

No. 26-1037
(Consolidated with 26-1038, 26-1039
26-1043 & 26-1051)

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

AMERICAN PUBLIC HEALTH ASSOCIATION, ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
ET AL.,
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR

MOTION OF WESTERN STATES TRUCKING ASSOCIATION,
INC., CONSTRUCTION INDUSTRY AIR QUALITY COALITION,
INC., LIBERTY PACKING COMPANY, LLC, AND NUCKLES OIL
COMPANY, INC. DBA MERIT OIL COMPANY FOR LEAVE TO
INTERVENE AS RESPONDENTS

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Proposed Intervenor-Respondents Western States Trucking Association, Inc., Construction Industry Air Quality Coalition, Inc., Liberty Packing Company, LLC, and Nuckles Oil Co., Inc. dba Merit Oil Company make the following disclosures:

Western States Trucking (“WSTA”) is a non-profit California trade association representing the interests of thousands of members in a variety of businesses which own and operate on-road and non-road vehicles, engines, and equipment. WSTA has no parent companies, and no publicly held corporation has a ten percent or greater ownership in it.

Construction Industry Air Quality Coalition (“CIAQC”) is a nonprofit California trade association representing the interests of other California nonprofit trade associations and their members whose air emissions are regulated by California state, regional, and local regulations, as well as federal regulations. CIAQC does not have any parent corporations, and no publicly held corporation has a ten percent or greater ownership in it.

Liberty Packing Company LLC (“Liberty Packing”) is a California limited liability company. Liberty is a bulk processor of tomato products and relies on natural gas boilers for production of its tomato products. Liberty does not have any parent corporations, and no publicly held corporation has a ten percent or greater ownership in it.

Nuckels Oil Company, Inc. dba Merit Oil Company (“Merit Oil”) is a California corporation and is a petroleum jobber, wholesaler, and distributor. Merit Oil does not have any parent corporations, and no publicly held corporation has a ten percent or greater ownership in it.

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LIST OF ACRONYMS

CAA – Clean Air Act

CIAQC – Construction Industry Air Quality Coalition, Inc.

CO₂ – Carbon Dioxide

CPP – Clean Power Plan

E.O. – Executive Order

EPA – U.S. Environmental Protection Agency

GHG – Greenhouse Gas

SAB – Science Advisory Board

WSTA – Western States Trucking Association, Inc.

Pursuant to Federal Rules of Appellate Procedure 15(d) and 27 and D.C. Circuit Rules 15(d) and 27, Western States Trucking Association, Inc. (“WSTA”), Construction Industry Air Quality Coalition, Inc. (“CIAQC”), Liberty Packing Company, LLC (“Liberty Packing”), and Nuckles Oil Co., Inc. dba Merit Oil Company (“Merit Oil”) (collectively “Proposed Intervenor-Respondents”) respectfully move for leave to intervene in support of respondents U.S. Environmental Protection Agency (“EPA”) and EPA Administrator Lee Zeldin to defend the respondents’ (1) rescission of the 2009 Greenhouse Gas Endangerment Finding (“Endangerment Finding”); and (2) repeal of all greenhouse gas (“GHG”) emissions standards for light-duty, medium-duty, and heavy-duty vehicles and engines (“Mobile Source GHG Emissions Standards”). The Endangerment Finding and the Mobile Source GHG Emissions Standards have imposed substantial costs on Proposed Intervenor-Respondents, which the rescission and repeal annul. Through this motion, Proposed Intervenor-Respondents are seeking intervention in all petitions for review of the final rule rescinding the Endangerment Finding and repealing the Mobile Source GHG Emissions Standards. *See* D.C. Cir. R. 15(b).

Counsel for the Proposed Intervenor-Respondents contacted all parties in Case No. 26-1037 regarding this motion. Petitioners have informed counsel that they take no position on the motion. Respondents

have informed counsel that they reserve their position until they have reviewed the motion.

INTRODUCTION AND BACKGROUND

I. EPA Issues the 2009 Endangerment Finding and Regulations Based Thereon.

In 2009, EPA determined it had the authority to regulate greenhouse gas emissions under the Clean Air Act (“CAA”) and promulgated the Endangerment Finding under CAA section 202(a). 74 Fed. Reg. 66,496 (Dec. 15, 2009). EPA found that vehicle emissions of carbon dioxide (“CO₂”), CH₄, N₂O, HFCs, PFCs, and SF₆ together constitute a single “air pollutant” that contributes to harmful “air pollution.” *Id.* at 66,516, 66,519. In fact, automobiles do not emit two of the six (PFCs and SF₆) and emit two others (CH₄ and N₂O) only in minute amounts. The Endangerment Finding’s true target was CO₂, a ubiquitous natural substance essential to life on Earth.

EPA made the Endangerment Finding without input from the Science Advisory Board (“SAB”). In 1978, Congress directed the EPA Administrator to establish the SAB to function as a peer review panel of experts that ensures EPA’s actions are scientifically and technically sound and defensible. 42 U.S.C. § 4365(a). Section 4365’s operative language provides that EPA “shall” make its regulatory proposals available to the SAB for peer review. 42 U.S.C. § 4365(c)(1). The SAB submittal requirement applies to all regulatory proposals made by EPA

under the statutes it administers, including the CAA, and the submittal requirement is nondiscretionary. *Am. Petroleum Inst. v. Costle*, 665 F.2d 1176, 1188 (D.C. Cir. 1981). Yet “EPA did not submit the Endangerment Finding for review by its Science Advisory Board.” *Coalition for Responsible Reg., Inc. v. EPA*, 684 F.3d 102, 124 (D.C. Cir. 2012).

Instead, EPA relied almost exclusively on “assessment literature” generated by third parties that summarized their own views of global climate change science. The EPA Administrator “relied heavily” on the assessments of the United States Global Change Research Program, the Intergovernmental Panel on Climate Change, and the National Research Council as the “*primary* scientific and technical basis of her endangerment decision.” 74 Fed. Reg. at 66,510 (emphasis added). In response to comments calling on EPA to make “its own assessment of all of the underlying studies and information,” EPA refused, on the ground that it “ha[d] no reason to believe” the reports of the three organizations were inaccurate. *Id.* at 66,511.

EPA then used the Endangerment Finding to initiate an “aggressive transformation in the domestic energy industry.” *West Virginia v. EPA*, 597 U.S. 697, 714 (2022) (quoting a White House Fact Sheet). EPA first imposed stringent GHG emissions standards on new cars and trucks starting in model year 2012. Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards, 75 Fed. Reg. 25,234 (May 7, 2010); Greenhouse Gas

Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, 76 Fed. Reg. 57,106 (Sept. 15, 2011).

EPA also attempted to extend the Endangerment Finding to certain stationary sources emitting GHGs. In *Utility Air Regulatory Group v. EPA*, 573 U.S. 302 (2014), the Supreme Court largely rejected EPA's attempt to extend GHG standards to stationary sources subject to CAA Title I and Title V requirements. The Court held those regulations exceeded EPA's authority under the CAA, including because EPA admitted that it would be unworkable to apply the statutory scheme as written to GHG emissions from most covered stationary sources. *Id.* at 316–17, 320. The Court also rejected EPA's attempt to rewrite the statute by regulation. *Id.* at 328.

Further addressing GHG emissions standards from stationary sources, the Obama Administration's Clean Power Plan ("CPP") would have compelled power generators to shift away from coal and toward wind and solar power generation. *West Virginia*, 597 U.S. at 712–14. The CPP would have imposed billions in compliance costs and would have forced dozens of coal-fired power plants to close. *Id.* at 714. The CPP explicitly relied on the Endangerment Finding to support its requirements under the Clean Air Act. *Id.* at 711. Following the Supreme Court's *West Virginia* decision rejecting the CPP, the Biden Administration issued a replacement rule colloquially referred to as the "Clean Power Plan 2.0" that again relied on the Endangerment Finding.

New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units, 89 Fed. Reg. 39,798, 39,807 (May 9, 2024).¹

EPA also used the Endangerment Finding to justify further tightening of GHG emission standards for trucks and cars, set forth in two separate rulemakings: (1) Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3, 89 Fed. Reg. 29,440, 29,442, 29,460 (Apr. 22, 2024) [“Heavy Duty Phase 3 Rule”]; and (2) Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, 89 Fed. Reg. 27,842, 27,861 (Apr. 18, 2024) [“Light-Medium Duty Rule”]. Together, these two rules require that at least 45% of trucks and 70% of cars be all-electric by 2032. Heavy Duty Phase 3 Rule, 89 Fed. Reg. at 29,567–68; Light-Medium Duty Rule, 89 Fed. Reg. at 28,057.

In short, the Endangerment Finding triggered a cascade of regulations governing GHG emissions from numerous mobile and stationary sources.

¹ In 2025, EPA proposed rescinding the Clean Power Plan 2.0. Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units, 90 Fed. Reg. 25,752 (June 17, 2025) (Proposed Rule). That proposed rescission has not yet been finalized.

II. EPA's Endangerment Finding and Regulations Based Thereon Injure Proposed Intervenor-Respondents.

The Endangerment Finding and the Mobile Source GHG Emissions Standards it supports inflict serious harm on Proposed Intervenor-Respondents by increasing their costs. If EPA's rescission of those rules is vacated, they will continue to impose costs on Proposed Intervenor-Respondents. If the rescission is upheld, those costs will be eviscerated, thereby reducing or eliminating the harms caused to the Proposed Intervenor-Respondents by the Endangerment Finding and the Mobile Source GHG Emissions Standards.

