



reports at 90-day intervals beginning May 18, 2021, and ordered the parties to file motions to govern further proceedings on August 17, 2021. ECF No. 1885804.

On August 16, 2021, counsel for EPA informed counsel for the Environmental Petitioners that EPA planned to file a joint motion to govern with State Petitioners asking the Court to keep the case in abeyance for an additional 90-days—until November 15, 2021—to allow EPA to complete its review of the Airplane Rule, as directed by Executive Order 13990. Counsel for the Environmental Petitioners informed counsel for EPA that the Environmental Petitioners were opposed to continued abeyance.

EPA subsequently filed the Joint Motion to Continue Abeyance. ECF No. 1910367. The motion contains significant assurances. EPA states that “EPA expects to be able to identify its path forward on the Rule within the next three months,” *id.* at 2; that a three-month extension would allow EPA to “announce to the public, the parties, and the Court its intended path forward,” *id.* at 4; and that “[k]eeping this case in abeyance for an additional 90 days will allow EPA to complete its review of the Airplane Rule and coordinate a final decision between EPA leadership and, as appropriate, leadership at the White House or other federal agencies,” *id.* at 5. “State Petitioners agree and join this motion on the understanding that EPA will provide the parties and the Court with its decision

whether to repeal, revise, or reconsider the Airplane Rule by the end of that 90-day period.” *Id.* at 2.

In light of these detailed assurances, Environmental Petitioners withdraw their opposition to the Joint Motion with the understanding that EPA will provide Environmental Petitioners with its decision whether to repeal, revise, or reconsider the Airplane Rule no later than Monday, November 15, 2021. Environmental Petitioners reserve the right to oppose any further abeyance.

Respectfully submitted,

DATED: August 17, 2021

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## CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Environmental Petitioners' Statement of Non-Opposition to Joint Motion to Continue Abeyance complies with the requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in 14-point Times New Roman font, a proportionally spaced font.

I further certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(2)(A) because it contains approximately 430 words, excluding exempted portions, according to the count of Microsoft Word.

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**CERTIFICATE OF SERVICE**

I, Sarah Burt, hereby certify that the foregoing Environmental Petitioners' Statement of Non-Opposition to Joint Motion to Continue Abeyance has been served through the Court's CM/ECF system on all registered counsel this 17<sup>th</sup> day of August, 2021.

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