

ORAL ARGUMENT NOT YET SCHEDULED**Nos. 26-1238 & 26-1259**

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

AMERICAN LUNG ASSOCIATION, et al.,
Petitioners,

v.

**U.S. ENVIRONMENTAL PROTECTION AGENCY AND LEE M. ZELDIN, in
his official capacity as ADMINISTRATOR OF THE U.S. ENVIRONMENTAL
PROTECTION AGENCY,**
Respondents.

**On Petition for Review of Final Agency Action
of the United States Environmental Protection Agency**

**MOTION OF CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA
FOR LEAVE TO INTERVENE AS RESPONDENT**

Pursuant to Federal Rules of Appellate Procedure 15(d) and 27 and Circuit Rules 15(b) and 27, the Chamber of Commerce of the United States of America (“Chamber”) respectfully moves for leave to intervene as respondent in these consolidated actions—and all future timely-filed actions that may be consolidated with this action—in defense of the final rule promulgated by the U.S. Environmental Protection Agency (“EPA” or “Agency”) titled *Partial Repeal of the Carbon*

Pollution Standards for Fossil Fuel-Fired Electric Generating Units, 91 Fed. Reg. 58,954 (Sept. 17, 2026) (“Final Rule”).

The Chamber is a non-profit organization created and existing under the laws of the District of Columbia. The Chamber is the world’s largest business federation. As the nation’s leading advocate for business, the Chamber represents companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. The Chamber’s members include utilities that own and operate facilities that are directly regulated by the rule that the Final Rule repeals, including new and existing combustion turbines and electric generating units (“EGUs”). Many of these plants have operated a wide variety of timeframes, generating affordable and reliable electricity for millions of customers, including residents, businesses, and government entities. The Chamber’s members also include a wide range of businesses that depend on affordable, reliable electricity to run their operations.

The motion should be granted because the Chamber satisfies Federal Rule of Appellate Procedure 15(d) and the Federal Rule of Civil Procedure 24 principles that inform intervention in petitions for review. The motion is timely because it is filed within 30 days after the first petition for review, and before the Oct. 19, 2026, deadline the Court set for procedural motions, Dkt. No. 2193554. The Chamber has

a significant interest in defending the Final Rule because of its direct and indirect impacts on the Chamber's members, who have strong interests in the Final Rule's regulatory provisions that Petitioners challenge. Those interests would be impaired if Petitioners' challenge were to succeed. Finally, the Federal Respondents and other putative intervenors will not adequately protect the business and reliance interests of the Chamber's members.

Counsel for the Chamber sought the positions of Petitioners and Respondents on this motion. Petitioners in case Nos. 26-1238 and 26-1259 take no position on the motion. Respondents had not responded by the time of filing.

BACKGROUND

Clean Air Act ("CAA") section 111 requires EPA to publish a list of categories of stationary sources that "in [its] judgment . . . cause[] or contribute[] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7411(b)(1)(A). For new sources within a listed source category, EPA "shall promulgate . . . Federal standards of performance for new sources within such category." *Id.* § 7411(b)(1)(B). For existing sources within a listed category, EPA "shall establish a procedure . . . under which each State shall submit to the Administrator a plan" which "establishes standards of performance" after being approved by EPA. *Id.* § 7411(d)(1). Section 111 defines "standard of performance" as "a standard for emissions of air pollutants which reflects the degree

of emission limitation achievable through the application of the best system of emission reduction [(“BSER”)] which . . . the Administrator determines has been adequately demonstrated.” *Id.* § 7411(a)(1).

EPA first regulated greenhouse gas (“GHG”) emissions from new and existing fossil fuel-fired electric generating units under CAA section 111 in 2015. EPA issued a rule finalizing new source performance standards for new EGUs under section 111(b). *Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units*, 80 Fed. Reg. 64,510 (Oct. 23, 2015). EPA also promulgated a rule establishing emission guidelines under section 111(d) for states to use in developing plans for existing EGUs. *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units*, 80 Fed. Reg. 64,662 (Oct. 23, 2015) (“Clean Power Plan” or “CPP”). The CPP was based on a BSER of “generation shifting from higher-emitting to lower-emitting” electricity generation. *Id.* at 64,728. Challenges were filed in this Court, and the Supreme Court stayed the CPP before it ever took effect. *West Virginia v. EPA*, 577 U.S. 1126 (2016).