Proposed Intervenor-Respondents WSTA and CIAQC are trade organizations whose members use light-, medium-, and heavy-duty trucks in the ordinary course of their businesses. *See* Brown Decl. ¶¶ 2–3, 5 and its Exs. A and B; Aboudi Decl. ¶¶ 2, 4 and its Ex. A; Lewis Decl. ¶ 2–3, 5 and its Exs. A and B; Santoro Decl. ¶ 2 and its Ex. A. The Endangerment Finding and the Mobile Source GHG Emissions Standards it supports—including the Light-Medium Duty Rule and Heavy Duty Phase 3 Rule—limit the availability of vehicles needed for WSTA and CIAQC members to profitably conduct their businesses.

Specifically, the Heavy Duty Phase 3 Rule's electric vehicle sales requirement imposes increased market scarcity of reliable and cost-effective diesel-powered heavy-duty vehicles, parts, and supplies necessary to maintaining a profitable fleet. *See* Brown Decl. at its Ex. B

¶¶ 10–13; Aboudi Decl. at its Ex. A ¶¶ 7–8; Lewis Decl. at its Ex. B ¶¶ 8–10. Each electric truck required by the Heavy Duty Phase 3 Rule costs approximately \$300,000 more to initially acquire and \$3,000 more yearly to operate as compared to diesel-powered trucks. Aboudi Decl. at its Ex. A ¶¶ 12–13. Additionally, as fewer diesel-powered heavy-duty vehicles remain on the road thanks to the knock-on effects of the Heavy Duty Phase 3 Rule, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease. *See* Brown Decl. at its Ex. B ¶ 14; Aboudi Decl. at its Ex. A ¶ 9; Lewis Decl. at its Ex. B ¶ 11. If WSTA and CIAQC’s members wish to continue operating, the Heavy Duty Phase 3 Rule would force them to purchase unreliable electric vehicles that often break down or catch fire. Further, there is no nationwide or even statewide charging infrastructure yet available for such vehicles. *See* Brown Decl. at its Ex. B ¶ 15; Aboudi Decl. at its Ex. A ¶ 10; Lewis Decl. at its Ex. B ¶ 12. Moreover, their employees will lose valuable time and be made to risk their lives due to these regulations. *See id.* The Light-Medium Duty Rule imposes similar types of injuries on WSTA and CIAQC members. Santoro Decl. at its Ex. A ¶¶ 7–10; Lewis Decl. at its Ex. A ¶¶ 4-13.

Proposed Intervenor-Respondent Merit Oil is a family business that has operated in California for three generations. Merit Oil stores, transports, and wholesales a variety of petroleum products, including gasoline, diesel fuels, solvents, and kerosene, and operates a number of

delivery trucks. These operations emit carbon dioxide, which is the single largest GHG subject to the Endangerment Finding and its Mobile Source GHG Emissions Standards.

Proposed Intervenor-Respondent Liberty Packing is a bulk processor of tomato products. The company relies on natural gas boilers to produce its tomato products and uses trucks to deliver them. Burning natural gas creates carbon dioxide as a byproduct, which is emitted by Liberty Packing's boilers. Its trucks also emit carbon dioxide. The Endangerment Finding provides the federal springboard for regulating the carbon dioxide emissions of Liberty Packing's boilers and mobile sources.

III. EPA Rescinds the 2009 Endangerment Finding and Mobile Source GHG Emission Standards.

In February 2026, EPA finalized a rule rescinding the Endangerment Finding. Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, 91 Fed. Reg. 7686 (Feb. 18, 2026) ("Rescission Rule"). This rule also repeals greenhouse gas emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines. *Id.* at 7686. The preamble to the Rescission Rule concludes: (1) EPA lacks the authority to regulate greenhouse gases under the major questions doctrine, *id.* at 7723, and (2) the CAA only allows EPA to

regulate air pollution that threatens public health or welfare through local or regional exposure, not global concerns, *id.* at 7711.

Proposed Intervenor-Respondents submitted comments to EPA supporting the proposed Rescission Rule on the ground that the Endangerment Finding did not undergo SAB review and, therefore, the Endangerment Finding was void *ab initio*. Additionally, Proposed Intervenor-Respondents commented that the recent Supreme Court decision in *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), required a reevaluation of *Massachusetts v. EPA*, 549 U.S. 497 (2007). Proposed Intervenor-Respondents argued that it was incumbent on EPA to base its rescission on the fact that a careful reading of *Loper Bright* shows that the *Massachusetts v. EPA* court improperly re-wrote the text of the CAA. In the final Rescission Rule, EPA essentially ignored these comments submitted by the Proposed Intervenor-Respondents.

IV. Procedural History

Petitioners filed the instant petition for review on the same day the Rescission Rule was published in the Federal Register. Proposed Intervenor-Respondents are filing their motion less than 30 days after the petition for review was filed. *See* Fed. R. App. P. 15(d).

ARGUMENT

I. **Proposed Intervenor-Respondents Are “Directly Affected” by the Endangerment Finding, the Mobile Source GHG Emissions Standards, and the Rescission Rule.**

Federal Rule of Appellate Procedure 15(d) requires a proposed intervenor to move for leave to intervene within 30 days and to state, “the interest of the moving party and the grounds for intervention.” Fed. R. App. P. 15(d); *see also Synovus Fin. Corp. v. Bd. of Gov’s. of Fed. Reserve Sys.*, 952 F.2d 426, 433 (D.C. Cir. 1991). A proposed intervenor that “ha[s] been directly affected by an application” of the rule at issue satisfies Rule 15(d)’s interest and grounds requirement. *See Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 744–45 (D.C. Cir. 1986).

The Proposed Intervenor-Respondents are “directly affected” by the Endangerment Finding, the Mobile Source GHG Emissions Standards, and the Rescission Rule. The Endangerment Finding designated carbon dioxide and other GHGs as a danger to “both the public health and the public welfare.” 74 Fed. Reg. at 66,496. The Mobile Source GHG Emissions Standards based on the Endangerment Finding, such as the Heavy Duty Phase 3 Rule, sought to reduce carbon dioxide and other GHG emissions. 89 Fed. Reg. at 29,442 (“These final regulations . . . will significantly reduce GHG emissions”). The Heavy Duty Phase 3 Rule also would have required 45% of trucks to be all-electric by 2032. *Id.* at 29,567–68.

WSTA and CIAQC members have been directly affected by the regulations at issue in this case. The Rescission Rule repeals the Heavy Duty Phase 3 Rule. 91 Fed. Reg. at 7745. If the Rescission Rule were invalidated, the Heavy Duty Phase 3 Rule would be reinstated and WSTA and CIAQC members would have to transition their fleets to electric vehicles. As explained above, each heavy-duty electric truck costs approximately \$300,000 more to acquire and \$3,000 more per year to operate as compared to diesel-powered trucks. Aboudi Decl. at its Ex. A ¶¶ 12–13. These substantial additional costs show that members of Proposed Intervenor-Respondents WSTA and CIAQC will be directly and negatively affected if the Rescission Rule is vacated. Therefore, the Court should grant intervention under Rule 15(d).

Another of the Proposed Intervenor-Respondents, Merit Oil, is a company that distributes via truck petroleum products. In addition to the greater costs required by the Mobile Source GHG Emissions Standards to replace Merit Oil's trucks, the Endangerment Finding and Heavy Duty Phase 3 Rule directly reduce demand for Merit Oil's petroleum products. The Supreme Court recently recognized that carbon dioxide emissions standards inflict a monetary injury-in-fact to fuel producers and distributors. *Diamond Alt. Energy, LLC v. EPA*, 606 U.S. 100, 113–14 (2025). Litigants need not “introduce evidence from expert economists or from directly regulated third parties” to prove a “predictable chain of events.” *Id.* at 121. Accordingly, under *Diamond Alternative Energy*,

Merit Oil has interests directly affected by the regulations at issue in this case.

Proposed Intervenor-Respondent Liberty Packing relies on natural gas boilers to produce its tomato products and uses trucks to deliver them. Burning natural gas creates carbon dioxide as a byproduct, which is emitted by Liberty Packing's boilers. Its trucks also emit carbon dioxide. The Endangerment Finding is the federal springboard for regulating the carbon dioxide that Liberty Packing's boilers and trucks emit.

Accordingly, Proposed Intervenor-Respondents have been "directly affected" by the Endangerment Finding and have an interest in preserving the Rescission Rule from the challenge posed by the Petitioners in the instant litigation and its consolidated cases.

II. The Court Should Grant the Motion to Intervene.

Although the Federal Rules of Civil Procedure "nominally apply only to 'procedure in the United States district courts,' Fed. R. Civ. P. 1, we apply them—specifically Rule 24—to interventions solely for purposes of appeal." *United States v. Am. Bar Assn.*, 118 F.3d 776, 779 (D.C. Cir. 1997). This Court and many others have looked to Rule 24's standards for guidance on whether to grant intervention under Rule 15(d). *See, e.g., Amalgamated Transit Union Int'l v. Donovan*, 771 F.2d 1551, 1553 n.3 (D.C. Cir. 1985); *Int'l Union v. Scofield*, 382 U.S. 205, 217 n.10 (1965); *Sierra Club, Inc. v. EPA*, 358 F.3d 516, 518 (7th Cir. 2004). The Proposed

Intervenor-Respondents meet Rule 24's standard for intervention both as of right and permissive intervention.

A. The Proposed Intervenor-Respondents are entitled to intervene as of right because they have legally protected interests at stake that are not adequately represented by the parties.

