

ORAL ARGUMENT NOT YET SCHEDULED

No. 24-1120 (and consolidated cases)

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

STATE OF WEST VIRGINIA, *et al.*,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,

Respondents.

**On Petitions for Review of Final Agency Action of the
United States Environmental Protection Agency
89 Fed. Reg. 39,798 (May 9, 2024)**

**THE CHAMBER OF COMMERCE OF THE UNITED STATES OF
AMERICA AS *AMICUS CURIAE* CORPORATE DISCLOSURE AND
CERTIFICATE AS TO PARTIES AND *AMICI CURIAE* ADDENDUM**

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CORPORATE DISCLOSURE STATEMENT

The Chamber of Commerce of the United States of America (“Chamber”) 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.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

In accordance with D.C. Circuit Rule 28(a)(1), *amicus curiae* states as follows:

A. **Parties, Intervenors, and *Amici Curiae***

These cases involve the following parties:

Petitioners:

No. 24-1120: States of West Virginia, Indiana, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming; Commonwealths of Kentucky and Virginia.

No. 24-1121: States of Ohio and Kansas.

No. 24-1122: National Rural Electric Cooperative Association.

No. 24-1124: National Mining Association; America's Power.

No. 24-1126: Oklahoma Gas and Electric Company.

No. 24-1128: Electric Generators for a Sensible Transition.

No. 24-1142: United Mine Workers of America, AFL-CIO.

No. 24-1143: International Brotherhood of Electrical Workers, AFL-CIO.

No. 24-1144: International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO.

No. 24-1146: Midwest Ozone Group.

No. 24-1152: Edison Electric Institute.

No. 24-1153: NACCO Natural Resources Corporation.

No. 24-1155: Idaho Power Company.

No. 24-1222: Appalachian Region Independent Power Producers Association.

No. 24-1226: Rainbow Energy Center, LLC.

No. 24-1227: Montana-Dakota Utilities Co.

No. 24-1233: Westmoreland Mining Holdings LLC, Westmoreland Mining LLC, and Westmoreland Rosebud Mining LLC.

Respondents:

Respondents are the U.S. Environmental Protection Agency and Michael S. Regan, Administrator, United States Environmental Protection Agency (in Nos. 24-1120, 24-1121, 24-1122, 24-1124, 24-1126, 24-1146, 24-1153, 24-1155, 24-1222, 24-1226, 24-1227, 24-1233) and the U.S. Environmental Protection Agency (in Nos. 24-1128, 24-1142, 24-1143, 24-1144, 24-1152).

Intervenors and *Amici Curiae*:

Louisiana Public Service Commission and the Tennessee Valley Public Power Association, Inc. are Intervenor-Petitioners.

American Lung Association; Clean Air Council; American Public Health Association; Clean Wisconsin; Natural Resources Defense Council; States of New York, Arizona, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin; Commonwealths of Massachusetts and Pennsylvania; Cities of Boulder, Chicago, and New York; City and County of Denver; the District of Columbia; California Air Resources Board; Edison Electric Institute; Consolidated Edison, Inc.; New York Power Authority; Pacific Gas and Electric Company; Power Companies Climate Coalition; and Sacramento Municipal Utility District are Intervenor-Respondents.

Chamber of Commerce of the United States of America is a movant-*Amicus Curiae* in support of Petitioners.

Sierra Club, Environmental Defense Fund, and Professor Rachel Rothschild are *Amici Curiae* in support of Respondents.

B. Rulings Under Review

These consolidated cases involve final agency action of the United States Environmental Protection Agency titled “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,” published at 89 Fed. Reg. 39,798 (May 9, 2024).

C. Related Cases

Seventeen consolidated cases (Case Nos. 24-1120, 24-1121, 24-1122, 24-1124, 24-1126, 24-1128, 24-1142, 24-1143, 24-1144, 24-1146, 24-1152, 24-1153, 21-1155, 24-1222, 24-1226, 24-1227, 24-1233) seek review of the agency action challenged here. *Amicus curiae* is unaware of any other related cases.

Respectfully submitted,

/s/ Elbert Lin

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