

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CENTER FOR BIOLOGICAL DIVERSITY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 16-0681 (ABJ)
	)	
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ORDER**

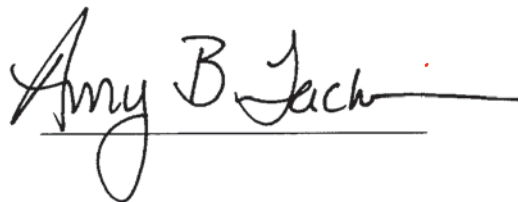
On April 12, 2016, the Center for Biological Diversity and Friends of the Earth brought this action pursuant to the Clean Air Act, 42 U.S.C. § 7604(a), challenging the EPA’s allegedly unreasonable delay in promulgating regulations concerning certain types of aircraft emissions. Compl. [Dkt. # 1]. In Count I, they alleged that “EPA’s failure to finally determine whether emissions of greenhouse gases from aircraft engines cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare . . . constitutes unreasonable delay under 42 U.S.C. § 7604(a).” *Id.* ¶ 43. And in Count II, they claimed that “EPA’s failure to propose and finalize emission standards” for such emissions similarly “constitutes unreasonable delay.” *Id.* ¶ 46. Plaintiffs asked the Court to declare that EPA’s delay in issuing a final determination regarding aircraft emissions was unreasonable and to “direct EPA to issue such a determination within 30 days after entry of this Court’s judgment.” *Id.*, Prayer for Relief ¶ A. Plaintiffs also requested that the Court direct EPA, if it made the endangerment finding, to “initiate rulemaking . . . to establish standards to limit such emissions and direct EPA to propose such standards within 30 days after entry of this Court’s judgment.” *Id.*, Prayer for Relief ¶ B.

On July 25, 2016, EPA Administrator Gina McCarthy signed a final rule entitled “Finding that Greenhouse Gas Emissions from Aircraft Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare.” EPA, Final Rule (July 26, 2016), *available at* <https://www3.epa.gov/otaq/documents/aviation/aircraft-ghg-fr-2016-07-25.pdf> (“Final Rule”). The summary of the Final Rule notes that the Administrator “finds that emissions of . . . six well-mixed greenhouse gases from certain classes of engines used in certain aircraft are contributing to the air pollution . . . that endangers public health and welfare under [Clean Air Act] section 231(a)(2)(A).” *Id.* at 1–2.

In light of the publication of the EPA’s Final Rule regarding aircraft emissions, and the well-established principle that “[f]ederal courts lack jurisdiction to decide moot cases because their constitutional authority extends only to actual cases or controversies,” *Ameziane v. Obama*, 699 F.3d 488, 492 (D.C. Cir. 2012), quoting *Larsen v. U.S. Navy*, 525 F.3d 1, 4 (D.C. Cir. 2008), it is

**ORDERED** that by August 5, 2016, plaintiffs shall show cause why this matter should not be dismissed pursuant to Rule 12(b)(1), in whole or in part, for lack of subject matter jurisdiction.

**SO ORDERED.**

A handwritten signature in black ink that reads "Amy B. Jackson". The signature is written in a cursive style and is positioned above a horizontal line.

AMY BERMAN JACKSON  
United States District Judge

DATE: July 27, 2016