When considering intervention as of right under Rule 24, this Court considers four factors: “(1) timeliness, (2) cognizable interest, (3) impairment, and (4) lack of adequate representation.” *Williams & Humbert, Ltd. v. W. & H. Trade Marks, Ltd.*, 840 F.2d 72, 74 (D.C. Cir. 1988). “[T]he inquiry” into these factors “is a flexible one, which focuses on the particular facts and circumstances surrounding each application.” *Edwards v. City of Houston*, 78 F.3d 983, 999 (5th Cir. 1996); *see also Garcia v. Vilsack*, 304 F.R.D. 77, 82 n.9 (D.D.C. 2014), *aff'd*, 14-5175, 2014 WL 6725751 (D.C. Cir. Nov. 18, 2014) (noting that the D.C. Circuit endorsed a “flexible approach” to intervention).

1. This motion is timely because it meets Rule 15(d)'s 30-day requirement.

Timeliness is a threshold requirement. *Amador Cty. v. U.S. Dep't of the Interior*, 772 F.3d 901, 903 (D.C. Cir. 2014). Under Rule 24, timeliness considers all of the circumstances, with a particular eye toward the time elapsed since the suit began. *Id.* Here, Rule 15(d) gives a specific timeliness standard: the motion “must be filed within 30 days after the petition for review is filed.” Fed. R. App. P. 15(d). This motion was filed within the 30-day period. Because Rule 15(d) requires filing the motion

near the commencement of the case, it would also meet Rule 24's timeliness requirement. *See Amador Cty.*, 772 F.3d at 903. Accordingly, this motion is timely.

2. Proposed Intervenor-Respondents' Article III standing meets Rule 24's interest requirement.

The second Rule 24 factor weighs the Proposed Intervenor-Respondents' interests in the case. "Article III standing satisfies second element of Rule 24(a)(2)." *Wildlife v. Perciasepe*, 714 F.3d 1317, 1323 (D.C. Cir. 2013) (citing *Jones v. Prince George's Cnty., Md.*, 348 F.3d 1014, 1018–19 (D.C. Cir. 2003)).

WSTA and CIAQC have Article III standing. The electric trucks the Heavy Duty Phase 3 Rule requires cost approximately \$300,000 more in acquisition costs and \$3,000 more per year in operational costs as compared to diesel-powered trucks. Aboudi Decl. at its Ex. A ¶¶ 12–13. Operating these trucks will make WSTA and CIAQC's members less profitable. *See* Brown Decl. at its Ex. B ¶¶ 10–13; Aboudi Decl. at its Ex. A ¶¶ 7–8; Lewis Decl. at its Ex. B ¶¶ 8–10. "Those monetary costs 'are of course an injury.'" *Diamond Alt. Energy*, 606 U.S. at 114 (quoting *United States v. Texas*, 599 U.S. 670, 676 (2023)). Accordingly, keeping the Mobile Source GHG Emissions Standards repealed will result in at least "one dollar' of additional revenue" for WSTA and CIAQC's members. *Id.* WSTA and CIAQC members thus have an injury in fact.

WSTA and CIAQC can assert associational standing on behalf of its members. “An association only has standing to bring suit on behalf of its members when [1] its members would otherwise have standing to sue in their own right, [2] the interests it seeks to protect are germane to the organization’s purpose, and [3] neither the claim asserted nor the relief requested requires the participation of individual members.” *Wildlife*, 714 F.3d at 1323. William Aboudi’s declaration describes the injuries faced by WSTA member Oakland Port Services, specifically under the heavy-duty standards. Aboudi Decl. at its Ex. A ¶¶ 2, 7–8, 12–13. Thomas Santoro’s declaration describes injuries faced by WSTA member Santoro Transportation, Inc. under the Light-Medium Duty Rule. Santoro Decl. at its Ex. A ¶¶ 2, 6–9. Both WSTA and CIAQC are organized to litigate cases to advance their members’ interests. Brown Decl. at its Ex. B ¶ 3; Lewis Decl. at its Ex. B ¶ 4. In fact, both WSTA and CIAQC petitioned for review of the Heavy Duty Phase 3 Rule. *See Nebraska v. EPA*, No. 24-1129 (D.C. Cir.) (consolidated with petition for review no. 24-1157). WSTA and CIAQC also petitioned for review of the Light-Medium Duty Rule. *See Kentucky v. EPA*, No. 24-1087 (D.C. Cir.) (consolidated with petition for review no. 24-1158). Both of these cases are still pending. Finally, the defenses WSTA and CIAQC will assert do not require the participation of its individual members. Accordingly, WSTA and CIAQC have associational standing and, therefore, meet Rule 24’s interest requirement.

As explained above, the Supreme Court recently found Article III standing for a group of fuel producers and distributors challenging carbon dioxide emissions standards. *Diamond Alt. Energy*, 606 U.S. at 113–14. That is because carbon dioxide emissions regulations decrease petroleum-based fuel purchases and hurt their bottom line. *Id.* These emissions regulations also increase costs for petroleum products distributors like Merit Oil and industrial natural gas users like Liberty Packing. “For standing purposes, a loss of even a small amount of money is ordinarily an ‘injury.’” *Czyzewski v. Jevic Holding Corp.*, 580 U.S. 451, 464 (2017).

The traceability requirement is satisfied because EPA originally made the Endangerment Finding and promulgated the Mobile Source GHG Emissions Standards that injure the Proposed Intervenor-Respondents, and the Rescission Rule removes their injuries caused by those prior EPA actions. Ensuring the regulations remain rescinded “would likely redress at least some of the fuel producers’ monetary injuries. Even ‘one dollar’ of additional revenue . . . would satisfy the redressability component of Article III standing.” *Diamond Alt. Energy*, 606 U.S. at 114. The Proposed Intervenor-Respondents have identified hundreds of thousands of dollars of threatened future injuries caused by the Endangerment Finding and the Mobile Source GHG Emissions Standards. Therefore, the Proposed Intervenor-Respondents have Article

III standing, which also satisfies Rule 24's interest element. *Perciasepe*, 714 F.3d at 1323 (citing *Jones*, 348 F.3d at 1018–19).

3. Proposed Intervenor-Respondents' interests will be impaired if Petitioners succeed in vacating the Rescission Rule.

The third Rule 24 factor weighs whether the case “may as a practical matter impair or impede” the Proposed Intervenor-Respondent's interest. Fed. R. Civ. P. 24(a)(2). This case will decide whether EPA properly promulgated the Rescission Rule under the Administrative Procedure Act. The default remedy for violating the Administrative Procedure Act is vacatur. *United Steel v. Mine Safety & Health Admin.*, 925 F.3d 1279, 1287 (D.C. Cir. 2019). Vacatur will revive the Endangerment Finding and the Mobile Source GHG Emissions Standards. That will substantially impede the interests of the Proposed Intervenor-Respondents, as explained *supra* in Section II.A.2. of this Argument, because vacatur would (1) reimpose, as a practical matter, the need for WSTA and CIAQC members to replace their existing diesel-fueled mobile sources with more costly electric ones, (2) reduce demand for Merit Oil's products, and (3) inhibit Liberty Packing's ability to obtain the requisite fuel for its natural gas boilers and trucks.

Furthermore, as generally described above in Section III of the Introduction and Background, *supra*, and as addressed in more detail in Section II.A.4. of this Argument, *infra*, the Proposed Intervenor-Respondents will defend the Rescission Rule by making arguments that

EPA is unlikely to make in defense of the rule. And there is no other forum where they can advance these defenses to protect their interests. Therefore, the Proposed Intervenors-Respondents' interests will be impaired if this motion to intervene is not granted.

4. The existing parties do not adequately represent Proposed Intervenor-Respondents' interests.

The fourth Rule 24 factor weighs whether any existing party adequately represents Proposed Intervenor-Respondents' interests. Rule 24's inadequate representation requirement is "not onerous." *Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003). True, the Proposed Intervenor-Respondents and EPA will be advancing the same goal in this litigation: upholding the Rescission Rule's validity. But the Proposed Intervenor-Respondents need only show that the representation of their interests by others "may be" inadequate, not that their representation will in fact be inadequate. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972); *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986); *NRDC v. Costle*, 561 F.2d 904, 911 (D.C. Cir. 1977).

This Court has frequently concluded that, even where the interests of a private party seeking intervention and those of a government agency are aligned, the government agency does not adequately represent the private party. *See, e.g., NRDC*, 561 F.2d at 912–13; *Dimond*, 792 F.2d at 192–93; *Fund for Animals*, 322 F.3d at 736. As the Court has pointed out

in these cases, the government agency is charged with acting in the interest of the general public, whereas the private party is seeking to protect a narrower and more focused financial or other specific interest and thus cannot be considered to be adequately represented by the government agency. *NRDC*, 561 F.2d at 912; *Dimond*, 792 F.2d at 192–93; *see also Fund for Animals*, 322 F.3d at 736–37. In *NRDC*, the Court noted further that, due to that more narrow and focused interest, the private party’s participation is “likely to serve as a vigorous and helpful supplement to EPA’s defense.” 561 F. 2d at 912–13. Accordingly, because of the adverse financial impacts of vacatur of the Rescission Rule on the Proposed Intervenor-Respondents, Respondent EPA does not adequately represent their interests.

Moreover, Proposed Intervenor-Respondents’ and EPA’s interests directly diverge on at least two specific issues: (1) the SAB submission requirement and (2) the status of *Massachusetts v. EPA* in light of *Loper Bright*.

First, during the comment period the Proposed Intervenor-Respondents’ argued that the original Endangerment Finding was void *ab initio* because EPA had failed to submit the proposed finding to the SAB for peer review. *See* Liberty Packing et al., Comments to Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards 11–24, Docket No. EPA-HQ-OAR-2025-019, <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-0095>.

EPA took a directly adverse position in the preamble to the Rescission Rule by stating that EPA was not required to submit the Endangerment Finding to the SAB. 91 Fed. Reg. at 7694–95. Thus, EPA and the Proposed Intervenor-Respondents are directly adverse on the SAB issue.

