

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 Acting 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 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 and on September 21, 2018, EPA's leadership met with Trailer Petitioner and its counsel to discuss the ongoing administrative process. NHTSA continues to assess next steps after granting Trailer Petitioner's request for rulemaking. Trailer Petitioner has requested a meeting with NHTSA to discuss the administrative process, and discussions are ongoing to schedule a meeting. Respondents will submit their next 90-day status report on January 22, 2019.

Dated: October 22, 2018

Respectfully submitted,

JEFFREY H. WOOD
Acting Assistant Attorney General

/s/ Sue Chen

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Certificate of Service

I certify that on October 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