

Case No. 24-1073

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

PRESIDENT OF THE ARIZONA STATE SENATE WARREN PETERSEN,
SPEAKER OF THE ARIZONA HOUSE OF REPRESENTATIVES BEN TOMA,
AND ARIZONA CHAMBER OF COMMERCE AND INDUSTRY,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND MICHAEL S. REGAN,
IN HIS OFFICIAL CAPACITY AS ADMINISTRATOR OF THE U.S. ENVIRONMENTAL
PROTECTION AGENCY

Respondents

PETITION FOR REVIEW

Under 42 U.S.C. § 7607(b)(1), Federal Rule of Appellate Procedure 15, and D.C. Circuit Rule 15(a), Petitioners President of the Arizona State Senate Warren Petersen, Speaker of the Arizona House of Representatives Ben Toma, and the Arizona Chamber of Commerce and Industry petition this Court for review of the final agency action taken by Respondents the United States Environmental Protection Agency and Michael S. Regan, in his official capacity as Administrator of the United States Environmental Protection Agency, entitled “Reconsideration of the National Ambient Air Quality Standards for Particulate Matter,” published at 89 Fed. Reg. 16,202 (Mar. 6, 2024). A copy of the agency action is attached to this petition.

Petitioners will show that the final rule exceeds the agency’s statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with

law. Petitioners thus ask that this Court declare unlawful and vacate the agency's final action. This Court has jurisdiction and is a proper venue for this action pursuant to 42 U.S.C. § 7607(b)(1).

Respectfully submitted this 25th day of March, 2024.

/s/ Nate Curtisi

Nate Curtisi

(Arizona Bar No. 033342)

Michael G. Bailey

(Arizona Bar No. 013747)

ARIZONA CHAMBER OF
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/s/ Brunn (Beau) W. Roysden III

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Arizona State Senate Warren
Petersen and Speaker of the Arizona
House of Representatives Ben Toma*

CERTIFICATE OF SERVICE

I certify that I have caused a true and correct copy of this Petition to be served on the following Respondents by U.S. Mail on March 25, 2024:

Hon. Michael S. Regan, Administrator
United States Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Correspondence Control Unit
Office of General Counsel
United States Environmental Protection Agency
Mail Code 2311
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. Merrick Garland
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Hon. Todd Kim
Assistant Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-00001

/s/ Brunn W. Roysden III
Brunn W. Roysden III

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**RULE 26.1 DISCLOSURE STATEMENT OF THE ARIZONA CHAMBER
OF COMMERCE AND INDUSTRY**

Pursuant to Fed. R. App. 26.1 and D.C. Cir. Rule 26.1, Petitioner the Arizona Chamber of Commerce and Industry hereby files the following corporate disclosure statement:

The Arizona Chamber of Commerce and Industry is Arizona's leading statewide business advocate. It exists to represent the interest of commerce and industry in a way that enhances Arizona's economy. The Arizona Chamber of Commerce and Industry is a non-profit, tax-exempt organization incorporated in the State of Arizona. It has no parent corporation, and no publicly held company has 10% or greater ownership in it.

Respectfully submitted this 25th day of March, 2024.

/s/Nate Curtisi

Nate Curtisi

(Arizona Bar No. 033342)

Michael G. Bailey

(Arizona Bar No. 013747)

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