Given this direct conflict, it would be unreasonable and absurd to rely on EPA to represent the interests of Proposed Intervenor-Respondents with regard to their SAB arguments. *See e.g., Kaseman v. District of Columbia*, 444 F.3d 637, 642 (D.C. Cir. 2006) (observing that courts should avoid “unreasonable results” or “unjust or absurd consequences”); *Mova Pharm. Corp. v. Shalala*, 140 F.3d 1060, 1067–68 (D.C. Cir. 1998) (citing the “long standing rule” that courts should avoid “absurd results”); *see also* Veronica M. Dougherty, *Absurdity and the Limits of Liberalism: Defining The Absurd Result Principle in Statutory Interpretation*, 44 Am. U.L. Rev. 127 (1994).² Clearly, having taken a position adverse to that of Proposed Intervenor-Respondents on the SAB issue in the preamble to the Rescission Rule, EPA is not in a position here to argue that very same issue on their behalf. Accordingly, EPA does not and cannot adequately represent the interests of the Proposed Intervenor-Respondents in connection with the SAB issue. *See Roeder v.*

² The doctrine of avoiding absurd results has traditionally been applied in the context of statutory interpretation. There is no reason why it should not be applied in equal measure to the interpretation of Fed. R. Civ. P. 24 on the issue of inadequate representation. *See United States v. Kirby*, 74 U.S. 482, 486 (1869) (“All laws should receive a sensible construction”).

Islamic Republic of Iran, 333 F.3d 228, 233-34 (D.C. Cir. 2003) (opining that intervenor-defendant is not adequately represented when existing parties do not or cannot make arguments to protect the intervenor's interest). Moreover, the SAB issue is one that only the Proposed Intervenor-Respondents can secure for judicial review. *See Fund for Animals*, 322 F. 3d at 737–38; *see also Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 20 (2020) (observing that an agency cannot itself rely on rationalizations for its action not based on grounds “invoked when it took the action”).

Second, EPA asserted in the Rescission Rule's preamble that the rescission is consistent with *Massachusetts v. EPA*. 91 Fed. Reg. at 7712. In contrast, Proposed Intervenor-Respondents argued in their comment that *Massachusetts v. EPA* was wrongly decided based on the Supreme Court's recent decision in *Loper Bright*. *See Liberty Packing et al.*, Comment *supra*, at 2, 24–28. Indeed, based on the Rescission Rule's language, as well as a review of thousands of comments made during the comment period, it appears that neither EPA nor others are going to argue in this Court, and, if necessary, on appeal to the Supreme Court, that *Massachusetts v. EPA* conflicts with *Loper Bright* and should be overturned. This is another reason why Proposed Intervenor-Respondents' motion should be granted. *See, e.g., Mova Pharm. Corp. v. Shalala*, 140 F.3d at 1067–68.

B. The Proposed Intervenor-Respondents should be granted permissive intervention because they share a common question of law or fact.

Rule 24 authorizes permissive intervention where an applicant shows, in a timely motion, that it “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). As set forth in great detail in Section III.A. of this Argument, *supra*, Proposed Intervenor-Respondents: (1) have submitted a timely motion, (2) showing that they have defenses for the Rescission Rule that share with the main action common questions of law and fact dealing with whether or not the Rescission Rule should be vacated, and (3) their intervention will not “unduly delay or prejudice the adjudication” of the Petitioners’ claims, *see* Fed. R. Civ. P. 24(b)(3), because the motion is being submitted at an early stage and well before this Court has established a briefing schedule.

Accordingly, in addition to being entitled to intervention as of right, Proposed Intervenor-Respondents meet the standards for permissive intervention under Federal Rule of Civil Procedure 24(b) and Federal Rule of Appellate Procedure 15(d).

CONCLUSION

For these reasons, the Court should grant the Proposed Intervenor-Respondents’ motion for leave to intervene.

DATE: March 19, 2026

Respectfully submitted,

/s/Theodore Hadzi-Antich

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with Fed. R. App. P. 27(d)(1)(E) because it uses 14-point Century Schoolbook, a proportionally spaced font.

I also certify that this motion complies with Fed. R. App. P. 27(d)(2)(A), because by Microsoft 365's count it has 4,991 words, excluding the parts exempted under Fed. R. App. P. 32(f).

/s/Theodore Hadzi-Antich

THEODORE HADZI-ANTICH

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2026, I electronically filed the foregoing with the Clerk of the Court for the U.S. Court of Appeals for the D.C. Circuit by using the CM/ECF system, and that service to all participants will be accomplished by the appellate CM/ECF system.

/s/Theodore Hadzi-Antich
THEODORE HADZI-ANTICH

No. 26-1037

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

AMERICAN PUBLIC HEALTH ASSOCIATION, ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR

DECLARATION OF LEE BROWN

I, Lee Brown, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I previously signed a declaration for *Kentucky v. EPA*, No. 24-1087 (D.C. Cir.). That case involved a petition for review of EPA's final rule titled "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles." That declaration is attached as Exhibit A.

3. I also previously signed a declaration for *Nebraska v. EPA*, No. 24-1129 (D.C. Cir.). That case involved a petition for review of EPA's final rule titled

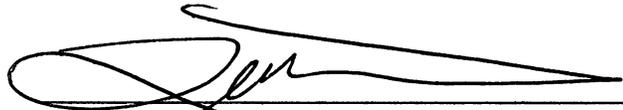
“Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3.” That declaration is attached as Exhibit B.

4. I understand that the instant case is a petition for review challenging the repeal of the two final rules indicated in paragraphs 2 and 3.

5. In this declaration, I incorporate in full my prior declarations attached as Exhibit A and Exhibit B.

Pursuant to 28 U.S.C. § 1746, I, Lee Brown, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12th day of March,
2026, in Costa Mesa, in the State of
California.



LEE BROWN
Executive Director
Western States Trucking Association, Inc.

EXHIBIT A

No. 24-1158

(Consolidated with 24-1087, 24-1100, 24-1132, 24-1195, 24-1196, 24-1197,
and 24-1206)

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

WESTERN STATES TRUCKING ASSOCIATION, INC., ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2022-0829; FRL-8953-04-OAR

DECLARATION OF LEE BROWN

I, Lee Brown, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am the executive director of Western States Trucking Association, Inc. ("WSTA"), formerly known as California Dump Truck Owners Association, a

named petitioner in the above-captioned suit. Our organization's articles of incorporation, and subsequent amendments, are attached herein as Exhibits A–C.

3. WSTA is a nonprofit corporation formed for the general purpose of “protect[ing] the interests of the owners and operators of trucks using the highways of the State of California.” Exhibit A at 1 (WSTA articles of incorporation). We additionally “conduct public educational campaigns for the purpose of preventing legislation adverse to the interests of the shipping public, and those engaged in the transportation business” *Id.* at 1–2. WSTA's purpose is also, in part, “to sue and be sued” in the interest of its members. *Id.* at 2. In short, we represent the interests of multiple member trucking companies that transport cargo and goods within the state of California and beyond.

4. WSTA's purpose is generally to support its trucking company members in all aspects of their businesses, including but not by way of limitation, the ability of their members to maintain their trucks for their full useful lives and to purchase replacement trucks at reasonable cost that will not adversely impact their businesses.

5. On April 18, 2024, the Environmental Protection Agency (“EPA”) promulgated a final regulation entitled “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” (“LD and MD Regulations”). *See* 89 Fed. Reg. 27842 *et seq.* (Apr. 18, 2024).

6. The LD and MD Regulations establish new, more stringent emission standards for criteria pollutants and greenhouse gases for light-duty and Class 2b and 3 medium-duty vehicles that will be phased in over model years 2027 through 2032. *Id.*

7. WSTA and its members have advocated against overly stringent EPA light-duty and medium-duty vehicle emissions regulations.

8. WSTA's members include Santoro Transportation, Inc. ("Santoro Transportation"), whose CEO is Thomas Santoro. The contents of Thomas Santoro's declaration are hereby incorporated herein in their entirety.

9. Members of WSTA, in addition to Santoro Transportation, are also injured by EPA's LD and MD Regulations, and WSTA has instituted this lawsuit on behalf of all of our members.

10. As detailed in the declaration of Thomas Santoro, WSTA members will be injured by the LD and MD Regulations, which will directly affect their profitability, market share, and overall economic stability.

11. The LD and MD Regulations will limit the types of vehicles available that are necessary to conduct WSTA members' business activities, making them choose between purchasing costly and unreliable vehicles and losing significant profits.

12. By unnecessarily increasing the stringency of emissions requirements for light-duty and medium-duty vehicles the LD and MD Regulations limit the vehicles that can be sold to and operated by WSTA's members. Because several of WSTA's members, including Santoro Transportation, own fleets of light-duty and medium-duty vehicles, they will be forced to purchase expensive vehicles that meet the requirements of the LD and MD Regulations to continue operating their businesses, thereby losing revenue.

13. The LD and MD Regulations limit the availability of vehicles needed for WSTA members to profitably conduct their businesses. The sales limitations that the LD and MD Regulations impose increase market scarcity of reliable and cost-effective diesel-powered light-duty and medium-duty vehicles, parts, and supplies necessary to maintaining a profitable fleet.

14. As fewer diesel-powered light-duty and medium-duty vehicles remain on the road thanks to the knock-on effects of the LD and MD Regulations, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease.

15. If WSTA's members wish to continue operating, these regulations will eventually force them to purchase unreliable electric vehicles that often break down or catch fire. There is no nationwide charging infrastructure yet available for such

vehicles. Their employees will lose valuable time and be made to risk their lives due to these regulations.

16. EPA promulgated these regulations knowing full well that their approval would cause businesses like those represented by WSTA to purchase electric trucks or lose significant business. These regulations will increase WSTA member costs by a significant amount.

