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

ADVANCED ENERGY ECONOMY,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,

Respondents,

ASSOCIATION OF GLOBAL AUTOMAKERS, INC., et al.,

Intervenors for Respondent,

STATE OF OHIO et al.,

Movant-Intervenors for Respondent,

STATEMENT OF ISSUES TO BE RAISED

Petitioner in Case No. 19-1249 submits the following non-binding statement of issues:

1. Whether the United States Environmental Protection Agency (EPA) exceeded its statutory authority and acted *ultra vires* in partially revoking a waiver of preemption of California's Advanced Clean Car Standards granted pursuant to 42 U.S.C. § 7543(b)(1).

2. Whether EPA's partial revocation of the waiver of preemption granted to the State of California was, in numerous respects, arbitrary and capricious; an abuse of

discretion; otherwise not in accordance with laws including the Administrative Procedure Act, Clean Air Act, Energy Independence and Security Act of 2007, and Energy Policy and Conservation Act of 1975; and contrary to record evidence.

3. Whether EPA acted arbitrarily and capriciously or otherwise not in accordance with laws, including the Clean Air Act, in interpreting 42 U.S.C. § 7507 as not allowing States to adopt and enforce standards for motor vehicle greenhouse gas emissions for which EPA has granted the State of California a waiver of preemption.

Respectfully submitted,

/s/ Jeffery Scott Dennis

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