

ORAL ARGUMENT NOT YET SCHEDULED

**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 and LEE
ZELDIN, Administrator,
U.S. Environmental Protection Agency,

Respondents.

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039,
26-1043, 26-1051,
26-1061)

**MOTION TO INTERVENE AS RESPONDENTS OF
NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
AMERICAN FREE ENTERPRISE CHAMBER OF COMMERCE,
AND THE ILLINOIS, IOWA, KENTUCKY, MISSOURI,
NORTH DAKOTA, AND TENNESSEE
CORN GROWERS ASSOCIATIONS**

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MOTION TO INTERVENE AS RESPONDENTS

On February 18, 2026, the U.S. Environmental Protection Agency (EPA) published a Final Rule entitled, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This rule rescinds EPA's *Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all standards for greenhouse gas emissions from light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond. Multiple groups have filed petitions for review of the Final Rule.

Movants National Federation of Independent Business (NFIB), and American Free Enterprise Chamber of Commerce (AmFree), and the Illinois, Iowa, Kentucky, Missouri, North Dakota, and Tennessee Corn Growers Associations (collectively, Corn Growers) are associations representing American individuals and businesses harmed by the greenhouse gas standards that the Final Rule repeals. NFIB is the Nation's leading small business association and works to promote and protect its members' ability to own, operate, and earn success in their businesses. This

includes fighting against federal and state policies that increase regulatory barriers and increase its members' costs of doing business. *See* Ex. A, Declaration of Elizabeth Milito (Milito Decl.) ¶ 4. AmFree is a membership association that represents entrepreneurs and companies across all sectors and states who are vitally interested in maintaining the free, fair, and open markets that are foundational to the American economy. AmFree serves its members by fighting against burdensome regulations and counterproductive policies that increase costs and harm its members' businesses. *See* Ex. B, Declaration of Gentry Collins (Collins Decl.) ¶ 4. The Corn Growers represent farmers throughout their states who grow and sell corn crops. A primary use of this corn is as a feedstock for ethanol, the second largest component of automobile gasoline. *See* Ex. C, Declaration of Rodney Weinzierl (Weinzierl Decl.) ¶¶ 2, 4, 6; Ex. D, Declaration of Adam Andrews (Andrews Decl.) ¶¶ 2, 4, 6; Ex. E, Declaration of Bradley Schad (Schad Decl.) ¶¶ 2, 4, 6; Ex. F, Declaration of Amy McNeil (McNeil Decl.) ¶¶ 2, 4, 6; Ex. J, Declaration of Brenda K. Elmer ¶¶ 2, 4, 6 (Elmer Decl.); Ex. K, Declaration of Kevin Studer ¶¶ 2, 4, 6 (Studer Decl.).

Movants' members rely on motor vehicles of all classes, or the fuels and industries that power those vehicles, in operating their businesses. Some members use vehicles to move products or people; others sell or lease vehicles; and others are in the automobile fuel supply chain or provide services to the fuel industry. Movants' members benefit from EPA's Final Rule, which repeals onerous greenhouse gas emissions standards that drove up vehicle costs, limited vehicle choice, and depressed demand for automobile fuel.

Movants therefore seek to intervene as Respondents to defend that repeal against legal challenge. Petitioners in Case Nos. 26-1037 and 26-1051 take no position. Petitioners in 26-1061 were unable to provide a position before filing. The remaining Petitioners did not respond. Respondents EPA and EPA Administrator Lee Zeldin reserve their position until they have reviewed the motion.

BACKGROUND

I. The Greenhouse Gas Standards

Title II of the Clean Air Act provides a comprehensive scheme for regulating emissions from new motor vehicles that may harm the public. Section 202(a) directs the EPA Administrator to

by regulation prescribe (and from time to time revise) ... standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.

42 U.S.C. § 7521(a)(1). The determination that emissions cause or contribute to dangerous air pollution has been referred to as an “endangerment finding.” Standards prescribed under Section 202(a) “shall be applicable to such vehicles and engines for their useful life,” *id.*, and may not take effect until “after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period,” *id.* § 7521(a)(2).

EPA did not regulate motor vehicle greenhouse gas emissions until 2010. Following the Supreme Court’s decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007), EPA first issued an endangerment finding under Section 202(a) for “well-mixed greenhouse gases”—*i.e.*, carbon dioxide,

methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. 74 Fed. Reg. 66,496.

EPA then promulgated its initial light-duty vehicle greenhouse gas emission standards in a joint rulemaking with the National Highway Traffic Safety Administration (NHTSA), which sets corporate average fuel economy standards under the Energy Policy and Conservation Act. *See* 49 U.S.C. § 32901 *et seq.* As the agencies explained, carbon dioxide emissions—EPA’s central focus in the greenhouse gas standards—are “essentially constant per gallon combusted of a given type of fuel,” so carbon dioxide standards and fuel economy standards are two sides of the same coin. 75 Fed. Reg. 25,324, 25,327 (May 7, 2010); *see Delta Constr. Co. v. EPA*, 783 F.3d 1291, 1294 (D.C. Cir. 2015) (per curiam) (“[A]ny rule that limits tailpipe [greenhouse gas] emissions is effectively identical to a rule that limits fuel consumption.”).

After that initial rulemaking, EPA continued to jointly promulgate its Title II greenhouse gas standards for cars and light trucks with NHTSA. *See* 85 Fed. Reg. 24,174 (Apr. 30, 2020); 77 Fed. Reg. 62,624 (Oct. 15, 2012). Because Congress prohibited NHTSA from considering the fuel economy of electric vehicles in setting fuel economy standards,

see 49 U.S.C. §§ 32901(a)(1), (8), 32902(h)(1), (2), the agencies' jointly promulgated standards could not be so stringent that they effectively required automakers to include electric vehicles in their fleets.

EPA and NHTSA also jointly promulgated greenhouse gas and fuel consumption standards for medium- and heavy-duty vehicles, beginning in 2011. *See* 76 Fed. Reg. 57,106 (Sept. 15, 2011); 81 Fed. Reg. 73,478 (Oct. 25, 2016). Like the standards for light-duty vehicles, the standards for heavy-duty vehicles could be met without electric vehicles. *See* 76 Fed. Reg. at 57,133; 81 Fed. Reg. at 73,500, 73,639, 73,704.

II. The Electric-Vehicle Mandates

In his first year in office, President Biden announced his Administration's "goal that 50 percent of all new passenger cars and light trucks sold in 2030 be zero-emission vehicles, including battery electric, plug-in hybrid electric, or fuel cell electric vehicles." Exec. Order No. 14,037, 86 Fed. Reg. 43,583, 43,583 (Aug. 10, 2021). To that end, during the Biden Administration, EPA began issuing standards without NHTSA. That culminated in EPA's electric-vehicle mandates—the most expensive rules in American history.

In the so-called “multi-pollutant” rule, EPA set greenhouse gas standards for light- and medium-duty vehicles. 89 Fed. Reg. 27,842 (Apr. 18, 2024). EPA acknowledged that its standards would likely drive automakers to “deploy an increasing number” of electric vehicles. *Id.* at 27,898. By model year 2032, EPA projected that the standards would result in approximately two-thirds of all new passenger cars and light trucks being electric. *Id.* at 28,057. For medium-duty vehicles, EPA predicted an astonishing increase in electric vehicles—jumping to a 43% market share by model year 2032. *Id.* at 28,060. As automakers have explained, these standards are impracticable: demand for electric vehicles is nowhere near the Biden EPA’s wildly optimistic expectations. *See* Comment Submitted by the Alliance of Automotive Innovation 13–22 (Sept. 22, 2025), *available via* <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-7547>.

Around the same time, EPA also promulgated its first-ever solo greenhouse gas standards for heavy-duty vehicles. Those standards were “more stringent than” prior standards and were projected to rapidly increase the production of electric heavy-duty vehicles to 45% of new vehicles by model year 2032, up from near zero. 89 Fed. Reg. 29,440, 29,443,

29,567–68 (Apr. 22, 2024). As truck manufacturers have explained, this mandate is also wildly impracticable given low demand for electric trucks. Comment submitted by Truck and Engine Manufacturers Association 17–29 (Sept. 22, 2025), *available via* <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-0888>.

III. The Final Rule

In the Final Rule, EPA repeals all of the greenhouse gas standards for motor vehicles for model years 2012 and beyond, citing several independent bases. First, EPA concludes that it lacks authority to regulate greenhouse gases as “air pollution” under the best reading of Section 202(a) because greenhouse gases “do not endanger public health or welfare through local or regional exposure” and lack a sufficiently close causal connection to the alleged harms. 91 Fed. Reg. at 7,714. Second, EPA concludes that regardless, regulating greenhouse gases raises questions of major economic and political significance by, among other things, compelling increased electrification of the U.S. motor vehicle fleet, and EPA lacks clear authority to mandate such a shift. *Id.* at 7,723–26. Third, EPA concludes that, in any event, the effect of U.S. motor vehicle emissions on any harms from climate change is *de minimis* because even elim-

inating *all* greenhouse gases from U.S. motor vehicles (an economic impossibility) would have no meaningful effect on global-mean surface temperatures or sea-level rise, let alone other possible downstream effects. *Id.* at 7,729–34.