In 2019, after a change in presidential administration and before this Court could decide the merits of the legal challenges to the CPP, EPA repealed the CPP. 84 Fed. Reg. 32,520 (July 8, 2019). EPA explained that generation shifting could not be considered the BSER because section 111 “limits the BSER to those systems that

can be put into operation at a building, structure, facility or installation.” *Id.* at 32,523–25 (emphasis omitted). In the same rulemaking, EPA promulgated a different section 111(d) rule based on a BSER of heat rate improvement at individual facilities. *Id.* at 32,522, 32,537. The 2019 rule was challenged, and the Supreme Court eventually held that EPA was correct to repeal the CPP because Congress did not provide ““clear congressional authorization”” for EPA to set the BSER based on a “generation shifting approach.” *West Virginia v. EPA*, 597 U.S. 697, 732 (2022).

On May 9, 2024, after another change in presidential administration, EPA promulgated yet another rule for GHG emissions from EGUs under section 111, which repealed the 2019 rule. *New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule*, 89 Fed. Reg. 39,798 (May 9, 2024) (“CPP 2.0”). The CPP 2.0 rule established carbon capture and sequestration (“CCS”) as the BSER for many fossil-fired units. The rule included guidelines for GHG emissions from existing fossil fuel-fired steam generating units and performance standards for new ones, including subcategories for coal-fired units, oil-fired units, and natural gas-fired units. *Id.* at 39,799. Among other things, EPA established BSER for coal-fired units of CCS with a 90% capture rate for longer-term units and 40% natural gas co-firing

for shorter-term units. *Id.* at 39,801. It also finalized routine methods of operation and maintenance as the BSER for existing intermediate load and base load natural gas- and oil-fired steam generating units. *Id.* CPP 2.0 further established tiered emissions standards for new gas-fired units based on a BSER containing two components: (1) highly efficient generation and (2) utilization of CCS with 90 percent capture. *Id.* at 39,801–02. The Chamber had submitted comments during the rulemaking that culminated in the CPP 2.0 rule, explaining that the CPP 2.0 requirements would not be workable and would not be sound policy. This Court has held in abeyance the litigation challenging CPP 2.0. *West Virginia v. EPA*, No. 24-1120 (and consolidated cases) (D.C. Cir. Apr. 25, 2025), Dkt. No. 2113035 (order granting motion to continue to hold in abeyance).

On June 17, 2025, EPA, under a new presidential administration, issued the proposed rule that resulted in the final rule at issue here. *Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units*, 90 Fed. Reg. 25,752 (proposed June 17, 2025). EPA proposed to repeal CPP 2.0 on two alternative grounds. The first proposed ground was that the CAA requires EPA to make a finding “that GHG emissions from fossil fuel-fired power plants contribute significantly to dangerous air pollution” before regulating GHG emissions from those plants, and that “GHG emissions from fossil fuel-fired power plants do not contribute significantly to dangerous air pollution.” *Id.* at 25,754. In the alternative,

EPA proposed to repeal a narrower set of requirements that includes the CCS- and natural gas co-firing-based emission guidelines for existing fossil fuel-fired steam generating units, the CCS-based standards for coal-fired steam generating units undertaking a large modification, and the CCS-based standards for new base load stationary combustion turbines. *Id.*

