

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

AMERICAN FUEL & PETROCHEMICAL  
MANUFACTURERS; CALIFORNIA  
ASPHALT PAVEMENT ASSOCIATION;  
CALIFORNIA MANUFACTURERS &  
TECHNOLOGY ASSOCIATION;  
CONSUMER ENERGY ALLIANCE;  
DOMESTIC ENERGY PRODUCERS  
ALLIANCE; ENERGY MARKETERS OF  
AMERICA; INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS LODGE NO. 823;  
LOUISIANA MID-CONTINENT OIL & GAS  
ASSOCIATION; NATIONAL ASSOCIATION  
OF CONVENIENCE STORES; THE  
PETROLEUM ALLIANCE OF OKLAHOMA;  
TEXAS OIL & GAS ASSOCIATION; and  
WESTERN STATES PETROLEUM  
ASSOCIATION,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

Case No.  
\_\_\_\_\_

**PETITION FOR REVIEW**

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C.  
§ 7607(b)(1); Federal Rule of Appellate Procedure 15(a); and D.C. Circuit

Rule 15, American Fuel & Petrochemical Manufacturers (“AFPM”); California Asphalt Pavement Association (“CalAPA”); California Manufacturers & Technology Association (“CMTA”); Consumer Energy Alliance (“CEA”); Domestic Energy Producers Alliance (“DEPA”); Energy Marketers of America (“EMA”); International Association of Machinists and Aerospace Workers Lodge No. 823 (“IAMAW Lodge 823”); Louisiana Mid-Continent Oil & Gas Association (“LMOGA”); National Association of Convenience Stores (“NACS”); The Petroleum Alliance of Oklahoma (“Petroleum Alliance”); Texas Oil & Gas Association (“TXOGA”); and Western States Petroleum Association (“WSPA”) hereby petition this Court for review of a final action of the United States Environmental Protection Agency (“EPA”). *See* Final Rule, *Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3*, 89 Fed. Reg. 29440 (April 22, 2024) (“Final Rule”). A copy of the Final Rule is attached as Exhibit A to this petition. This Court has jurisdiction and is the proper venue pursuant to 42 U.S.C. § 7607(b)(1).

Dated: June 18, 2024

Respectfully submitted,

/s/ Eric D. McArthur  
Eric D. McArthur

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*Counsel for Trade Association  
Petitioners*

/s/ Brittany M. Pemberton  
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*Counsel for International  
Association of Machinists and  
Aerospace Workers Lodge No.  
823*

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**RULE 26.1 STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C.  
Circuit Rule 26.1, petitioners American Fuel & Petrochemical

Manufacturers (“AFPM”); California Asphalt Pavement Association (“CalAPA”); California Manufacturers & Technology Association (“CMTA”); Consumer Energy Alliance (“CEA”); Domestic Energy Producers Alliance (“DEPA”); Energy Marketers of America (“EMA”); International Association of Machinists and Aerospace Workers Lodge No. 823 (“IAMAW Lodge 823”); Louisiana Mid-Continent Oil & Gas Association (“LMOGA”); National Association of Convenience Stores (“NACS”); The Petroleum Alliance of Oklahoma (“Petroleum Alliance”); Texas Oil & Gas Association (“TXOGA”); and Western States Petroleum Association (“WSPA”) hereby make the following disclosures:

**AFPM** is a national trade association that represents American refining and petrochemical companies. AFPM has no parent corporation, and no publicly held corporation has a 10% or greater ownership in AFPM.

**CalAPA** is a nonprofit trade association established in 1953 that represents the asphalt pavement industry in California, including asphalt producers, refiners, paving contractors, consultants, equipment manufacturers, and other companies that comprise the industry. CalAPA

has no parent corporation, and no publicly held company owns ten percent or more of its stock.

**CMTA** is a nonprofit statewide trade association. Its members are companies engaged in the manufacturing and technology sectors in California who focus on improving and enhancing a strong business climate for California's manufacturing, processing, and technology-based companies. CMTA has no parent company, and no other entities have an ownership in, or voting control over CMTA.

