

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

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AMERICAN LUNG ASSOCIATION, ET AL.,

*Petitioners,*

v.

ENVIRONMENTAL PROTECTION AGENCY,

*Respondent.*

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No. 19-1140 and  
consolidated cases

**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 timing provisions within the implementing regulations. *See* ACE Decision, Doc. Id. No. 1880546.

3. The Supreme Court granted certiorari, and issued its decision on June 30, 2022. The Supreme Court issued its judgment on August 1, 2022. Doc. Id. No. 1957250.

4. At this Court's direction, the parties then filed motions to govern. Doc. Id. No. 1964911. On October 27, 2022, the Court granted the joint motion to govern filed by EPA, and denied the motions filed by the State of North Dakota and Biogenic CO2 Coalition. Doc. Id. No. 1970895. It directed EPA to file status reports every 90 days. *Id.*

5. Pursuant to the October 27, 2022 order, EPA states that administrative proceedings for a new rulemaking action are ongoing.

Respectfully submitted,

Dated: February 13, 2023

/s/ Meghan E. Greenfield

MEGHAN E. GREENFIELD

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was served on February 13, 2023, 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