The Chamber filed comments on the 2025 proposed rule. *Comments of the U.S. Chamber et al. on EPA's Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units*, (Aug. 7, 2025), EPA-HQ-OAR-2025-0124-0551, <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0124-0551>. Those comments focused on the alternative proposal. In particular, the comments explained that EPA should rescind CPP 2.0 because it exceeds EPA's authority under Section 111 of the CAA because 90% CCS has not been “adequately demonstrated” at scale, its standards are not “achievable” on the required timeline, and it unlawfully depends on infrastructure (carbon dioxide (“CO₂”) pipelines and storage) built beyond the source's fence line and outside the regulated operators' control. The Chamber's comments also explained that the rule effectively compels unlawful “generation shifting”—forcing plants to retire, reduce output, or switch fuels—contrary to the Supreme Court's 2022 decision in *West Virginia v. EPA*. Finally, the comments pointed out significant technical, economic, and grid-reliability concerns with CPP 2.0, including the lack of a proven track record for

90% capture of CO₂ from EGUs, the challenges of building nationwide CO₂ pipeline and storage infrastructure, and the risk of widespread retirement of dispatchable generation amid surging electricity demand.

On September 17, 2026, EPA issued the Final Rule at issue here, partially repealing CPP 2.0. 91 Fed. Reg. 58,954. The Final Rule adopts the alternative proposal that EPA put forth in its proposed rule. The Final Rule repeals nearly all of the CAA section 111(d) GHG emissions standards for existing EGUs, as well as the CCS-based standards for new base load stationary combustion turbines. *Id.* at 58,956. The Final Rule explains that 90% CCS is not BSER because it has not been adequately demonstrated, imposes unreasonable costs, and results in unachievable emission limitations. *Id.* The Final Rule also explains that 40% natural gas co-firing is impermissible generation shifting under *West Virginia v. EPA*, an inefficient use of natural gas, and impracticable on the timeline required. *Id.* The Final Rule leaves in place short-term efficiency standards for certain combustion turbines. *Id.*

STANDARD OF REVIEW

Federal Rule of Appellate Procedure 15(d), which governs intervention in petition for review proceedings, provides that a motion for leave to intervene “must be filed within 30 days after the petition for review is filed and must contain a concise statement of the interest of the moving party and the grounds for intervention.” Fed. R. App. P. 15(d).

“[I]ntervention in the court of appeals is governed by the same standards as in the district court.” *Massachusetts Sch. of Law at Andover, Inc. v. United States*, 118 F.3d 776, 779 (D.C. Cir. 1997) (emphasis omitted). Under Federal Rule of Civil Procedure 24(a)(2), intervention as of right is warranted where the motion is timely, the movant claims an interest relating to the subject of the action, and disposition of the action may as a practical matter impair or impede the applicant’s ability to protect the applicant’s interest. *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003), *abrogated on other grounds by Institutional S’holder Servs., Inc. v. Sec. & Exch. Comm’n*, 142 F.4th 757 (D.C. Cir. 2025). Permissive intervention may be allowed for anyone who “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B).

ARGUMENT

The Chamber meets the standard for intervention as of right. This motion is timely; the Chamber and its members have significant protectable interests that would be impaired by Petitioners’ requested relief; and neither the existing Federal Respondents nor the other putative intervenors will adequately protect those interests.

I. This motion is timely.

The Chamber meets the timeliness requirement. This motion was filed within 30 days after the first petition for review was filed on September 17, 2026, Dkt. No.

2193550, as required under Federal Rule of Appellate Procedure 15(d), which is the same as the deadline that the Court set for procedural motions. Dkt. No. 2193554.

II. The Chamber has a significant protectable interest that will be impaired if Petitioners succeed in this litigation.

For intervention of right, prospective intervenors must show a “‘significantly protectable interest.’” *S. Christian Leadership Conf. v. Kelley*, 747 F.2d 777, 779 (D.C. Cir. 1984) (per curiam) (quoting *Donaldson v. United States*, 400 U.S. 517, 531 (1971)). That standard is flexible and “‘is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process.’” *Cook v. Boorstin*, 763 F.2d 1462, 1466 (D.C. Cir. 1985) (citation omitted).

