

ORAL ARGUMENT NOT YET SCHEDULED

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**AMERICAN LUNG ASSOCIATION,
et al.,*Petitioners,*

v.

ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,*Respondents.*§
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§No. 19-1140
and consolidated cases**STATEMENT OF ISSUES TO BE RAISED****ISSUE 1**

Whether EPA was required to proceed under Section 108 of the Clean Air Act rather than under Section 111 in order to regulate carbon dioxide emissions from stationary sources because carbon dioxide is a ubiquitous substance that is emitted into the “ambient air” from “numerous or diverse” sources. 42 U.S.C. § 7408(a)(1).

ISSUE 2

Whether EPA failed to make an endangerment finding for carbon dioxide under the proper legal standard when issuing the ACE Rule, which is a prerequisite to regulating emissions from any stationary source category under Section 111. EPA relied on the endangerment finding it made in 2009 in connection with mobile source

emissions under Section 202, under a different standard than that required for endangerment findings under Section 111.

ISSUE 3

Whether EPA violated the Clean Air Act by regulating emissions from stationary sources under Section 111 in the ACE Rule when emissions from such sources are already regulated under Section 112.

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Respectfully submitted,

/s/ Ryan D. Walters

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed October 7, 2019 with the Clerk of Court using the CM/ECF system, which will send a notification to the attorneys of record in this matter, who are registered with the CM/ECF system.

/s/ Ryan D. Walters

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