

## NOT YET SCHEDULED FOR ORAL ARGUMENT

U.S. COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA CIRCUIT

States of Ohio, Alabama, Arkansas,  
Georgia, Indiana, Kansas, Kentucky,  
Louisiana, Mississippi, Missouri,  
Montana, Nebraska, Oklahoma, South  
Carolina, Texas, Utah, and West  
Virginia,

Petitioners,

v.

U.S. Environmental Protection Agency  
and Michael S. Regan, Administrator,

Respondents.

Case No. 22-1081 and consolidated  
cases

**Joint Proposed Briefing Schedule and Format**

As ordered by the Court on July 12, 2022, the parties jointly propose a schedule and format for briefing in this case.

Petitioners challenge the EPA action, California State Motor Vehicle Pollution Control Standards: Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14,332 (Mar. 14, 2022). This Court has consolidated 4 petitions for review challenging that action. Petitioners are 17 states and 15 companies and industry organizations. Respondents are EPA and Michael S. Regan, its Administrator.

Intervenors are 20 states, 3 cities, and a number of companies and industry and non-governmental organizations.

The parties propose that the Court adopt the following briefing schedule and format:

<b>Filing</b>	<b>Date due</b>	<b>Words</b>
Petitioners' opening briefs	October 24, 2022	21,000 words, shared between up to 2 briefs
Briefs from any amici supporting Petitioners	October 31, 2022	6,500 words
Respondents' answering brief	January 13, 2023	21,000 words
Briefs from any amici supporting Respondents	January 20, 2023	6,500 words
Respondent-Intervenors' briefs	February 13, 2023	14,700 words, shared between up to 3 briefs
Petitioners' replies	March 10, 2023	10,500 words, shared between up to 2 briefs
Deferred appendix	March 15, 2023	n/a
Final briefs due	March 20, 2023	See above

The proposed briefing intervals reflect a number of factors that the parties accounted for in this complex, multi-party case, including: time needed for some parties to coordinate with each other to avoid duplicative briefing, time needed for Respondents to obtain the necessary management approvals at the Justice Department and EPA, federal holidays, and counsel's other work commitments. On the last factor, many parties here are also parties in *Texas v. EPA*, Case No. 22-1031 and consolidated cases (D.C. Cir.), another complex petition-for-review matter for which briefing will start shortly. A proposed briefing format is also

being submitted today in those consolidated cases, because the schedules were jointly negotiated to minimize conflicts.

### **Petitioners' rationale for separate briefs and word allocations**

The private petitioners and the States need to file separate briefs because they have separate interests. Of particular relevance, the State petitioners have sovereign interests that the private petitioners do not. This may be relevant to standing, and it bears directly on some of the parties' merits arguments. For example, the States plan to challenge the administrative action at issue here under the equal-sovereignty-of-the-States doctrine. The private petitioners do not. The proposed word count will permit both groups to adequately represent their separate interests. And the proposed limit—21,000—is 5,000 words *below* the limit used in *Union of Concerned Scientists v. NHTSA*, 19-1230 (D.C. Cir.), which raised similar issues.

### **Respondent-Intervenors' rationale for separate briefs and word allocations**

State and Municipal Intervenors are 20 States, the District of Columbia, and the cities of Los Angeles and New York. This Court ordinarily does not compel governmental intervenors to file joint briefs with other intervenors, D.C. Cir. R. 28(d)(4), and there is no reason to depart from that sound practice here. Indeed, the EPA action at issue in these cases is the reinstatement of parts of a preemption waiver originally granted to the State of California in 2013. That reinstatement

allows California and many of the other intervenor States to enforce specific pollution-control laws they have chosen to adopt as state law. “[A] State’s opportunity to defend its laws in federal court should not be lightly cut off.”

*Cameron v. EMW Women’s Surgical Ctr., P.S.C.*, 142 S. Ct. 1002, 1011 (2022).

The State and Municipal Intervenors should be permitted to file their own brief defending their authority to enforce their own laws.

