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

UNION OF CONCERNED SCIENTISTS et al.,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,

Respondent,

ASSOCIATION OF GLOBAL AUTOMAKERS, INC., et al.,

Intervenors for Respondent,

STATE OF OHIO et al.,

Movant-Intervenors for Respondent,

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Petitioners in Case Nos. 19-1230 and 19-1243 (Center for Biological Diversity; Chesapeake Bay Foundation, Inc.; Communities for a Better Environment; Conservation Law Foundation; Environment America; Environmental Defense Fund; Environmental Law & Policy Center; Natural Resources Defense Council, Inc.; Public Citizen, Inc.; Sierra Club; and Union of Concerned Scientists) submit this provisional certificate in accordance with Circuit Rule 15(c)(3). This certificate reflects information on all consolidated cases.

A. Parties and amici.**Petitioners**

Petitioners in Case No. 19-1230 are Union of Concerned Scientists; Center for Biological Diversity; Conservation Law Foundation; Environment America; Environmental Defense Fund; Environmental Law & Policy Center; Natural Resources Defense Council, Inc; Public Citizen, Inc.; and Sierra Club.

Petitioners in Case No. 19-1239 are State of California, by and through Governor Gavin Newsom, Attorney General Xavier Becerra, and the California Air Resources Board; State of Colorado; State of Connecticut; State of Delaware; District of Columbia; State of Hawaii; State of Illinois; State of Maine; State of Maryland; Commonwealth of Massachusetts; People of the State of Michigan; State of Minnesota; State of Nevada; State of New Jersey; State of New Mexico; State of New York; State of North Carolina; State of Oregon; Commonwealth of Pennsylvania; State of Rhode Island; State of Vermont; Commonwealth of Virginia; State of Washington; State of Wisconsin; City of Los Angeles; and City of New York.

Petitioners in Case No. 19-1241 are South Coast Air Quality Management District; Bay Area Air Quality Management District; and Sacramento Metropolitan Air Quality Management District.

Petitioner in Case No. 19-1242 is National Coalition for Advanced Transportation.

Petitioners in Case No. 19-1243 are Sierra Club; Center for Biological Diversity; Chesapeake Bay Foundation, Inc.; Communities for a Better Environment; Conservation Law Foundation; Environment America; Environmental Defense Fund; Environmental Law & Policy Center; Natural Resources Defense Council, Inc.; Public Citizen, Inc.; and Union of Concerned Scientists.

Petitioners in Case No. 19-1245 are Calpine Corporation; Consolidated Edison, Inc.; National Grid USA; New York Power Authority; and Power Companies Climate Coalition.

Petitioner in Case No. 19-1246 is City and County of San Francisco.

Petitioner in Case No. 19-1249 is Advanced Energy Economy.

Respondents

National Highway Traffic Safety Administration is a respondent in Case Nos. 19-1230, -1239, -1241, -1242, -1245, and -1246.

Andrew Wheeler, in his official capacity as Administrator of the United States Environmental Protection Agency, is a respondent in Case Nos. 19-1239, -1241, -1242, -1243, -1246, and -1249.

United States Environmental Protection Agency is a respondent in Case Nos. 19-1239, -1241, -1242, -1243, -1245, -1246, and -1249.

Elaine L. Chao, in her official capacity as Secretary of the United States Department of Transportation, is a respondent in Case Nos. 19-1239, -1242, and -1246.

United States Department of Transportation is a respondent in Case Nos. 19-1239, -1242, -1245, and -1246.

James Owens, in his official capacity as Acting Administrator of the National Highway Traffic Safety Administration, is a respondent in Case Nos. 19-1241, -1242, and -1246.

Intervenors

Intervenors for respondents are Association of Global Automakers, Inc., and Coalition for Sustainable Automotive Regulation.

Movant-intervenors for respondents are American Fuel & Petrochemical Manufacturers; State of Ohio, State of Alabama, State of Alaska, State of Arkansas, State of Georgia, State of Indiana, State of Louisiana, State of Missouri, State of Nebraska, State of South Carolina, State of Texas, State of Utah, and State of West Virginia.

