

ORAL ARGUMENT NOT YET SCHEDULED

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

)		
STATE OF TEXAS et al.,)		
)		
<i>Petitioners,</i>)		
)		
v.)		
)	No. 22-1031 (and consolidated cases)	
UNITED STATES)		
ENVIRONMENTAL PROTECTION)		
AGENCY et al.,)		
)		
<i>Respondents.</i>)		
)		

**MOTION OF PUBLIC INTEREST ORGANIZATIONS
TO INTERVENE IN SUPPORT OF RESPONDENTS**

Pursuant to this Court’s Rule 15(b), Conservation Law Foundation, Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Public Citizen, Sierra Club, and Union of Concerned Scientists (collectively, Movants) respectfully request leave to intervene in support of Respondents U.S. Environmental Protection Agency et al. (EPA). Petitioners challenge EPA’s final action published as *Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards*, 86 Fed. Reg. 74,434 (Dec. 30, 2021) (Final Rule).

This Court should grant leave to intervene. First, Movants’ request is timely because it is submitted within 30 days of the filing of the above-captioned petition.

Fed. R. App. P. 15(d). Second, Movants possess legally protectable interests in the dispositions of any petitions for review of the Final Rule. Third, no existing party adequately represents those interests.

Respondents do not oppose this motion to intervene. Petitioners in Cases No. 22-1031 and 22-1035 do not oppose this motion. The remaining petitioners do not take a position on the motion at this time.

BACKGROUND

A. Statutory and Regulatory Background

To attain its “primary goal” of “pollution prevention,” 42 U.S.C. § 7401(c), the Clean Air Act directs EPA to prescribe “standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles..., which in [the agency’s] judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare,” *id.* § 7521(a)(1). In 2009, EPA found that greenhouse gases endanger public health and welfare and that mobile-source emissions, in particular, cause or contribute to that endangerment. 74 Fed. Reg. 66,496 (Dec. 15, 2009). The endangerment finding directly triggered EPA’s duty to establish greenhouse-gas emission standards for new automobiles.

In 2012, EPA prescribed greenhouse-gas emission standards for new light-duty vehicles of model years 2017–2025. 77 Fed. Reg. 62,624 (Oct. 15, 2012). In 2017, drawing on a new extensive and robust technical record, EPA issued a final

determination that its standards for model years 2022–2025 remained appropriate and that automakers could meet them at lower cost than the agency had projected in 2012. *See California v. EPA*, 940 F.3d 1342, 1347–48 (D.C. Cir. 2019).

In 2020, however, EPA took final action to weaken greenhouse-gas emission standards for model years 2021–2025, while setting new standards for model year 2026. 85 Fed. Reg. 24,174 (Apr. 30, 2020). That action “was the most significant weakening of mobile source emissions standards in EPA’s history.” Final Rule, 86 Fed. Reg. at 74,499. It diminished the rate of annual improvement in fleet average emissions to approximately 1.5 percent, as compared to approximately 5 percent under EPA’s earlier standards for model years 2021–2025. Movants petitioned for review of EPA’s 2020 action, as did numerous others, in litigation that this Court is presently holding in abeyance.¹

B. The Final Rule

In 2021, EPA proposed to strengthen its greenhouse-gas emission standards for light-duty vehicles of model years 2023–2026. 86 Fed. Reg. 43,726 (Aug. 10, 2021). EPA proposed to increase the rate of annual improvement in greenhouse-gas emissions to approximately 10 percent in model year 2023 and approximately 5 percent in model years 2024–2026, *id.* at 43,731, and solicited public comment

¹ *See Order, Competitive Enter. Inst. v. NHTSA*, Lead Case No. 20-1145, ECF No. 1892931 (Apr. 2, 2021).

on alternatives that would further increase rates of annual improvement. Movants submitted comments to EPA urging the agency to finalize model year 2023–2026 standards more protective of public health and welfare than those it had proposed.²

EPA’s Final Rule, finalized in December 2021, finalizes the greenhouse-gas emission standards proposed for model years 2023–2024 and finalizes the most protective standards considered in the proposal for model years 2025–2026. 86 Fed. Reg. 74,434 (Dec. 30, 2021) (“Final Rule”). The rates of annual improvement range from 5 percent to 10 percent. *Id.* at 74,440. The Final Rule “will mitigate the impacts of climate change by achieving significant [greenhouse-gas] emission reductions,” *id.* at 74,445, and is expected to “result in an increase in penetration of [electric vehicles] and [plug-in-hybrid vehicles] from today’s levels,” *id.* at 74,438.

