

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

AMERICAN FOREST & PAPER)
ASSOCIATION,)
))
Petitioner,)
))
v.)
))
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and MICHAEL S.)
REGAN, Administrator, United States)
Environmental Protection Agency,)
))
Respondents.)

Case No. _____

PETITION FOR REVIEW

The American Forest & Paper Association hereby petitions this court, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, D.C. Circuit Rule 15, the Administrative Procedures Act, and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1), for review of the final action the Respondent United States Environmental Protection Agency (“EPA”) and Administrator Michael S, Regan promulgating the rule titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards” and published in the Federal Register at 88 Fed. Reg. 36,654 (June 5, 2023). A copy of EPA’s final rule is attached to the Petition and identified as Attachment A.

This Court has jurisdiction under 42 U.S.C. §7607(b)(1). Relying on *Texas*

Municipal Power Agency v. Environmental Protection Agency, 89 F.3d 858, 867 (D.C. Cir. 1996) in which this Court found that Clean Air Act §307(b)(1) is a waivable venue provision, the Petitioner American Forest & Paper Association does so yield venue as to this Petition in this Court to promote judicial efficiency and to advance this challenge without unnecessary delay that may arise from disputes regarding regional circuit venue selection.

Respectfully submitted.



Kathy G. Beckett

Kathy G. Beckett
David M. Flannery
Keeleigh S. Utt
Steptoe & Johnson, PLLC
707 Virginia Street, East
Post Office Box 1588
Charleston, WV 25326
(304) 353-8000
Kathy.beckett@steptoe-johnson.com
Dave.flannery@steptoe-johnson.com
Keeleigh.utt@steptoe-johnson.com

Edward L. Kropp
Steptoe & Johnson PLLC
PO Box 36425
Indianapolis, Indiana 46236
317-946-9882
Skipp.kropp@steptoe-johnson.com

*Counsel for Petitioner American Forest & Paper
Association*

July 21, 2023

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

AMERICAN FOREST & PAPER)
ASSOCIATION,)
))
Petitioner,)
))
v.)
))
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and MICHAEL S.)
REGAN, Administrator, United States)
Environmental Protection Agency,)
))
Respondents.)

Case No. _____

**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER
AMERICAN FOREST & PAPER ASSOCIATION**

Pursuant to Federal Rules of Appellate Procedure and Circuit Rule 26.1 and Circuit Rule 26.1, the AMERICAN FOREST & PAPER ASSOCIATION, a petitioner files the following statement:

The AMERICAN FOREST & PAPER ASSOCIATION is a continuing association of individuals operated for the purpose of promoting the general interests of its membership. The AMERICAN FOREST & PAPER ASSOCIATION has no outstanding shares or debt securities in the hand of the public and has no parent company.

No publicly held company has a 10% or greater ownership interest in the American Forest & Paper Association.

Respectfully submitted,



Kathy G. Beckett

Kathy G. Beckett
STEPTOE & JOHNSON PLLC
707 Virginia Street, East
Post Office Box 1588
Charleston, West Virginia 25326
(304) 353-8000
Kathy.beckett@steptoe-johnson.com

Counsel for the American Forest &
Paper Association

Dated: July 21, 2023


CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 15(c), Circuit Rule 15(a), Fed. R. App. P. 25, and 40 CFR 23.12(a), on this date, I hereby certify that I will cause to be served a true copy of the foregoing Petition for Review and Disclosure Statement via U.S. mail on the 21st day of July 2023, return-receipt requested, a copy of the foregoing Petition for Review to the following:

Hon. Michael S. Regan
Office of the Administrator (1101A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hon. Merrick B. Garland
Attorney General for the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Office of General Counsel (2310A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460


Kathy G. Beckett

Dated: July 21, 2023