17. In summary, due to existing externalities, including a lack of nationwide or statewide charging infrastructure, reliability problems with existing electric light-duty and medium-duty vehicles, and the higher cost of new light-duty and heavy-duty vehicles when compared to traditional diesel models, multiple WSTA members may not be able to continue running their businesses profitably now that the agency action under review has taken effect.

18. But for EPA's decision to promulgate the LD and MD Regulations, the businesses of many WSTA members would not suffer economic injury. As WSTA's members are directly affected by EPA's decision in a manner that will negatively impact their businesses, WSTA may stand in the shoes of its members and "sue" on their behalf, as is its associational purpose. Exhibit A at 2.

19. The Court can redress WSTA members' injuries by setting aside these EPA regulations, preventing these job-killing regulations from going into effect.

Pursuant to 28 U.S.C. § 1746, I, Lee Brown, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 3rd day of September,
2024, in Upland, in the State of
California.



LEE BROWN
Executive Director
Western States Trucking Association, Inc.

EXHIBIT B

No. 24-1157
(Consolidated with 24-1129, 24-1133, 24-1207, 24-1208, 24-1209,
24-1210, and 24-1214)

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

WESTERN STATES TRUCKING ASSOCIATION, INC., ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2022-0985; FRL-8952-02-OAR

DECLARATION OF LEE BROWN

I, Lee Brown, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am the executive director of Western States Trucking Association, Inc. (“WSTA”), formerly known as California Dump Truck Owners Association, a named petitioner in the above-captioned suit. Our organization’s articles of incorporation, and subsequent amendments, are attached herein as Exhibits A–C.

3. WSTA is a nonprofit corporation formed for the general purpose of “protect[ing] the interests of the owners and operators of trucks using the highways

of the State of California.” Exhibit A at 1 (WSTA articles of incorporation). We additionally “conduct public educational campaigns for the purpose of preventing legislation adverse to the interests of the shipping public, and those engaged in the transportation business” *Id.* at 1–2. WSTA’s purpose is also, in part, “to sue and be sued” in the interest of its members. *Id.* at 2. In short, we represent the interests of multiple member trucking companies that transport cargo and goods within the state of California and beyond.

4. WSTA’s purpose is generally to support its trucking company members in all aspects of their businesses, including but not by way of limitation, the ability of their members to maintain their trucks for their full useful lives and to purchase replacement trucks at reasonable cost that will not adversely impact their businesses.

5. On April 22, 2024, the Environmental Protection Agency (“EPA”) promulgated a final regulation entitled “Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3” (“HD Regulations”). *See* 89 Fed. Reg. 29440 *et seq.* (Apr. 22, 2024).

6. The HD Regulations establish new, more stringent emission standards for greenhouse gases for heavy-duty highway vehicles that will be phased in over model years 2027 through 2032. *Id.*

7. WSTA and its members have advocated against overly stringent EPA heavy-duty vehicle emissions regulations.

8. WSTA’s members include Oakland Port Services Corp. (“Oakland Port Services”), whose CEO is William Aboudi. The contents of William Aboudi’s declaration are hereby incorporated herein in their entirety.

9. Members of WSTA, in addition to Oakland Port Services, are also injured by EPA’s HD Regulations, and WSTA has instituted this lawsuit on behalf of all of our members.

10. As detailed in the declaration of William Aboudi, WSTA members will be injured by the HD Regulations, which will directly affect their profitability, market share, and overall economic stability.

11. The HD Regulations will limit the types of vehicles available that are necessary to conduct WSTA members' business activities, making them choose between purchasing costly and unreliable vehicles and losing significant profits.

12. By unnecessarily increasing the stringency of emissions requirements for heavy-duty vehicles the HD Regulations limit the vehicles that can be sold to and operated by WSTA's members. Because the majority of WSTA's members, including Oakland Port Services, own fleets of heavy-duty vehicles, they will be forced to purchase expensive vehicles that meet the requirements of the HD Regulations to continue operating their businesses, thereby losing revenue.

13. The HD Regulations limit the availability of vehicles needed for WSTA members to profitably conduct their businesses. The sales limitations that the HD Regulations impose increase market scarcity of reliable and cost-effective diesel-powered heavy-duty vehicles, parts, and supplies necessary to maintaining a profitable fleet.

14. As fewer diesel-powered heavy-duty vehicles remain on the road thanks to the knock-on effects of the HD Regulations, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease.

15. If WSTA's members wish to continue operating, these regulations will eventually force them to purchase unreliable electric vehicles that often break down or catch fire. There is no nationwide charging infrastructure yet available for such vehicles. Their employees will lose valuable time and be made to risk their lives due to these regulations.

16. EPA promulgated these regulations knowing full well that their approval would cause businesses like those represented by WSTA to purchase

electric trucks or lose significant business. These regulations will increase WSTA member costs by a significant amount.

17. In summary, due to existing externalities, including a lack of nationwide or statewide charging infrastructure, reliability problems with existing electric heavy-duty vehicles, and the higher cost of new heavy-duty vehicles when compared to traditional diesel models, multiple WSTA members may not be able to continue running their businesses profitably now that the agency action under review has taken effect.

18. But for EPA’s decision to promulgate the HD Regulations, the businesses of many WSTA members would not suffer economic injury. As WSTA’s members are directly affected by EPA’s decision in a manner that will negatively impact their businesses, WSTA may stand in the shoes of its members and “sue” on their behalf, as is its associational purpose. Exhibit A at 2.

19. The Court can redress WSTA members’ injuries by setting aside these EPA regulations, preventing these job-killing regulations from going into effect.

Pursuant to 28 U.S.C. § 1746, I, Lee Brown, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4th day of October,
2024, in Upland, in the State of
California.



LEE BROWN
Executive Director
Western States Trucking Association, Inc.

EXHIBIT A

ARTICLES OF INCORPORATION

of

CALIFORNIA DUMP TRUCK OWNERS ASSOCIATION

(A California non-profit corporation)

Know all men by these presents that we, the persons whose names are signed hereto, have associated ourselves together, to become incorporated under the laws of the State of California, for the transaction of business in said state, and for such purpose we adopt the following articles of incorporation:

ARTICLE I.

The name of this corporation is:

California Dump Truck Owners Association.

It is a corporation which does not contemplate pecuniary gain or profit to the members thereof.

ARTICLE II.

The purposes for which this corporation is formed are:

(a) Generally to protect the interests of the owners and operators of trucks using the highways of the State of California.

(b) To conduct public educational campaigns for the purpose of preventing legislation adverse to the interests of

the shipping public, and those engaged in the transportation business, and particularly those engaged in the dump trucking business.

(c) To educate the producer and shipping business in general regarding the many advantages of using independent dump trucking operators.

(d) To promote general safety and to prove to the public that the truckmen are highly efficient, safe drivers, and gentlemen of the highways.

(e) To teach the public that the trucks owned and operated by the members of this association are reliable equipment, manned by competent, safe operators, and that the trucks are capable of carrying the loads that they are designed to carry anywhere, any time, and on time at reasonable prices.

(f) To sue and be sued.

(g) To contract and be contracted with.

(h) To receive property by devise or bequest, subject to the laws regulating the transfer of property by will, and to otherwise acquire and hold all property, real or personal, including shares of stock, bonds and securities of other corporations.

(i) To act as trustee under any trust incidental to the principal objects of the corporation, and to receive, hold, administer, and expend funds and property subject to such trust.

(j) To convey, exchange, lease, mortgage, encumber,

transfer upon trust or otherwise dispose of all property, real or personal.

(k) To borrow money, contract debts, and issue bonds, notes and debentures, and secure the same.

(l) To do all other acts necessary or expedient for the administration of the affairs and attainment of the purposes of the corporation.

(m) And incidental to the main purposes of this non-profit corporation to carry on any business whatsoever which this corporation may deem proper or convenient in connection with any of the foregoing purposes or otherwise, or which may be calculated directly or indirectly to promote the interests of this non-profit corporation or to enhance the value of its property; to conduct its business in this state, in other states, in the District of Columbia, in the territories and colonies of the United States, and in foreign countries.

The foregoing statement of purposes shall be construed as a statement of both purposes and powers, and the purposes and powers stated in each clause shall, except where otherwise expressed, be in no wise limited or restricted by reference to or inference from the terms or provisions of any other clause, but shall be regarded as independent purposes.

ARTICLE III.

The existence of this corporation is to be perpetual.

ARTICLE IV.

The county in this state where the principal office

for the transaction of the business of this non-profit corporation is to be located in the county of Los Angeles.

ARTICLE V.

The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors and who shall be known as directors, are:

<u>NAMES:</u>	<u>ADDRESSES:</u>
Freasia Jones	1718 E. Plymouth, Long Beach
Frank Heidlebaugh	3125 E. 11th St. Long Beach
J. A. Frethsem	800 Edgewood, Inglewood
Barney Bryce	1111 Raymond Ave., Long Beach
E. T. Seibert	Box 62, Route 3, Santa Ana
E. M. Balcom	5632 Lenkershim Blvd., No. Hollywood
^F Leonard Schempp	5128 S. Gramercy, L.A.
H. J. Bablin	1002 Glickman Ave., El Monte
H. L. Willingham	2103 Pontius, West L.A.
T. E. Milligan	645 E. 79th St., L.A.
Edw. Davis	6316 11th Ave., L.A.
George Harrop	1381 No. Catalina St., Burbank

The number of directors shall remain at twelve until changed by an amendment to the by-laws adopted pursuant to this authority.

ARTICLE VI.