The Public Interest Organization respondent-intervenors are ten national and regional nonprofit environmental and public health organizations committed to protecting their members from the effects of harmful air pollution, including effects traceable to climate change, and to advancing their members’ interest in wider availability of cleaner vehicles. They have a different perspective from the other respondent-intervenors, who include state and municipal governments, vehicle manufacturers, and other industry parties. The Public Interest Organization respondent-intervenors will coordinate with other parties to avoid duplication, but should be allowed to file their own brief.

The Industry Respondent-Intervenors represent the interests of (1) automobile manufacturers, which are the regulated entities, (2) other business interests invested in the development and adoption of advanced transportation technologies, and (3) electric utilities and generators who have made significant investments to support integration of vehicles to the electricity grid. Industry

Respondent-Intervenors support the reinstatement of the preemption waiver that is subject to challenge in this litigation, and Industry Respondent-Intervenors have financial stakes and reliance interests in the challenged action. Although the three separate Industry Respondent-Intervenor groups will join in a single Industry brief, given these unique interests, it is infeasible for Industry Respondent-Intervenors to join in a single brief with any other intervenor group.

As for word count, Respondent-Intervenors concur with the proposal that affords them 70% of the words allotted to the Petitioners and Respondents, consistent with the ratio set forth in this Court's rules. *Compare* Fed. R. App. P. 32(a)(7)(B)(i) with D.C. Cir. R. 32(e)(2)(b) (70% ratio). In addition, 14,700 words for Respondent-Intervenors is justified in this case because there are five different groups of Respondent-Intervenors (three of which have agreed to brief jointly) with distinct interests. These five groups include vehicle manufacturers—the only parties directly regulated by the state laws for which EPA reinstated the preemption waiver—two other groupings representing affected industries (who will join in a brief with the vehicle manufacturers), a large group of States who intend to offer a robust defense of their authority to enforce their own laws, and a large group of nonprofit environmental and public health organizations whose members have strong interests in defending EPA's action.

\* \* \*

For these reasons, the parties ask the Court to enter their proposed briefing format and schedule as set forth above.

Submitted on: August 11, 2022

Todd Kim  
Assistant Attorney General

/s/ Sue Chen  
Chloe H. Kolman  
Sue Chen  
U.S. Department of Justice  
Environment & Natural Resources  
Division  
Environmental Defense Section  
P.O. Box 7611  
Washington, D.C. 20044  
202.305.0283  
[sue.chen@usdoj.gov](mailto:sue.chen@usdoj.gov)

*Counsel for Respondents*

DAVE YOST  
Attorney General of Ohio

/s/ Benjamin M. Flowers  
BENJAMIN M. FLOWERS  
Ohio Solicitor General  
MICHAEL HENDERSHOT  
Chief Deputy Solicitor General  
MAY MAILMAN  
Deputy Solicitor General  
30 East Broad Street, 17th Floor  
Columbus, Ohio 43215  
(614) 466-8980  
(614) 466-5087 fax  
benjamin.flowers@ohioago.gov  
*Counsel for State of Ohio*

STEVE MARSHALL  
Attorney General of Alabama

/s/ Edmund G. LaCour Jr.  
EDMUND G. LACOUR JR.  
Solicitor General  
Office of the Attorney General  
State of Alabama  
501 Washington Avenue  
P.O. Box 300152  
Montgomery, Alabama 36130-0152  
(334) 242-7300  
(334) 353-8400 fax  
Edmund.LaCour@AlabamaAG.gov  
*Counsel for State of Alabama*

LESLIE RUTLEDGE  
Attorney General of Arkansas

/s/Nicholas J. Bronni  
NICHOLAS J. BRONNI  
Solicitor General  
Arkansas Attorney General's Office  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201  
(501) 682-2007  
Nicholas.Bronni@arkansasag.gov  
*Counsel for the State of Arkansas*

CHRISTOPHER M. CARR  
Attorney General of Georgia

/s/ Stephen J. Petrany  
STEPHEN J. PETRANY  
Solicitor General  
Georgia Department of Law  
40 Capitol Square, SW  
Atlanta, Georgia 30334  
(404) 458-3408  
spetrany@law.ga.gov  
*Counsel for State of Georgia*

DEREK SCHMIDT  
Attorney General of Kansas

/s/ Jeffrey A. Chanay  
Jeffrey A. Chanay  
Chief Deputy Attorney General  
120 S.W. 10th Avenue, 3rd Floor  
Topeka, KS 66612  
(785) 368-8435  
(785) 291-3767 fax  
jeff.chanay@ag.ks.gov  
*Counsel for State of Kansas*

