No. 06-736

IN THE

Supreme Court of the United States

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Petitioner,

v.

STATE OF NEW YORK, ET AL.,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

---

THE UTILITY AIR REGULATORY GROUP'S RESPONSE IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

HENRY V. NICKEL
F. WILLIAM BROWNELL
(Counsel of Record)
DAVID S. HARLOW
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006
(202) 955-1500

WILSON-EPES PRINTING CO., INC. – (202) 789-0096 – WASHINGTON, D. C. 20001

DISCLOSURE STATEMENT

The Utility Air Regulatory Group ("UARG") is a non-profit, unincorporated organization of individual electric utilities and national trade associations. UARG has no outstanding shares or debt securities in the hands of the public and does not have any parent, subsidiary or affiliate that has issued shares or debt securities to the public.

RESPONSE IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

Pursuant to Supreme Court Rule 12.6, the Utility Air Regulatory Group ("UARG"), an intervenor-respondent below, respectfully submits this response in support of the petition for a writ of certiorari of the United States Environmental Protection Agency ("EPA") in *EPA v. State of New York*, No. 06-736. EPA seeks review of the decision of the United States Court of Appeals for the District of Columbia Circuit in *New York v. EPA*, 443 F.3d 880 (D.C. Cir. 2006) ("*New York II*"). This response is being submitted within 20 days of EPA's petition having been docketed on November 27, 2006.

REASONS FOR SUPPORTING EPA'S PETITION

On November 27, 2006, UARG filed a petition for a writ of certiorari seeking review of *New York II* on much the same terms as EPA. *See UARG v. State of New York*, No. 06-750 (docketed November 29, 2006). In its petition, EPA questions whether the D.C. Circuit "erred in invalidating" the Equipment Replacement Provision ("ERP") rule on the "ground that the phrase 'any physical change' in the definition of 'modification' in" Clean Air Act ("CAA") § 111(a)(4) "unambiguously requires EPA to adopt the broadest meaning of the phrase." EPA Petition at (I). For its part, UARG questions whether the court's "reliance on a fragment of the 40-word statutory definition of 'modification' to find a clear expression of congressional intent" conflicts with this Court's *Chevron* decision. UARG Petition at i.

In support of certiorari on this issue, EPA observes that, in striking down the ERP rule, the D.C. Circuit has "announced a sweeping rule of construction" that would "operate to deprive administrative agencies of discretion to construe ambiguous statutory terms whenever those terms are preceded by the word 'any'." EPA Petition at 9. This holding, EPA points out, "is inconsistent" with this Court's "repeated admonitions

that statutes must be construed in context and as a whole," as well as with this Court's decision in *Chevron*. *Id.* at 9-10. As EPA notes, *Chevron* "involved the same statute and the same definitional section at issue here." *Id.* at 14.[1]

UARG agrees, noting in its petition that under the "new formulation of *Chevron*" presented in *New York II*, "specific meaning is given to fragments of statutory language in order to find an unambiguous congressional 'intent'" that could not be found if "traditional canons of statutory construction were applied to the statutory provision as a whole." UARG Petition at 3. Excising three words – *i.e.*, "any physical change" – from the statutory definition, UARG continues, runs afoul of the well-settled principle that a reviewing court "should not confine itself to examining a particular statutory provision in isolation." *Id.* at 14-15, *quoting FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 132 (2000). For these reasons, UARG supports granting EPA's petition, to address the conflict between *New York II* and this Court's decision in *Chevron*.

UARG's petition also presents a second question: whether EPA "has discretion under the CAA to adopt a rule that excludes" from . . . NSR a "subset of projects" that are not "modifications" under the New Source Performance Standards ("NSPS") program, as that term "modification" has been "defined and used under the CAA for the past 35 years." UARG Petition at i. EPA's petition encompasses and provides compelling support for granting certiorari to address this issue as well.

First, EPA points out that *New York II* conflicts with the established presumption that "Congress . . . legislate[s] with awareness of prior administrative regulations," and that when

---

[1] *See also* UARG Petition at 20 (noting this Court's explanation of "modification" and "major modification" as distinct concepts: under the New Source Review ("NSR") rules, a source "may . . . modify one piece of equipment without meeting [NSR] . . . if the alteration will not increase total emissions from the plant," *i.e.*, if it is not a "major modification.").