The authorized number and qualifications of the members of this organization, the different classes of membership, the property, voting and other rights, and privileges of each class of membership, and the liability of each or all classes, to dues or assessments and the method of collection thereof, may be set forth in the by-laws of this corporation, except that

known to me to be the persons whose names are subscribed to the foregoing articles of incorporation and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Virginia F. Runyon
Notary Public in and for the
County of Los Angeles, State
of California

(Notarial Seal)

My Commission Expires Dec. 4, 1944

We, the undersigned, desiring to associate with the first directors for the purpose of forming California Dump Truck Owners Association, a California non-profit corporation, have subscribed our names to these articles of incorporation, have subscribed our names to these articles of incorporation.

MEMBERS

NAMES:

ADDRESSES:

- ✓ Ed. W. Davis, 6316 11th Ave. L.A. ✓
- Barney J. Bryce, 1111 Raymond Ave. L.B.
- ✓ Frank Heidlebaugh, 3125 E. 11th St. L.B.
- T. E. Milligan, 645 79 St., L.A.
- ✓ E. M. Balcom, 5632 Lankershim Blvd. No.Ho. ✓
- George Harrop, 1381 No. Catalina St. Burbank ✓
- ✓ E. T. Seibert, Box 62 Route #3, Santa Ana ✓
- H. L. Wellingham, 2103 Pontius West L.A. ✓
- ✓ H. J. Gebelin, 1002 Glickman Ave. El Monte
- ✓ A and W Trucking Service, 1180 So. Boyle Ave. L.A.
(By J. Abromson)
- ✓ Leonard F. Schempp, 5128 So. Gramercy Pl. L.A. ✓
- ✓ J. P. Gross, 5821 Priory Bell

✓ Rudolph Leno
✓ J. P. Lutor ✓
✓ J.P. Lutor

6019
127
271

voting rights or privileges shall be restricted to regular members as defined in the by-laws.

We, the persons who are to act in the capacity of first directors, hereby subscribe to the foregoing articles in the corporation of California Dump Truck Owners Association this 13th day of June, 1941.

Frank Heidlebaugh
Barney Bryce

E. T. Seibert

E. M. Balcom

Leonard F. Schempp

H. J. Gebelin

H. L. Willingham

T. E. Milligan

Ed. W. Davis

George Harrop

Freasia Jones
J. A. Prethiem

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this 13th day of June, in the year one thousand nine hundred and forty-one, before me Virginia F. Fanyon a Notary Public in and for said county of Los Angeles, state of California, residing therein, duly commissioned and sworn, personally appeared the above twelve (12) in-

corporators, Frank Heidlebaugh
Barney Bryce E. T. Seibert
E. M. Balcom Leonard F. Schempp
H. J. Gebelin H. L. Willingham
T. E. Milligan Ed. W. Davis
Freasia Jones George Harrop
J. A. Prethiem

known to me to be the persons whose names are subscribed to the foregoing articles of incorporation, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Virginia E. Runyon
Notary Public in and for the
county of Los Angeles, State
of California

My Commission expires Dec. 4, 1944

(Notarial Seal)

EXHIBIT B

**CERTIFICATE OF AMENDMENT OF
ARTICLES OF INCORPORATION**

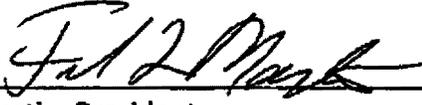
The undersigned certify that:

1. They are the president and the secretary, respectively, of California Dump Truck Owners Association, a California corporation.
2. Article I of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is:
California Construction Trucking Association.
It is a corporation which does not contemplate pecuniary gain or profit to the members thereof.

3. The foregoing amendment of the Articles of Incorporation has been duly approved by the board of directors.
4. The foregoing amendment of the Articles of Incorporation has been duly approved by the required vote of the members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

DATE: 01/05/12 _____

Fred Martin, President

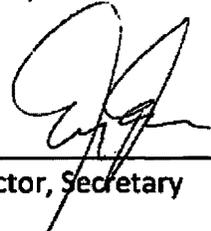
DATE: 01/05/12 _____

Mary Proctor, Secretary

EXHIBIT C

0180202

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

FILED KEZ
Secretary of State
State of California DCX

100 JUL 07 2015

The undersigned certify that:

- 1. They are the president and the secretary, respectively, of California Construction Trucking Association, a California corporation.
- 2. Article I of the Articles of Incorporation of this corporation is amended to read as follows:

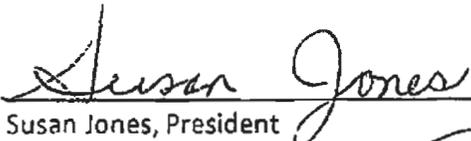
The name of this corporation is:
Western States Trucking Association.

It is a corporation which does not contemplate pecuniary gain or profit to the members thereof.

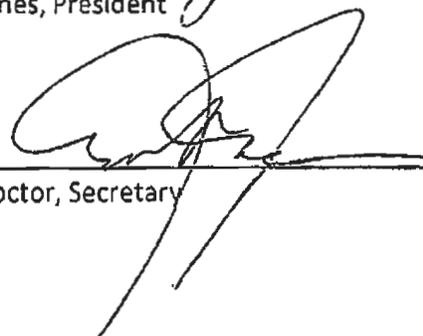
- 3. The foregoing amendment of the Articles of Incorporation has been duly approved by the board of directors.
- 4. The foregoing amendment of the Articles of Incorporation has been duly approved by the required vote of the members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

DATE: 7-1-2015


Susan Jones, President

DATE: 6/30/2015


Mary Proctor, Secretary

No. 26-1037

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

AMERICAN PUBLIC HEALTH ASSOCIATION, ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR

DECLARATION OF WILLIAM ABOUDI

I, William Aboudi, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

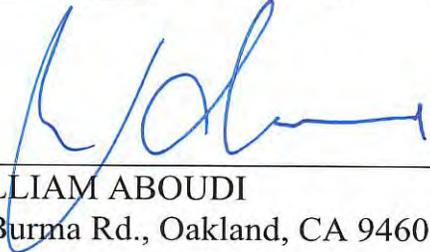
2. I previously signed a declaration for *Nebraska v. EPA*, No. 24-1129 (D.C. Cir.). That case involved a petition for review of EPA's final rule titled "Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3." That declaration is attached as Exhibit A.

3. I understand that the instant case is a petition for review challenging the repeal of the final rule indicated in paragraph 2.

4. In this declaration, I incorporate in full my prior declaration attached as Exhibit A.

Pursuant to 28 U.S.C. § 1746, I, William Aboudi, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12TH day of MARCH,
2026, in OAKLAND, in the State of
CALIFORNIA.



WILLIAM ABOUDI
10 Burma Rd., Oakland, CA 94607

EXHIBIT A

No. 24-1157

(Consolidated with 24-1129, 24-1133, 24-1207, 24-1208, 24-1209,
24-1210, and 24-1214)

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

WESTERN STATES TRUCKING ASSOCIATION, INC., ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2022-0985; FRL-8952-02-OAR

DECLARATION OF WILLIAM ABOUDI

I, William Aboudi, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am the CEO of Oakland Port Services Corp. (“Oakland Port Services”). Oakland Port Services is an interstate authorized trucking company that is a member of Western States Trucking Association, Inc. (“WSTA”), a named petitioner in the above-captioned suit. WSTA represents my interest in this lawsuit.

3. My company, which is based in Oakland, California, transports international cargo within California and other states using heavy duty trucks.

4. On April 22, 2024, the Environmental Protection Agency (“EPA”) promulgated a final regulation entitled “Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3” (“HD Regulations”). *See* 89 Fed. Reg. 29440 *et seq.* (Apr. 22, 2024).

5. The HD Regulations establish new, stringent emission standards for greenhouse gases for heavy-duty highway vehicles that will be phased in over model years 2027 through 2032. *Id.*

6. Oakland Port Services owns or intends to purchase 2024 or newer model year vehicles using heavy-duty diesel engines and operates or intends to operate said vehicles in California and other states in order to continue to conduct its business operations. For this reason, the HD Regulations will directly affect the profitability, market share, and overall economic stability of my business.

7. By unnecessarily increasing the stringency of emissions requirements for heavy-duty vehicles the HD Regulations limit the vehicles that can be sold to and operated by Oakland Port Services. Because Oakland Port Services owns a fleet of heavy-duty vehicles, I will be forced to purchase expensive vehicles that meet the requirements of the HD Regulations to continue operating my business, thereby losing revenue.

8. The HD Regulations limit the availability of vehicles needed to profitably conduct my business as well. The sales limitations that the HD Regulations impose increase market scarcity of reliable and cost-effective diesel-powered heavy-duty vehicles, which will increase my costs in purchasing vehicles, parts, and supplies necessary to maintaining a profitable trucking fleet.

9. As fewer diesel-powered heavy-duty vehicles remain on the road thanks to the knock-on effects of the HD Regulations, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease, making it even harder for Oakland Port Services to conduct business.

10. If I wish to continue operating Oakland Port Services, these regulations will eventually force me to purchase unreliable electric trucks that often break down or catch fire. There is no nationwide charging infrastructure yet available for such trucks. My employees will lose valuable time and be made to risk their lives due to these regulations.

11. EPA promulgated these regulations knowing full well that their approval would cause trucking businesses like mine to purchase electric trucks at additional cost or lose significant business.

12. The HD Regulations will increase Oakland Port Services' operational costs per truck by approximately \$3,000 per year.

13. The HD Regulations will increase Oakland Port Services' purchase costs per truck by approximately \$300,000 at time of purchase.

