

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

ENVIRONMENTAL DEFENSE)
FUND,)
)
Petitioner,)
)
v.)
)
NATIONAL HIGHWAY TRAFFIC)
SAFETY ADMINISTRATION,)
)
Respondent.)

Petition for Review

Environmental Defense Fund (EDF) petitions for review of final action of the National Highway Traffic Safety Administration (NHTSA) taken on September 19, 2019, and published at 84 Fed. Reg. 51,310 (Sept. 27, 2019). **This petition for review is protective in nature for the reasons stated below.**

EDF believes that Congress has vested the federal district courts with exclusive jurisdiction to review NHTSA’s action under 5 U.S.C. Chapter 7 and 28 U.S.C. § 1331. Twenty-three States, the District of Columbia, and two municipalities have challenged NHTSA’s action in the United States District Court for the District of Columbia. *California v. Chao*, No. 1:19-cv-02826-KBJ (compl. filed Sept. 20, 2019). EDF and other nongovernmental organizations have filed a suit in the same district court to challenge NHTSA’s action. *EDF v. Chao*, No. 1:19-cv-_____ (compl. filed Sept. 27, 2019). However, because NHTSA has taken the position that this Court has original jurisdiction to review its final action, 84 Fed. Reg. at 51,310, 51,361, and in an abundance of caution, this petition protects EDF’s right to judicial review of NHTSA’s action in the event that the district court is found to lack statutory subject-matter jurisdiction to review it.

Respectfully submitted,

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