THEODORE E. ROKITA  
Attorney General of Indiana

/s/ Thomas M. Fisher  
THOMAS M. FISHER  
Solicitor General  
Office of the Indiana Attorney General  
IGC-South, Fifth Floor  
302 West Washington Street  
Indianapolis, IN 46204-2770  
(317) 232-6255  
Tom.Fisher@atg.in.gov  
*Counsel for State of Indiana*

DANIEL CAMERON  
Attorney General of Kentucky

/s/ Matthew F. Kuhn  
MATTHEW F. KUHN  
Solicitor General  
Office of Kentucky Attorney General  
700 Capital Avenue, Suite 118  
Frankfort, Kentucky 40601  
(502) 696-5400  
Matt.Kuhn@ky.gov  
*Counsel for State of Kentucky*



JEFF LANDRY  
Attorney General of Louisiana

*/s/ Elizabeth B. Murrill*  
ELIZABETH B. MURRILL  
Solicitor General  
J. SCOTT ST. JOHN  
Deputy Solicitor General  
Louisiana Department of Justice  
1885 N. Third Street  
Baton Rouge, Louisiana 70804  
(225) 326-6766  
murrille@ag.louisiana.gov  
stjohnj@ag.louisiana.gov

*Counsel for State of Louisiana*

ERIC S. SCHMITT  
Attorney General of Missouri

*/s/ D. John Sauer*  
D. JOHN SAUER  
Solicitor General  
JEFF P. JOHNSON  
Deputy Solicitor General  
Supreme Court Building  
P.O. Box 899  
Jefferson City, Missouri 65102  
(573) 751-8870  
(573) 751-0774 fax  
John.Sauer@ago.mo.gov

*Counsel for State of Missouri*

LYNN FITCH  
Attorney General of Mississippi

*/s/ Justin L. Matheny*  
JUSTIN L. MATHENY  
Deputy Solicitor General  
Office of the Attorney General  
P.O. Box 220  
Jackson, MS 39205-0220  
(601) 359-3825  
justin.matheny@ago.ms.gov

*Counsel for State of Mississippi*

AUSTIN KNUDSEN  
Attorney General of Montana

*/s/ David M.S. Dewhirst*  
DAVID M.S. DEWHIRST  
Solicitor General  
KATHLEEN L. SMITHGALL  
Assistant Solicitor General  
Montana Department of Justice  
215 N Sanders St  
Helena, MT 59601  
(406) 444-2026  
David.Dewhirst@mt.gov  
Kathleen.Smithgall@mt.gov

*Counsel for State of Montana*

DOUGLAS J. PETERSON  
Attorney General of Nebraska

*/s/ James A. Campbell*

JAMES A. CAMPBELL  
Solicitor General  
JUSTIN D. LAVENE  
Assistant Attorney General  
Office of the Nebraska Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-2682  
jim.campbell@nebraska.gov  
justin.lavene@nebraska.gov

*Counsel for State of Nebraska*

ALAN WILSON  
Attorney General of South Carolina

*/s/ James Emory Smith, Jr.*

JAMES EMORY SMITH  
Deputy Solicitor General  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, SC 29211  
(803)734-3680  
esmith@scag.gov

*Counsel for State of South Carolina*

JOHN M. O'CONNOR  
Attorney General of Oklahoma

*/s/ Bryan Cleveland*

BRYAN CLEVELAND  
Deputy Solicitor General  
Oklahoma Attorney General's Office  
313 NE 21st Street  
Oklahoma City, OK 73105  
(405) 521-3921  
bryan.cleveland@oag.ok.gov

*Counsel for State of Oklahoma*

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

*/s/ Judd E. Stone II*

JUDD E. STONE II  
Solicitor General  
RYAN S. BAASCH  
Assistant Solicitor General  
KATIE B. HOBSON  
Assistant Attorney General  
Office of the Attorney General  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
(512) 936-1700  
(512) 474-2697 fax  
Ryan.Baasch@oag.texas.gov  
Katie.Hobson@oag.texas.gov

