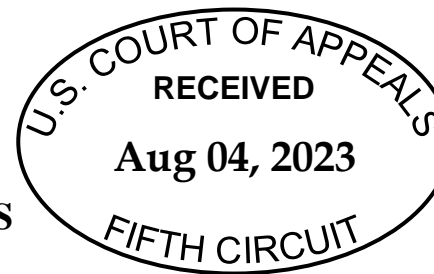


UNITED STATES FIFTH CIRCUIT COURT OF APPEALS

NO. 23-_____

**LOUISIANA CHEMICAL ASSOCIATION;
LOUISIANA MID-CONTINENT OIL AND GAS
ASSOCIATION**



Petitioners,

versus

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

Respondents.

**Petition for Judicial Review of a Final Rule of the
United States Environmental Protection Agency**

/s/ Lauren J. Rucinski

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I. PETITION FOR JUDICIAL REVIEW

Under 42 U.S.C. § 7607(b)(1) and Federal Rule of Appellate Procedure 15(a), the Louisiana Chemical Association and the Louisiana Mid-Continent Oil and Gas Association (“Petitioners”) petition this Court for review of Respondents United States Environmental Protection Agency and Administrator Michael S. Regan’s federal implementation plan (“FIP”) regarding the Louisiana interstate transport requirements of 42 U.S.C. § 7410(a)(2)(d)(i)(I) for the 2015 8-hour ozone national ambient air quality standard, titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” 88 Federal Register 36,654 (June 5, 2023) (“Final Rule”).¹ *See* FRAP 15(a)(2)(C) (“The petition must . . . specify the order or part thereof to be reviewed.”).

Jurisdiction and venue lie in this Court under 42 U.S.C. § 7607(b)(1). The challenged action’s institution of the FIP in light of EPA’s disapproval of Louisiana’s state implementation plan is a “locally or regionally applicable” action and is not “based on a determination of nationwide scope or effect.” *See id.*; *Texas v. EPA*, 829 F.3d 405, 418–24 (5th Cir. 2016).² This Court previously recognized, EPA’s disapproval of Louisiana’s SIP with respect to the interstate-transport

¹ A copy of the Final Rule is attached to this petition as Attachment A.

² Petitioners have also challenged the EPA’s Disapproval of Louisiana’s state implementation plan (“SIP”) regarding the interstate transport requirements of 42 U.S.C. § 7410(a)(2)(d)(i)(I) for the 2015 8-hour ozone national ambient air quality standard, titled “Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards,” 88 Federal Register 9,336 (February 13, 2023). *See* Docket No. 23-60069.

requirements of 42 U.S.C. § 7410(a)(2)(D)(i)(I) for the 2015 8-hour ozone NAAQS was a “locally or regionally applicable” action that was “based on a number of intensely factual determinations unique” to the State. Doc. 269-1, Order, *Texas v. EPA*, No. 23-60069 (5th Cir. May 1, 2023) (*per curiam*), at 9-12. The same is true of this related action.

This petition for review is timely filed within sixty days of the challenged action’s publication in the Federal Register. *See* 42 U.S.C. § 7607(b)(1). Petitioners request that the Court vacate, set aside, and hold unlawful the EPA’s Final Rule.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Undersigned counsel certifies that a copy of the foregoing Petition for Review, has been served via U.S. Mail, first class delivery on the following:

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