[NOT YET SCHEDULED FOR ORAL ARGUMENT]

No. 26-1296

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

SIERRA CLUB; CITY OF RIVER ROUGE, MI,

Intervenors-Plaintiffs-Appellees,

v.

EES COKE BATTERY, LLC; DTE ENERGY SERVICES, INC.; DTE ENERGY COMPANY; DTE ENERGY RESOURCES, LLC,

Defendants-Appellants

On Appeal from the United States District Court
for the Eastern District of Michigan
Hon. Gershwin A. Drain / No. 2:22-cv-11191

BRIEF OF *AMICI CURIAE* THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, AMERICAN CHEMISTRY COUNCIL, INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA, AND MICHIGAN CHAMBER OF COMMERCE IN SUPPORT OF APPELLANTS

Jennifer B. Dickey
Andrew R. Varcoe
U.S. Chamber Litigation Center
1615 H Street, NW
Washington, DC 20062
(202) 463-5337

Counsel for the Chamber of Commerce of the United States of America

Samuel B. Boxerman
Kathleen M. Mueller
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
Telephone: (202) 736-8000
sboxerman@sidley.com

Counsel for Amici Curiae

CORPORATE DISCLOSURE STATEMENT

Pursant to Sixth Circuit Rule 26.1, amici curiae The Chamber of Commerce of the United States of America, American Chemsitry Council, Interstate Natural Gas Association of America, and Michigan Chamber of Commerce hereby certify as follows:

The Chamber of Commerce of the United States of America ("the 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.

The American Chemistry Council is a national trade association. It is a non-profit, tax-exempt organization incorporated in the District of Columbia. American Chemistry Council has no parent corporation, and no publicly held company owns 10% or more of the organization.

The Interstate Natural Gas Association of America ("INGAA") is a national trade association that represents interstate natural gas transmission pipeline companies. INGAA has no parent corporation, and no publicly held corporation has a 10% or greater ownership in INGAA.

The Michigan Chamber of Commerce ("Michigan Chamber") states that it is a non-profit, tax-exempt organization incorporated in the State

of Michigan. The Michigan Chamber has no parent corporation, and no publicly held company has 10% or greater ownership in the Chamber.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Constitution and Statutes

Scholarly Authorities

INTEREST OF *AMICI CURIAE*

The Chamber of Commerce of the United States of America ("U.S. Chamber") is the world's largest business organization. As the nation's leading advocate for business, the U.S. 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 U.S. Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the U.S. Chamber regularly files amicus curiae briefs in cases, like this one, that raise issues of concern to the nation's business community.[1]

American Chemistry Council represents companies engaged in the business of chemistry—an innovative, multibillion-dollar business that is helping solve the biggest challenges facing our nation and the world. The business of chemistry drives innovations that enable a more sustainable future, creates hundreds of thousands of manufacturing and high-tech jobs that support families and communities, and enhances

[1] Pursuant to Rule 29(a)(4) of the Federal Rules of Appellate Procedure, amici curiae state that no counsel for any party authored this brief in whole or in part, and no entity or other person, other than amici curiae, their members, or their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

safety through the products of chemistry and investment in research. American Chemistry Council members address these challenges by providing chemical, plastic, and polymer products and materials critical to the institutional, consumer, commercial, and industrial sectors of the U.S. economy. American Chemistry Council is committed to improved environmental, health, safety and security performance through Responsible Care®; common sense advocacy addressing major public policy issues; and health and environmental research and product testing.

The Interstate Natural Gas Association of America ("INGAA") is a national trade association whose members own and operate almost 200,000 miles of interstate natural gas pipeline in North America. INGAA members own and operate equipment and infrastructure that is subject to various federal regulations, including under the Clean Air Act.