LEGAL STANDARD

Intervention here is governed by Federal Rule of Appellate Procedure 15(d), which requires the movant to file a motion for leave to intervene within 30 days after the petition for review was filed.¹ The motion “must contain a concise statement of the interest of the moving party and the grounds for intervention.” Fed. R. App. P. 15(d). “Because the Federal Rules of Appellate Procedure” are “silent on the subject” of the grounds for intervention, this Court “appl[ies] the intervention standards of Civil Rule 24.” *United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.*, 45 F.4th 426, 432 (D.C. Cir. 2022).

Under Civil Rule 24(a), a movant is entitled to intervention as of right if (1) the motion is “timely,” (2) the movant has an “interest relating

¹ Rule 15(d)’s intervention procedures apply “[u]nless a statute provides another method.” Fed. R. App. P. 15(d). Because the statute that Petitioners seek review under does not provide another method for intervention, *see* 42 U.S.C. § 7607(b), Rule 15(d) applies here.

to the property or transaction that is the subject of the action,” (3) the interest “is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest,” and (4) the existing parties do not “adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). Additionally, this Court has held that “where a party tries to intervene as another defendant,” it must “demonstrate Article III standing.” *Crossroads Grassroots Pol’y Strategies v. FEC*, 788 F.3d 312, 316 (D.C. Cir. 2015). Doing so necessarily satisfies the “legally protected interest” requirement of Rule 24(a). *Id.* at 320; *see also Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003).²

Under Civil Rule 24(b), a movant may be granted permissive intervention if (1) the motion is “timely,” (2) the movant has “a claim or defense that shares with the main action a common question of law or fact,” and (3) intervention will not “unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(1), (3).

² This Court has recognized that its precedent requiring putative intervenors to show Article III standing even when seeking the same relief as existing parties “is in tension” with *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 674 n.6 (2020), which held that such showing is not required. *See Inst. S’holder Servs., Inc. v. SEC*, 142 F.4th 757, 764 n.3 (D.C. Cir. 2025).

ARGUMENT

Movants meet the criteria for intervention as of right and have Article III standing. In any event, Movants also meet the criteria for permissive intervention.

I. Movants May Intervene as of Right

A. The Motion Is Timely

Movants seek to intervene in Case No. 26-1037 and the consolidated cases. The earliest petition for review was filed on February 18, 2026. Therefore, this motion for leave was filed within the 30-day period specified by Appellate Rule 15(d). Fed. R. App. P. 15(d).³

B. Movants Have Article III Standing and an Interest in the Final Rule

Movants seek to vindicate the interests of their members who will be harmed if the Final Rule is not affirmed by this Court.

NFIB represents small and independent businesses in Washington, D.C., and all fifty states. NFIB's membership includes hundreds of thousands of businesses spanning all industries and operations, from sole pro-

³ Circuit Rule 15(b) states that a motion to intervene “will be deemed a motion to intervene in all cases before this court involving the same agency action or order, including later filed cases, unless the moving party specifically states otherwise” D.C. Cir. R. 15(b).

prietorships to firms with hundreds of employees. NFIB's members rely on vehicles of all types—from passenger cars to heavy-duty trucks—to operate their businesses. The cost of purchasing and operating vehicles is one of the most significant expenses NFIB members face. Milito Decl. ¶¶ 8–14.

For example, NFIB member Herbi-Systems is a lawn and landscaping company that maintains thousands of acres of parks, athletic fields, and other grounds for clients in Memphis, Tennessee, and the surrounding area. Herbi-Systems is completely reliant on small and medium trucks to transport its skilled technicians, equipment, and supplies to service properties, and so it owns and operates a fleet of more than 60 gasoline- and diesel-powered trucks. The costs of purchasing and maintaining these trucks is a significant business expense. Moreover, Herbi-Systems has concluded that electric trucks aren't a commercially feasible option, in part because of the lack of charging infrastructure in the rural areas that it serves. Herbi-Systems therefore intends to continue using gasoline- and diesel-powered trucks for the foreseeable future. Ex. G, Declaration of Kenny Crenshaw (Crenshaw Decl.) ¶¶ 2, 4–5, 8–10.

NFIB member Go Wireline, an oil and gas services company that provides wireline services in North Dakota, South Dakota, Montana, Wyoming, Utah, Nebraska and Colorado, is in similar circumstances. Go Wireline's services typically involve using a truck with a long electric cable to hoist a variety of different tool sets into deep wellbores, and so the company's fleet of approximately 160 gasoline- and diesel-powered trucks are integral to its operations—and a core operating expense. Go Wireline has concluded that, for the foreseeable future, electric trucks aren't a feasible option to support the long distances, heavy payloads, and varied demands that their services require. Standards that increase the cost of gasoline- and diesel-powered vehicles therefore harm Go Wireline's bottom line. Moreover, because more than 99% of Go Wireline's revenue is derived from the oil and gas industries, standards that decrease demand for petroleum-derived products—like gasoline and diesel—also decrease demand for Go Wireline's services. Ex. H, Declaration of Lucas Gjovig (Gjovig Decl.) ¶¶ 2–4, 7–8.

AmFree represents businesses across all sectors and states who believe that free, fair, and open markets are critical to the prosperity of their business and the Nation. AmFree's members include companies

that own, operate, lease, or sell vehicles of all classes. These members have largely concluded that electric vehicles are not commercially feasible for their businesses, and so they intend to continue purchasing internal-combustion vehicles. Collins Decl. ¶¶ 8–11. For example, AmFree member Meiborg Companies is a family-owned trucking company in Illinois that operates a fleet of more than 200 internal-combustion heavy-duty Class 8 tractors. Meiborg Companies intends to purchase internal-combustion vehicles, rather than electric trucks, because of electric trucks' higher up-front costs, limited range, uncertain maintenance costs, and the limited availability of charging infrastructure. Ex. I, Declaration of Zach Meiborg (Meiborg Decl.) ¶¶ 2–4, 8–11.

If the Final Rule is not affirmed, NFIB's and AmFree's members will have to pay more for the internal-combustion vehicles they need to operate their businesses. The repealed greenhouse gas standards mandate electrification across all vehicle classes, which drives up prices since electric vehicles cost more to produce and manufacturers increase prices of internal-combustion vehicles to cross-subsidize electric-vehicle sales. EPA estimates that through 2055, its repeal reduces per vehicle costs by

\$1,550 to \$2,420 in 2024 dollars, depending on discount rate and other factors. 91 Fed. Reg. at 7,756 tbls. 15 & 16.

Movants also represent individuals and businesses that are part of the automobile fuel supply chain who are harmed if the Final Rule is not affirmed. For example, AmFree's members include producers of ethanol, a renewable fuel that is blended into nearly every gallon of gasoline sold in the United States. The Corn Growers represent farmers across the country whose corn crops are used as a feedstock for ethanol. Because more stringent greenhouse gas standards mean increased fuel economy, the repealed standards would significantly decrease demand for gasoline. EPA projected that through 2025, the light-duty vehicle standards, alone, would reduce retail gasoline consumption by 780 billion gallons. 89 Fed. Reg. at 28,141. If the Final Rule is not affirmed, then AmFree's and the Corn Growers' members face reduced demand for their products, harming their economic interests. Collins Decl. ¶¶ 12–14; Weinzierl Decl. ¶¶ 2, 4, 6, 9–12; Andrews Decl. ¶¶ 2, 4, 6, 9–12; Schad Decl. ¶¶ 2, 4, 6, 9–12; McNeil Decl. ¶¶ 2, 4, 6, 9–12; Elmer Decl. ¶¶ 2, 4, 6, 9–12; Studer Decl. ¶¶ 2, 4, 6, 9–12.

These concrete pocketbook harms are sufficient to establish standing under Article III and an interest under Civil Rule 24(a). “Economic harm to a business clearly constitutes an injury-in-fact. And the amount is irrelevant. A dollar of economic harm is still an injury-in-fact for standing purposes.” *Carpenters Indus. Council v. Zinke*, 854 F.3d 1, 5 (D.C. Cir. 2017). If the Final Rule is not affirmed, Movants’ members will undoubtedly face at least a dollar in increased vehicle costs and decreased product and services sales from the greenhouse gas standards the Final Rule repeals. Movants’ members “benefit from” the Final Rule and “would suffer concrete injury if the court grants the relief the petitioners seek.” *Military Toxics Project v. EPA*, 146 F.3d 948, 954 (D.C. Cir. 1998). That satisfies both standing and intervention. *See id.*; *Fund for Animals*, 322 F.3d at 735 (“[o]ur conclusion that [movant] has constitutional standing is alone sufficient to establish that [movant] has” a sufficient interest under Civil Rule 24(a)).

AmFree’s fuel-producer members and the Corn Growers’ members have standing, and an interest sufficient for intervention as of right, for the separate and additional reason that they are the object of the standards the Final Rule repeals. Where a regulation “impedes Company A

from using Company B's product ... both Company A and Company B are an object of the action" and "there is ordinarily little question that [both] have standing." *Energy Future Coal. v. EPA*, 793 F.3d 141, 144 (D.C. Cir. 2015) (quotation marks omitted). Fuel producers and those in the automobile fuel supply chain are targets of the repealed greenhouse gas emissions standards because the standards "explicitly seek to restrict the use of gasoline and other liquid fuels in automobiles." *Diamond Alt. Energy, LLC v. EPA*, 606 U.S. 100, 114–15 (2025). In any event, the repealed standards "force automakers to produce a fleet of vehicles that, as a whole, uses significantly less gasoline and other liquid fuels" which will "cause downstream or upstream economic injuries to others in the chain" including to "producers of gasoline and other liquid fuels." *Id.* at 117 (quotation marks omitted). So, there is no question those members have standing.

