

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; ANDREW
R. WHEELER, in his official capacity
as Administrator, U.S. Environmental
Protection Agency; NATIONAL
HIGHWAY TRAFFIC SAFETY
ADMINISTRATION; and HEIDI R.
KING, in her official capacity as Deputy
Administrator, National Highway Traffic
Safety Administration,

Respondents, and

CALIFORNIA AIR RESOURCES
BOARD, et al,

Intervenors.

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

Respondents' Status Report

As directed by this Court's orders on October 27, 2017, Respondents submit
this status report.

Petitioners seek 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, as amended by the Energy Independence and Security Act.

In its October 27, 2017, order, the Court granted Respondents’ motion to continue abeyance pending completion of administrative proceedings with status reports due every 90 days. On that day, the Court also granted Petitioner Truck Trailer Manufacturers Association’s (Trailer Petitioner’s) motion to stay the trailer provisions of EPA’s portion of the Rule.

In August 2017, EPA sent a letter to Trailer Petitioner responding to its administrative request and expressing EPA’s intent to develop and issue a Federal Register notice of proposed rulemaking to revisit the trailer provisions of the Rule; at the same time, NHTSA sent Trailer Petitioner a letter granting the request for rulemaking. *See* Respondents’ Motion to Continue Abeyance (Sept. 18, 2017), at 3. Respondents requested the continued abeyance so that they may complete the administrative proceedings discussed in the two letters. *See id.*

In September 2018, EPA's leadership met with Trailer Petitioner and its counsel to discuss the ongoing administrative process to develop a proposed rule to revisit the Rule's trailer provisions. Then, in March 2019, NHTSA's leadership met with Trailer Petitioner and its counsel, with EPA personnel in attendance, to discuss NHTSA's rulemaking process for the Rule's trailer provisions. The agencies continue to assess next steps in their administrative processes.

Respondents will submit their next 90-day status report on August 7, 2019.

Dated: May 9, 2019

Respectfully submitted,

/s/ Sue Chen

SUE CHEN
U.S. Department of Justice
Environment & Natural Resources
Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
Tel: (202) 305-0283
Sue.Chen@usdoj.gov

H. THOMAS BYRON III
U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Tel: (202) 616-5367
H.Thomas.Byron@usdoj.gov

Counsel for Respondents

