

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

OWNER-OPERATOR INDEPENDENT
DRIVERS ASSOCIATION, INC.,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Case No. 23-1148

Consolidated with Case

*Nos. 23-1143, 23-1144, 23-
1145, 23-1146, 23-1147*

**STATEMENT OF NONBINDING ISSUES TO BE RAISED BY
PETITIONER OWNER-OPERATOR INDEPENDENT DRIVERS
ASSOCIATION, INC.**

Pursuant to the Court's order on June 6, 2023, Petitioner Owner-Operator Independent Drivers Association, Inc. submits this Statement of Nonbinding Issues in the consolidated cases challenging the final action of the United States Environmental Protection Agency ("EPA") entitled 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, published at 88 Fed. Reg. 20688 (April 6, 2023).

The issues presented are (1) whether Section 209(b) of the Clean Air Act violates the Constitution by granting California regulatory authority denied to other states; and (2) whether EPA exceeded its statutory authority and/or acted arbitrarily and capriciously in concluding that (a) California's standards are at least as protective as federal standards; (b) California needs the standards at issue to meet compelling and extraordinary conditions; and (c) California's standards are consistent with Section 202(a) of the Clean Air Act.

Dated: July 6, 2023

Respectfully submitted,

/s/ Paul D. Cullen, Jr. _____
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Association, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: July 6, 2023

/s/ Paul D. Cullen, Jr.
PAUL D. CULLEN, JR.