**CEA** is a nonpartisan, nonprofit organization advocating for balanced energy and environmental policies and responsible access to resources. CEA has no parent corporation, and no publicly held corporation has a ten percent or greater ownership in CEA.

**DEPA** is a nonprofit, nonstock corporation organized under the laws of the state of Oklahoma. DEPA has no parent corporation, and no publicly held company owns 10 percent or more of its stock.

**EMA** is a federation of 47 state and regional trade associations representing energy marketers throughout the United States. EMA, which is incorporated under the laws of the Commonwealth of Virginia,

has no parent corporation, and no publicly held corporation has a ten percent or greater ownership in EMA.

**IAMAW Lodge 823** is an unincorporated association and is a labor organization.

**LMOGA** is a business association representing the interests of the oil and gas industry of the second largest oil producing and fourth largest gas producing state in the nation, Louisiana. The state ranks second in the nation in crude oil refining capacity. LMOGA has no parent company, and no publicly held company has a ten percent or greater ownership in it.

**NACS** is an international trade association that represents both the convenience and fuel retailing industries with more than 1,300 retail and 1,600 supplier company members. The United States convenience industry has more than 152,000 stores across the country, employs 2.74 million people, and had more than \$859 billion in sales in 2023, of which more than \$532 billion were fuel sales. NACS has no parent corporation, and no publicly held corporation has a ten percent or greater ownership in NACS.

**The Petroleum Alliance** is a not-for-profit trade organization representing more than 1,400 individuals and member companies and their tens of thousands of employees in the upstream, midstream, and downstream sectors and ventures ranging from small, family-owned businesses to large, publicly traded corporations working in the MidContinent and other oil and gas producing regions nationwide. Members of The Petroleum Alliance produce, transport, process, and refine the bulk of Oklahoma's crude oil and natural gas. In 2023, the industry was responsible for almost \$56 billion in state economic activity, 22% of the total statewide. The Petroleum Alliance of Oklahoma has no parent corporation, and no company has a ten percent or greater ownership in the organization.

**TXOGA** is a statewide trade association representing every facet of the Texas oil and gas industry including small independents and major producers. Collectively, the membership of TXOGA produces approximately 90 percent of Texas' crude oil and natural gas and operates the vast majority of the state's refineries and pipelines. In fiscal year 2023, the Texas oil and natural gas industry supported over 480,000 direct jobs and paid \$26.3 billion in state and local taxes and state



royalties, funding our state’s schools, roads and first responders. TXOGA has no parent corporation, and no publicly held company owns 10 percent or more of its stock.

**WSPA** is a nonprofit trade association that represents companies engaged in petroleum exploration, production, refining, transportation and marketing in Arizona, California, Nevada, Oregon, and Washington. The association has no parent company, and no publicly held company has a ten percent or greater ownership in it.

Dated: June 18, 2024

Respectfully submitted,

/s/ Eric D. McArthur  
Eric D. McArthur

*Counsel for Trade  
Association Petitioners*

/s/ Brittany M. Pemberton  
Brittany M. Pemberton

*Counsel for International  
Association of Machinists  
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Lodge No. 823*

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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rules of Appellate Procedure 3(d), 15(c), and 25, D.C. Circuit Rules 15(a) and 25, and 40 C.F.R. § 23.12(a), I hereby

certify that the foregoing Petition for Review and Rule 26.1 Statement have been served by United States certified mail, return receipt requested, this 18th day of June, 2024, upon each of the following:

Hon. Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

U.S. Environmental Protection Agency  
Correspondence Control Unit  
Office of General Counsel (2311)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Hon. Merrick B. Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Hon. Todd Kim  
Assistant Attorney General  
Environmental and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Dated: June 18, 2024

Respectfully submitted,

/s/ Eric D. McArthur  
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*Counsel for Trade  
Association Petitioners*

/s/ Brittany M. Pemberton  
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