There are many ways in which a party may show a significantly protectable interest in a regulation. For example, where parties are the direct object of a government regulation, “there is ordinarily little question that the action or inaction has caused [them] injury.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561–62 (1992); *see also Clean Air Council v. EPA*, 181 F.4th 1292, 1300 n.3 (D.C. Cir. 2026) (finding industry plaintiffs have standing to intervene because they are “directly regulated” by the rule). A proposed intervenor also shows a legally protectable interest where it stands to “gain or lose by the direct legal operation and effect of the judgment.” *United States v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1292 (D.C. Cir. 1980) (internal quotation marks and citation omitted). That includes cases where an

entity benefits from an agency regulation. As this Court has explained, “[t]he ‘threatened loss’ of [a] favorable action [by an agency] constitutes a ‘concrete and imminent injury’” justifying intervention of right. Order, *New York v. EPA*, No. 17-1273 (D.C. Cir. Mar. 14, 2018) (per curiam), Dkt. No. 1722115 (quoting *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 733 (D.C. Cir. 2003)).

The Chamber has a significantly protectable interest for all these reasons. CPP 2.0 imposed costly regulatory burdens on the Chamber’s members who produce electricity. Declaration of Heath Knakmuhs ¶ 10 (“Knakmuhs Decl.”). Those same members are now the beneficiaries of the Final Rule, which rescinds regulatory requirements that would otherwise still apply to them and would still impose substantial compliance costs. If Petitioners succeed in this case, that would impair those interests by requiring the Chamber’s members to make efforts to comply with the performance standards required under CPP 2.0. *Id.* ¶¶ 11–12. In short, Petitioners’ challenge, if successful, would injure the Chamber’s members by eliminating the relief that the Final Rule grants. *Id.* ¶ 14. The Chamber’s members also have an interest in the reliability and affordability of electricity, which CPP 2.0 harmed by imposing major costs on electricity generation and forcing the premature retirement of dispatchable generation that is needed to meet growing energy demand. *Id.* ¶ 13.

For the same reasons, the Chamber also has Article III standing. The Supreme Court has held that Article III standing is not necessary where, as here, the intervenor seeks the same relief as an existing party. *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 674 n.6 (2020). Some of this Court’s precedents are “in tension” with this holding. *See Institutional S’holder Servs., Inc.*, 142 F.4th at 764 n.3. Regardless, the Chamber satisfies Article III standing in any event.¹ The Chamber’s members include directly regulated utilities that have Article III standing in their own right. *See, e.g., IGas Holdings, Inc. v. EPA*, 146 F.4th 1126, 1135 n.2 (D.C. Cir. 2025), *reh’g en banc denied*, No. 23-1261, 2025 WL 2784943 (D.C. Cir. Sept. 30, 2025) (per curiam), *cert. denied sub nom., RMS of Georgia, LLC v. EPA*, 146 S. Ct. 2750 (2026) (“[b]ecause the Intervenors are both trade associations whose members are regulated HFC importers and producers, they have associational standing”); *Mil. Toxics Project v. EPA*, 146 F.3d 948, 954 (D.C. Cir. 1998) (association had standing to intervene where “some of its members produce military munitions and operate military firing ranges regulated under the Military Munitions Rule”).

¹ Indeed, because the Chamber “satisfies [Federal] Rule [of Civil Procedure] 24(a)” for the reasons explained herein, the Chamber also necessarily “meet[s] Article III’s standing requirement.” *Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233 (D.C. Cir. 2003).

An association has standing to sue on behalf of its members when its members would otherwise have standing in their own right, the interests at stake are germane to the association's purpose, and neither the claim asserted nor the relief requested requires participation of individual members. *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977). The latter two requirements are easily satisfied here. Defending reasonable environmental regulation and ensuring the reliability and affordability of electricity are germane to the Chamber's organizational purpose. And this petition-for-review proceeding raises legal questions about the Final Rule, not individualized damages claims requiring member participation.