STANDARD FOR INTERVENTION

Federal Rule of Appellate Procedure 15(d) states that a motion to intervene in defense of an agency action “must contain a concise statement of the interest of the moving party and the grounds for intervention.” That rule does not specify any standard for intervention, but because “the policies underlying intervention” in

² Comments of Center for Biological Diversity, Chesapeake Bay Foundation, Conservation Law Foundation, Earthjustice, Environmental Law and Policy Center, Natural Resources Defense Council, Public Citizen, Inc., Sierra Club, and Union of Concerned Scientists, Docket ID: EPA-HQ-OAR-2021-0208-0116 (Sept. 27, 2021); Comments of Environmental Defense Fund, Docket ID: EPA-HQ-OAR-2021-0208-0688 (Sept. 27, 2021).

district courts “may be applicable in appellate courts,” *Int’l Union v. Scofield*, 382 U.S. 205, 216 n.10 (1965), this Court may look to Federal Rule of Civil Procedure 24 for guidance, *cf. Mass. Sch. of Law at Andover, Inc. v. United States*, 118 F.3d 776, 779 (D.C. Cir. 1997). Rule 24 provides that leave to intervene be granted to a movant that timely “claims an interest relating to the ... transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2).

This Court additionally requires a showing of Article III standing by putative intervenors seeking to defend agency actions against petitions for review. *See Nat. Res. Def. Council v. EPA*, 896 F.3d 459, 462–63 (D.C. Cir. 2018). Standing is regularly shown “where a party benefits from agency action, the action is then challenged in court, and an unfavorable decision would remove the party’s benefit.” *Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 316 (D.C. Cir. 2015). An organization may defend agency action on its members’ behalf when: “(1) at least one of its members would have standing to [defend] in his or her own right; (2) the interests it seeks to protect are germane to the organization’s purpose; and (3) neither the [defense] asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hearth, Patio & Barbecue Ass’n v. EPA*, 11 F.4th 791, 802 (D.C. Cir. 2021) (cleaned up).

STATEMENT OF INTEREST AND STANDING

Movants' clear interest in the disposition of this action supports their request for intervention as well as their standing to defend the Final Rule.

Movants are nonprofit, public-interest organizations committed to protecting their members from the effects of harmful air pollution, including effects traceable to climate change, and to advancing their members' interest in wider availability of cleaner vehicles.³ Movants have consistently advocated for reducing emissions of greenhouse gases and other pollutants from the transportation sector⁴—the nation's largest source of climate-destabilizing pollution, Final Rule, 86 Fed. Reg. at 74,490—and increasing availability of a broader range of cleaner automobiles in the marketplace.⁵ Movants have protectable interests in shielding their members from harms that would result if the Final Rule's standards for vehicular greenhouse-gas emissions are vacated.

³ See Decl. of Sean Mahoney ¶¶ 3–6 (Conservation Law Foundation); Decl. of Jeremy Proville ¶¶ 3–4, 8–9, 11 (Environmental Defense Fund); Decl. of Gina Trujillo ¶¶ 3–6 (Natural Resources Defense Council); Decl. of Robert Weissman ¶ 2 (Public Citizen); Decl. of Katherine Garcia ¶¶ 14–15 (Sierra Club).

⁴ See, e.g., Garcia Decl. ¶¶ 6–12; Mahoney Decl. ¶¶ 6–8; Trujillo Decl. ¶ 6; Weissman Decl. ¶ 2.

⁵ Decl. of Heather Greenwood ¶ 18 (Conservation Law Foundation); Decl. of Philip Coupe ¶ 12 (Conservation Law Foundation); Decl. of Douglas Snower ¶¶ 7, 11–13 (Environmental Law and Policy Center); Decl. of Stephen Skrovan ¶¶ 5–6 (Public Citizen); Decl. of Kim Floyd ¶¶ 10–11 (Sierra Club); Decl. of Vicente Perez Martinez ¶¶ 11–13 (Sierra Club).