*Counsel for State of Texas*

SEAN D. REYES  
Attorney General of Utah

/s/ Melissa A. Holyoak  
MELISSA A. HOLYOAK  
Utah Solicitor General  
160 East 300 South, 5th Floor  
Salt Lake City, Utah 84114  
(801) 366-0260  
melissaholyoak@agutah.gov  
*Counsel for State of Utah*

PATRICK MORRISEY  
Attorney General of West Virginia

/s/ Lindsay S. See  
LINDSAY S. SEE  
Solicitor General  
MICHAEL R. WILLIAMS  
Senior Deputy Solicitor General  
Office of the West Virginia Attorney  
General  
State Capitol, Bldg 1, Room E-26  
Charleston, WV 25305  
(682) 313-4550  
Lindsay.S.See@wvago.gov  
*Counsel for State of West Virginia*

/s/ Eric D. McArthur  
Eric D. McArthur  
SIDLEY AUSTIN LLP  
1501 K Street, NW  
Washington, DC 20005  
(202) 736-8000  
[emcarthur@sidley.com](mailto:emcarthur@sidley.com)

*Counsel for Petitioners American  
Fuel & Petrochemical Manufacturers,  
Domestic Energy Producers  
Alliance, Energy Marketers of  
America, & National Association of  
Convenience Stores*

/s/ Matthew W. Morrison  
Matthew W. Morrison  
Shelby L. Dyl  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
1200 Seventeenth Street, NW  
Washington, DC 20036  
(202) 663-8036

[matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)  
[shelby.dyl@pillsburylaw.com](mailto:shelby.dyl@pillsburylaw.com)

*Counsel for State Soybean  
Associations and Diamond  
Alternative Energy, LLC*

*/s/ Michael Buschbacher*

Michael Buschbacher  
Boyden Gray & Associates PLLC  
801 17th Street NW, Suite 350  
Washington, DC 20006  
(202) 955-0620  
[buschbacher@boydengrayassociates.com](mailto:buschbacher@boydengrayassociates.com)

*Counsel for Petitioners Clean Fuels  
Development Coalition, ICM, Inc.,  
Illinois Corn Growers Association,  
Kansas Corn Growers Association,  
Michigan Corn Growers Association,  
Missouri Corn Growers Association,  
and Valero Renewable Fuels  
Company, LLC*

FOR STATE OF CALIFORNIA, BY  
AND THROUGH ITS GOVERNOR  
GAVIN NEWSOM, ITS ATTORNEY  
GENERAL ROB BONTA, AND THE  
CALIFORNIA AIR RESOURCES  
BOARD

ROB BONTA  
Attorney General of California

ROBERT W. BYRNE  
EDWARD H. OCHOA  
Senior Assistant Attorneys General  
GARY E. TAVETIAN  
DAVID A. ZONANA  
Supervising Deputy Attorneys General  
MICAELA HARMS  
CAITLAN MCLOON  
Deputy Attorneys General

*/s/ M. Elaine Meckenstock*  
M. ELAINE MECKENSTOCK  
Deputy Attorney General  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 879-0299  
Fax: (510) 622-2270  
[Elaine.Meckenstock@doj.ca.gov](mailto:Elaine.Meckenstock@doj.ca.gov)

FOR THE STATE OF COLORADO

PHILIP J. WEISER  
Attorney General

*/s/ Scott Steinbrecher*  
SCOTT STEINBRECHER  
Assistant Deputy Attorney General  
DAVID A. BECKSTROM  
Assistant Attorney General  
Natural Resources and Environment  
Section  
Ralph C. Carr Colorado Judicial Center  
1300 Broadway, Seventh Floor  
Denver, Colorado 80203  
Office: (720) 508-6287  
[scott.steinbrecher@coag.gov](mailto:scott.steinbrecher@coag.gov)

FOR THE STATE OF DELAWARE

KATHLEEN JENNINGS  
Attorney General

*/s/ Christian Douglas Wright*  
CHRISTIAN DOUGLAS WRIGHT  
Director of Impact Litigation  
RALPH K. DURSTEIN III  
JAMESON A.L. TWEEDIE  
Deputy Attorneys General  
Delaware Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 683-8899  
[Christian.Wright@delaware.gov](mailto:Christian.Wright@delaware.gov)  
[Ralph.Durstein@delaware.gov](mailto:Ralph.Durstein@delaware.gov)  
[Jameson.Tweedie@delaware.gov](mailto:Jameson.Tweedie@delaware.gov)

