LLC is the sole owner of two large ethanol production facilities that

annually produce over 350 million gallons of fuel ethanol. No publicly held company has a 10% or greater ownership interest in Glacial Lakes Energy, LLC.

Siouxland Ethanol LLC is a Nebraska limited liability company that owns and operates ethanol production facilities in Jackson, Nebraska, and produces over 90 million gallons of ethanol each year. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in Siouxland Ethanol.

Clean Fuels Development Coalition (CFDC) is a business league organization established in a manner consistent with Section 501(c)(6) of the Internal Revenue Code. Established in 1988, CFDC works with auto, agriculture, and biofuel interests in support of a broad range of energy and environmental programs. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in CFDC.

Governors' Biofuels Coalition (GBC) is a bipartisan group of the nation's governors established in a manner consistent with Section 501(c)(3) of the Internal Revenue Code, who provide regional and national leadership on biofuel policy development. It has no parent companies, and no publicly held company has a 10% or greater ownership interest in GBC.

Environmental and Energy Study Institute (EESI) is an independent 501(c) non-profit organization that promotes environmentally sustainable societies. The



organization was established in 1984 by a bipartisan and bicameral group of members of the United States Congress who were concerned with global environmental and energy problems. EESI has no parent companies, and no publicly held company has a 10% or greater ownership interest in EESI.

Urban Air Initiative, Inc. (UAI) is a social welfare organization incorporated in a manner consistent with Section 501(c)(4) of the Internal Revenue Code. UAI is dedicated to educating the public about the health threats posed by domestic use of petroleum-based fuels, and to taking positive steps to reduce the threat to public health by encouraging a change in the additives used in such fuels. UAI has no parent companies, and no publicly held company has a 10% or greater ownership interest in UAI.

Dated: June 29, 2020

Respectfully submitted,

**CUNEO GILBERT & LADUCA, LLP**

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*Counsel for Petitioners*

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<sup>4</sup> Application for admission *pro hac vice* forthcoming.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29 day of June, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, and served by certified mail, return receipt requested, on the following:

Andrew Wheeler Administrator  
Office of the Administrator (1101A)  
U.S. Environmental Protection Agency  
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Correspondence Control Unit  
Office of General Counsel (2311)  
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Dated: July 29, 2020

*/s/ Aaron Zoellick* \_\_\_\_\_