Because Movants' members have Article III standing, Movants have associational standing to intervene on behalf of their members. An organization has associational standing "when: (1) at least one of its members would have standing to sue in his or her 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.’” *Sierra Club v. FERC*, 827 F.3d 59, 65 (D.C. Cir. 2016) (quoting *WildEarth Guardians v. Jewell*, 738 F.3d 298, 305 (D.C. Cir. 2013)).

As explained above, multiple members have Article III standing to challenge the Final Rule in its own right; intervention is germane to Movants’ purposes to promote and protect their members’ ability to successfully operate their businesses free from burdensome and counterproductive regulations; and Movants are not asserting any claim or seeking any relief requiring individual member participation. *See generally* Milito Decl.; Collins Decl.; Weinzierl Decl.; Andrews Decl.; Schad Decl.; McNeil Decl.; Elmer Decl.; Studer Decl.

C. The Disposition of This Case Could Impair Movants’ Interests

Movants meet the third factor for intervention as of right under Civil Rule 24(a), where courts look to “the ‘practical consequences’ of denying intervention, even where the possibility of future challenge to the regulation remain[s] available.” *Fund for Animals*, 322 F.3d at 735 (alteration in original) (citation omitted). Typically, this factor is satisfied upon demonstrating Article III standing. *Cf. Roeder v. Islamic Republic*

of Iran, 333 F.3d 228, 233–34 (D.C. Cir. 2003) (“any person who satisfies Rule 24(a) will also meet Article III’s standing requirement”). This factor is also satisfied where the litigation’s disposition will lead to a “loss of revenues,” *Fund for Animals*, 322 F.3d at 735, or “make the task of reestablishing the status quo more difficult and burdensome,” including through unfavorable judicial precedent. *Crossroads Grassroots*, 788 F.3d at 320 (cleaned up).

Movants easily satisfy this factor. As explained above, Movants have standing. They will also lose revenue if the Final Rule is not affirmed, through increased motor vehicle costs and decreased product and services sales that result from reinstated greenhouse gas standards. Moreover, an adverse ruling here would make it more difficult for Movants to prevail in a later proceeding. This Court is likely to resolve legal issues that would bear on any subsequent challenge to federal greenhouse gas standards, and that “ruling would have persuasive weight with a new court.” *Id.* Movants should be granted intervention to protect their members’ interests in operating their businesses free of costly and burdensome greenhouse gas standards, which may otherwise be hindered without their participation here.

D. EPA May Not Adequately Represent Movants' Interests

EPA is unlikely to adequately represent Movants' interests. Civil Rule 24(a) allows for intervention as of right “unless existing parties adequately represent” the movant’s “interest.” Fed. R. Civ. P. 24(a)(2). Movants’ burden to show inadequacy “is not onerous,” as they “need only show that representation of [their] interest ‘may be’ inadequate, not that representation will in fact be inadequate.” *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986) (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972)); see also *United States v. AT&T Co.*, 642 F.2d 1285, 1293 (D.C. Cir. 1980) (“This court has held that the burden is on those opposing intervention to show that representation for the absentee will be adequate.”).

Movants’ particular business interests “plainly are not adequately represented by” EPA. *Fund for Animals*, 322 F.3d at 736. EPA “is charged by law with representing the public interest of [American] citizens,” writ large, while Movants’ seek “to protect a more narrow and ‘parochial’ financial interest not shared by” all Americans. *Id.* at 737 (quoting *Dimond*, 792 F.2d at 192–93). Movants’ application “thus falls squarely within the relatively large class of cases in this circuit recognizing the

inadequacy of governmental representation of the interests of private parties.” *Dimond*, 792 F.2d at 192.

Moreover, because divergent interests may give rise to divergent litigation choices, this Court “look[s] skeptically on government entities serving as adequate advocates for private parties.” *Crossroads Grassroots*, 788 F.3d at 312. That skepticism is fully warranted here. EPA’s interest is in defending the Final Rule *in toto*, including the rescission of the 2009 endangerment finding that was a basis for repealing the greenhouse gas standards. Movants’ interests are “more narrow and focus[ed]” on the standards, themselves, which are the source of their members’ harm. *NRDC v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977). At least one difference in EPA’s and Movants’ views of those standards is already apparent. AmFree and several Corn Growers argued that the greenhouse gas standards were unlawful for the additional reason that the Clean Air Act does not authorize EPA to set standards that apply to a fleet, on average, rather than to individual vehicles. *See* Comment Submitted by AmFree et al. 13–15 (Sept. 22, 2025), *available via* <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-1498>. EPA declined to adopt that argument, *see* EPA Response to Comments 221–22 (Feb. 18,

2026), *available via* <https://www.regulations.gov/document/EPA-HQ-OAR-2025-0194-31089>, and has elsewhere defended averaging, *see, e.g.*, EPA Br. at 51–60, *Kentucky v. EPA*, No. 24-1087 (D.C. Cir. Nov. 26, 2024), Doc. 2086969.

These diverging interests may lead EPA and Movants to press different arguments or pursue different strategies. At a minimum, Movants may “make a more vigorous presentation” of arguments that support repeal of the standards, regardless of whether the endangerment finding survives. *Costle*, 561 F.2d at 912 (citation omitted). These diverging interests easily satisfy “the minimal burden of showing inadequacy of representation.” *Crossroads Grassroots*, 788 F.3d at 321.

II. Movants Also Satisfy Permissive Intervention

In the alternative, Movants meet all three requirements for permissive intervention. First, as discussed above, Movants’ motion is timely under Appellate Rule 15(d). *See* Part. I.A, *supra*. Second, Movants share a common defense with EPA in that all seek to defend part or all of the challenged Final Rule.⁴ Third, intervention at this juncture will not un-

⁴ It may be an “open question” whether a permissive intervenor must demonstrate Article III standing. *Mayor & City Council of Baltimore v.*

(footnote continued on next page)

duly delay the proceedings as the Rule 15(d) deadline has not passed and there is no briefing schedule yet, and Movants cannot conceive of any unfair prejudice to the parties that would result from their participation.

CONCLUSION

For the foregoing reasons, Movants respectfully request that the Court grant their motion for leave to intervene in support of EPA in Case No. 26-1037 and consolidated cases.

Bureau of Alcohol, Tobacco, Firearms & Explosives, 738 F. Supp. 3d 1, 12 (D.D.C. 2024). Nonetheless, as discussed above, Movants have demonstrated that they have Article III standing to challenge the Final Rule. See Part I.B, *supra*.

Dated: March 20, 2026

Respectfully submitted,

/s/ Michael Buschbacher

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that:

1. The motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 4,361 words, excluding the exempted portions.

2. This motion complies with the typeface and type style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5) and (6) as it was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font.

/s/ Michael Buschbacher
Michael Buschbacher

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2026, I electronically filed the foregoing document with the Clerk of this Court by using the CM/ECF system, which will serve all parties automatically.

/s/ Michael Buschbacher
Michael Buschbacher

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Movants National Federation of Independent Business and American Free Enterprise Chamber of Commerce, and the Illinois, Iowa, Kentucky, Missouri, and Tennessee Corn Growers Associations make the following disclosure:

National Federation of Independent Businesses (NFIB) is a business league association established in a manner consistent with Section 501(c)(6) of the Internal Revenue Code. NFIB is the Nation's leading small business association and works to promote and protect its members' ability to own, operate, and earn success in their businesses. NFIB has no parent companies, and no publicly held company has a 10% or greater ownership interest in NFIB.

American Free Enterprise Chamber of Commerce (AmFree) is a business league association established in a manner consistent with Section 501(c)(6) of the Internal Revenue Code. AmFree represents entrepreneurs and companies across all sectors and states who are vitally interested in maintaining the free, fair, and open markets that are foundational to the American economy. AmFree has no parent companies,

and no publicly held company has a 10% or greater ownership interest in AmFree.

The Illinois Corn Growers Association is a nonprofit organization that represents corn farmers, their supporters, and members of corn farming-related industries throughout the state of Illinois. The Illinois Corn Growers Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in the Association.

The Iowa Corn Growers Association is a nonprofit organization that represents corn farmers, their supporters, and members of corn farming-related industries throughout the state of Iowa. The Iowa Corn Growers Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in the Association.

The Kentucky Corn Growers Association is a nonprofit organization that represents corn farmers throughout the state of Kentucky. The Kentucky Corn Growers Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in the Association.

The Missouri Corn Growers Association is a nonprofit organization that represents corn farmers, their supporters, and members of

corn farming-related industries throughout the state of Missouri. The Missouri Corn Growers Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in the Association.

The North Dakota Corn Growers Association is a nonprofit organization that represents corn farmers, their supporters, and members of corn farming-related industries throughout the state of North Dakota. The North Dakota Corn Growers Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in the Association.

The Tennessee Corn Growers Association is a nonprofit organization that represents corn farmers, their supporters, and members of corn farming-related industries throughout the state of Tennessee. The Tennessee Corn Growers Association has no parent companies, and no publicly held company has a 10% or greater ownership interest in the Association.