## FOR THE STATE OF CONNECTICUT FOR THE STATE OF ILLINOIS

WILLIAM TONG

Attorney General

MATTHEW I. LEVINE

Deputy Associate Attorney General

/s/ Scott N. Koschwitz

SCOTT N. KOSCHWITZ

Assistant Attorney General

165 Capitol Avenue

Hartford, CT 06106

Telephone: (860) 808-5250

Fax: (860) 808-5386

[Scott.Koschwitz@ct.gov](mailto:Scott.Koschwitz@ct.gov)

KWAME RAOUL

Attorney General

MATTHEW J. DUNN

Chief, Environmental Enforcement

Asbestos Litigation Division

/s/ Jason E. James

JASON E. JAMES

Assistant Attorney General

Office of the Attorney General

201 West Pointe Drive, Suite 7

Belleville, IL 62226

Tel: (872) 276-3583

[jason.james@ilag.gov](mailto:jason.james@ilag.gov)

## FOR THE STATE OF HAWAII

HOLLY T. SHIKADA

Attorney General

/s/ Lyle T. Leonard

LYLE T. LEONARD\*

Deputy Attorney General

465 S. King Street, #200

Honolulu, Hawaii 96813

(808) 587-3050

[lyle.t.leonard@hawaii.gov](mailto:lyle.t.leonard@hawaii.gov)

\*D.C. Circuit admission pending

## FOR THE STATE OF MAINE

AARON M. FREY

Attorney General

/s/ Kate E. Tierney

KATE E. TIERNEY

Assistant Attorney General

6 State House Station

Augusta, ME 04333

Telephone: (207) 626-8897

Fax: (207) 626-8812

[katherine.tierney@maine.gov](mailto:katherine.tierney@maine.gov)

## FOR THE STATE OF MARYLAND

BRIAN E. FROSH  
Attorney General

/s/ Cynthia M. Weisz

CYNTHIA M. WEISZ  
Assistant Attorney General  
Office of the Attorney General  
Maryland Department of the Environment  
1800 Washington Blvd.  
Baltimore, MD 21230  
(410) 537-3014  
[cynthia.weisz2@maryland.gov](mailto:cynthia.weisz2@maryland.gov)

JOSHUA M. SEGAL  
Special Assistant Attorney General  
Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202  
(410) 576-6446  
[jsegal@oag.state.md.us](mailto:jsegal@oag.state.md.us)

## FOR THE STATE OF NEVADA

AARON D. FORD  
Attorney General

/s/ Heidi Parry Stern  
HEIDI PARRY STERN  
Solicitor General  
DANIEL P. NUBEL  
Deputy Attorney General  
Office of the Nevada Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
[HStern@ag.nv.gov](mailto:HStern@ag.nv.gov)

## FOR THE STATE OF MINNESOTA

KEITH ELLISON  
Attorney General

/s/ Peter Surdo

PETER N. SURDO  
Special Assistant Attorney General  
445 Minnesota Street, Suite 1400  
St. Paul, Minnesota 55101-2127  
(651) 757-1061  
[peter.surdo@ag.state.mn.us](mailto:peter.surdo@ag.state.mn.us)

## FOR THE STATE OF NEW JERSEY

MATTHEW J. PLATKIN  
Acting Attorney General

/s/ Lisa J. Morelli  
LISA J. MORELLI  
DANIEL RESLER  
RACHEL MANNING  
Deputy Attorneys General  
New Jersey Division of Law  
25 Market Street  
Trenton, New Jersey 08625  
Tel: (609) 376-2745  
[Lisa.Morelli@law.njoag.gov](mailto:Lisa.Morelli@law.njoag.gov)

## FOR THE STATE OF NEW MEXICO

HECTOR BALDERAS  
Attorney General

/s/ Bill Grantham

BILL GRANTHAM  
Assistant Attorney General  
Attorney General of New Mexico  
408 Galisteo St.  
Villagra Bldg.  
Sante Fe, NM 87501  
Tel: (505) 717-3520  
[wgrantham@nmag.gov](mailto:wgrantham@nmag.gov)