The Michigan Chamber of Commerce ("Michigan Chamber") is a nonprofit corporation and the leading voice of business in Michigan. The Michigan Chamber advocates for job providers in the legislative and legal forums and represents approximately 5,000 employers, trade associations, and local chambers of commerce of all sizes and types in

every county of the state. The Michigan Chamber's member firms employ over 1 million Michiganders. To further this objective, the Michigan Chamber frequently participates in litigation as both a party and an amicus curiae to ensure that courts fully understand the impact of their decisions on policy in the State of Michigan.

Many of amici's members are regulated by the Environmental Protection Agency (EPA) under the Clean Air Act (Act) or other environmental statutes and can be subject to civil enforcement actions brought by the United States and citizen-plaintiffs like the Sierra Club here. They thus have an interest in the forms of relief that are available in those suits. Here, the district court erroneously ordered Defendants to establish a "Community Quality Action Committee" and contribute $20 million for the Committee to select and fund "community air quality improvement projects" that were neither requested by the United States nor tailored to redress any ongoing injury to Sierra Club members.

Amici agree with Defendants that the district court exceeded its authority and abused its discretion in granting that relief. Both the Constitution and the Clean Air Act entrust the United States, including EPA, with primary authority to enforce the law. Congress has authorized

citizen-suit plaintiffs to play only a limited and interstitial role in enforcement, and the remedies available to such plaintiffs are more limited than those available to the federal government.

Amici file this brief to underscore the constitutional and statutory limits on the remedies that citizen-plaintiffs may obtain under the Clean Air Act. Amici's members work hard to comply with a complex web of regulatory provisions under the Act and other environmental laws. If a violation nevertheless occurs, it is the federal government, not individual citizens or interest groups, that is empowered to seek remedies on behalf of the public at large.[2]

INTRODUCTION AND SUMMARY OF ARGUMENT

In this civil enforcement action filed by the United States, the district court found that Defendants-Appellants violated the Clean Air Act by changing the fuel for the EES Coke Facility in River Rouge, Michigan, without obtaining New Source Review (NSR) permits. Although the court found that Defendants acted in "good faith" and

[2] Amici agree with Defendants-Appellants that the relevant orders of the district court are defective in other important respects. In this brief, however, amici focus on the relief that the district court awarded to the Sierra Club.

"earnestly believed their excess emissions were lawful" under a permit they obtained in 2014, the court ordered Defendants to pay a civil penalty of $100,000,001 and to come into compliance with the Clean Air Act by applying for and obtaining the NSR permits that the court believed were required. R. 410, Page ID ## 28609, 28638, 28655–56.

On top of that, the court ordered Defendants to establish a "Community Quality Action Committee" and contribute $20 million for the Committee to select and fund "community air quality improvement projects" such as installing air filtration systems in schools, weatherizing homes, or giving High Efficiency Particulate Air (HEPA) purifier devices to households in River Rouge and certain nearby areas. *Id.* at Page ID # 28653–54, Page ID # 28656. The court designated the Sierra Club to "identify a list of individuals to serve on the Committee" that will choose the projects to be funded. *Id.* at Page ID # 28608, Page ID # 28653. Significantly, the request for this fund came not from the United States, but from the Sierra Club, which had intervened in the Government's enforcement action as a citizen-plaintiff. *See* R. 405, Page ID # 28221. For that and other reasons, the district court exceeded its authority and abused its discretion in ordering that relief.

The district court erroneously thought it had "broad discretion" to order Defendants to fund community projects under Section 113(b) of the Clean Air Act, which authorizes the court to enjoin violations, require compliance, impose civil money penalties, and "award any other appropriate relief" in civil enforcement actions brought by the EPA Administrator on behalf of the United States. R. 410, Page ID #28612 (quoting 42 U.S.C. § 7413(b)). But the relief that may be awarded to a citizen-plaintiff like the Sierra Club is more limited.

A citizen-plaintiff may sue to compel compliance with the Act and to obtain civil money penalties that generally must be deposited in the U.S. Treasury. 42 U.S.C. § 7604(a), (g). The court may allow up to $100,000 of the penalty to be used "in beneficial mitigation projects" that are consistent with the Act "and enhance the public health or the environment." *Id.* § 7604(g). But the Act provides no authorization for the court to award a citizen-suit plaintiff $20 million in community air quality improvement projects on top of the $100 million civil money penalty that the district court awarded here.