As for the first requirement, Article III standing requires (1) an injury in fact; (2) "a causal connection between the injury and the conduct complained of"; and (3) a likelihood "that the injury will be 'redressed by a favorable decision.'" *Lujan*, 504 U.S. at 560–61 (citations omitted). This Court has held that "a sufficient injury in fact [exists] where a party benefits from agency action, the action is then challenged in court, and an unfavorable decision would remove the party's benefit." *Crossroads Grassroots Pol'y Strategies v. Fed. Election Comm'n*, 788 F.3d 312, 317 (D.C. Cir. 2015), *abrogated on other grounds by Institutional S'holder Servs., Inc. v. Sec. & Exch. Comm'n*, 142 F.4th 757 (D.C. Cir. 2025). That is the case here. The Final Rule repeals many of the regulatory requirements in CPP 2.0, relieving the Chamber's members of costly compliance burdens. Petitioners challenge that action, and an

unfavorable decision would impair the Chamber's members' interests. The causation and redressability requirements of Article III are obviously satisfied as well. *Crossroads Grassroots Pol'y Strategies*, 788 F.3d at 316. If Petitioners succeed in their challenge to the Final Rule, the Chamber's members will again need to take action to comply with the Final Rule, incurring significant compliance costs. Knakmuhs Decl. ¶¶ 12, 14. These concrete injuries suffice for Article III standing.

III. The existing parties cannot adequately protect the Chamber's interests.

The Chamber also meets the third requirement for intervention: its interest is not "adequately represent[ed]" by "existing parties." Fed. R. Civ. P. 24(a)(2). The Supreme Court has explained that this "requirement of the Rule is satisfied if the applicant shows that representation of his interest 'may be' inadequate; and the burden of making that showing should be treated as minimal." *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972). This requirement is "not onerous." *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986); see *Crossroads Grassroots Pol'y Strategies*, 788 F.3d at 321. A movant "'ordinarily should be allowed to intervene unless it is clear that the party will provide adequate representation for the absentee.'" *Am. Tel. & Tel. Co.*, 642 F.2d at 1293 (citation omitted).

The Chamber meets this standard because the Federal Respondents may not adequately represent the Chamber's members' business, reliance, and financial

interests in the Final Rule. This Circuit has “often concluded that governmental entities do not adequately represent the interests of aspiring intervenors.” *Fund for Animals*, 322 F.3d at 736 & n.9 (collecting cases). Although the Chamber and EPA currently agree that the Final Rule is lawful, EPA’s interests and obligations as an Executive Branch agency differ from the Chamber’s interests in protecting their members in every sector of the economy from unnecessarily burdensome costs flowing from CPP 2.0. Put otherwise, the Chamber asserts its members’ particular economic interest in the Final Rule’s repeal of the regulatory burdens imposed by CPP 2.0, an interest distinct from that of the general public, which EPA represents. Thus, EPA cannot be counted upon to defend fully the aspects of the Final Rule that are most important to the Chamber’s members. *See, e.g., NRDC v. Costle*, 561 F.2d 904, 912–13 (D.C. Cir. 1977) (finding intervention appropriate where company was “concerned primarily with the regulation that affects their industries,” and thus, had a narrower interest than that of EPA; explaining that “[e]ven when the interests of EPA and [intervenors] can be expected to coincide, . . . that does not necessarily mean that adequacy of representation is ensured”).

IV. Alternatively, the Chamber Should Be Granted Permissive Intervention.

Although the Chamber is entitled to intervene as of right, the Chamber also satisfies the requirements for permissive intervention under Rule 24(b), which requires only that a proposed intervenor have “a claim or defense that shares with

the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). “Rule 24(b) . . . provides basically that anyone may be permitted to intervene if his claim and the main action have a common question of law or fact,” *Nuesse v. Camp*, 385 F.2d 694, 704 (D.C. Cir. 1967), absent any indication of prejudice or delay. The Chamber seeks to intervene in defense of key elements of the Final Rule on which it commented during the rulemaking, and its arguments will necessarily share common questions of law and fact with the main action. This motion is timely, and intervention will not prejudice or delay any party.

