

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

THE STATE SOYBEAN
ASSOCIATIONS OF THE STATES
OF IOWA, MINNESOTA, and
SOUTH DAKOTA, and DIAMOND
ALTERNATIVE ENERGY, LLC,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Case No. 22-1083

NON-BINDING STATEMENT OF ISSUES

Pursuant to this Court’s May 19, 2022 Order, Petitioners the State Soybean Associations of the States of Iowa, Minnesota, and South Dakota, and Diamond Alternative Energy, LLC hereby submit the following non-binding statement of issues presented for review.

1. Whether the United States Environmental Protection Agency (“EPA”) exceeded its authority under Section 209(b) of the Clean Air Act in granting California a preemption waiver for vehicle emissions standards.
2. Whether EPA’s decision to reverse its prior action withdrawing California’s preemption waiver was arbitrary, capricious, or otherwise contrary to law.

This is a preliminary listing of issues that Petitioners may raise. Petitioners reserve their right to modify this statement of issues, as well as to raise these and other issues.

Date: June 21, 2022

Respectfully submitted,

/s/ Shelby L. Dyl

Matthew W. Morrison
Shelby L. Dyl
PILLSBURY WINTHROP SHAW
PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036
(202) 663-8036
matthew.morrison@pillsburylaw.com
shelby.dyl@pillsburylaw.com

*Counsel for State Soybean Associations and
Diamond Alternative Energy, LLC*

CERTIFICATE OF SERVICE

I certify that on June 21, 2022, I electronically filed the foregoing Nonbinding Statement of Issues with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Date: June 21, 2022

Respectfully submitted,

/s/ Shelby L. Dyl

Shelby L. Dyl