Nor does the Act "permit citizen suits to seek types of relief 'that the [government] chose to forgo'." *Ellis v. Gallatin Steel Co.*, 390 F.3d 461,

475 (6th Cir. 2004) (alteration in original) (quoting *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Found., Inc.*, 484 U.S. 49, 60–61 (1987)).[3] Otherwise, "administrative 'discretion to enforce the [statute] in the public interest would be curtailed considerably,'" *id.*, and the President's constitutional authority to "take Care that the Laws be faithfully executed" would be impaired, U.S. Const. art. II, § 3.

Finally, the court's $20 million award for community projects exceeds the equitable power of an Article III court because it is not tailored to redressing an ongoing injury of the Sierra Club or its members. "Article III grants federal courts the power to redress harms that defendants cause plaintiffs, not a freewheeling power to hold defendants accountable for legal infractions." *TransUnion LLC v. Ramirez*, 594 U.S. 413, 427 (2021) (quoting *Casillas* v. *Madison Ave. Assocs., Inc.*, 926 F.3d 329, 332 (7th Cir. 2019)). Article III thus requires federal courts to "operate in a party-specific and injury-focused manner." *L.W. ex rel. Williams v. Skrmetti*, 83 F.4th 460, 490 (6th Cir. 2023). Similar party-specific principles "permeate our understanding of equity,"

[3] The same is true for the citizen-suit provision of the Clean Water Act, which is modeled on the Clean Air Act. *Gwaltney*, 484 U.S. at 62.

rendering it inappropriate for the court to award "relief that extend[s] beyond the parties." *Trump v. CASA, Inc.*, 606 U.S. 831, 844–45 (2025) (alteration in original). But that is precisely what the district court did here when it ordered Defendants to fund HEPA air purifier devices and home weatherization programs for individuals in the vicinity of River Rouge.

This Court should reverse the district court's order requiring Defendants to establish the Community Quality Action Committee and provide $20 million in funding for air quality improvement projects.

ARGUMENT

I. The Award Of $20 Million For Community Air Quality Improvement Projects Requested By The Sierra Club Is Not Authorized By The Clean Air Act

The award of $20 million for air quality improvement projects requested by the Sierra Club is not authorized by the Clean Air Act. The citizen-suit provision in Section 304 of the Act does not authorize that relief, and a private plaintiff cannot intervene in an enforcement action commenced by the Government under Section 113(b) and then obtain relief that the private plaintiff could not obtain in its own citizen suit. To hold otherwise would allow a private plaintiff to substitute its view of the

appropriate remedy for that of Executive Branch officials and infringe the President's constitutional authority to "take Care that the Laws be faithfully executed." U.S. Const. art. II, § 3.

A. The Clean Air Act Does Not Authorize A Citizen Plaintiff To Obtain Millions Of Dollars In Funding For Mitigation Projects Not Requested By The Government

The district court erred in reading Section 113(b) of the Clean Air Act as authorizing an award of $20 million in mitigation projects not requested by the Government. The court reasoned that the statutory authorization to restrain violations, to require compliance with the Act, and "to award any other appropriate relief" gave it "broad discretion to fashion a remedy" along the lines the Sierra Club requested. *Id.* at Page ID # 28612 (quoting 42 U.S.C. § 7413(b)). The district court was mistaken.