CONCLUSION

For the foregoing reasons, this Court should grant the Motion for Leave to Intervene as Respondent in these consolidated actions and all future actions that are timely filed and are consolidated with this petition.

Respectfully submitted,

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America*

Dated: October 16, 2026

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(f) and (g), I hereby certify that the foregoing motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 3,546 words, excluding exempted portions, according to the count of Microsoft Word.

I further certify that the motion complies with Federal Rules of Appellate Procedure 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in 14-point Times New Roman type.

Respectfully submitted,

/s/ Elbert Lin
Elbert Lin

Dated: October 16, 2026

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**RULE 26.1 DISCLOSURE STATEMENT OF THE CHAMBER OF
COMMERCE OF THE UNITED STATES OF AMERICA**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rules 26.1 and 27(a)(4), the Chamber of Commerce of the United States of America (“Chamber”) states that it is a non-profit, tax-exempt organization incorporated in the District of Columbia. The Chamber has no parent corporation, and no publicly held company has 10% or greater ownership in the Chamber.

Respectfully submitted,

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Dated: October 16, 2026

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A), the Chamber of
Commerce of the United States of America states as follows:

A. Parties, Intervenors, and *Amici Curiae*

Petitioners: Petitioners in case number 26-1238 are American Lung Association, American Public Health Association, Clean Air Council, Clean Wisconsin, Environmental Defense Fund, and Natural Resources Defense Council. Petitioners in case number 26-1259 are State of New York; State of Arizona; State of California; State of Colorado; State of Connecticut; State of Delaware; State of Hawaii; State of Illinois; State of Maine; State of Maryland; Commonwealth of Massachusetts; State of Michigan; State of Minnesota; State of New Jersey; State of New Mexico; State of North Carolina; State of Oregon; Josh Shapiro, in his official capacity as the Governor of the Commonwealth of Pennsylvania; State of Rhode Island; State of Vermont; State of Washington; State of Wisconsin; District of Columbia; City of Chicago, Illinois; City and County of Denver, Colorado; and City of New York, New York.

Respondents: Respondents in these consolidated cases are the United States Environmental Protection Agency (“EPA”) and Lee M. Zeldin, in his official capacity as Administrator, EPA.

Intervenors: National Rural Electric Cooperative Association filed a Motion for Leave to Intervene as Respondent. (D.C. Cir. Oct. 9, 2026), Dkt. No. 2197483. The State of West Virginia, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Idaho, State of Indiana, State of Iowa,

State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of South Dakota, State of Tennessee, State of Texas, State of Utah, and State of Wyoming filed a Motion for Leave to Intervene as Respondents. (D.C. Cir. Oct. 14, 2026), Dkt. No. 2197977. NACCO Natural Resources Corporation filed a Motion to Intervene as Respondent. (D.C. Cir. Oct. 15, 2026), Dkt. No. 2198382. Midwest Ozone Group filed a Motion to Intervene as Respondent. (D.C. Cir. Oct. 16, 2026), Dkt. No. 2198535. The Chamber of Commerce of the United States of America is submitting herewith a Motion for Leave to Intervene as Respondent.

Amici Curiae: There are no *amici curiae* in this case as of the time of this filing.

B. Rulings Under Review

This case involves an EPA final rule titled *Partial Repeal of the Carbon Pollution Standards for Fossil Fuel-Fired Electric Generating Units*, 91 Fed. Reg. 58,954 (Sept. 17, 2026).

C. Related Cases

Other than the consolidated petitions identified above, the Chamber is not aware of any related cases.

Respectfully submitted,

/s/ Elbert Lin

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Respondent the Chamber of
Commerce of the United States of
America*

Dated: October 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2026, the foregoing Motion for Leave to Intervene as Respondent, Certificate of Compliance, Rule 26.1 Disclosure Statement, and Certificate as to Parties, Rulings, and Related Cases were filed electronically through the Court's CM/ECF system, which will serve all ECF-registered counsel.

/s/ Elbert Lin
Elbert Lin