

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

NATIONAL WILDLIFE FEDERATION,	)	
	)	
Petitioner,	)	No. 23-
v.	)	
	)	
UNITED STATES ENVIRONMENTAL	)	Petition for Review
PROTECTION AGENCY, and	)	
MICHAEL S. REGAN, Administrator,	)	
United States Environmental Protection	)	
Agency,	)	
	)	
Respondent.	)	
	)	

**PETITION FOR REVIEW**

1. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and Rule 15(a) of the Federal Rules of Appellate Procedure, Petitioner National Wildlife Federation hereby petitions this Court to review the final action of Respondent United States Environmental Protection Agency (“EPA”) titled, “Renewable Fuel Standard (RFS) Program: Standards for 2023-2025 and Other Changes,” 88 Fed. Reg. 44468 (July 12, 2023) (to be codified at 40 C.F.R. pt. 80 & 1090). The Final Rule was published in the Federal Register on July 12, 2023. *See* 88 Fed. Reg. 44,468. This Petition is timely filed within 60 days of the promulgation of the Final Rule.

2. A copy of the Final Rule is attached as Exhibit 1.

3. Pursuant to 42 U.S.C. § 7607(b)(1), “[a] petition for review of the Administrator’s action in approving or promulgating . . . any [] nationally applicable regulations . . . under this chapter may be filed only in the United States Court of Appeals for the District of Columbia.” Petitioner seeks review of EPA’s promulgation of a final rule under the Clean Air Act that applies nationally, and thus jurisdiction properly lies in this Court.

4. Petitioner seeks review by this Court of EPA’s failure to comply with the Clean Air Act, 42 U.S.C. § 7545(o), and with the Administrative Procedure Act, 5 U.S.C. § 706, when promulgating the Final Rule. Specifically, the Final Rule setting the renewable fuel volumes for 2023-2025 violates the Clean Air Act and the Administrative Procedure Act in the following ways, among others: *first*, by failing to properly and adequately consider the climate impacts of the production of renewable biomass (particularly corn and soy), including from continuing and prior land conversion and the effect on carbon storage and sequestration; *second*, by disregarding its own analysis and model comparisons showing that conventional biofuels do not achieve mandated greenhouse gas reduction benefits and indicating significant uncertainties related to the climate and other environmental impacts of biofuel production ; *third*, by failing to adequately consider the environmental and environmental justice harms that will result from the volumes set in the Rule; and *fourth*, by disregarding its own cost-benefit

analysis that showed significant climate and financial costs to consumers on the one hand, and very little climate or environmental benefit (if any) on the other.

Respectfully submitted,

/s/ Carrie Apfel

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*Counsel for Petitioner National Wildlife Federation*

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**RULE 26.1 CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 26.1 and D.C. Cir. R. 26.1, Petitioner National Wildlife Federation respectfully submits their Corporate Disclosure Statement as follows:

1. National Wildlife Federation has no parent companies, and there are no companies that have a 10 percent or greater ownership interest in the corporation. National Wildlife Federation is a national non-profit corporation organized under the laws of the State of District of Columbia, and its mission is to unite all Americans to ensure wildlife thrive in a rapidly changing world.

Respectfully submitted,

/s/ Carrie Apfel

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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), Fed. R. App. P. 25, and 40 C.F.R. § 23.12(a), I hereby certify that on this date, a copy of the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement is being served via First Class Mail to each of the following addresses:

Michael S. Regan, Administrator  
United States Environmental Protection Agency  
Office of the Administrator (1101A)  
1200 Pennsylvania Avenue, NW  
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Merrick B. Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
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United States Environmental Protection Agency  
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Respectfully submitted,

/s/ Carrie Apfel

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