The $20 million fund for community air quality improvement projects was not "appropriate relief" in this case because the Government neither requested that relief nor endorsed the Sierra Club's request. The Government advised the court that "[t]he mitigation projects sought by Sierra Club are a distinct form of relief from the civil penalty" the Government sought. R. 405, PageID ## 28220–21. And the Government

made clear that "[t]he United States does not seek mitigation in this case." *Id.* at Page ID #2821. The Clean Air Act does not authorize a citizen plaintiff to obtain millions of dollars of funding for its preferred community projects that were not requested by the Government.[4]

When Congress authorized private plaintiffs to bring civil suits to enforce the Clean Air Act, it limited the remedies they may obtain. A citizen-suit plaintiff may obtain an order requiring the defendants to comply with the Act and pay "appropriate civil penalties." *Id.* § 7604(a). But a citizen-suit plaintiff may not obtain an order requiring the defendants to provide millions of dollars of funding for its preferred community mitigation projects, as the Sierra Club obtained here. Instead, any penalties a citizen-suit plaintiff obtains must be "deposited in a special fund in the United States Treasury" to finance EPA's "air compliance and enforcement activities." *Id.* § 7604(g)(1). The only exception is that the court may permit up to $100,000 of the penalties to be used for "beneficial mitigation projects which are consistent with [the

[4] To be sure, if the Government *had* requested or endorsed this unconventional relief, the relief might well be invalid on other grounds. But that scenario is not presented here.

Clean Air Act] and enhance the public health or the environment." *Id.* §7604(g)(2).[5]

Thus, if the Sierra Club had brought its own citizen suit, it could have obtained, at most, $100,000 in funding for community air quality improvement projects. That funding would not have imposed an additional financial obligation on the Defendants. It would have come from the civil money penalties the court found appropriate considering the penalty assessment criteria specified in the statute. *See id.* § 7604(e), (g)(2).

Yet here, because the Sierra Club was an intervenor in an enforcement action filed by the Government, the district court allowed the Sierra Club to obtain $20 million in community air quality improvement projects that the Sierra Club could not have obtained in its own lawsuit. That was error. The text and structure of the Clean Air Act prevent citizen-plaintiffs from usurping the Government's enforcement discretion by obtaining funding for mitigation projects that the

[5] In addition, the "court shall obtain the view of the Administrator [of EPA]" before allowing any civil money penalties to be used for mitigation projects instead of funding EPA enforcement activities. 42 U.S.C. § 7604(g)(2).

Government does not seek and that the citizen-plaintiffs could not obtain in their own suit.

Congress gave the Government the primary responsibility for enforcing the Act and gave private parties a secondary "interstitial" role. *Ellis*, 390 F.3d at 475 (quoting *Gwaltney*, 484 U.S. at 61). A private plaintiff may not sue to enforce the Clean Air Act unless it has given 60 days' notice to the Administrator of the EPA, the State, and the alleged violator. 42 U.S.C. § 7604(b)(1)(A). This gives the alleged violator an opportunity to come into compliance, and allows Government agencies to take responsibility for enforcing the Act by bringing their own enforcement action. *Ellis*, 390 F.3d at 475.

A private plaintiff also may not file a citizen suit if the Government has "commenced and is diligently prosecuting" a civil enforcement action, although the private plaintiff may intervene in the Government's enforcement action, as the Sierra Club did here. *Id.* § 7604(b)(1)(B). And if the Government has exercised its enforcement discretion and obtained a consent decree or judgment against a defendant, the Act "does not permit citizen suits to seek types of relief 'that the [government] chose to forgo'; otherwise, administrative 'discretion to enforce the [statute] in the

public interest would be curtailed considerably' and the 'nature of the citizens' role would become 'potentially intrusive.'" *Ellis*, 390 F.3d at 475 (alteration in original) (quoting *Gwaltney*, 484 U.S. at 60–61).

This Court's reasoning in *Ellis* about successive citizen suits is equally applicable when, as here, a citizen-plaintiff intervenes in an enforcement action commenced by the Government and then seeks to obtain mitigation measures that the Government elected not to request. Allowing an intervenor like the Sierra Club to "second-guess[]" the Government's assessment of an appropriate remedy "fails to respect the statute's careful distribution of enforcement authority," which permits "citizens to act where EPA has 'failed' to do so, not where the EPA has acted but has not acted aggressively enough in the citizens' view." *Id.* at 477.