Dated: March 20, 2026

Respectfully submitted,

/s/ Michael Buschbacher

Michael Buschbacher

Counsel of Record

James R. Conde

Laura B. Ruppalt

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*Counsel for National Federation of
Independent Business, American
Free Enterprise Chamber of Com-
merce, and the Illinois, Iowa, Ken-
tucky, Missouri, North Dakota and
Tennessee Corn Growers Associa-
tions*

CERTIFICATE AS TO PARTIES AND *AMICI*

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A), NFIB, AmFree, and the Illinois, Iowa, Kentucky, Missouri, and Tennessee Corn Growers Associations make the following Certificate as to Parties and *Amici*:

Movants seek to intervene in support of Respondents in No. 26-1037 and the consolidated cases. The petitions for review seek review of final action taken by the U.S. Environmental Protection Agency entitled, *Re-scission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686 (Feb. 18, 2026).

All parties, intervenors, and amici appearing before this court for Case No. 26-1037 and consolidated cases are listed in the Certificate as the Parties, Rulings, and Related Cases filed by Petitioners American Public Health Association et al., Doc. 2164659 (Mar. 20, 2026).

Dated: March 20, 2026

Respectfully submitted,

/s/ Michael Buschbacher

Michael Buschbacher

Counsel of Record

James R. Conde

Laura B. Ruppalt

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*Counsel for National Federation of
Independent Business, American
Free Enterprise Chamber of Com-
merce, and the Illinois, Iowa,
Kentucky, Missouri, North Dakota,
and Tennessee Corn Growers Asso-
ciations*

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2026, I electronically filed the foregoing document with the Clerk of this Court by using the CM/ECF system, which will serve all parties automatically.

/s/ Michael Buschbacher
Michael Buschbacher

Ex. A

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037

(consolidated with

Nos. 26-1038, 26-1039, 26-1043,
26-1051)

**DECLARATION OF ELIZABETH MILITO IN SUPPORT OF NATIONAL
FEDERATION OF INDEPENDENT BUSINESS'S MOTION TO INTERVENE**

I, Elizabeth Milito, declare as follows:

1. I make this declaration in support of National Federation of Independent Business's ("NFIB") Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Vice President and Executive Director of the NFIB Small Business Legal Center ("NFIB Legal Center"), a 501(c)(3) public interest law firm. The NFIB Legal Center is an affiliate of NFIB, a 501(c)(6) business association.

3. I am familiar with all aspects of NFIB's mission and work.

4. NFIB is the nation's leading small business association. NFIB's mission is to promote and protect the right of its members to own, operate, and grow their businesses. This includes fighting against federal and state policies that increase regulatory barriers and increase the cost of doing business. NFIB's membership

includes hundreds of thousands of small and independent businesses, spanning all industries and operations, ranging from small proprietorships to firms with hundreds of employees. NFIB represents, in Washington, D.C., and all 50 states, the interests of its members. NFIB's members have a significant interest in defending the U.S. Environmental Protection Agency's ("EPA") endangerment rescission because it eliminates federal greenhouse gas standards for motor vehicles. These emission standards have increased energy costs for small businesses that use vehicles for their operations.

5. On February 18, 2026, the EPA published a Final Rule, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This rule rescinds the EPA Administrator's 2009 decision entitled "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act," 74 Fed. Reg. 66,496 (Dec. 15, 2009) and repeals all greenhouse gas emissions standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

6. Especially with respect to model year 2027 and later years, the repealed greenhouse gas standards, as a practical matter and by design, compelled the increasing electrification of the new U.S. motor vehicle fleet. See Comment Submitted by Prime Mover Institute, Exs. A & B;¹ Comment Submitted by the Alliance of Automotive Innovation 13–14;² Comment submitted by Truck and Engine Manufacturers Association 5–6.³

7. That compelled electrification would have raised the upfront cost of U.S. motor vehicles, hampered sales of internal-combustion vehicles, and destroyed

¹ Available via <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-7549>.

² Available via <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-7547>.

³ Available via <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-0888>.

demand for liquid fuels, harming NFIB's members. Vacatur of the repeal and reinstatement of EPA's *de facto* electric-vehicle mandates would therefore injure NFIB's members.

8. Some NFIB members, such as Herbi-Systems, Inc. ("Herbi-Systems") and Go Wireline LLC ("Go Wireline"), own and operate heavy-duty trucks that fall within the scope of EPA's repealed greenhouse gas standards. These members operate using diesel- or gasoline-powered internal-combustion trucks. For members in these situations, electric trucks are not a commercially feasible option for their business needs due to the electric trucks' higher up-front costs and more limited range (compared to internal-combustion trucks); their uncertain maintenance, repair, and operation costs; and the limited nationwide charging infrastructure. As a result, these members' businesses depend on their ability to purchase and operate internal-combustion vehicles. It is a basic economic principle that reduced supply leads to increased prices for consumers. EPA's regulations as a practical matter require manufacturers to reduce supply of internal-combustion trucks and increase sales of electric vehicles, and so will predictably increase the price of diesel- or gasoline-powered internal-combustion trucks for these NFIB members. In addition to increasing price, a lack of available internal combustion trucks would be disruptive to these members' business operations and would increase transaction costs.

9. Meanwhile, other NFIB members use light-, medium-, and heavy-duty vehicles for day-to-day business operations. In a February 2026 Small Business Energy Survey conducted by the NFIB Research Center, 53% of NFIB members identified energy costs as "very significant" in operating their business. NFIB Research Center, *Small Business Energy Survey*, *2 (Feb. 2026) (hereinafter "NFIB Survey"), <https://perma.cc/FD9B-TGZ2>. In the same survey, 27% of NFIB members responded that "operating vehicles" were their primary energy cost. *Id.* at *4. For these members whose primary energy cost, or even members whose secondary or

tertiary energy cost, was due to operating vehicles, they suffer financially from the increased cost of gasoline-powered vehicles when EPA promulgates greenhouse gas standards that reduce the supply of gasoline-powered vehicles.

10. These NFIB members do not (and often practically cannot) respond to federal emissions regulations by eliminating their reliance on diesel- or gasoline-powered internal-combustion engines. Survey results indicated that among NFIB members, “adoption of electric and hybrid vehicles remains very limited.” *Id.* More members responded that they were impacted by electricity costs than gasoline or diesel costs. *Id.* at *9. And more members responded that they faced a “significant” problem from electricity costs than from gasoline or diesel costs. *Id.* Faced with rising energy expenses, NFIB members prefer to remain in internal-combustion engine vehicles: Ten percent report purchasing or leasing more fuel-efficient gasoline or diesel vehicles, while only eight percent report purchasing or leasing electric or hybrid vehicles. *Id.* at *10.

11. These NFIB members would incur significant additional costs even if they decided to purchase and operate electric vehicles, due to the limited public charging infrastructure. Indeed, 68% of NFIB members report that an electric vehicle charging station does not exist on the premises of their business, nor is there one nearby. *Id.* Because of the limited public charging infrastructure, these members may be forced to install chargers at their facilities, which can cost more than one hundred thousand dollars per charger. Coordinating Research Council, Inc., *Assessing the Battery-Recharging and Hydrogen-Refueling Infrastructure Needs, Costs and Timelines Required to Support Regulatory Requirements for Light-, Medium-, and Heavy-Duty Zero-Emission Vehicles* (CRC Report No. SM-CR-9) 14, tbl. 2, <https://perma.cc/2ZWE-BYV8> (June 26, 2025) (estimating 150 Watt DC fast charger cost of \$142,200).

12. Even if these members wanted to switch to electric vehicles and install electric vehicle charging stations, it is not clear that doing so would produce less energy costs or be financially beneficial. First, the business would have the upfront costs of switching to the electric vehicle and installing the charging station. Additionally, they would have an increase in electric costs that come with electric vehicles. *See* Decl. of Kenny Crenshaw, ¶ 9 (citing the rise in electricity costs and uncertain cost of charging electric vehicles as one reason why the switch is not feasible for Herbi-Systems). Ninety-two percent of NFIB members are already impacted by rising electricity energy costs, while sixty percent rank electricity as a significant energy cost. NFIB Survey at *9. Using electric vehicles for business operations would only increase these specific energy-related costs.

13. Another cost consideration and expense to NFIB members is overhauling their maintenance and repair operations to adjust to the unique and costly needs of electric vehicles. *See* Decl. of Kenny Crenshaw, ¶ 9 (noting that electric trucks have uncertain maintenance costs and repair challenges).

14. All of these increased costs harm members' bottom lines, which is, in part, why they have largely concluded that switching to electric vehicles is not a feasible commercial option for their business at this time. *See* Decl. of Lucas Gjovig, ¶ 4 (concluding that electric trucks are not feasible based on the long distances and heavy payloads the business's trucks must run); Decl. of Kenny Crenshaw, ¶ 9 (concluding, for a multitude of reasons, that electric trucks are not feasible for his landscaping and lawn care business).

15. Some NFIB members operate within the oil and gas industries. For example, Go Wireline provides services to the oil and gas industries, including services in connection with hydraulic fracking, and nearly all of their revenue comes from their work in these industries. *See* Decl. of Lucas Gjovig, ¶ 7. Regulations that shift America's vehicle fleet to electric vehicles cause a reduction in the demand for

gasoline and diesel fuels, which contain oil, thereby also reducing the demand for oil. Members like Go Wireline that serve the oil and gas industries will therefore see their revenues fall and livelihoods threatened as a result of the repealed standards being reinstated. *Id.*, ¶ 7.