Congress "elects to use statutory language that has already been given an interpretive gloss by the administering agency," it should "ordinarily be presumed to intend to allow the agency to continue to employ that regulatory gloss." EPA Petition at 16, *citing TWA v. Hardison*, 432 U.S. 63, 76 n.11 (1977); *Young v. Community Nutrition Inst.*, 476 U.S. 974, 983 (1986). This "inference of congressional approval is fully applicable here," EPA continues, given that, when "Congress enacted the statutory NSR program in 1977," and "cross-referenc[ed] the pre-existing NSPS statutory definition of 'modification,'" Congress "acted in a context in which EPA had already interpreted that key provision." *Id.* EPA faults the D.C. Circuit for "disregard[ing] the fact" that Congress had accepted this "prior [NSPS] regulatory construction[]" of the term "modification." *Id.* at 19. Indeed, as UARG observes, it would be a "particularly odd approach to statutory interpretation to conclude that, by defining 'modification' for NSR to mean 'modification' as defined in NSPS," Congress "intended to *preclude* EPA from implementing CAA § 111(a)(4) for NSR the same way it had always implemented that provision for NSPS." UARG Petition at 17 (emphasis in original).

Moreover, as EPA explained in its petition, "[t]he regulations that EPA promulgated in 1974 to implement the original regulatory" Prevention of Significant Deterioration ("PSD") program "defined 'modification' [in 40 C.F.R. § 52.01(d)] in largely the same way as it was defined for the existing NSPS." EPA Petition at 4; *see also* UARG Petition at 6-8. Both EPA and UARG point out that, in the 1977 CAA Amendments, Congress specifically provided that the definition of "modification" established under the 1974 PSD program would "continue[] to govern the application of new statutory NSR programs without the need for further rulemaking." UARG Petition at 9, *citing* CAA § 168(a); EPA Petition at 19 ("Congress specifically demonstrated [in CAA § 168(a)] its awareness and approval of the prior regulations . . . by mandating that most of the pre-existing regulations 'shall remain in effect' until implementation plans" were adopted.). UARG agrees

with EPA that, "at the very least," this establishes that excluding from NSR projects that are not NSPS modifications is "'a defensible construction' of the Act." EPA Petition at 19.

Finally, UARG agrees with EPA that granting certiorari in this case is important to the proper administration of one of the most important regulatory programs in this country. As EPA explains, the D.C. Circuit's bold (and erroneous) new approach to statutory construction in *New York II* "threatens to put EPA into a regulatory straightjacket that Congress did not intend," with "few if any options to tailor the program to changing conditions and policies" in order to "achieve environmental benefits." EPA Petition at 21. If not reversed, EPA continues, *New York II* will impede its "ability to address those problems in the future." *Id.* at 23; *see also* UARG Petition at 19. That both the regulator and the regulated community agree as to the importance of the case underscores the need for this Court to exercise its supervisory power.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

HENRY V. NICKEL
F. WILLIAM BROWNELL
(Counsel of Record)
DAVID S. HARLOW
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006
(202) 955-1500
Counsel for the Utility Air Regulatory Group

December 18, 2006

No. 06-736

IN THE

Supreme Court of the United States

CERTIFICATE OF SERVICE

I, Henry V. Nickel, a member of the Bar of this Court, hereby certify pursuant to Supreme Court Rule 29.3 that on this 18th day of December 2006, I caused copies of the foregoing Utility Air Regulatory Group's Response in Support of Petition for a Writ of Certiorari to be served electronically and, where indicated by an asterisk, by first class mail, postage prepaid, on each of the following. I hereby certify that all parties required to be served have been served.

*Eliot Spitzer
Attorney General
Caitlin Halligan
Solicitor General
J. Jared Snyder
Michael J. Myers
Assistant Attorneys General
Office of the Attorney General of
the State of New York
Environmental Protection Division
The Capitol
Albany, NY 12224-0341
(518) 402-2594
jared.snyder@oag.state.ny.us
michael.myers@oag.state.ny.us
For the State of New York

*Keri N. Powell
Howard I. Fox
Earthjustice
1625 Massachusetts Ave., N.W., Suite 702
Washington, D.C. 20036-2212
(202) 667-4500
kpowell@earthjustice.org
hfox@earthjustice.org
jjames@earthjustice.org
For Natural Resources Defense Council, Environmental Defense, Sierra Club, American Lung Association, Communities for a Better Environment, and United States Public Interest Research Group (D.C. Cir. 03-1381 and 04-1029)