Amici curiae

No individuals or entities have sought leave to participate as *amicus curiae*.

Circuit Rule 26.1 disclosures for public-interest organization petitioners

1. Center for Biological Diversity is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Center for Biological Diversity is a national, nonprofit conservation organization incorporated under the laws of the State of Arizona and headquartered in Tucson, that is dedicated to the protection of endangered species and the environment.

2. Chesapeake Bay Foundation, Inc., is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Chesapeake Bay Foundation is a nonprofit, nonpartisan organization whose mission is to “Save the Bay” and keep it saved, as defined by reaching a 70 on the Chesapeake Bay Foundation’s Health Index. CBF is incorporated under the laws of Maryland with offices in Maryland, Pennsylvania, Virginia, and the District of Columbia.

3. Communities for a Better Environment is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Communities for a Better Environment is a nonprofit corporation with a mission of achieving environmental health and justice. Communities for a Better Environment works to secure clean air and reduce pollutant emissions in its members’ communities, and to address climate change emissions and impacts locally, regionally and beyond.

4. Conservation Law Foundation is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Conservation Law Foundation is a nonprofit, member-supported environmental organization whose vision is a healthy, thriving New England – for generations to come. It uses the law, science and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. Conservation Law Foundation is incorporated in the Commonwealth of Massachusetts with offices in Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island.

5. Environment America is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Environment America works for clean air, clean water, clean energy, wildlife and open spaces, and a livable climate. Environment America is incorporated under the laws of the state of Colorado, with headquarters in Denver, Colorado.

6. Environmental Defense Fund is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Environmental Defense Fund is a national non-profit organization that links science, economics, and law to create innovative, equitable, and cost-effective solutions to urgent environmental problems. Environmental Defense Fund is organized under the laws of the State of New York with its headquarters in New York City.

7. Environmental Law & Policy Center is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Environmental Law & Policy Center is a nongovernmental corporation that works to improve public health and to protect our natural resources across the Great Lakes states and the Midwest region. Environmental Law & Policy Center is incorporated under the laws of the State of Illinois with offices in Illinois, Iowa, Michigan, Minnesota, Ohio, Wisconsin, and Washington, D.C.

8. Natural Resources Defense Council, Inc., is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Natural Resources Defense Council is a nongovernmental corporation that engages in research, advocacy,

public education, and litigation to protect public health and the environment. Natural Resources Defense Council is a tax-exempt organization incorporated under the laws of the State of New York, with headquarters in New York City.

9. Public Citizen, Inc., is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Public Citizen is a nongovernmental corporation that engages in research, advocacy, media activity, and litigation related to advancing health and safety, consumer protection, and the environment, among other things. Public Citizen is incorporated in the District of Columbia and has its principal offices in Washington, D.C.

10. Sierra Club is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Sierra Club is a nongovernmental corporation whose mission is to explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's resources and ecosystems; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. Sierra Club is incorporated under the laws of the State of California, with its principal place of business in Oakland, California.

11. Union of Concerned Scientists is a nonstock corporation that does not issue shares or debt securities, and it has no parent companies. Union of Concerned Scientists is a nongovernmental corporation that puts rigorous, independent science to work to solve our planet's most pressing problems by combining technical analysis and effective

advocacy to create innovative, practical solutions for a healthy, safe, and sustain-able future. Union of Concerned Scientists is incorporated under the laws of Washington, D.C., with headquarters in the State of Massachusetts.

B. Rulings under review. The actions of the United States Environmental Protection Agency and National Highway Traffic Safety Administration challenged in these consolidated petitions for review are published at 84 Fed. Reg. 51,310 (Sept. 27, 2019).

C. Related cases. The United States District Court for the District of Columbia has consolidated the following cases, each of which challenges action of the National Highway Traffic Safety Administration referenced in the preceding paragraph:

California v. Chao, No. 1:19-cv-02826-KBJ (lead case)

Environmental Defense Fund v. Chao, 1:19-cv-02907-KBJ

South Coast Air Quality Management District v. Chao, 1:19-cv-03436-KBJ

Respectfully submitted,

/s/ Matthew Littleton

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