

UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

SEP 8 2009  
UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT

RECEIVED

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA and  
NATIONAL AUTOMOBILE DEALERS  
ASSOCIATION,

Petitioners

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY and LISA P. JACKSON,  
Administrator, U.S. Environmental Protection  
Agency,

Respondents

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

09-1237

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

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), the Chamber of Commerce of the United States of America and the National Automobile Dealers Association hereby petition the Court for review of a final action of respondents, the U.S. Environmental Protection Agency and Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency. This final agency action granted California’s request, under section 209(b) of the Clean Air Act, 42 U.S.C. § 7543(b), for a waiver of federal preemption to allow California to regulate greenhouse gas emissions from motor vehicles. This agency action was announced on July 8, 2009. *See* California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California’s 2009 and Subsequent Model Year Greenhouse Gas Emissions Standards for New Motor Vehicles, 74 Fed. Reg. 32,744 (July 8, 2009) (copy attached).

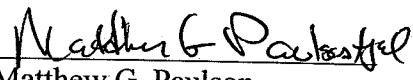
Dated: September 8, 2009

Respectfully submitted,

Robin S. Conrad  
Amar D. Sarwal  
NATIONAL CHAMBER  
LITIGATION CENTER, INC.  
1615 H Street, N.W.  
Washington, D.C. 20063  
(202) 463-5337

Andrew D. Koblenz  
Douglas I. Greenhaus  
NATIONAL AUTOMOBILE  
DEALERS ASSOCIATION  
8400 Westpark Drive  
McLean, Virginia 22102  
(703) 821-7000

*Of Counsel*

  
Matthew G. Paulson  
Brian J. Faulkner  
BAKER BOTTS LLP  
98 San Jacinto Blvd.  
1500 San Jacinto Center  
Austin, Texas 78701  
(512) 322-2500

Jeffrey A. Lamken  
Alexandra M. Walsh  
BAKER BOTTS LLP  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 639-7700

*Counsel for Petitioners Chamber of  
Commerce of the United States of America  
and National Automobile Dealers  
Association*



professional, legislative, and other common interests of its members. NADA does not have publicly traded stock or corporate parents, subsidiaries or affiliates. No publicly traded company has a 10% or greater ownership interest in NADA.

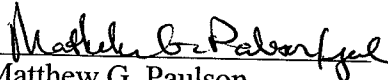
Dated: September 8, 2009

Respectfully submitted,

Robin S. Conrad  
Amar D. Sarwal  
NATIONAL CHAMBER  
LITIGATION CENTER, INC.  
1615 H Street, N.W.  
Washington, D.C. 20063  
(202) 463-5337

Andrew D. Koblenz  
Douglas I. Greenhaus  
NATIONAL AUTOMOBILE  
DEALERS ASSOCIATION  
8400 Westpark Drive  
McLean, Virginia 22102  
(703) 821-7000

*Of Counsel*

  
Matthew G. Paulson  
Brian J. Faulkner  
BAKER BOTTS LLP  
98 San Jacinto Blvd.  
1500 San Jacinto Center  
Austin, Texas 78701  
(512) 322-2500

Jeffrey A. Lamken  
Alexandra M. Walsh  
BAKER BOTTS LLP  
1299 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202) 639-7700

*Counsel for Petitioners Chamber of  
Commerce of the United States of America  
and National Automobile Dealers  
Association*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PETITION FOR REVIEW** and **RULE 26.1 STATEMENT** have been served by United States first-class mail this 8th day of September 2009, upon each of the following:

U.S. Environmental Protection Agency  
Office of General Counsel 20460A  
Ariel Rios Building (AR)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

LISA P. JACKSON  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building (AR), 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

ERIC H. HOLDER, JR.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

  
\_\_\_\_\_  
Jeffrey A. Lamken

In addition, as a courtesy, I hereby certify that the foregoing **PETITION FOR REVIEW** and **RULE 26.1 STATEMENT** have been served by United States first-class mail this 8th day of September 2009, upon each of the following:

EDMUND G. BROWN JR.  
Attorney General of California  
MATT RODRIQUEZ  
Chief Assistant Attorney General  
MARY E. HACKENBRACHT  
Senior Assistant Attorney General  
KATHLEEN A. KENEALY  
GAVIN G. MCCABE  
MARC N. MELNICK  
MARK W. POOLE  
Deputy Attorneys General  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
Office of the Attorney General  
1300 "I" Street  
P. O. Box 944255  
Sacramento, CA 94244  
Office of the Attorney General  
1515 Clay Street  
P. O. Box 70550  
Oakland, CA 94612

NORMAN L. RAVE, JR.  
DAVID GUNTER  
Environmental Defense Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P. O. Box 23986  
601 "D" Street, NW, Room 8012  
Washington, DC 20004

KATHERINE KENNEDY  
MICHAEL MYERS  
YUEH-RU CHU  
Assistant Attorneys General  
BENJAMIN GUTMAN  
Deputy Solicitor General  
Attorney General of the State of New York  
120 Broadway, 26th Floor  
New York, NY 10271

FREDERICK D. AUGENSTERN  
Assistant Attorney General  
Office of the Attorney General  
Environmental Protection Division  
1 Ashburton Place, 18th Floor  
Boston, MA 02108

JOSEPH MIKITISH  
JAMES SKARDON  
Assistant Attorneys General  
Office of the Attorney General  
1275 W. Washington  
Phoenix, AZ 85007

KIMBERLY MASSICOTTE  
Assistant Attorney General  
Office of the Attorney General  
55 Elm Street  
P. O. Box 120  
Hartford, CT 06106

VALERIE S. CSIZMADIA  
Deputy Attorney General  
Office of the Attorney General  
102 W. Water Street, 3rd Floor  
Dover, DE 19904

BARNEY J. "JACK" CHISOLM, JR.  
Deputy General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd. -- MS 35  
Tallahassee, FL 32399-3000

MATTHEW J. DUNN  
GERALD T. KARR  
Senior Assistant Attorneys General  
Attorney General of the State of Illinois  
Environmental Bureau  
69 West Washington Street, Suite 1800  
Chicago, IL 60602-3018

DAVID R. SHERIDAN  
Assistant Attorney General  
Environmental Law Division  
Office of the Attorney General  
Lucas State Office Bldg.  
321 E. 12th Street, Ground Flr.  
Des Moines, IA 50319

GERALD D. REID  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333

ROBERTA JAMES  
Assistant Attorney General  
Maryland Department of the Environment  
Office of the Attorney General  
1800 Washington Blvd.  
Baltimore, MD 21230

KATHLEEN WINTERS  
RONALD M. GITECK  
Assistant Attorney General  
Office of the Attorney General  
445 Minnesota Street, Suite 900  
St. Paul, MN 55101-2130

LISA MORELLI  
Assistant Attorney General  
Office of the Attorney General  
Richard J. Hughes Justice Complex  
25 Market Street  
P. O. Box 093  
Trenton, NJ 08625

STEPHEN R. FARRIS  
Assistant Attorney General  
Office of the Attorney General  
P. O. Drawer 1508  
Santa Fe, NM 87504-1508

DAVID LEITH  
Associate Attorney General  
PAUL S. LOGAN  
Assistant Attorney General  
Oregon Department of Justice  
Natural Resources Section  
1162 Court St. N.E.  
Salem, OR 97301

KRISTEN M. FURLAN  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Rachel Carson State Office Bldg.  
P. O. Box 8464  
401 Market Street  
Harrisburg, PA 17105