*Jonathan F. Lewis
Ann Brewster Weeks
Clean Air Task Force
18 Tremont Street, Suite 530
Boston, MA 02108
(617) 292-0234
jlewis@catf.us
aweeks@catf.us
For Alabama Environmental Council, Clean Air Council, Group Against Smog and Pollution, Michigan Environmental Council, the Ohio Environmental Council, Scenic Hudson, and Southern Alliance for Clean Energy (D.C. Cir. 03-1381 and 04-1029)

*Sue Ellen Wooldridge
John C. Cruden
Thomas A. Lorenzen
Cynthia J. Morris
Angeline Purdy
U.S. Department of Justice
Environment & Natural Resources Div.
P.O. Box 23986
Washington, D.C. 20026-3986
(202) 305-0733
c.j.morris@usdoj.gov
angeline.purdy@usdoj.gov
thomas.lorenzen@usdoj.gov
For U.S. EPA, et al.

*Michael D. Fiorentino
Mid-Atlantic Environmental Law Center
4601 Concord Pike
Wilmington, DE 19803
michael.d.fiorentino@law.widener.edu
For Delaware Nature Society (D.C. Cir. 03-1453)

*John D. Walke
Natural Resources Defense Council
1200 New York Avenue, N.W., Suite 400
Washington, D.C. 20005
(202) 289-6868
jwalke@nrdc.org
For Natural Resources Defense Council (D.C. Cir. 03-1381)

*Carol S. Holmes
Jonathan Averback
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-7606
Holmes.Carol@epa.gov
Averback.Jonathan@epa.gov
For U.S. EPA, et al.

Thomas F. Reilly
Attorney General
William L. Pardee
Frederick D. Augenstern
James R. Milkey
Assistant Attorneys General
Office of the Attorney General of
the Commonwealth of Massachusetts
Environmental Protection Division
1 Ashburton Place, 18th Floor
Boston, MA 02108
(617) 727-2419
bill.pardee@ago.state.ma.us
fred.augenstern@ago.state.ma.us
jim.milkey@ago.state.ma.us
For the Commonwealth of Massachusetts

Peter Hans Lehner
Attorney General's Office of the
State of New York
Environmental Protection Bureau
120 Broadway, 26th Floor
New York, NY 10271
(212) 416-8275
peter.lehner@oag.state.ny.us
For the State of New York

J. Joseph Curran, Jr.
Attorney General
Kathy M. Kinsey
Susan Martielli
Office of the Attorney General of
the State of Maryland
Maryland Department of the Environment
1800 Washington Boulevard, Suite 6048
Baltimore, MD 21230
(410) 631-3954
kkinsey@mde.state.md.us
smartielli@mde.state.md.us
For the State of Maryland

*Richard Blumenthal
Attorney General
Kimberly P. Massicotte
Matthew I. Levine
Assistant Attorneys General
Office of the Attorney General of
the State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
(860) 808-5318
For the State of Connecticut

G. Steven Rowe
Attorney General
Gerald D. Reid
Assistant Attorney General
Department of the Attorney General of
the State of Maine
6 State House Station
111 Sewall Street
Augusta, ME 04333-0006
(207) 626-8800
jerry.reid@maine.gov
For the State of Maine

Kelly A. Ayotte
Attorney General
Maureen D. Smith
Senior Assistant Attorney General
Office of the Attorney General for the
State of New Hampshire
Environmental Protection Bureau
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3679
maureen.smith@doj.nh.gov
marti.nickerson@doj.nh.gov
For the State of New Hampshire

Michael P. Bedrin
Chief Counsel
Robert A. Reiley
Commonwealth of Pennsylvania
Department of Environmental Protection
Rachel Carson State Office Bldg, 9th Floor
400 Market Street
P.O. Box 8464
Harrisburg, PA 17105-8464
(717) 787-7060
rreiley@state.pa.us
For the Commonwealth of Pennsylvania, Department of Environmental Protection

Peter C. Harvey
Attorney General
Stephanie A. Brand
Ruth E. Carter
Kevin P. Auerbacher
Jean Reilly
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093
(609) 292-6945
kevin.auerbacher@dol.lps.state.nj.us
jean.reilly@dol.lps.state.nj.us
ruth.carter@dol.lps.state.nj.us
lisa.morelli@dol.lps.state.nj.us
For the State of New Jersey