Movants likewise have standing to intervene in this action. As described in more detail below, their members would be injured if the Final Rule is vacated and accordingly would have standing to defend the Final Rule in their own rights. Movants' members include people who live, work, recreate, and own property in areas that experience the effects of climate change;⁶ people who live, work, and recreate near locations where EPA's vehicular greenhouse-gas emission standards most directly affect local air-pollution levels;⁷ people desiring to purchase or lease cleaner vehicles;⁸ and people with professions that benefit from the proliferation of vehicles that EPA's standards incent.⁹

If this Court were to vacate the Final Rule, Movants' members would suffer economic, health, recreational, and aesthetic injuries from increased air pollution, worsened effects of climate change, and diminished deployment of lower-polluting automobiles. *See* Sections A–C, *infra*. Movants' members therefore satisfy the

⁶ Coupe Decl. ¶¶ 2, 5; Decl. of Paul Jeffrey ¶¶ 2–8, 14–15 (Natural Resources Defense Council); Mahoney Decl. ¶ 12; Decl. of Gerald Malczewski ¶¶ 5–9 (Union of Concerned Scientists); Decl. of Michele Timmons ¶¶ 2, 7–8 (Environmental Defense Fund); Decl. of Rita Tower ¶ 2–6, 9–13 (Natural Resources Defense Council); Greenwood Decl. ¶¶ 9, 11–12, 14–15; Floyd Decl. ¶¶ 2, 7–9; Perez Martinez Decl. ¶¶ 4–5, 7–8.

⁷ Mahoney Decl. ¶ 12; Perez Martinez Decl. ¶ 4; Timmons Decl. ¶¶ 7–8; Greenwood Decl. ¶ 14.

⁸ Malczewski Decl. ¶¶ 12–15; Perez Martinez Decl. ¶ 11; Timmons Decl. ¶ 11; Greenwood Decl. ¶ 18; Coupe Decl. ¶ 12; Skrovan Decl. ¶¶ 4–5.

⁹ Coupe Decl. ¶¶ 9–11; Decl. of Douglas Snower ¶¶ 5–8, 11–13 (Environmental Law & Policy Center)

injury-in-fact, causation, and redressability requirements of Article III standing. *See Nat. Res. Def. Council v. Wheeler*, 955 F.3d 68, 76–77 (D.C. Cir. 2020) (finding that Movant organization had standing to challenge EPA rule based on increased greenhouse-gas emissions and effects of climate change on a member’s property); *Competitive Enter. Inst. v. NHTSA*, 901 F.2d 107, 112–13 (D.C. Cir. 1990) (holding that consumers who experienced a reduced opportunity to purchase certain types of vehicles had standing to challenge fuel-economy regulation).

Movants also satisfy the remaining requirements of associational standing. The interests they seek to protect by participating in this case are germane to their organizational purposes of advocating for reductions of greenhouse gases and other air pollutants from the transportation sector and increasing the availability of lower-polluting vehicles. *See Nat’l Lime Ass’n v. EPA*, 233 F.3d 625, 636 (D.C. Cir. 2000) (characterizing germaneness requirement as “undemanding; mere pertinence between litigation subject and organizational purpose is sufficient”); *Ctr. for Auto Safety v. NHTSA*, 793 F.2d 1322, 1323–24 (D.C. Cir. 1986) (finding standing of “non-profit consumer organizations that work to promote energy conservation” to represent members whose “vehicles available for purchase will likely be less fuel efficient” due to challenged fuel-economy regulation). And Movants’ defense does not require participation of their members because Petitioners will raise questions of law or fact that will be resolved on the

administrative record without consideration of those members' individual circumstances. *See Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 597–98 (D.C. Cir. 2015).

This Court has often held that Movants and similarly situated organizations have standing to protect their members from pollution that adversely affects those members, *see, e.g., Nat. Res. Def. Council v. EPA*, 755 F.3d 1010, 1016–17 (D.C. Cir. 2014), and to ensure that their members' desired automobiles are not “difficult to obtain,” *Weissman v. Nat’l R.R. Passenger Corp.*, 21 F.4th 854, 860 (D.C. Cir. 2021); *see also Ctr. for Auto Safety*, 793 F.2d at 1324. The Court should so hold in this instance as well.