16. Basic economic principles, common-sense, and EPA's own regulatory analysis dictate that the repealed standards would have decreased demand for automobile gasoline. *See Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842, 28,141 (Apr. 18, 2024) (projecting that "through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption").

17. NFIB therefore has an interest, on behalf of its members, in ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2026.



Elizabeth Milito
Vice President & Executive Director,
NFIB Small Business Legal Center
NFIB

Ex. B

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037

(consolidated with

Nos. 26-1038, 26-1039, 26-1043,

26-1051)

**DECLARATION OF GENTRY COLLINS IN SUPPORT OF
AMERICAN FREE ENTERPRISE CHAMBER OF COMMERCE'S
MOTION TO INTERVENE**

I, Gentry Collins, declare as follows:

1. I make this declaration in support of American Free Enterprise Chamber of Commerce's ("AmFree's") Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Chief Executive Officer of AmFree, a 501(c)(6) business chamber headquartered in Iowa.

3. I am familiar with all aspects of AmFree's mission and work.

4. AmFree is a membership association that represents hard-working entrepreneurs and businesses across all sectors and all states. AmFree's members are vitally interested in maintaining the free, fair, and open markets that have driven progress and enabled prosperity more effectively than all other economic systems

combined. AmFree serves its members by fighting against burdensome regulations, counterproductive tax-policies, and special-interest deals that threaten these markets. AmFree's members include companies that have a vital interest in defending the U.S. Environmental Protection Agency's repeal issue in this suit because it eliminates greenhouse gas standards for motor vehicles that increase costs and harm their businesses.

5. On February 18, 2026, the Environmental Protection Agency (EPA) published a Final Rule, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This rule rescinds the EPA Administrator's 2009 decision entitled "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act," 74 Fed. Reg. 66,496 (Dec. 15, 2009) and repeals all greenhouse gas emissions standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

6. Especially with respect to model year 2027 and later years, the repealed greenhouse gas standards, as a practical matter and by design, compelled the increasing electrification of the new U.S. motor vehicle fleet. *See* Comment Submitted by Prime Mover Institute, Exs. A & B;¹ Comment Submitted by the Alliance of Automotive Innovation 13–14;² Comment submitted by Truck and Engine Manufacturers Association 5–6.³

7. That compelled electrification would have raised the upfront cost of U.S. motor vehicles, hampered sales of internal-combustion vehicles, and destroyed demand for liquid fuels, harming AmFree's members. Vacatur of the repeal and

¹ Available via <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-7549>.

² Available via <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-7547>.

³ Available via <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-0888>.

reinstatement of EPA's *de facto* electric-vehicle mandates would therefore injure AmFree's members.

8. First, some AmFree members, such as Meiborg Companies and TanTara Transportation Corp., own and operate heavy-duty trucks that fall within the scope of EPA's repealed greenhouse gas standards. These members largely operate using diesel- or gasoline-powered internal-combustion trucks. Many have concluded that electric trucks are not a commercially feasible option for their business needs, citing electric trucks' higher up-front costs and more limited range (compared to internal-combustion trucks); their uncertain maintenance, repair, and operation costs; and the limited nationwide charging infrastructure. As a result, these members generally would prefer to purchase internal-combustion vehicles. It is a basic economic principle that reduced supply leads to increased prices for consumers. EPA's regulations as a practical matter require manufacturers to reduce supply of internal-combustion trucks and increase sales of electric vehicles, and so will predictably increase the price of those trucks for these AmFree members. These costs cannot realistically be passed entirely onto consumers, and so will harm these members' profits.

9. Other AmFree members, such as DeMartini RV, sell heavy-duty vehicles at retail. The reduced supply of internal-combustion vehicles that would have resulted from EPA's repealed standards would similarly increase wholesale costs for these members. It would also limit the vehicle models that these members can offer for sale, decreasing consumer choice and likely reducing sales. Both increased wholesale prices and decreased retail sales harm these members' bottom lines.

10. Other AmFree members lease light-, medium-, and heavy-duty vehicles to consumers. The leases vary in duration, but can be as short as a few hours. These members' customers typically do not want to lease electric vehicles, in part due to the

sparse nationwide charging infrastructure. Customers also generally do not want to lease electric heavy-duty vehicles because those vehicles do not meet customer needs for towing capacity or range. As a result, these members prefer to continue purchasing the internal-combustion vehicles their customers want. The repealed EPA standards would have increased the price of the vehicles these members' purchase.

11. These AmFree members would incur significant additional costs even if they decided to purchase and operate electric vehicles. Because of the limited public charging infrastructure, they would have to install chargers at their facilities, which can cost more than one hundred thousand dollars per charger. Coordinating Research Council, Inc., *Assessing the Battery-Recharging and Hydrogen-Refueling Infrastructure Needs, Costs and Timelines Required to Support Regulatory Requirements for Light-, Medium-, and Heavy-Duty Zero-Emission Vehicles* (CRC Report No. SM-CR-9) 14, tbl. 2, <https://perma.cc/2ZWE-BYV8> (June 26, 2025) (estimating 150 Watt DC fast charger cost of \$142,200). They would also need to overhaul their maintenance and repair operations to adjust to the unique needs of electric vehicles, which will also be costly. All of these increased costs harm members' bottom lines, which is, in part, why they have largely concluded that switching to electric vehicles is not a feasible commercial option at this time.

12. Other AmFree members are part of the automobile fuel supply chain and will also be harmed if the repealed standards are reinstated. For example, AmFree member Lincolnway Energy produces ethanol, a renewable fuel made from grain crops like corn and sorghum. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States,

refiners add 10% ethanol to gasoline in part to raise gasoline's octane rating to a level suitable for use in most vehicles. U.S. DOE, *Ethanol Blends*, <https://perma.cc/6D6X-G7KH> (June 27, 2025).

13. Basic economic principles, common-sense, and EPA's own regulatory analysis dictate that the repealed standards would have decreased demand for automobile gasoline. See *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842, 28,141 (Apr. 18, 2024) (projecting that "through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption").

14. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would have reduced ethanol consumption by tens of billions of gallons. See U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/5L4C-GWG4> (June 27, 2025). ("Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline."). This demand destruction contracts the market for the ethanol produced by AmFree's members, resulting in economic harm.

15. AmFree therefore has an interest, on behalf of its members, in ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 18, 2026.



Gentry Collins

Ex. C

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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037

(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

**DECLARATION OF RODNEY WEINZIERL IN SUPPORT OF
ILLINOIS CORN GROWERS ASSOCIATION'S
MOTION TO INTERVENE**

I, Rodney Weinzierl, declare as follows:

1. I make this declaration in support of Illinois Corn Growers Association's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Executive Director of the Illinois Corn Growers Association, a nonprofit trade association based in Illinois with a membership of corn farmers, as well as their supporters and members of corn farming-related industries. We operate to promote the general commercial, legislative, and other common interests of our members.

3. I am familiar with all aspects of the Association's work and with the market for corn and products, such as ethanol, that are made using the corn grown by our members.

4. Illinois is the Nation's second leading corn producer, with a total production of more than 2.35 billion bushels of corn in 2025. A primary use of this corn is as a feedstock for ethanol production. Nationwide, about 40% of U.S. corn crops are used for ethanol and related products. Steven Ramsey, et al., *Global Demand for Fuel Ethanol Through 2030*, USDA Economic Research Service, <https://perma.cc/N75B-PPNW> (Mar. 18, 2026).

5. The ethanol industry supports more than 300,000 jobs across the country. Ethanol contributed more than \$50 billion to the national GDP and profitably processed more than 5.5 billion bushels of corn in 2025.

6. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States, refiners add 10% ethanol to gasoline in part to raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of ethanol reduced greenhouse gas emissions by more than 54 million metric tons, equivalent to the savings of turning off 142 natural gas-fired power plants. See EPA, *Greenhouse Gas Equivalencies Calculator* (Mar. 18, 2026), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

7. I am generally familiar with the Final Rule published by the United States Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions

standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

8. Among the standards the Final Rule repeals are those set by EPA for light-duty and medium-duty vehicles for model years 2027 and later. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024). As a practical matter and by design, those standards were set so that automakers cannot feasibly comply with them unless they dramatically increase their production of electric vehicles and decrease the production of conventional vehicles which consume liquid fuels. *See, e.g., id.* at 28,057–61.

9. The repealed standards would therefore reduce the demand for liquid fuels and their components by displacing an increasing number of combustion-engine vehicles with electric and hybrid vehicles that use little to no liquid fuel. *See id.* at 28,141 (“through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption”).

10. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would reduce ethanol consumption by tens of billions of gallons. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/A3C5-93VY> (Mar. 18, 2026). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”).

11. This demand destruction would harm members of the Illinois Corn Growers Association by decreasing demand for the corn they grow and the price they can obtain for their crops. Because ethanol is a primary market for U.S. corn crops, lower ethanol production leads to lower corn prices. Nicole Condon, et al., *Impacts of ethanol policy on corn prices: A review and meta-analysis of recent evidence*, 51 Food Policy 63, 71 (2015) (“increasing corn ethanol production” by one billion gallons

“would increase corn prices by three to four percent” while decreasing by one billion gallons “would result in a three to four percent drop in corn prices, since scenarios examining ethanol increases and decrease have roughly symmetrical effects on corn prices”).