William H. Sorrell
Attorney General
Erick Titrud
Kevin O. Leske
Office of the Attorney General of the
State of Vermont
109 State Street
Montpelier, VT 05609-1001
(802) 828-5518
etitrud@atg.state.vt.us
kleske@atg.state.vt.us
For the State of Vermont

Patrick C. Lynch
Attorney General
Tricia K. Jedele
Special Assistant Attorney General
Department of the Attorney General for
the State of Rhode Island
150 South Main Street
Providence, RI 02903
(401) 274-4400
tjedele@riag.state.ri.us
For the State of Rhode Island

Peggy A. Lautenschlager
Attorney General
Thomas L. Dosch
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857
(608) 266-0770
doschtl@doj.state.wi.us
For the State of Wisconsin

Patricia A. Madrid
Attorney General
Eric Ames
New Mexico Environment Department
1190 St. Francis Drive, Room N4050
P.O. Box 26110
Santa Fe, NM 87502
(505) 827-2982
eric_ames@nmenv.state.nm.us
brent_moore@nmenv.state.nm.us
leslie.barnhart@state.nm.us
For the State of New Mexico

Robert J. Spagnoletti,
Attorney General
Edward E. Schwab, Deputy Attorney General
Donna M. Murasky, Senior Litigation Counsel
Office of the Attorney General for the District of Columbia
441 Fourth Street, N.W., 6th Floor
Washington, D.C. 20001
(202) 724-5667
donna.murasky@dc.gov
For the District of Columbia

Dennis J. Herrera
Theresa Mueller
Office of the City Attorney
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 234
San Francisco, CA 94102
(415) 554-4700
theresa.mueller@sfgov.org
For the City and County of San Francisco

Christopher Paul McCormack
Tyler Cooper & Alcorn, LLP
205 Church Street
P.O. Box 1936
New Haven, CT 06509-1910
(203) 784-8296
mccormac@tylercooper.com
For City of Groton, City of Middletown, City of Stamford, Town of Cornwall, Town of East Hartford, Town of Rocky Hill, Town of Greenwich, Town of Hebron, Town of Lebanon, Town of Newtown, Town of North Stonington, Town of Pomfret, Town of Putnam, Town of Salisbury, Town of Thompson, Town of Wallingford, Town of Washington, Town of Westbrook, Town of Weston, Town of Woodstock, Connecticut

Michael A. Cardozo
Corporation Counsel, City of New York
Christopher G. King
William Plache
Office of the Corporation Counsel of the City of New York
New York City Law Department
100 Church Street, Room 6-143
New York, NY 10007
(212) 788-1235
wplache@law.nyc.gov
cking@law.nyc.gov
For the City of New York

Bill Lockyer
Attorney General
Matthew J. Goldman
Mary E. Hackenbracht
Office of the Attorney General of the State of California
1300 I Street
P.O. Box 944255
Sacramento, CA 94244-2500
matthew.goldman@doj.ca.gov
For People of the State of California and California Air Resources Board (D.C. Cir. 03-1383)

Daniel C. Esty
Esty & Associates
213 Preston Road
Cheshire, CT 06410
(203) 271-3248
daniel.esty@yale.edu
For City of Hartford, City of New Haven, City of New London, City of Waterbury, and Town of Westport, Connecticut

*Jim Petro
Attorney General
Dale T. Vitale
Senior Deputy Attorney General
Office of the Attorney General
for the State of Ohio
30 East Broad Street, 17th Floor
Columbus, Ohio 43215-3428
(614) 466-2766
For the State of Ohio

William H. Lewis, Jr.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 467-7145
wlewis@morganlewis.com
For Clean Air Implementation Project

Leslie Sue Ritts
Lorane F. Hebert
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600
lsritts@hhlaw.com
For National Environmental Development Association's Clean Air Regulatory Project

Charles H. Knauss
Bingham McCutchen LLP
The Washington Harbour
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
(202) 373-6644
chuck.knauss@bingham.com
For Alliance of Automobile Manufacturers

Lisa Madigan
Matthew J. Dunn
Office of the Attorney General of
the State of Illinois
Environmental Bureau
500 South Second Street
Springfield, IL 62706
Gina.Roccaforte@epa.state.il.us
For the State of Illinois (D.C. Cir. 03-1390)