FOR THE STATE OF NORTH  
CAROLINA

JOSHUA H. STEIN  
Attorney General  
DANIEL S. HIRSCHMAN  
Senior Deputy Attorney General

/s/ Asher P. Spiller

ASHER P. SPILLER  
Special Deputy Attorney General  
ASHTON ROBERTS  
Assistant Attorney General  
North Carolina Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
Telephone: (919) 716-6400

## FOR THE STATE OF NEW YORK

LETITIA JAMES  
Attorney General

YUEH-RU CHU  
Chief, Affirmative Litigation Section  
Environmental Protection Bureau  
AUSTIN THOMPSON  
ASHLEY GREGOR  
Assistant Attorneys General

/s/ Gavin G. McCabe

GAVIN G. MCCABE  
Assistant Attorney General  
28 Liberty Street, 19th Floor  
New York, NY 10005  
Telephone: (212) 416-8469  
[gavin.mccabe@ag.ny.gov](mailto:gavin.mccabe@ag.ny.gov)

## FOR THE STATE OF OREGON

ELLEN F. ROSENBLUM  
Attorney General

/s/ Paul Garrahan

PAUL GARRAHAN  
Attorney-in-Charge  
STEVE NOVICK  
Special Assistant Attorney General  
Natural Resources Section  
Oregon Department of Justice  
1162 Court Street NE  
Salem, Oregon 97301-4096  
(503) 947-4540  
[Paul.Garrahan@doj.state.or.us](mailto:Paul.Garrahan@doj.state.or.us)  
[Steve.Novick@doj.state.or.us](mailto:Steve.Novick@doj.state.or.us)



FOR THE STATE OF RHODE ISLAND      FOR THE STATE OF VERMONT

PETER F. NERONHA  
Attorney General

*/s/ Nicholas M. Vaz*

NICHOLAS M. VAZ  
Special Assistant Attorney General  
Office of the Attorney General  
Environmental and Energy Unit  
150 South Main Street  
Providence, Rhode Island 02903  
Telephone: (401) 274-4400 ext. 2297  
[nvaz@riag.ri.gov](mailto:nvaz@riag.ri.gov)

SUSANNE R. YOUNG  
Attorney General

*/s/ Nicholas F. Persampieri*

NICHOLAS F. PERSAMPIERI  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609  
(802) 828-3171  
[nick.persampieri@vermont.gov](mailto:nick.persampieri@vermont.gov)

FOR THE STATE OF WASHINGTON

ROBERT W. FERGUSON  
Attorney General

*/s/ Christopher H. Reitz*

CHRISTOPHER H. REITZ  
Assistant Attorney General  
Office of the Attorney General  
P.O. Box 40117  
Olympia, WA 98504  
Telephone: (360) 586-4614  
[chris.reitz@atg.wa.gov](mailto:chris.reitz@atg.wa.gov)

FOR THE COMMONWEALTH  
OF MASSACHUSETTS

MAURA HEALEY  
Attorney General

CHRISTOPHE COURCHESNE  
Assistant Attorney General and Deputy  
Chief

MEGAN M. HERZOG  
Special Assistant Attorney General

*/s/ Matthew Ireland*

MATTHEW IRELAND  
Assistant Attorney General  
Office of the Attorney General  
Energy and Environment Bureau  
One Ashburton Place, 18th Floor  
Boston, MA 02108  
Telephone: (617) 727-2200  
[matthew.ireland@mass.gov](mailto:matthew.ireland@mass.gov)

FOR THE COMMONWEALTH OF  
PENNSYLVANIA

JOSH SHAPIRO  
Attorney General  
MICHAEL J. FISCHER  
Executive Deputy Attorney General

/s/ Ann R. Johnston

ANN R. JOHNSTON  
Senior Deputy Attorney General  
Office of Attorney General  
1600 Arch St. Suite 300  
Philadelphia, PA 19103  
Telephone: (215) 560-2171  
[ajohnston@attorneygeneral.gov](mailto:ajohnston@attorneygeneral.gov)

## FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE  
Attorney General

/s/ Caroline S. Van Zile

CAROLINE S. VAN ZILE  
Solicitor General  
Office of the Attorney General for the  
District of Columbia  
400 6th Street, NW, Suite 8100  
Washington, D.C. 20001  
Telephone: (202) 724-6609  
Fax: (202) 741-0649  
[Caroline.VanZile@dc.gov](mailto:Caroline.VanZile@dc.gov)

## FOR THE CITY OF LOS ANGELES

MICHAEL N. FEUER  
Los Angeles City Attorney  
MICHAEL J. BOSTROM  
Assistant City Attorney

/s/ Michael J. Bostrom

Michael J. Bostrom  
Assistant City Attorney  
200 N. Main Street, 6<sup>th</sup> Floor  
Los Angeles, CA 90012  
Telephone: (213) 978-1867  
Fax: (213) 978-2286  
[Michael.Bostrom@lacity.org](mailto:Michael.Bostrom@lacity.org)

Mark W. Redman  
BMW GROUP  
Corporate Counsel  
AJ-NA  
300 Chestnut Ridge Road  
Woodcliff Lake, NJ 07677-7731  
(201) 307-3610  
mark.redman@bmwna.com

David M. Lehn  
WILMER CUTLER PICKERING HALE &  
DORR LLP  
1875 Pennsylvania Ave. NW  
Washington, DC 20006  
(202) 663-6000  
david.lehn@wilmerhale.com

Benjamin Hanna  
Chaz Kelsh  
WILMER CUTLER PICKERING HALE &  
DORR LLP  
617-526-6000  
benjamin.hanna@wilmerhale.com  
chaz.kelsh@wilmerhale.com

*Counsel for BMW of North America, LLC*

Kenneth J. Markowitz  
Stacey H. Mitchell  
Pratik A. Shah  
AKIN GUMP STRAUSS HAUER AND FELD  
2001 K Street NW  
Washington, DC 20006-1037  
(202) 887-4000  
kmarkowitz@akingump.com  
shmitchell@akingump.com  
pshah@akingump.com

*Counsel for Volkswagen Group of  
America*

/s/ Elisabeth S. Theodore  
Jonathan S. Martel  
Elisabeth S. Theodore  
Ethan G. Shenkman  
ARNOLD & PORTER KAYE SCHOLER LLP  
601 Massachusetts Ave. NW  
Washington, DC 20001-3743  
(202) 942-5000  
jonathan.martel@arnoldporter.com  
elisabeth.theodore@arnoldporter.com  
ethan.shenkman@arnoldporter.com

Steven Croley  
Chief Policy Officer and General Counsel  
FORD MOTOR COMPANY  
One American Road  
Dearborn, MI 48126-2798  
(313) 480-8803  
scroley@ford.com

Evan Belser  
Policy Strategist and Managing Counsel  
Office of General Counsel  
FORD MOTOR COMPANY  
801 Pennsylvania Ave NW, Suite 400  
Washington, DC 20004  
(202) 997-0217  
ebelser1@ford.com

*Counsel for Ford Motor Company*

Michael Thomas  
Legal Director and Secretary  
Volvo Car USA LLC  
1800 Volvo Place  
Mahwah, NJ 07430

John W. (Jack) Alden Jr.  
Associate General Counsel  
American Honda Motor Co., Inc.  
1919 Torrance Blvd., MS 300-2-1D  
(310) 291-0389  
jack\_alden@na.honda.com

*Counsel for American Honda Motor  
Co., Inc.*

(201) 981-9486  
michael.thomas@volvocars.com

*Counsel for Volvo Car USA LLC*

/s/ Stacey L. VanBelleghem  
Stacey L. VanBelleghem  
LATHAM & WATKINS  
555 11th Street NW, Suite 1000  
Washington, D.C. 20004  
Tel: (202) 637-2200  
Fax: (202) 637-2201  
Email: [stacey.vanbelleghem@lw.com](mailto:stacey.vanbelleghem@lw.com)

*Counsel for Respondent-Intervenor  
National Coalition for  
Advanced Transportation*