12. These financial harms would affect the members of the Association and would also redound to the Association itself, which would lose funding it uses to pursue its mission of advocating for the interests of its members.

13. The Illinois Corn Growers Association therefore has a vital interest in defending the Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2026.



Rodney M. Weinzierl

Ex. D

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

**DECLARATION OF ADAM ANDREWS IN SUPPORT OF
KENTUCKY CORN GROWERS ASSOCIATION'S
MOTION TO INTERVENE**

I, Adam Andrews, declare as follows:

1. I make this declaration in support of Kentucky Corn Growers Association's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Programs Director of the Kentucky Corn Growers Association, a nonprofit trade association based in Kentucky that represents the interests of more than 6,000 corn farmers throughout the Commonwealth. We operate to promote the general commercial, legislative, and other common interests of corn farmers, including protecting and growing corn markets, discovering new markets and uses for corn, and helping corn farmers navigate change.

3. I am familiar with all aspects of the Association's work and with the market for corn and products, such as ethanol, that are made using the corn grown by our members.

4. Corn is one of Kentucky's highest grossing agricultural crops. Kentucky corn farmers produced more than 237 million bushels of corn in 2025. A primary use of U.S.-grown corn is as a feedstock for ethanol production. Nationwide, about 40% of U.S. corn crops are used for ethanol and related products. Steven Ramsey, et al., *Global Demand for Fuel Ethanol Through 2030*, USDA Economic Research Service, <https://perma.cc/N75B-PPNW> (Mar. 18, 2026).

5. The ethanol industry supports more than 300,000 jobs across the country. Ethanol contributed more than \$50 billion to the national GDP and profitably processed more than 5.5 billion bushels of corn in 2025.

6. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States, refiners add 10% ethanol to gasoline in part to raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of ethanol reduced greenhouse gas emissions by more than 54 million metric tons, equivalent to the savings of turning off 142 natural gas-fired power plants. See EPA, *Greenhouse Gas Equivalencies Calculator* (Mar. 18, 2026), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

7. I am generally familiar with the Final Rule published by the United States Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled “Endangerment and Cause or

Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

8. Among the standards the Final Rule repeals are those set by EPA for light-duty and medium-duty vehicles for model years 2027 and later. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024). As a practical matter and by design, those standards were set so that automakers cannot feasibly comply with them unless they dramatically increase their production of electric vehicles and decrease the production of conventional vehicles which consume liquid fuels. *See, e.g., id.* at 28,057–61.

9. The repealed standards would therefore reduce the demand for liquid fuels and their components by displacing an increasing number of combustion-engine vehicles with electric and hybrid vehicles that use little to no liquid fuel. *See id.* at 28,141 (“through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption”).

10. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would reduce ethanol consumption by tens of billions of gallons. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/A3C5-93VY> (Mar. 18, 2026). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”).

11. This demand destruction would harm members of the Kentucky Corn Growers Association by decreasing demand for the corn they grow and the price they can obtain for their crops. Because ethanol is a primary market for U.S. corn crops, lower ethanol production leads to lower corn prices. Nicole Condon, et al., *Impacts of*

ethanol policy on corn prices: A review and meta-analysis of recent evidence, 51 Food Policy 63, 71 (2015) (“increasing corn ethanol production” by one billion gallons “would increase corn prices by three to four percent” while decreasing by one billion gallons “would result in a three to four percent drop in corn prices, since scenarios examining ethanol increases and decrease have roughly symmetrical effects on corn prices”).

12. These financial harms would affect the members of the Association and would also redound to the Association itself, which would lose funding it uses to pursue its mission of advocating for the interests of its members.

13. The Kentucky Corn Growers Association therefore has a vital interest in defending the Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 20, 2026.



Adam Andrews

Ex. E

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

**DECLARATION OF BRADLEY SCHAD IN SUPPORT OF
MISSOURI CORN GROWERS ASSOCIATION'S
MOTION TO INTERVENE**

I, Bradley Schad, declare as follows:

1. I make this declaration in support of Missouri Corn Growers Association's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Chief Executive Officer of the Missouri Corn Growers Association, a nonprofit trade association based in Missouri with a membership of corn farmers, as well as their supporters and members of corn farming-related industries. We operate to promote the general commercial, legislative, and other common interests of our members.

3. I am familiar with all aspects of the Association's work and with the market for corn and products, such as ethanol, that are made using the corn grown by our members.

4. Missouri is one of the nation's leading corn producing states, with a net production of more than 677 million bushels of corn in 2025, a record for the State. A primary use of this corn is as a feedstock for ethanol production. Nationwide, about 40% of U.S. corn crops are used for ethanol and related products. Steven Ramsey, et al., *Global Demand for Fuel Ethanol Through 2030*, USDA Economic Research Service, <https://perma.cc/N75B-PPNW> (Mar. 18, 2026).

5. The ethanol industry supports more than 300,000 jobs across the country. Ethanol contributed more than \$50 billion to the national GDP and profitably processed more than 5.5 billion bushels of corn in 2025.

6. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States, refiners add 10% ethanol to gasoline in part to raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of ethanol reduced greenhouse gas emissions by more than 54 million metric tons, equivalent to the savings of turning off 142 natural gas-fired power plants. See EPA, *Greenhouse Gas Equivalencies Calculator* (Mar. 18, 2026), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

7. I am generally familiar with the Final Rule published by the United States Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions

standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

8. Among the standards the Final Rule repeals are those set by EPA for light-duty and medium-duty vehicles for model years 2027 and later. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024). As a practical matter and by design, those standards were set so that automakers cannot feasibly comply with them unless they dramatically increase their production of electric vehicles and decrease the production of conventional vehicles which consume liquid fuels. *See, e.g., id.* at 28,057–61.

9. The repealed standards would therefore reduce the demand for liquid fuels and their components by displacing an increasing number of combustion-engine vehicles with electric and hybrid vehicles that use little to no liquid fuel. *See id.* at 28,141 (“through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption”).

10. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would reduce ethanol consumption by tens of billions of gallons. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/A3C5-93VY> (Mar. 18, 2026). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”).

11. This demand destruction would harm members of the Missouri Corn Growers Association by decreasing demand for the corn they grow and the price they can obtain for their crops. Because ethanol is a primary market for U.S. corn crops, lower ethanol production leads to lower corn prices. Nicole Condon, et al., *Impacts of ethanol policy on corn prices: A review and meta-analysis of recent evidence*, 51 Food Policy 63, 71 (2015) (“increasing corn ethanol production” by one billion gallons

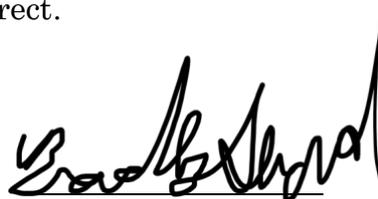
“would increase corn prices by three to four percent” while decreasing by one billion gallons “would result in a three to four percent drop in corn prices, since scenarios examining ethanol increases and decrease have roughly symmetrical effects on corn prices”).

12. These financial harms would affect the members of the Association and would also redound to the Association itself, which would lose funding it uses to pursue its mission of advocating for the interests of its members.

13. The Missouri Corn Growers Association therefore has a vital interest in defending the Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2026.



Bradley Schad

Ex. F

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

**DECLARATION OF AMY MCNEIL IN SUPPORT OF
TENNESSEE CORN GROWERS ASSOCIATION'S
MOTION TO INTERVENE**

I, Amy McNeil, declare as follows:

1. I make this declaration in support of Tennessee Corn Growers Association's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Executive Director of the Tennessee Corn Growers Association, a nonprofit trade association based in Tennessee with a membership of corn farmers, as well as their supporters and members of corn farming-related industries. We operate to promote the general commercial, legislative, and other common interests of our members.

3. I am familiar with all aspects of the Association's work and with the market for corn and products, such as ethanol, that are made using the corn grown by our members.

4. Corn is one of Tennessee's leading agricultural products, with more than 140 million bushels of corn grown in the state in 2025. A primary use of this corn is as a feedstock for ethanol production. Nationwide, about 40% of U.S. corn crops are used for ethanol and related products. Steven Ramsey, et al., *Global Demand for Fuel Ethanol Through 2030*, USDA Economic Research Service, <https://perma.cc/N75B-PPNW> (Mar. 18, 2026).

5. The ethanol industry supports more than 300,000 jobs across the country. Ethanol contributed more than \$50 billion to the national GDP and profitably processed more than 5.5 billion bushels of corn in 2025.

6. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States, refiners add 10% ethanol to gasoline in part to raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of ethanol reduced greenhouse gas emissions by more than 54 million metric tons, equivalent to the savings of turning off 142 natural gas-fired power plants. See EPA, *Greenhouse Gas Equivalencies Calculator* (Mar. 18, 2026), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

7. I am generally familiar with the Final Rule published by the United States Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions

standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

8. Among the standards the Final Rule repeals are those set by EPA for light-duty and medium-duty vehicles for model years 2027 and later. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024). As a practical matter and by design, those standards were set so that automakers cannot feasibly comply with them unless they dramatically increase their production of electric vehicles and decrease the production of conventional vehicles which consume liquid fuels. *See, e.g., id.* at 28,057–61.

