

ORAL ARGUMENT NOT YET SCHEDULED

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

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, *et al.*

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION, *et al.*

Respondents.

No. 20-1173
(consolidated with 20-1145 (lead),
20-1167, 20-1168, 20-1169, 20-1174,
20-1176, 20-1177)

PETITIONERS' NON-BINDING STATEMENT OF ISSUES

Pursuant to the Court's Order of June 1, 2020, Petitioners South Coast Air Quality Management District, Bay Area Air Quality Management District, and Sacramento Metropolitan Air Quality Management District ("Air Districts") hereby submit the following non-binding statement of issues presented for review:

1. Whether NHTSA's action was contrary to statute, unreasonable, arbitrary and capricious, an abuse of discretion, without adequate explanation of its reasoning, or otherwise not in accordance with law, in violation of the Energy Policy and Conservation Act or the Administrative Procedure Act (APA);

2. Whether EPA's action was contrary to statute, unreasonable, arbitrary and capricious, an abuse of discretion, without adequate explanation of its reasoning, or otherwise not in accordance with law, in violation of the Clean Air Act or the Administrative Procedure Act (APA); and
3. Whether NHTSA's action was without observance of procedures required by law in violation of the APA, including by the failure to properly observe procedures required by the National Environmental Policy Act.

Date: July 1, 2020

Respectfully Submitted,

/s/ Kathryn Roberts
BARBARA BAIRD, Chief Deputy Counsel
BRIAN TOMASOVIC
KATHRYN ROBERTS
South Coast Air Quality Mgmt. District
21865 Copley Dr., Diamond Bar, CA 91765
909.396.3400 | FAX 909.396.2961

*Counsel for South Coast Air Quality
Management District*

/s/ Brian Bunger (by permission)
BRIAN C. BUNGER, District Counsel
RANDI LEIGH WALLACH
Bay Area Air Quality Mgmt. District
375 Beale Street, Suite 600
San Francisco, CA 94105
415.749.4920 | FAX 415.749.5103

*Counsel for Bay Area Air Quality
Management District*

/s/ Kathrine Pittard (by permission)
KATHRINE PITTARD, District Counsel
Sacramento Metropolitan Air Quality
Mgmt. District
777 12th Street
Sacramento, CA 95814
916.874.4807

*Counsel for Sacramento Metropolitan Air
Quality Management District*

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system for service on all registered counsel in these consolidated cases.

Date: July 1, 2020

/s/ Kathryn Roberts
KATHRYN ROBERTS