The district court thus exceeded its statutory authority in ordering Defendants to pay $20 million to fund community air quality improvement projects requested by the Sierra Club.

B. The Canon of Constitutional Avoidance Supports The Conclusion That The Clean Air Act Does Not Authorize A Citizen Plaintiff To Obtain Millions Of Dollars In Community Projects Not Requested By The Government

It would raise serious constitutional questions to read Section 113(b) to permit a citizen-plaintiff, who has intervened in an enforcement action commenced by the Government, to obtain a remedy that the Government did not request and that the citizen-plaintiff could not obtain in its own suit. As explained above, Section 113(b) is best read as not permitting such a remedy. And even if this reading were "not the best one, the interpretation is at least 'fairly possible'—so the canon of constitutional avoidance would still counsel [the court] to adopt it." *United States v. Hansen*, 599 U.S. 762, 781 (2023) (quoting *Jennings* v. *Rodriguez*, 138 S. Ct. 830, 842 (2018)).

A congressional authorization of citizen suits under any statute "raises 'difficult and fundamental questions' about 'the delegation of Executive power.'" *Dep't of Transp. v. Ass'n of Am. R.Rs.*, 575 U.S. 43, 62 (2015) (Alito, J., concurring) (quoting *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 197 (2000) (Kennedy, J., concurring)). "Under our Constitution, the 'executive Power'—all of it—

is 'vested in the President,' who must 'take Care that the Laws be faithfully executed.'" *Selia Law, LLC v. CFPB*, 591 U.S. 197, 203 (2020) (quoting U.S. Const. art II, § 1, cl. 1; *id.* § 3). The Framers drafted the Constitution "to enable the people to govern themselves, through their elected leaders." *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 499 (2010). Vesting the executive Power in the President ensures that "execution of the laws" will be overseen by "a President chosen by the entire Nation." *Id.*

Under Article II, "the choice of how to prioritize and how aggressively to pursue legal actions against defendants who violate the law falls within the discretion of the Executive Branch, not within the purview of private plaintiffs (and their attorneys)." *TransUnion LLC*, 594 U.S. at 429. Citizen-suit provisions sit uneasily within that constitutional framework because they redelegate core executive power vested exclusively in the President to private attorneys general. *See* Charles S. Abell, *Ignoring the Trees for the Forests: How Citizen Suit Provisions of the Clean Water Act Violates the Constitution's Separation of Powers Principle*, 81 Va. L. Rev. 1957, 1964 (1995). For that reason, such provisions must be construed narrowly if they are to have a chance of

surviving constitutional scrutiny. *Cf. Gwaltney*, 484 U.S. at 61 (construing similar citizen-suit provision of the Clean Water Act narrowly, to avoid the possibility that private plaintiffs could curtail the Executive's "discretion to enforce the Act in the public interest").

The district court's determination that it had the statutory authority to grant the Sierra Club sweeping and expensive equitable relief not requested by the Government exacerbates the significant constitutional concerns posed by citizen suits. The "'discretionary power to seek judicial relief,'" and the selection among available remedies, "lies at the very core of executive authority." *Trump v. Slaughter*, No. 25-332, slip op. at 26 (June 29, 2026) (quoting *Buckley v. Valeo,* 424 U.S. 1, 138 (1976) (per curiam)). Accordingly, decisions about how aggressively to enforce environmental statutes such as the Clean Air Act, and what remedies to seek, involve the weighing of many factors that should be done by Executive Branch officials who are accountable to the President. For example, in a Clean Air Act case, enforcement officials may consider that civil penalties are paid to the Treasury and can finance other EPA enforcement activities that may result in improved air quality in many areas of the country. In contrast, money spent on mitigation projects will

be focused on air quality improvements in a single area. Enforcement officials may also consider the severity of the violation and whether the defendant was acting in good faith. And enforcement officials may weigh the public benefit of particular mitigation projects against the costs that will be incurred if, for example, the defendant is forced to lay off workers or reduce other expenditures that benefit the local community. When these decisions are made by EPA and the Department of Justice under the direction of the President, there is political accountability through regular Presidential elections that bring new political leadership and new policy objectives and priorities.