9. The repealed standards would therefore reduce the demand for liquid fuels and their components by displacing an increasing number of combustion-engine vehicles with electric and hybrid vehicles that use little to no liquid fuel. *See id.* at 28,141 (“through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption”).

10. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would reduce ethanol consumption by tens of billions of gallons. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/A3C5-93VY> (Mar. 18, 2026). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”).

11. This demand destruction would harm members of the Tennessee Corn Growers Association by decreasing demand for the corn they grow and the price they can obtain for their crops. Because ethanol is a primary market for U.S. corn crops, lower ethanol production leads to lower corn prices. Nicole Condon, et al., *Impacts of ethanol policy on corn prices: A review and meta-analysis of recent evidence*, 51 Food Policy 63, 71 (2015) (“increasing corn ethanol production” by one billion gallons

“would increase corn prices by three to four percent” while decreasing by one billion gallons “would result in a three to four percent drop in corn prices, since scenarios examining ethanol increases and decrease have roughly symmetrical effects on corn prices”).

12. These financial harms would affect the members of the Association and would also redound to the Association itself, which would lose funding it uses to pursue its mission of advocating for the interests of its members.

13. The Tennessee Corn Growers Association therefore has a vital interest in defending the Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 20, 2026.



Amy McNeil

Ex. G

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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037

(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

**DECLARATION OF KENNY CRENSHAW IN SUPPORT OF
NATIONAL FEDERATION OF INDEPENDENT BUSINESS'S
MOTION TO INTERVENE**

I, Kenny Crenshaw, declare as follows:

1. I make this declaration in support of National Federation of Independent Business's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Founder and Owner at Herbi-Systems, Inc., a lawn and landscaping company servicing both residential and commercial properties in Memphis, Tennessee, and the surrounding area. Herbi-Systems is a dues-paying member of the National Federation of Independent Business.

3. I founded Herbi-Systems in 1984 with one used Ford Truck, and I have worked as the President and Owner for over forty years. As the Owner, I oversee all aspects of Herbi-Systems' business and operations. As a result of my position, I am

familiar with Herbi-systems' operational requirements and costs, including for transportation and energy.

4. Since I founded Herbi-Systems, it has grown to become the largest locally owned lawn care company in the Greater Memphis area. Herbi-Systems currently employs some 70 individuals and services over 11,000 clients and about 5,000 miles of county and municipal roadside. We offer comprehensive lawn care and landscape care services, including fertilization, lime treatments, insect control, tree care, irrigation, and disease control. We maintain thousands of acres of parks, athletic fields, and schools, and hundreds of acres of bare ground, which includes rocky areas at industrial and commercial sites. Our skilled technicians visit properties over 100,000 times per year to perform services.

5. For these service visits, Herbi-Systems owns and operates a fleet of more than 60 trucks, from small pick-up trucks to specially equipped work trucks, like turf application rigs. Our trucks range in size from approximately 8,000 pounds gross vehicle weight rating (GVWR) to 25,950 pounds GVWR. About half are gasoline-powered and half are diesel-powered. We use these trucks to transport our team, equipment, and supplies, and to perform work at client sites. We also own and operate two Subaru passenger cars, primarily for in-person sales calls. Collectively, our fleet travels approximately 500,000 miles annually, and we typically purchase approximately three new vehicles each year. We also perform most of our own vehicle maintenance. The costs of purchasing and maintaining our fleet are significant business expenses.

6. I am generally familiar with the Final Rule published by Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled "Endangerment and Cause or Contribute

Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

7. I also understand that, as a practical matter and by design, the repealed standards would have compelled electrification of the new U.S. motor vehicle fleet in future model years, across vehicle classes. *See Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3*, 89 Fed. Reg. 29,440, 29,567–68 (Apr. 22, 2024); *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842, 28,057–61 (Apr. 18, 2024). In part because electric vehicles are more expensive to manufacture than gasoline- and diesel-powered vehicles, EPA estimates that repealing these standards will reduce the cost of new vehicles in the coming years. *See* 91 Fed. Reg. at 7,756.

8. Because Herbi-Systems is completely reliant on small and medium trucks, regulations that affect the cost and performance of new vehicles directly affect our operations and our bottom line. We benefit from EPA’s Final Rule, which eliminates regulatory burdens that artificially drove up the cost of new vehicles, and we have an interest in ensuring those burdens don’t come back. Manufacturers know how to make high quality internal-combustion engines, if the government would let them. Modern gasoline engines perform far better than they did forty years ago, before they incorporated electronic controls. But increasingly stringent federal standards have forced manufacturers to sacrifice reliability for minor improvements in emissions and fuel economy. EPA’s Final Rule is a big step in the right direction to allow manufacturers to make the efficient, reliable, and long-lasting work trucks that Herbi-Systems and other small businesses across the country need to operate successfully.

9. Herbi-Systems also does not own any electric trucks, nor do we currently plan to purchase any. This is a straightforward business judgment: electric trucks simply are not a commercially feasible option for our landscaping and lawn care operations. Electric trucks are much more expensive to purchase than gasoline- and diesel-powered trucks, and have uncertain operation and maintenance costs. Since we perform most of our own maintenance, we would need to retrain our employees, which would be costly, or hire skilled electric vehicle technicians, which are hard to find. Given the serious fire hazard posed by the lithium-ion batteries, we would not want to park electric vehicles indoors alongside our other equipment, and so would need to construct or identify other storage options for sub-freezing weather. Because of the limited availability of public charging stations, we would have to invest large sums to build our own charging infrastructure. Even then, the cost of charging the vehicles is uncertain, especially with rising electricity costs due to the booming demand from AI data centers. Electric trucks also aren't compatible with the work we do. It is uncertain whether electric trucks can accommodate our specialized equipment, which include highly corrosive fertilizers. Moreover, about 15 of our trucks go out-of-town and perform work for days at a time. It would be nearly impossible to find charging stations on these trips, since most of our out-of-town work is in very rural areas. For these and other reasons, we have concluded that electric trucks are not a feasible or cost-effective option for our business now or in the foreseeable future.

10. The repealed standards, as a practical matter, would have forced manufacturers to reduce the supply of gasoline- and diesel-powered trucks in order to increase sales of electric trucks. Because reducing supply predictably increases price, this would have increased costs of the gasoline- and diesel-powered trucks Herbi-Systems uses for its operations.

11. Herbi-Systems therefore has a vital interest in ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 3-19, 2026.


Kenny Crenshaw

Ex. H

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

**DECLARATION OF LUCAS GJOVIG IN SUPPORT OF
NATIONAL FEDERATION OF INDEPENDENT BUSINESS'S
MOTION TO INTERVENE**

I, Louis Gjovig, declare as follows:

1. I make this declaration in support of National Federation of Independent Business's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the CEO of Go Wireline LLC (Go Wireline), a 100% employee owned and operated company with locations in Williston, North Dakota; Dickinson, North Dakota; Douglas, Wyoming; and Greely, Colorado. Go Wireline is a dues-paying member of the National Federation of Independent Business. I am familiar with all aspects of Go Wireline's operations and work.

3. Go Wireline provides services to the oil and gas, water well, enhanced geothermal, and carbon sequestration industries. Our services typically involve using a truck with a long electric cable to hoist a variety of different tool sets into a wellbore

to accomplish crucial, but difficult-to-perform, tasks. The tool sets can include anything from logging and instrumentation devices, to mechanical isolation plugs, to perforating implements. Go Wireline also provides pressure pumping services for hydraulic fracturing. For pressure pumping, we use large (2,250 horsepower to 2,500 horsepower) pumps to inject fluid and chemicals into a wellbore. Go Wireline provides services throughout North Dakota, South Dakota, Montana, Wyoming, Utah, Nebraska, and Colorado.

4. To perform these services, Go Wireline employs approximately 220 people and maintains a fleet of approximately 160 vehicles, which include approximately 100 pick-up trucks and 60 semi-trucks. All of our trucks are gasoline- and diesel-powered internal-combustion engine vehicles. We do not use electric trucks because we have concluded that, at least for the foreseeable future, electric trucks cannot feasibly support the long distances, heavy payloads, and varied demands that our services require.

5. I am generally familiar with the Final Rule published by Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act," 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

6. I also understand that, as a practical matter and by design, the repealed standards would have compelled electrification of the new U.S. motor vehicle fleet in future model years, across vehicle classes. *See Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3*, 89 Fed. Reg. 29,440, 29,567–68 (Apr. 22, 2024);

Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, 89 Fed. Reg. 27,842, 28,057–61 (Apr. 18, 2024). As a result, these repealed standards would have significantly decreased demand for gasoline and diesel fuels. *See* 89 Fed. Reg. at 28,141 (Apr. 18, 2024) (projecting that “through 2055 these [light- and medium-duty] standards will result in a reduction of 780 billion gallons of retail gasoline consumption”); 89 Fed. Reg. at 29,735 (projecting that “through 2055 these [heavy-duty] standards will result in a reduction of 135 billion gallons of diesel and gasoline consumption”).

7. The repealed standards harmed us in multiple ways. Approximately 99% of our revenue is derived from the oil and gas industries. When our customers—oil and gas exploration and production companies—face lower demand for their products, they do not require as many of our services and our revenues fall. By reducing demand for gasoline and diesel transportation fuels in the U.S. market, the repealed standards would decrease demand for oil, and so also for our services to the oil and gas industry, harming our bottom line.

