

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)

**Respondents' Status Report**

As directed by this Court's October 27, 2017, order, 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.

As recounted in Respondents' motion to continue abeyance, in August 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.*

EPA is working to develop a proposed rule to revisit the Rule's trailer provisions.<sup>1</sup> NHTSA continues to assess next steps after granting Trailer Petitioner's request for rulemaking. Respondents will submit their next 90-day status report on April 25.

Dated: January 22, 2018

Respectfully submitted,

JEFFREY H. WOOD  
Acting Assistant Attorney General

/s/ Sue Chen

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<sup>1</sup> In November EPA proposed to repeal the Rule's emission standards and other requirements for heavy-duty glider vehicles, glider engines, and glider kits. *See* 82 Fed. Reg. 53,442 (Nov. 16, 2017). The public comment period for that proposal closed on January 5, 2018. Petitioners do not challenge the Rule's glider provisions.

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*Counsel for Respondents*

**Certificate of Service**

I certify that on January 22, 2018, I filed the foregoing with the Court's CMS/ECF system, which will send notice to each party.

          /s/ Sue Chen          

SUE CHEN