

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

TRUCK TRAILER
MANUFACTURERS ASS'N, INC.,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY; SCOTT
PRUITT, in his official capacity
as Administrator, U.S. Environmental
Protection Agency; NATIONAL
HIGHWAY TRAFFIC SAFETY
ADMINISTRATION; and JACK
DANIELSON, in his official capacity as
Acting Deputy Administrator, National
Highway Traffic Safety Administration,

Respondents, and

CALIFORNIA AIR RESOURCES
BOARD, et al,

Intervenors.

No. 16-1430 (consolidated with
No. 16-1447)

UNITED STATES' RESPONSE TO STAY MOTION

Petitioner Truck Trailer Manufacturers Association (Trailer Petitioner) seeks to stay the trailer provisions 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 on behalf of the U.S. Department of Transportation under the Clean Air Act and the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act.¹ No briefing schedule has been established.

The case was placed in abeyance in May 2017 at Respondents’ motion to give them time to review a request by Trailer Petitioner for review, reconsideration, and, in the interim, a stay of the Rule’s trailer standards. *See* May 8, 2017, Order; August 1, 2017, Order.

In August EPA announced that it had decided “to revisit the [Rule’s] trailer provisions in general, and the issue of the EPA’s authority to regulate trailers in particular.” Motion for Stay, Ex. D at 2. EPA further stated that it “intend[s] to

¹ Trailer Petitioner seeks to stay only EPA’s portion of the Rule regarding trailers. *See* Motion for Stay, at 3 n.1.

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Certificate of Service

I certify that on October 12, 2017, I filed the foregoing with the Court's CMS/ECF system, which will send notice to each party.

/s/ Sue Chen

SUE CHEN