

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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STATES OF NEW YORK, CALIFORNIA, ILLINOIS,  
MAINE, MINNESOTA, NEVADA, NEW MEXICO, OREGON,  
VERMONT, WASHINGTON, THE COMMONWEALTH  
OF MASSACHUSETTS, DISTRICT OF COLUMBIA,  
AND THE CITY OF NEW YORK,

Docket No.

Petitioners,

v.

U.S. DEPARTMENT OF ENERGY and  
JENNIFER GRANHOLM, Secretary, U.S. Department  
of Energy,

Respondents.

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**PETITION FOR REVIEW**

Pursuant to Section 336(b)(1) of the Energy Policy and Conservation Act, 42 U.S.C. § 6306(b)(1), Section 10 of the Administrative Procedure Act, 5 U.S.C. § 702, and Rule 15 of the Federal Rules of Appellate Procedure, the States of New York, California, Illinois, Maine, Minnesota, Nevada, New Mexico, Oregon, Vermont, Washington, the Commonwealth of Massachusetts, the District of District of Columbia and the City of New York, hereby petition this Court for review of two related final actions taken by respondents, published at 86 Fed. Reg. 3873 (January 15, 2021), entitled “Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters; Withdrawal,” and 86 Fed. Reg. 4776 (January 15, 2021), entitled “Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters”.

Copies of the final rules are attached hereto. Petitioners seek a determination by the Court that the rules are unlawful and must be vacated.

Dated: March 16, 2021

Respectfully submitted,

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