A. Climate Injuries

Movants' members will suffer a variety of injuries related to climate change if the Final Rule is vacated. EPA estimates that, compared to the standards it set in 2020, and over the lifetime of vehicles through 2050, the Final Rule will reduce carbon-dioxide emissions by 3.1 billion metric tons, methane emissions by 3.3 million metric tons, and nitrogen oxide emissions by 97,600 tons. Final Rule, 86 Fed. Reg. at 74,488-89. Vacating the Final Rule would jeopardize these greenhouse-gas emissions reductions.

Increased greenhouse-gas emissions harm Movants' members by leading to formation of ground-level ozone and other harmful pollution, increasing wildfire

frequency and severity, contributing to extreme weather events, impairing agricultural production and other economic activities, threatening property from sea level rise and other climate change effects, and decreasing opportunities to recreate outdoors and appreciate nature.

Climate change contributes to higher levels of ground-level ozone, or smog, because smog formation is influenced by air temperature and solar radiation level.¹⁰ Exposure to ozone is associated with significant adverse public health effects, including decreased lung function, respiratory-related hospitalizations, cardiac arrest, and premature death, especially for vulnerable populations such as children, the elderly, people who work and recreate outdoors, and people with underlying respiratory conditions.¹¹

Movants have members who live or spend significant time in ozone nonattainment areas and other high-ozone areas,¹² and some of these members and their families are members of vulnerable populations.¹³ Movants' members already experience ozone-related health impacts, and these impacts will worsen if vehicle

¹⁰ See Coupe Decl. ¶ 7; Decl. of Elena Craft ¶ 7 (Environmental Defense Fund); Perez Martinez Decl. ¶ 6.

¹¹ Craft Decl. ¶¶ 7–17; Floyd Decl. ¶ 9.

¹² Floyd Decl. ¶ 7; Perez Martinez Decl. ¶ 4; Proville Decl. ¶ 11; Craft Decl. ¶ 8.

¹³ See Craft Decl. ¶ 18–19 (describing vulnerable populations); Perez Martinez Decl. ¶ 5; Timmons Decl. ¶¶ 2–3, 6; Greenwood Decl. ¶ 7; Coupe Decl. ¶ 7.

emission standards are weakened.¹⁴ Some members are forced to limit their work, recreation, and other outdoor activities due to their concern about ozone-related health hazards, and these concerns and limitations would likewise increase if the standards are weakened.¹⁵

Climate change also increases the frequency and severity of wildfires near where many members live, by creating hotter, drier conditions more conducive to starting and exacerbating large fires.¹⁶ Those conditions expose Movants' members to health-harming and dangerous fire, smoke, and ash;¹⁷ force them to limit recreation, travel, and other outdoor activities, and to take other costly and burdensome precautions;¹⁸ and increase their risk of fire-related injury, death, or property damage.¹⁹

Weakened vehicular greenhouse-gas emission standards would contribute to these harms in the future. Climate change heightens the frequency and intensity of extreme weather events, such as heat waves, storms and heavy downpours, floods, and droughts.²⁰ These events harm Movants' members in many ways: by

¹⁴ See Coupe Decl. ¶ 7; Greenwood Decl. ¶¶ 7, 9, 13–17; Floyd Decl. ¶¶ 5, 9; Timmons Decl. ¶¶ 2–3, 6, 11.

¹⁵ Coupe Decl. ¶ 7; Greenwood Decl. ¶¶ 10–12, 15, 17; Floyd Decl. ¶¶ 8–9.

¹⁶ Decl. of John Steel ¶¶ 6–8, 11 (Union of Concerned Scientists).

¹⁷ Steel Decl. ¶¶ 7–9.

¹⁸ Steel Decl. ¶ 10; Floyd Decl. ¶¶ 8–9.

¹⁹ Steel Decl. ¶ 8.

²⁰ Coupe Decl. ¶ 4; Jeffrey Decl. ¶ 2.

increasing risk of injury, death, or property damage;²¹ decreasing property values;²² forcing members to take actions and expend resources to prevent and address these impacts in their communities;²³ and limiting members' activities to avoid these and related hazards.²⁴

An increase in climate-destabilizing pollution due to vacatur of the Final Rule also would impair the ability of Movants' members to recreate outdoors and appreciate and study nature. Climate change limits members' opportunities to travel and recreate outdoors by exacerbating air pollution,²⁵ wildfires,²⁶ and extreme weather.²⁷ Additionally, climate change will limit members' ability to engage in winter recreation activities by reducing winter snowpack.²⁸ And it is increasingly limiting members' ability to visit, study, and appreciate natural ecosystems, including coastal ecosystems threatened by sea-level rise, as well as threatened and endangered species.²⁹

²¹ Jeffrey Decl. ¶¶ 4, 6; Tower Decl. ¶ 6, 9, 11.