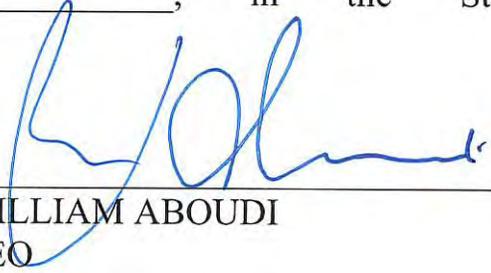
14. In summary, due to existing externalities, including a lack of charging infrastructure, reliability problems with existing electric heavy-duty vehicles, and the higher cost of new electric heavy-duty vehicles when compared to traditional diesel models, I will not be able to continue running my businesses profitably now that the agency action under review has taken effect.

15. But for EPA's decision to promulgate the HD Regulations, my business would not suffer the economic injuries set forth in this declaration.

16. The Court can redress my injuries by setting aside these EPA regulations, thereby preventing these unnecessary, job-killing regulations from going into effect.

Pursuant to 28 U.S.C. § 1746, I, William Aboudi, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 3RD day of OCTOBER,
2024, in OAKLAND, in the State of
CALIFORNIA.



WILLIAM ABOUDI

CEO

10 Burma Rd., Oakland, CA 94607

No. 26-1037

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

AMERICAN PUBLIC HEALTH ASSOCIATION, ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR

DECLARATION OF MICHAEL LEWIS

I, Michael Lewis, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I previously signed a declaration for *Kentucky v. EPA*, No. 24-1087 (D.C. Cir.). That case involved a petition for review of EPA's final rule titled "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles." That declaration is attached as Exhibit A.

3. I also previously signed a declaration for *Nebraska v. EPA*, No. 24-1129 (D.C. Cir.). That case involved a petition for review of EPA's final rule titled

“Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3.” That declaration is attached as Exhibit B.

4. I understand that the instant case is a petition for review challenging the repeal of the two final rules indicated in paragraphs 2 and 3.

5. In this declaration, I incorporate in full my prior declarations attached as Exhibit A and Exhibit B.

Pursuant to 28 U.S.C. § 1746, I, Michael Lewis, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12 day of MARCH,
2026, in HACIENDA HEIGHTS, in the State of
CALIFORNIA.



MICHAEL LEWIS

Executive Director

Construction Industry Air Quality Coalition,
Inc.

EXHIBIT A

No. 24-1158

(Consolidated with 24-1087, 24-1100, 24-1132, 24-1195, 24-1196, 24-1197,
and 24-1206)

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

WESTERN STATES TRUCKING ASSOCIATION, INC., ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2022-0892; FRL-8953-04-OAR

DECLARATION OF MICHAEL LEWIS

I, Michael Lewis, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am the executive director of Construction Industry Air Quality Coalition (“CIAQC”). Our organization’s articles of incorporation are attached hereto as Exhibit A.

3. CIAQC is a nonprofit California trade association representing the interests of other California non-profit trade associations and their members whose air emissions are regulated by California state, regional, and local regulations, as well as federal regulations.

4. CIAQC's specific purpose is "to obtain and provide information to its members concerning environmental regulatory issues affecting the members, assist in the development of environmental regulatory strategies and legislation that will balance the goals of a healthy environment and a healthy local economy, act as a conduit for information from members to regulatory agencies and legislators concerning the effect of proposed regulations and legislation on its members, and to cooperate with other persons and associations in the development of reasonable and effective environmental improvement strategies." Exhibit A at 1 (CIAQC articles of incorporation). To those ends, CIAQC may "engage in any lawful act or activity for which a corporation may be organized under [applicable California law]." *Id.* This includes bringing legal challenges on behalf of its members. We represent the interests of multiple member construction companies that transport cargo and goods within the state of California and beyond in connection with construction activities.

5. On April 18, 2024, the Environmental Protection Agency ("EPA") promulgated a final regulation entitled "Multi-Pollutant Emissions Standards for

Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” (“LD and MD Regulations”). *See* 89 Fed. Reg. 27842 *et seq.* (Apr. 18, 2024).

6. The LD and MD Regulations establish new, more stringent emission standards for criteria pollutants and greenhouse gases for light-duty and Class 2b and 3 medium-duty vehicles that will be phased in over model years 2027 through 2032. *Id.*

7. CIAQC’s members are injured by EPA’s LD and MD Regulations, and CIAQC has instituted this lawsuit on behalf of its members.

8. The LD and MD Regulations will limit the types of vehicles available that are necessary to conduct CIAQC members’ business activities, making them choose between purchasing costly and unreliable vehicles required by the regulations and losing significant profits.

9. By unnecessarily increasing the stringency of emissions requirements for light-duty and medium-duty vehicles the LD and MD Regulations limit the vehicles that can be sold to and operated by CIAQC’s members., which will be forced to purchase expensive vehicles that meet the requirements of the LD and MD Regulations to continue operating their businesses, thereby losing revenue.

10. The LD and MD Regulations limit the availability of vehicles needed for CIAQC members to profitably conduct their businesses. The sales limitations that the LD and MD Regulations impose increase market scarcity of reliable and

cost-effective diesel-powered light-duty and medium-duty vehicles, parts, and supplies necessary to maintaining a profitable fleet.

11. As fewer diesel-powered light-duty and medium-duty vehicles remain on the road thanks to the knock-on effects of the LD and MD Regulations, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease.

12. If CIAQC's members wish to continue operating, these regulations will eventually force them to purchase unreliable electric vehicles that often break down or catch fire. There is no nationwide charging infrastructure yet available for such vehicles. Their employees will lose valuable time and be made to risk their lives due to these regulations.

13. But for EPA's decision to promulgate the LD and MD Regulations, the businesses of many CIAQC members would not suffer economic injury. As CIAQC's members are directly affected by EPA's decision in a manner that will negatively impact their businesses, CIAQC may stand in the shoes of its members for purposes of this litigation.

14. CIAQC's members frequently operate in locations where there is no power because CIAQC members are installing power at that specific location, which only further complicates the use of all-electric vehicles.

15. The Court can redress CIAQC members' injuries by setting aside these EPA regulations, preventing these job-killing regulations from going into effect.

Pursuant to 28 U.S.C. § 1746, I, Michael Lewis, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 2 day of September,
2024, in Los Angeles County, in the State of
California.


MICHAEL LEWIS
Executive Director
Construction Industry Air Quality Coalition,
Inc.

EXHIBIT B

No. 24-1157

(Consolidated with 24-1129, 24-1133, 24-1207, 24-1208, 24-1209,
24-1210, and 24-1214)

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

WESTERN STATES TRUCKING ASSOCIATION, INC., ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2022-0985; FRL-8952-02-OAR

DECLARATION OF MICHAEL LEWIS

I, Michael Lewis, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am the executive director of Construction Industry Air Quality Coalition (“CIAQC”), a named petitioner in the above-captioned suit. Our organization’s articles of incorporation are attached herein as Exhibit A.

3. CIAQC is a nonprofit California trade association representing the interests of other California nonprofit trade associations and their members whose air emissions are regulated by California state, regional, and local regulations, as well as federal regulations.

4. CIAQC's specific purpose is "to obtain and provide information to its members concerning environmental regulatory issues affecting the members, assist in the development of environmental regulatory strategies and legislation that will balance the goals of a healthy environment and a healthy local economy, act as a conduit for information from members to regulatory agencies and legislators concerning the effect of proposed regulations and legislation on its members, and to cooperate with other persons and associations in the development of reasonable and effective environmental improvement strategies." Exhibit A at 1 (CIAQC articles of incorporation). To those ends, CIAQC may "engage in any lawful act or activity for which a corporation may be organized under [applicable California law]." *Id.* This includes bringing legal challenges on behalf of its members. We represent the interests of multiple member construction companies that transport cargo and goods within the state of California and beyond in connection with construction activities.

5. On April 22, 2024, the Environmental Protection Agency ("EPA") promulgated a final regulation entitled "Greenhouse Gas Emissions Standards for

Heavy-Duty Vehicles—Phase 3” (“HD Regulations”). *See* 89 Fed. Reg. 29440 *et seq.* (Apr. 22, 2024).

6. The HD Regulations establish new, stringent emission standards for greenhouse gases for heavy-duty highway vehicles that will be phased in over model years 2027 through 2032. *Id.*

7. CIAQC’s members are injured by EPA’s HD Regulations, and CIAQC has instituted this lawsuit on behalf of its members.

8. The HD Regulations will limit the types of vehicles available that are necessary to conduct CIAQC members’ business activities, making them choose between purchasing costly and unreliable vehicles required by the regulations and losing significant profits.

9. By unnecessarily increasing the stringency of emissions requirements for heavy-duty vehicles the HD Regulations limit the vehicles that can be sold to and operated by CIAQC’s members, which will be forced to purchase expensive vehicles that meet the requirements of the HD Regulations to continue operating their businesses, thereby losing revenue.

10. The HD Regulations limit the availability of vehicles needed for CIAQC members to profitably conduct their businesses. The sales limitations that the HD Regulations impose increase market scarcity of reliable and cost-effective

diesel-powered heavy-duty vehicles, parts, and supplies necessary to maintaining a profitable fleet.

11. As fewer diesel-powered heavy-duty vehicles remain on the road thanks to the knock-on effects of the HD Regulations, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease.

12. If CIAQC's members wish to continue operating, these regulations will eventually force them to purchase unreliable electric vehicles that often break down or catch fire. There is no nationwide charging infrastructure yet available for such vehicles. Their employees will lose valuable time and be made to risk their lives due to these regulations.

13. CIAQC's members frequently operate in locations where there is no electric power because CIAQC members are installing electric power at that specific location, which only further complicates the use of all-electric vehicles.

14. But for EPA's decision to promulgate the HD Regulations, the businesses of many CIAQC members would not suffer economic injury. As CIAQC's members are directly affected by EPA's decision in a manner that will negatively impact their businesses, CIAQC may stand in the shoes of its members for purposes of this litigation.

