

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

STATE OF IOWA, et al.,

*Petitioners,*

v.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY, et al.,

*Respondents.*

Case No. 23-1144

*Consolidated with Case  
Nos. 23-1143, 23-1145, 23-  
1146, 23-1147, 23-1148*

**STATEMENT OF ISSUES TO BE RAISED**

Pursuant to the Court's July 6, 2023 Order, Petitioners in Case No. 23-1144 (State of Iowa, et al.) submit this non-binding, preliminary statement of issues to be raised regarding Respondents' final action titled *California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision*, 88 Fed. Reg. 20,688 (Apr. 6, 2023).

1. Whether Section 209(b)(1) of the Clean Air Act violates the Constitution by allowing California, and only California, to set new-vehicle emissions standards more stringent than the “applicable Federal standards.”
2. Whether the EPA violated the equal-sovereignty doctrine when it issued California’s Clean Air Act waiver under Section 209(b)(1) of the Clean Air Act.
3. Whether the EPA’s issuance of California’s Clean Air Act waiver is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law because EPA failed to consider whether its action is consistent with the equal-sovereignty doctrine.
4. Whether the EPA’s issuance of California’s Clean Air Act waiver is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law or contrary to constitutional power because Congress has broadly preempted state requirements that are “related to” fuel-economy standards. 49 U.S.C. §32919(a).

Dated: July 5, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 5, 2023, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system.

Dated: July 5, 2023

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