²² Jeffrey Decl. ¶¶ 8.

²³ Jeffrey Decl. ¶ 4.

²⁴ Tower Decl. ¶ 4; Jeffrey Decl. ¶ 14.

²⁵ Floyd Decl. ¶ 8; Perez Martinez Decl. ¶ 5; Coupe Decl. ¶ 7; Greenwood Decl. ¶ 15.

²⁶ Steel Decl. ¶ 10.

²⁷ Jeffrey Decl. ¶¶ 14–15; Steel Decl. ¶ 10.

²⁸ Malczewski Decl. ¶¶ 5–9.

²⁹ Floyd Decl. ¶ 4–5.

B. Other Air Pollution Injuries

If the Final Rule is vacated, Movants' members also will suffer from increased exposure to harmful air pollution caused by pollutants such as oxides of nitrogen ("NO_x"), volatile organic compounds ("VOCs"), fine particulate matter ("PM"), and sulfur oxides ("SO_x"). These pollutants are emitted by the upstream processes—including production, refining, and distribution of the gasoline needed to power higher-emitting vehicles—that will increase in prevalence if the strengthened standards are vacated.³⁰ Gasoline refining in particular results in significant emissions of NO_x, fine PM, SO_x, and benzene.³¹ EPA projected that the Final Rule will reduce overall, long-term emissions of NO_x, VOCs, and fine PM. Final Rule, 86 Fed. Reg. at 74,491–92.

NO_x and VOC emissions are precursors to ground-level ozone, which is associated with significant public health effects.³² Fine PM, often called "soot," is associated with a host of adverse health effects, including decreased lung function, allergic responses, chronic obstructive pulmonary disease, lung cancer, and both

³⁰ Proville Decl. ¶ 12; Craft Decl. ¶¶ 41–43.

³¹ See EPA & NHTSA, Final Environmental Impact Statement for The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Year 2021–2026 Passenger Cars and Light Trucks, at 7–5, 7–15, Docket No. NHTSA-2017-0069-0738 (Mar. 2020); Craft Decl. ¶¶ 44–47.

³² Craft Decl. ¶¶ 7, 9–21.

acute and chronic cardiovascular conditions.³³ Children, whose lungs are still developing, are among those at highest risk from fine PM pollution.³⁴

According to EPA, less protective vehicular greenhouse-gas standards will increase the amount of fuel consumed and, as a result, will increase fuel refining and associated emissions. Final Rule, 86 Fed. Reg. at 74,490–91. Movants have many members—including members with children—who will be impacted by increased levels of fine PM, NO_x, and other dangerous pollutants due to their proximity to refineries.³⁵ Many of these members live in areas where refineries contribute to PM, SO_x, and ozone levels that already fail to attain health-based standards under the Clean Air Act.³⁶ Increased refinery operation in these areas will worsen their already unhealthy conditions, seriously harming some of Movants' most vulnerable members.³⁷

Vacating the Final Rule will also harm Movants' members by increasing freight transport of refined fuels conducted in large part by diesel vehicles, thereby worsening near-roadway pollution.³⁸ Pollution levels are typically elevated near major roadways, causing harm to those living, working, and attending school

³³ Craft Decl. ¶¶ 22, 26–31.

³⁴ Craft Decl. ¶ 22.

³⁵ Proville Decl. ¶¶ 15–18.

³⁶ Proville Decl. ¶¶ 16–18.

³⁷ Craft Decl. ¶¶ 44–45, 47, 54.