8. The repealed standards also would increase our cost of doing business. Our operations rely critically on gasoline- and diesel-powered trucks to transport employees and haul heavy equipment to and from work sites, many of which are in remote areas. Our trucks also are often an integral part of our operations at the work site. The repealed standards, as a practical matter, would have forced manufacturers to reduce the supply of gasoline- and diesel-powered trucks in order to increase sales of electric trucks. Reducing supply predictably increases price. Moreover, electric trucks are typically much more expensive to manufacture than conventional vehicles, primarily due to their large lithium-ion batteries. To recoup their cost of producing electric vehicles, manufacturers would have to charge more than purchasers are willing to pay. Instead, manufacturers increase the costs of internal-combustion engine vehicles to offset their losses on electric vehicles. This would have increased

our costs to procure the gasoline- and diesel-powered trucks we need for our operations. Increased procurement costs and decreased availability of the vehicles we need would disrupt our business operations and reduce the amount of capital that Go Wireline can spend on things like growth and research and development. All of these harm our profitability, and ultimately, the return of value to our employee owners.

9. Go Wireline therefore has a vital interest in defending EPA's Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2026.



Lucas Gjoivig

Ex. J

**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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039, 26-
1043, 26-1051)

Respondents.

**DECLARATION OF BRENDA ELMER IN SUPPORT OF
NORTH DAKOTA CORN GROWERS ASSOCIATION'S
MOTION TO INTERVENE**

I, Brenda K. Elmer, declare as follows:

1. I make this declaration in support of North Dakota Corn Growers Association's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Executive Director of the North Dakota Corn Growers Association, a nonprofit trade association based in North Dakota with a membership of corn farmers, as well as their supporters and members of corn farming-related industries. We operate to promote the general commercial, legislative, and other common interests of our members.

3. I am familiar with all aspects of the Association's work and with the market for corn and products, such as ethanol, that are made using the corn grown by our members.

4. Corn is one of North Dakota's leading agricultural products, with more than 700 million bushels of corn grown in the state in 2025. A primary use of this corn is as a feedstock for ethanol production. Nationwide, about 40% of U.S. corn crops are used for ethanol and related products. Steven Ramsey, et al., *Global Demand for Fuel Ethanol Through 2030*, USDA Economic Research Service, <https://perma.cc/N75B-PPNW> (Mar. 18, 2026).

5. The ethanol industry supports more than 300,000 jobs across the country. Ethanol contributed more than \$50 billion to the national GDP and profitably processed more than 5.5 billion bushels of corn in 2025.

6. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States, refiners add 10% ethanol to gasoline in part to raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of ethanol reduced greenhouse gas emissions by more than 54 million metric tons, equivalent to the savings of turning off 142 natural gas-fired power plants. See EPA, *Greenhouse Gas Equivalencies Calculator* (Mar. 18, 2026), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

7. I am generally familiar with the Final Rule published by the United States Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions

standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

8. Among the standards the Final Rule repeals are those set by EPA for light-duty and medium-duty vehicles for model years 2027 and later. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024). As a practical matter and by design, those standards were set so that automakers cannot feasibly comply with them unless they dramatically increase their production of electric vehicles and decrease the production of conventional vehicles which consume liquid fuels. *See, e.g., id.* at 28,057–61.

9. The repealed standards would therefore reduce the demand for liquid fuels and their components by displacing an increasing number of combustion-engine vehicles with electric and hybrid vehicles that use little to no liquid fuel. *See id.* at 28,141 (“through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption”).

10. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would reduce ethanol consumption by tens of billions of gallons. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/A3C5-93VY> (Mar. 18, 2026). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”).

11. This demand destruction would harm members of the North Dakota Corn Growers Association by decreasing demand for the corn they grow and the price they can obtain for their crops. Because ethanol is a primary market for U.S. corn crops, lower ethanol production leads to lower corn prices. Nicole Condon, et al., *Impacts of ethanol policy on corn prices: A review and meta-analysis of recent evidence*, 51 Food Policy 63, 71 (2015) (“increasing corn ethanol production” by one billion

gallons “would increase corn prices by three to four percent” while decreasing by one billion gallons “would result in a three to four percent drop in corn prices, since scenarios examining ethanol increases and decrease have roughly symmetrical effects on corn prices”).

12. These financial harms would affect the members of the Association and would also redound to the Association itself, which would lose funding it uses to pursue its mission of advocating for the interests of its members.

13. The North Dakota Corn Growers Association therefore has a vital interest in defending the Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 20, 2026



Brenda K. Elmer

Ex. K

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 and LEE ZELDIN,
Administrator, U.S. Environmental Protection
Agency,

Respondents.

No. 26-1037
(consolidated with
Nos. 26-1038, 26-1039,
26-1043, 26-1051, 26-1061)

DECLARATION OF KEVIN STUDER IN SUPPORT OF
IOWA CORN GROWERS ASSOCIATION'S
MOTION TO INTERVENE

I, Kevin Studer, declare as follows:

1. I make this declaration in support of Iowa Corn Growers Association's Motion to Intervene, to which this declaration is attached. I make the statements of fact in this declaration of my own personal knowledge.

2. I am the Vice President of Government Relations of the Iowa Corn Growers Association, a nonprofit trade association based in Iowa with a membership of corn farmers, as well as their supporters and members of corn farming-related industries. We operate to promote the general commercial, legislative, and other common interests of our members.

3. I am familiar with all aspects of the Association's work and with the market for corn and products, such as ethanol, that are made using the corn grown by our members.

4. Corn is one of Iowa's leading agricultural products, with more than 2.7 billion bushels of corn grown in the state in 2025. A primary use of this corn is as a feedstock for ethanol production. Nationwide, about 40% of U.S. corn crops are used for ethanol and related products. Steven Ramsey, et al., *Global Demand for Fuel Ethanol Through 2030*, USDA Economic Research Service, <https://perma.cc/N75B-PPNW> (Mar. 18, 2026).

5. The ethanol industry supports more than 300,000 jobs across the country. Ethanol contributed more than \$50 billion to the national GDP and profitably processed more than 5.5 billion bushels of corn in 2025.

6. Ethanol is the second-largest component of the fuel that powers the United States' vehicle fleet. Ethanol provides a low carbon source of energy and octane rating—a measure of a fuel's resistance to “knocking” in an engine—reducing vehicles' fuel usage, net greenhouse gas emissions, and the emission of toxic chemicals such as benzene. Across most of the United States, refiners add 10% ethanol to gasoline in part to raise its octane rating to a level suitable for use in most vehicles. In 2024, alone, the use of ethanol reduced greenhouse gas emissions by more than 54 million metric tons, equivalent to the savings of turning off 142 natural gas-fired power plants. See EPA, *Greenhouse Gas Equivalencies Calculator* (Mar. 18, 2026), <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

7. I am generally familiar with the Final Rule published by the United States Environmental Protection Agency (EPA) on February 18, 2026, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, 91 Fed. Reg. 7,686. This Rule rescinds the EPA Administrator's 2009 decision entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66,496 (Dec. 15, 2009), and repeals all greenhouse gas emissions

standards for light-duty, medium-duty, and heavy-duty motor vehicles and engines for model years 2012 and beyond.

8. Among the standards the Final Rule repeals are those set by EPA for light-duty and medium-duty vehicles for model years 2027 and later. *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024). As a practical matter and by design, those standards were set so that automakers cannot feasibly comply with them unless they dramatically increase their production of electric vehicles and decrease the production of conventional vehicles which consume liquid fuels. *See, e.g., id.* at 28,057–61.

9. The repealed standards would therefore reduce the demand for liquid fuels and their components by displacing an increasing number of combustion-engine vehicles with electric and hybrid vehicles that use little to no liquid fuel. *See id.* at 28,141 (“through 2055 these standards will result in a reduction of 780 billion gallons of retail gasoline consumption”).

10. Because ethanol is blended into nearly every gallon of gasoline sold in the United States, the repealed standards would reduce ethanol consumption by tens of billions of gallons. *See* U.S. Energy Information Administration, *Biofuels explained: Ethanol*, <https://perma.cc/A3C5-93VY> (Mar. 18, 2026). (“Fuel ethanol production fell in 2020, mainly because lower overall gasoline demand reduced the demand for ethanol blending into motor gasoline.”).

11. This demand destruction would harm members of the Iowa Corn Growers Association by decreasing demand for the corn they grow and the price they can obtain for their crops. Because ethanol is a primary market for U.S. corn crops, lower ethanol production leads to lower corn prices. Nicole Condon, et al., *Impacts of ethanol policy on corn prices: A review and meta-analysis of recent evidence*, 51 *Food Policy* 63, 71 (2015) (“increasing corn ethanol production” by one billion gallons

“would increase corn prices by three to four percent” while decreasing by one billion gallons “would result in a three to four percent drop in corn prices, since scenarios examining ethanol increases and decrease have roughly symmetrical effects on corn prices”).

12. These financial harms would affect the members of the Association and would also redound to the Association itself, which would lose funding it uses to pursue its mission of advocating for the interests of its members.

13. The Iowa Corn Growers Association therefore has a vital interest in defending the Final Rule and ensuring that the repealed standards are not reinstated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 03/20/2026, 2026.

Kevin Studer
Kevin Studer (Mar. 20, 2026 14:13:43 CDT)
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