Private plaintiffs like the Sierra Club, in contrast, "are not accountable to the people and are not charged with pursuing the public interest in enforcing a defendants' general compliance with regulatory law." *TransUnion LLC*, 594 U.S. at 429. Private plaintiffs set their own goals and objectives, unconstrained by the political pressures and congressional oversight that constrain Executive Branch officials. "Virtually none of the checks on executive enforcement discretion apply to private parties." Tara Leigh Grove, *Standing as an Article II Nondelegation Doctrine*, 11 U. Pa. J. Const. L. 781, 818 (2009). So when,

as here, the enforcement priorities and preferred remedies of a citizen-plaintiff differ from those of the Executive Branch officials who report to the President, precedence must be given to the views of the Executive Branch to avoid compounding the constitutional problems that arise in citizen suits like the one at issue here.

II. The $20 Million Award For Community Projects Exceeds The Equitable Power Of An Article III Court Because It Is Not Tailored To Redressing Injuries Of Sierra Club Members

In addition to being unauthorized by the Clean Air Act, the $20 million award for community air quality improvement projects exceeds the equitable power of an Article III court because it is not tailored to redressing an ongoing injury of the Sierra Club or its members.

A. Article III of the Constitution "confines the jurisdiction of federal courts to 'Cases' and 'Controversies.'" *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 378 (2024). The standing doctrine that implements this case or controversy requirement is "a bedrock constitutional requirement" that is "built on a single basic idea—the separation of powers." *Id.* (quoting *United States v. Texas*, 599 U.S. 670, 675 (2023)). It means that federal courts have "the power to redress harms that defendants cause plaintiffs, not a freewheeling power to hold defendants

accountable for legal infractions." *TransUnion*, 594 U.S. at 427 (quoting *Callais*, 926 F.3d at 332). "By limiting who can sue, the standing requirement implements 'the Framers' concept of the proper—and properly limited—role of the courts in a democratic society.'" *All. for Hippocratic Med.*, 602 U.S. at 380 (quoting J. Roberts, *Article III Limits on Statutory Standing*, 42 Duke L. J. 1219, 1220 (1993)).

The elements of standing are familiar: A plaintiff must have a "personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 (2006) (quoting *Allen v. Wright*, 468 U.S. 737, 751 (1984)). But "standing is not dispensed in gross." *Lewis v. Casey*, 518 U.S. 343, 358 n.6 (1996). A "plaintiff must demonstrate standing … for each form of relief sought." *Friends of Earth,* 528 U.S. at 185.

The Sierra Club failed to demonstrate that it has standing to obtain all of the equitable relief awarded here. The district court's factual findings might arguably show that the Sierra Club had standing to seek an order requiring Defendants to obtain NSR permits to reduce SO_2 and

$PM_{2.5}$ emissions. But they do not show that Sierra Club has standing to obtain $20 million for "community air quality improvement projects."

The district court based its standing determination on the testimony of three Sierra Club members who testified that they avoided outdoor activities like gardening, walking, jogging, or bike riding to avoid exposure to SO_2 and $PM_{2.5}$ emissions from the EES Coke Facility. R. 410, Page ID # 28650. The court found that these are "aesthetic and recreational" injuries that are "fairly traceable to Defendants' excess SO_2 and $PM_{2.5}$ emissions." *Id.* at Page ID ## 28650–51. But the district court nowhere explained how those injuries could be redressed by residential HEPA air purifier devices, home weatherization programs, or air filtration systems in schools, which are the exemplar "community air quality improvement projects" that Defendants were ordered to provide. *Id.* at Page ID # 28653.