/s/ Kevin Poloncarz  
Kevin Poloncarz  
Martin Levy  
COVINGTON & BURLING LLP  
Salesforce Tower  
415 Mission Street, 54th Floor  
San Francisco, CA 94105-2533  
(415) 591-7070  
[kpoloncarz@cov.com](mailto:kpoloncarz@cov.com)

*Counsel for Advanced Energy  
Economy, Calpine Corporation,  
National Grid USA, New York Power  
Authority, and Power Companies  
Climate Coalition*

/s/ Sean H. Donahue

Sean H. Donahue  
Donahue & Goldberg, LLP  
1008 Pennsylvania Avenue SE  
Washington, DC 20003  
(202) 277-7085  
sean@donahuegoldberg.com

Vickie L. Patton  
Peter Zalzal  
Alice Henderson

Andrew Su  
Environmental Defense Fund  
2060 Broadway, Ste. 300  
Boulder, CO 80302  
(303) 447-7214  
vpatton@edf.org

*Counsel for Environmental Defense  
Fund*

/s/ Jay Duffy

Jay Duffy  
Ann Brewster Weeks  
Clean Air Task Force  
114 State Street, 6th Floor  
Boston, MA 02109  
(802) 233-7967  
jduffy@catf.us

*Counsel for Clean Air Council and  
National Parks Conservation  
Association*

/s/ Ian Fein

Ian Fein  
Natural Resources Defense Council  
111 Sutter Street, 21st Floor  
San Francisco, CA 94104  
(415) 875-6100  
ifein@nrdc.org

/s/ Scott Hochberg

Scott Hochberg  
Center for Biological Diversity  
1212 Broadway, Suite 800  
Oakland, CA 94612  
(510) 844-7119  
shochberg@biologicaldiversity.org

*Counsel for Center for Biological  
Diversity*

/s/ Emily K. Green

Emily K. Green  
Conservation Law Foundation  
53 Exchange Street, Suite 200  
Portland, ME 04101  
(207) 210-6439  
egreen@clf.org

*Counsel for Conservation Law  
Foundation*

/s/ Ann Jaworski

Ann Jaworski  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1600  
Chicago, IL 60601  
(312) 795-3711  
ajaworski@elpc.org

*Counsel for Environmental Law &  
Policy Center*

/s/ Scott L. Nelson

Scott L. Nelson  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009  
(202) 588-1000  
snelson@citizen.org

David D. Doniger  
Benjamin Longstreth  
Natural Resources Defense Council  
1152 15th Street NW, Suite 300  
Washington, DC 20005  
(202) 289-6868  
ddoniger@nrdc.org  
*Counsel for Natural Resources Defense  
Council, Inc.*

*/s/ Jessica Anne Morton*  
Jessica Anne Morton  
Sarah R. Goetz  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, DC 20043  
(202) 448-9090  
[jmorton@democracyforward.org](mailto:jmorton@democracyforward.org)

*Counsel for Union of Concerned  
Scientists*

*Counsel for Public Citizen, Inc.*

*/s/ Joanne Spalding*  
Joanne Spalding  
Andrea Issod  
Sierra Club  
2101 Webster Street, Suite 1300  
Oakland, CA 94612  
(415) 977-5725  
joanne.spalding@sierraclub.org

Josh Berman  
Sierra Club  
50 F Street NW, 8th Floor  
Washington, DC 20001  
(202) 650-6062  
josh.berman@sierraclub.org

Vera Pardee  
726 Euclid Avenue  
Berkeley, CA 94708  
(858) 717-1448  
pardeelaw@gmail.com

Paul Cort  
Regina Hsu  
Earthjustice  
50 California Street, Suite 500  
San Francisco, CA 94111  
(415) 217-2000  
pcort@earthjustice.org  
rhsu@earthjustice.org

*Counsel for Sierra Club*

### **Certificates of Compliance and Service**

I certify that this filing complies with Fed. R. App. P. 27(d)(1)(E) because it uses 14-point Times New Roman, a proportionally spaced font.

I also certify that this filing complies with Fed. R. App. P. 27(d)(2)(A), because by Microsoft Word's count, it has 973 words, excluding the parts exempted under Fed. R. App. P. 32(f).

Finally, I certify that on August 11, 2022, I filed the foregoing with the Court's CMS/ECF system, which will notify each party.

*/s/ Sue Chen*

Sue Chen