

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

FOOD MARKETPLACE, INC.;  
NATIONAL GROCERS  
ASSOCIATION; and AMERICAN  
FROZEN FOOD INSTITUTE,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, and  
MICHAEL S. REGAN, in his official  
capacity as Administrator, United States  
Environmental Protection Agency,

Respondents.

Case No.: 23-1347

**PETITION FOR REVIEW**

Pursuant to Section 307(b)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7607(b)(1), Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, Rule 15(a) of the Federal Rules of Appellate Procedure, and Rule 15(a) of the D.C. Circuit Rules, Food Marketplace, Inc. (FMI—The Food Industry Association), National Grocers Association, and the American Frozen Food Institute hereby petition the United States Court of Appeals for the District of Columbia Circuit for review of the United States Environmental Protection Agency’s final rule entitled “Phasedown of

Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under the American Innovation and Manufacturing Act of 2020,” published in the Federal Register at 88 Fed. Reg. 73,098 (Oct. 24, 2023). A copy of the final rule is attached as Exhibit A. This Court has jurisdiction and is a proper venue for this action pursuant to 42 U.S.C. § 7607(b)(1).

Date: December 26, 2023

Respectfully submitted,

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**CERTIFICATE OF CORPORATE DISCLOSURE**

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioners make the following disclosures:

1. **Food Marketplace, Inc. (FMI—The Food Industry Association)** consists of members throughout the food industry, including retailers who sell to customers, producers who supply food, and companies providing support services. FMI does not have a parent corporation and no publicly held corporation has a 10% or greater ownership in it.

2. **The American Frozen Food Institute** consists of members of the frozen food and beverage industry, including processors, retailers, and companies providing support services. The American Frozen Food Institute does not have a parent corporation and no publicly held corporation has a 10% or greater ownership in it.

3. **The National Grocers Association** consists of independent privately-owned grocers and the wholesale-distributors that service them. The National Grocers Association does not have a parent corporation and no publicly held corporation has a 10% or greater ownership in it.

Date: December 26, 2023

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*FMI; National Grocers Association;*  
*American Frozen Food Institute*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2023, I caused one copy of the foregoing to be served on each of the following by certified United States mail, return receipt requested:

The Honorable Michael S. Regan  
Administrator  
Office of the Administrator (1101A)  
United States Environmental Protection Agency  
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The Honorable Merrick Garland  
Attorney General of the United States  
United States Department of Justice  
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