15. The Court can redress CIAQC members' injuries by setting aside these EPA regulations, preventing these job-killing regulations from going into effect.

Pursuant to 28 U.S.C. § 1746, I, Michael Lewis, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 8 day of October,
2024, in Acuna Heights, in the State of
California.


MICHAEL LEWIS
Executive Director
Construction Industry Air Quality Coalition,
Inc.

EXHIBIT A

1954125

FILED
... the office of the Secretary of State
of the State of California

**ARTICLES OF INCORPORATION OF
CONSTRUCTION INDUSTRY AIR QUALITY COALITION**

NOV 17 1995

Bill Jones
BILL JONES, Secretary of State

**I.
NAME**

The name of the corporation is Construction Industry Air Quality Coalition.

**II.
PURPOSES**

2. (A) This corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under such law.

(B) The specific purpose of this corporation is to obtain and provide information to its members concerning environmental regulatory issues affecting the members, assist in the development of environmental regulatory strategies and legislation that will balance the goals of a healthy environment and a healthy local economy, act as a conduit for information from members to regulatory agencies and legislators concerning the effect of proposed regulations and legislation on its members, and to cooperate with other persons and associations in the development of reasonable and effective environmental improvement strategies.

**III.
AGENT FOR SERVICE OF PROCESS**

The name and address in the State of California of this corporation's initial agent for service of process is: Michael Lewis, 1330 South Valley Vista Drive, Diamond Bar, California 91765.

**IV.
OTHER PROVISIONS**

A. An existing unincorporated association, Construction Industry Air Quality Coalition, is being incorporated by the filing of these articles.

B. The Bylaws may provide for two classes of membership: general and associate.

C. Notwithstanding any of the above statements of purposes and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this corporation.

Dated: September 5, 1995

Amy Glad

Amy Glad

Jon R. Kruse

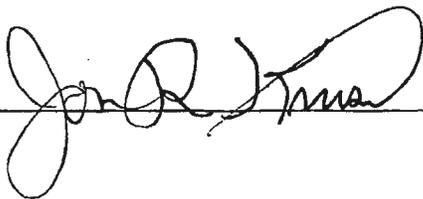
Jon R. Kruse

Amy Glad and Jon R. Kruse declare under penalty of perjury under the laws of the State of California that they are two of the Board Members of Construction Industry Air Quality Coalition, the subject of the Articles of Incorporation attached to this declaration, and further declare that Construction Industry Air Quality Coalition has duly authorized and approved its incorporation by means of the attached Articles in accordance with its rules and procedures.

Executed at Monterey Park, County of Los Angeles, California, on September 5, 1995



A handwritten signature in cursive script, appearing to read "Amy Glad", written over a horizontal line.



A handwritten signature in cursive script, appearing to read "Jon R. Kruse", written over a horizontal line.



STATE OF CALIFORNIA

FRANCHISE TAX BOARD

P.O. BOX 1286
RANCHO CORDOVA, CA. 95741-1286

November 17, 1995

In reply refer to
340:G :PTS

CONSTRUCTION INDUSTRY AIR QUALITY
COALITION
1330 SOUTH VALLEY
VISTA DRIVE
DIAMOND BAR CA 91765

Purpose : BUSINESS LEAGUE
Code Section : 23701e
Form of Organization : Corporation
Accounting Period Ending: December 31
Organization Number :

You are exempt from state franchise or income tax under the section of the Revenue and Taxation Code indicated above.

This decision is based on information you submitted and assumes that your present operations continue unchanged or conform to those proposed in your application. Any change in operation, character, or purpose of the organization must be reported immediately to this office so that we may determine the effect on your exempt status. Any change of name or address also must be reported.

In the event of a change in relevant statutory, administrative, judicial case law, a change in federal interpretation of federal law in cases where our opinion is based upon such an interpretation, or a change in the material facts or circumstances relating to your application upon which this opinion is based, this opinion may no longer be applicable. It is your responsibility to be aware of these changes should they occur. This paragraph constitutes written advice, other than a chief counsel ruling, within the meaning of Revenue and Taxation Code Section 21012 (a)(2).

You may be required to file Form 199 (Exempt Organization Annual Information Return) on or before the 15th day of the 5th month (4 1/2 months) after the close of your accounting period. See annual instructions with forms for requirements.

You are not required to file state franchise or income tax returns unless you have income subject to the unrelated business income tax under Section 23731 of the Code. In this event, you are required to file Form 109 (Exempt Organization Business Income Tax Return) by the 15th day of the 5th month (4 1/2 months) after the close of your annual accounting period.

November 17, 1995

CONSTRUCTION INDUSTRY AIR QUALITY

Page 2

If the organization is incorporating, this approval will expire unless incorporation is completed with the Secretary of State within 60 days.

Exemption from federal income or other taxes and other state taxes requires separate applications.

A copy of this letter has been sent to the Office of the Secretary of State.

P SHEK

EXEMPT ORGANIZATION UNIT
CORPORATION AUDIT SECTION
Telephone (916) 845-4171

EO :

cc: CURTIS L. COLEMAN

COPY

No. 26-1037

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

AMERICAN PUBLIC HEALTH ASSOCIATION, ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR

DECLARATION OF THOMAS SANTORO

I, Thomas Santoro, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I previously signed a declaration for *Kentucky v. EPA*, No. 24-1087 (D.C. Cir.). That case involved a petition for review of EPA's final rule titled "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles." That declaration is attached as Exhibit A.

3. I understand that the instant case is a petition for review challenging the repeal of the final rule indicated in paragraph 2.

4. In this declaration, I incorporate in full my prior declaration attached as Exhibit A.

Pursuant to 28 U.S.C. § 1746, I, Thomas Santoro, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12 day of MARCH,
2026, in SALINAS, in the State of
CALIFORNIA.



THOMAS SANTORO
P.O. Box 6166, Salinas, CA 93912

EXHIBIT A

No. 24-1158

(Consolidated with 24-1087, 24-1100, 24-1132, 24-1195, 24-1196, 24-1197,
and 24-1206)

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

WESTERN STATES TRUCKING ASSOCIATION, INC., ET AL.,
Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.
Respondents.

On Appeal from the Environmental Protection Agency
EPA-HQ-OAR-2022-0829; FRL-8953-04-OAR

DECLARATION OF THOMAS SANTORO

I, Thomas Santoro, hereby declare as follows:

1. I am over the age of eighteen (18) and am competent to testify in this matter. I have personal knowledge of the following facts and if called upon to do so could competently testify to them under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am the CEO of Santoro Transportation, Inc. (“Santoro Transportation”), an interstate authorized trucking company that is a member of Western States Trucking Association, Inc. (“WSTA”), a named petitioner in the

above-captioned suit. WSTA represents the interests of Santoro Transportation in this lawsuit.

3. My company, which is based in Salinas, California, transports interstate domestic cargo using seventeen heavy-duty trucks.

4. On April 18, 2024, the Environmental Protection Agency (“EPA”) promulgated a final regulation entitled “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” (“LD and MD Regulations”). *See* 89 Fed. Reg. 27842 *et seq.* (Apr. 18, 2023).

5. The LD and MD Regulations establish new, more stringent emission standards for criteria pollutants and greenhouse gases for light-duty and Class 2b and 3 medium-duty vehicles that will be phased in over model years 2027 through 2032. *Id.*

6. Santoro Transportation uses light- and medium-duty vehicles in its business operations. Specifically, Santoro Transportation owns and operates a red GMC 2500HD diesel-powered service truck (VIN #1GTHK23UX1F182764). Santoro Transportation uses this truck to assist its heavy-duty vehicles when they break down throughout California and neighboring states, sometimes in remote locations.

7. The LD and MD Regulations will limit the types of vehicles available that are necessary to conduct Santoro Transportation’s business activities, eventually

requiring it to purchase a costly and unreliable electric service truck required by the LD and MD Regulations. These regulations will force my company to purchase unreliable electric vehicles that often break down or catch fire. There is no nationwide charging infrastructure yet available for such vehicles. My employees will lose valuable time and be made to risk their lives due to these regulations.

8. Due to limited electric charging infrastructure in many locations where Santoro Transportation operates, as well as the limited range of electric vehicles, an electric service truck would be unable to reach heavy-duty vehicle drivers in need of critical assistance, leaving them stranded on the side of remote roads in unsafe conditions.

9. The sales limitations that the LD and MD Regulations impose will create market scarcity of reliable and cost-effective parts and supplies necessary to maintaining my service truck. As fewer diesel-powered light-duty and medium-duty vehicles remain on the road thanks to the knock-on effects of the LD and MD Regulations, the cost of diesel fuel will increase and the prevalence of diesel refueling stations will decrease. Additionally, the parts needed to repair an electric truck cost more than those needed to repair Santoro Transportation's current diesel-powered service truck. The higher costs associated with repairing and operating an electric service vehicle would impose a significant financial burden on Santoro Transportation.

10. Santoro Transportation will likely be unable to recharge an electric service truck at its current place of business due to grid limitations. The costs necessary to install electric infrastructure to charge an electric service vehicle would likely force Santoro Transportation out of business.

11. But for EPA's decision to promulgate the LD and MD Regulations, Santoro Transportation would not suffer economic injury. The Court can redress Santoro Transportation's injuries by setting aside these EPA regulations, preventing these job-killing regulations from going into effect.

Pursuant to 28 U.S.C. § 1746, I, Thomas Santoro, declare under penalty of perjury that the foregoing is true and correct.

Executed this 1 day of SEPT, 2024, in Salinas, in the State of California.



THOMAS SANTORO
CEO
P.O. Box 6166, Salinas, CA 93912