³⁸ Craft Decl. ¶¶ 42–43, 48–51.

nearby.³⁹ This is especially true for communities of color and low-income communities, who are disparately impacted by near-roadway pollution.⁴⁰ Increased near-roadway pollution will interfere with members' activities and harm the health of members and their families, especially those in the most vulnerable populations.⁴¹

C. Consumer and Business Injuries

Vacating the Final Rule would harm Movants' members by limiting their options to sell and purchase lower-emitting vehicles.⁴² Under stronger regulations like the Final Rule, automakers allocate more resources to selling lower-emitting vehicles, increasing the variety and quantity of lower-emission options available to customers.⁴³

Movants have members who plan to purchase lower-emitting vehicles of model years affected by EPA's Final Rule.⁴⁴ Vacating the Rule will limit these members' choices and opportunities to purchase these vehicles, and will cause

³⁹ Craft Decl. ¶¶ 48-51; Perez Martinez Decl. ¶ 4; Greenwood Decl. ¶¶ 14-15.

⁴⁰ Craft Decl. ¶¶ 50, 53.

⁴¹ Craft Decl. ¶¶ 18, 51.

⁴² Coupe Decl. ¶ 11; Malczewski Decl. ¶¶ 12-14; Snower Decl. ¶ 13; Timmons Decl. ¶ 11; Skrovan Decl. ¶ 6; Weissman Decl. ¶ 6.

⁴³ Snower Decl. ¶¶ 7, 11.

⁴⁴ See Perez Martinez Decl. ¶ 11; Timmons Decl. ¶¶ 9, 11; Greenwood Decl. ¶ 18; Coupe Decl. ¶ 12; Skrovan Decl. ¶ 4-5.

them to spend more on fuel.⁴⁵ Movants also have members who specialize in selling and servicing electric and hybrid vehicles as well as charging equipment, and whose businesses would suffer if the Final Rule is vacated.⁴⁶

GROUNDS FOR INTERVENTION

The Court should permit Movants to intervene in all petitions for review of the Final Rule. For the reasons stated above, Movants have an interest in upholding the Final Rule, and the disposition of these cases “may as a practical matter impair or impede [Movants’] ability to protect [their] interest[s].” Fed. R. Civ. P. 24(a)(2).

Further, Respondents may not “adequately represent” Movants’ interests. Fed. R. Civ. P. 24(a)(2); *see also Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003) (explaining that this “minimal” requirement is “not onerous” (quotations omitted)). Movants can make the requisite “minimal” showing, *In re Brewer*, 863 F.3d 861, 873 (D.C. Cir. 2017), “that the representation of [their] interest may be inadequate,” *SEC v. Dresser Indus., Inc.*, 628 F.2d 1368, 1390 (D.C. Cir. 1980) (emphasis added). As this Court “often conclude[s],” “governmental entities do not adequately represent the interests of aspiring intervenors.” *Fund for Animals*, 322 F.3d at 736; *see also id.* at 736 n.9 (collecting cases); *Crossroads*, 788 F.3d at 321.

⁴⁵ Coupe Decl. ¶ 11; Malczewski Decl. ¶ 15; Snower Decl. ¶ 13; Timmons Decl. ¶ 11; Skrovan Decl. ¶ 6; Weissman Decl. ¶ 6.

⁴⁶ Coupe Decl. ¶ 11; Snower Decl. ¶¶ 7–8, 11–13.

Whereas federal respondents’ “obligation is to represent the interests of the American people,” *Fund for Animals*, 322 F.3d at 736—including the automobile and fossil-fuel industries—Movants represent the more specific interests of their members in avoiding dangerous air pollution and increasing the availability and variety of cleaner vehicles. Thus, “examined from the perspective of [governmental parties’] responsibilities,” Movants’ interests are not adequately represented. *Id.* at 737.

This Court has permitted several of the Movants here to intervene in support of respondent agencies in previous challenges to federal greenhouse-gas emission standards. *See, e.g.*, Order, *Competitive Enter. Inst. v. NHTSA*, Case No. 20-1145 (D.C. Cir. Oct. 8, 2020), ECF No. 1865427 (petition for review of, *inter alia*, greenhouse-gas standards for passenger vehicles and light trucks); Order, *Truck Trailer Mfrs. Ass’n, Inc. v. EPA*, Case No. 16-1430 (D.C. Cir. Mar. 10, 2017), ECF No. 1665427 (petition for review of, *inter alia*, greenhouse-gas standards for heavy-duty trailers). This motion likewise should be granted.

CONCLUSION

This Court should grant Movants leave to intervene in support of Respondents in all cases challenging EPA’s Final Rule. *See* Cir. R. 15(b).

Respectfully submitted,

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