Nor could such a finding be made, since there is a fundamental mismatch between those injuries and the remedy ordered. Each project identified by the district court is designed to improve *indoor* air quality and thus could not reduce emissions *outdoors* where the Sierra Club members' "aesthetic and recreational" harm occurs. That is fatal to Sierra

Club's standing. Under Article III, private plaintiffs lack standing to obtain relief "that would go beyond remedying [their] injury." *Fox v. Saginaw County,* 67 F.4th 284, 294 (2023). "Relief that does not remedy the injury suffered cannot bootstrap a plaintiff into federal court." *Glennsborough Homeowners Ass'n v. U.S. Postal Serv.*, 21 F.4th 410, 417 (6th Cir. 2021) (quoting *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 107 (1998)).

With respect to indoor air quality, the district court cited the testimony of a Sierra Club member who had installed an air purifying system in her home and testified that it "'has improved [her] life' by helping to manage her exposure to air pollution." R. 410, Page ID # 28646. This member "believes that others in her community would benefit from such systems but lack the financial means to purchase their own." *Id.* Notably, however, the district court made no finding that there are Sierra Club members in River Rouge or surrounding communities who would benefit from air purifying systems. And the Sierra Club's belief that it would benefit the public interest to make air purifying systems broadly available to everyone in the community does not give them standing to obtain that relief from a court.

"Vindicating the *public* interest" is a function for the "Chief Executive," not private plaintiffs. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 576 (1992) (emphasis in original). "Absent a properly certified class action," private plaintiffs "do not represent every citizen of their states." *L.W. ex rel. Williams*, 83 F.4th at 490. The district court thus exceeded its constitutional authority in awarding $20 million funding for community air quality improvements for members of the general public.

B. The award of relief to people who are not Sierra Club members also "falls outside the bounds of a federal court's equitable authority." *CASA*, 606 U.S. at 847. At the time of the Founding, courts of equity "did not provide relief beyond the parties to the case." *Trump v. Hawaii*, 585 U.S. 667, 717 (2018) (Thomas, J., concurring). "[S]uits in equity were brought by and against individual parties," and equitable remedies were "typically party specific." *CASA*, 606 U.S. at 842. In the ensuing decades, the Supreme Court "consistently rebuffed requests for relief that extended beyond the parties." *Id.* at 843 (citing cases). And last year, the Court reaffirmed that its "early refusals to grant relief to nonparties are consistent with the party-specific principles that permeate our understanding of equity." *Id.* at 844. That means that when an

association like the Sierra Club asserts standing on behalf of its members, a court is limited to affording relief to the association's affected members, not to everyone in the world who may be affected by the challenged conduct. *Id.* at 852.

In this case, however, the district court disregarded those party-specific principles. It awarded broad equitable relief to provide air quality improvement projects for people and entities that are not members of the Sierra Club. R. 410, Page ID ## 28653–55. That was a fundamental error that requires reversal of the $20 million award for community air quality improvement projects.

CONCLUSION

For the foregoing reasons, the district court's order requiring Defendants to form a Community Quality Action Committee and provide it with $20 million in funding for community air quality improvement projects should be reversed.

Date: July 2, 2026

Respectfully Submitted,

Jennifer B. Dickey
Andrew R. Varcoe
U.S. Chamber Litigation Center
1615 H Street, NW
Washington, DC 20062
(202) 463-5337

Counsel for the Chamber of Commerce of the United States of America

/s/ Samuel B. Boxerman

Samuel B. Boxerman
Kathleen M. Mueller
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
Telephone: (202) 736-8000
sboxerman@sidley.com

Counsel for Amici Curiae

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Federal Rules of Appellate Procedure 32(a)(7)(B)(i) and 29(a)(5) because it contains 4,561 words.

2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in fourteen-point Century Schoolbook font.

Dated: July 2, 2026

Respectfully submitted,

/s/ Samuel B. Boxerman
Samuel B. Boxerman

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Samuel B. Boxerman
Samuel B. Boxerman