

ORAL ARGUMENT OCCURRED OCTOBER 8, 2020
JUDGMENT AND OPINION ISSUED JANUARY 19, 2021

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

AMERICAN LUNG ASSOCIATION, ET AL.,

Petitioners,

v.

ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

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) No. 19-1140 and
) consolidated cases
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STATUS REPORT

1. The consolidated petitions for review in this case challenged three rules: the Clean Power Plan (CPP) Repeal Rule; the Affordable Clean Energy (ACE) Rule which established emissions guidelines for existing coal-fired power plants under the Clean Air Act, 42 U.S.C. § 7411(d); and updated regulations for implementation of emissions guidelines under Section 7411(d). *See* 84 Fed. Reg. 32,520 (July 8, 2019).

2. On January 19, 2021, this Court issued its decision, vacating the CPP Repeal Rule, the ACE Rule, and the challenged timing

provisions within the implementing regulations. See ACE Decision, Doc. Id. No. 1880546. The decision did not specifically address whether the CPP should be reinstated upon vacatur of the CPP Repeal Rule. *See id.*

3. On February 12, 2021, EPA filed a motion for partial stay of the issuance of the mandate. Doc. Id. No. 1885168. Specifically, EPA requested that the Court stay the issuance of the mandate for the vacatur of the Clean Power Plan Repeal Rule until EPA responds to the Court's remand in a new rulemaking action. *Id.* at 5.

4. The Court granted EPA's motion on February 22, 2021. Order, Doc. Id. No. 1886386. It further directed EPA to file status reports at 90-day intervals. Pursuant to this order, EPA states that administrative proceedings to respond to the Court's remand in a new rulemaking action are ongoing. EPA's next status report is due on April 18, 2022.

Respectfully submitted,

Dated: January 17, 2022

/s/ Meghan E. Greenfield

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was served on January 17, 2022, through the ECF filing system and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing.

/s/ Meghan E. Greenfield

Meghan E. Greenfield