

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
**IN THE UNITED STATES COURT OF APPEALS
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FILED
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RECEIVED
CHAMBER OF COMMERCE OF THE UNITED)
STATES OF AMERICA,)
NATIONAL ASSOCIATION OF MANUFACTURERS,)
AMERICAN PETROLEUM INSTITUTE,)
UTILITY AIR REGULATORY GROUP,)
PORTLAND CEMENT ASSOCIATION,)
AMERICAN COKE AND COAL CHEMICALS)
INSTITUTE,)
INDEPENDENT PETROLEUM ASSOCIATION OF)
AMERICA,)
NATIONAL OILSEED PROCESSORS ASSOCIATION,)
and)
AMERICAN FUEL & PETROCHEMICAL)
MANUFACTURERS,)

Petitioners,)

v.)

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY and)
GINA McCARTHY, Administrator, United States)
Environmental Protection Agency,)

Respondents.)

15-1491


No. _____

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act (42 U.S.C. § 7607(b)(1))
and Rule 15(a) of the Federal Rules of Appellate Procedure, the Chamber of
Commerce of the United States of America, the National Association of

Manufacturers, the American Petroleum Institute, the Utility Air Regulatory Group, the Portland Cement Association, the American Coke and Coal Chemicals Institute, the Independent Petroleum Association of America, the National Oilseed Processors Association, and the American Fuel & Petrochemical Manufacturers hereby petition this Court to review the final nationally applicable rule of the United States Environmental Protection Agency entitled “National Ambient Air Quality Standards for Ozone,” published in the *Federal Register* at 80 Fed. Reg. 65292 (October 26, 2015)

Respectfully submitted,



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Petroleum Inst., Portland Cement
Ass’n, American Coke & Coal
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Petroleum Ass’n of America, and
National Oilseed Producers Ass’n*

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Dated: December 23, 2015

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AMERICAN COKE AND COAL CHEMICALS INSTITUTE,
INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA,
NATIONAL OILSEED PROCESSORS ASSOCIATION,
and
AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS,

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GINA McCARTHY, Administrator, United States Environmental Protection Agency,

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PETITIONERS' RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, the above-referenced Petitioners make the following statements:

The Chamber of Commerce of the United States of America (the “Chamber”) states that it is the world’s largest business federation. It is a national not-for-profit trade association that represents 300,000 direct members and indirectly represents the interests of more than 3 million companies, state and local chambers, and trade associations of every size, in every industry sector, and from every region of the country. The Chamber has no parent corporation, and no publicly held company has 10% or greater ownership in the Chamber.

The National Association of Manufacturers (“NAM”) states that it is the largest manufacturing association in the United States. It is a national not-for-profit trade association representing small and large manufacturers in every industrial sector and in all 50 states. The NAM is the powerful voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States. The NAM has no parent corporation, and no publicly held company has 10% or greater ownership in the NAM.

The American Petroleum Institute (“API”) states that it is a national not-for-profit trade association representing over 590 oil and natural gas companies, leaders of a technology-driven industry that supplies most of America’s energy, supports more than 9.8 million jobs and 8% of the U.S. economy, and, since 2000, has invested nearly \$2 trillion in U.S. capital projects to advance all forms of

energy, including alternatives. API has no parent corporation, and no publicly held company owns a 10% or greater interest in API.

The Utility Air Regulatory Group (“UARG”) states that it is a group of individual electric generating companies and national trade associations. UARG participates on behalf of its members collectively in administrative proceedings that affect electric generators under the Clean Air Act and in litigation arising from those proceedings. UARG has no outstanding shares or debt securities in the hands of the public and has no parent company. No publicly held company has a 10% or greater ownership interest in UARG.

The Portland Cement Association (“PCA”) states that it is a national not-for-profit trade association representing companies responsible for more than 80% of cement-making capacity in the United States. Its members operate manufacturing plants in 35 states, with distribution centers in all 50 states. PCA conducts market development, engineering, research, education, technical assistance, and public affairs programs on behalf of its members. PCA has no parent corporation, and no publicly held company owns a 10% or greater interest in PCA.

The American Coke and Coal Chemicals Institute (“ACCCI”) states that, founded in 1944, it is an international trade association that represents 100% of the U.S. producers of metallurgical coke used for iron and steelmaking, and 100% of the Nation’s producers of coal chemicals, who combined have operations in 12

states. It also represents chemical processors, metallurgical coal producers, coal and coke sales agents, and suppliers of equipment, goods, and services to the industry. ACCCI has no parent corporation, and no publicly held company has 10% or greater ownership in ACCCI.

The Independent Petroleum Association of America (“IPAA”) states that it is a national not-for-profit trade association that represents the thousands of independent oil and natural gas producers and service companies across the United States. Independent producers develop 90% of American oil and gas wells, produce 54% of American oil, and produce 85% of American natural gas. IPAA has over 6,000 members, including companies that produce oil and natural gas ranging in size from large publicly traded companies to small businesses, companies that support this production such as drilling contractors, service companies, and financial institutions. IPAA has no parent corporation, and no publicly held company owns a 10% or greater interest in IPAA.

The National Oilseed Processors Association (“NOPA”) states that it is a national not-for-profit trade association that represents 12 companies engaged in the production of vegetable meals and vegetable oils from oilseeds, including soybeans. NOPA’s member companies process more than 1.6 billion bushels of oilseeds annually at 63 plants in 19 states, including 57 plants which process

soybeans. NOPA has no parent corporation, and no publicly held company has 10% or greater ownership in NOPA.

The American Fuel & Petrochemical Manufacturers (“AFPM”) states that it is a national not-for-profit trade association whose members comprise more than 400 companies, including virtually all United States refiners and petrochemical manufacturers, and supply consumers with a wide range of products and services that are used daily in homes and businesses. AFPM has no parent corporation, and no publicly held company owns a 10% or greater interest in AFPM.


These associations’ members will be significantly impacted by the United States Environmental Protection Agency’s rule challenged by this petition, which established revised National Ambient Air Quality Standards for Ozone (80 Fed. Reg. 65292, October 26, 2015) under the Clean Air Act and will have substantial impacts on all sectors of the United States economy. As such, these petitioners have a strong interest in ensuring that this rule satisfies applicable legal requirements.

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Ass'n, American Coke & Coal
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National Oilseed Producers Ass'n*

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2015, I served one copy of the foregoing Petition for Review and Petitioners' Rule 26.1 Disclosure Statement on each of the following:

The Honorable Gina McCarthy
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