Barbara Baird
District Counsel
South Coast Air Quality Mgmt. District
21865 E. Copley Drive
P.O. Box 4940
Diamond Bar, CA 91765-0940
bbaird@aqmd.gov
vrodriguez@aqmd.gov
For South Coast Air Quality Management District (D.C. Cir. 03-1402 and 04-1064)

Robert A. Messina
General Counsel
Illinois Environmental Regulatory Group
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776
(217) 523-4942
amessina@ierg.org
For Illinois State Chamber of Commerce and Illinois Environmental Regulatory Group

Carl Josephson
Office of the Attorney General of
the Commonwealth of Virginia
Special Prosecutions Section
900 East Main Street
Richmond, VA 23219
(804) 786-1991
cjosephson@oag.state.va.us
cblaylock@oag.state.va.us
For the Commonwealth of Virginia

R. Craig Kneisel
Robert D. Tambling
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130-0152
(334) 242-4878
ckneisel@ago.state.al.us
rtambling@ago.state.al.us
For the State of Alabama

Julie C. Becker
Assistant General Counsel, Environment
Alliance of Automobile Manufacturers
1401 Eye Street, N.W.
9th Floor
Washington, D.C. 20005
(202) 326-5511
jbecker@autoalliance.org
For Alliance of Automobile Manufacturers

*Phil Kline
Attorney General
David W. Davies, III
Office of the Attorney General of
the State of Kansas
129 SW Tenth Ave.
2nd Floor Memorial Building
Topeka, KS 66612-1597
(785) 296-2215
For the State of Kansas

Gregg D. Renkes
Attorney General
Steven E. Mulder
Assistant Attorney General
Office of the Attorney General of
the State of Alaska
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(907) 278-7022
Steve_Mulder@law.state.ak.us
For the State of Alaska

Wayne Stenehjem
Attorney General
Lyle G. Witham
Dean J. Haas
Assistant Attorneys General
Office of the Attorney General of
the State of North Dakota
500 North 9th Street
Bismarck, ND 58501-4509
(701) 328-2210
lwitham@state.nd.us
ckvislen@state.nd.us
For the State of North Dakota

Mike Beebe
Attorney General
Teresa Brown
Deputy Attorney General
Office of the Attorney General of
the State of Arkansas
323 Center Street
200 Tower Building
Little Rock, AR 72201
(501) 682-3561
Charles.Moulton@ag.state.ar.us
For the State of Arkansas

Lawrence E. Long
Attorney General
Roxanne Giedd
Office of the Attorney General of
the State of South Dakota
500 East Capitol Avenue
Pierre, SD 57501
(605) 773-3215
roxanne.giedd@state.sd.us
For the State of South Dakota

Jon Cumberland Bruning
Attorney General
David Cookson
Assistant Attorney General
Office of the Attorney General of
the State of Nebraska
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-2682
dcookson@notes.state.ne.us
nskillma@notes.state.ne.us
annette.kovar@ndeq.state.ne.us
For the State of Nebraska

Mark L. Shurtleff
Attorney General
Fred G. Nelson
Office of the Attorney General of
the State of Utah
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114-0873
(801) 366-0285
fnelson@utah.gov
For the State of Utah

Leah Walker Casey
Carter, Conboy, Case, Blackmore,
Maloney & Laird, P.C.
20 Corporate Woods Boulevard
Albany, NY 12211-2362
(518) 465-3484
LCasey@carterconboy.com
For Adirondack Mountain Club

Russell S. Frye
John L. Wittenborn
Collier Shannon Scott, PLLC
3050 K Street, N.W., Suite 400
Washington, D.C. 20007
(202) 342-8512
rfrye@fryelaw.com
jwittenborn@colliershannon.com
For Steel Manufacturers Association, Specialty Steel Industry of North America, and American Iron and Steel Institute

M. Jane Brady
Attorney General
Valerie S. Csizmadia
Deputy Attorney General
State of Delaware
Department of Justice
Environmental Unit, Third Floor
102 W. Water Street, 3d Floor
Dover, DE 19904
valerie.csizmadia@state.de.us
For the State of Delaware (D.C. Cir. 03-1454)

Victor B. Flatt
A.L. O'Quinn Chair in Environmental Law
University of Houston Law Center
100 Law Center
Houston, TX 77204-6060
(713) 743-2155
VFlatt@Central.UH.EDU
For the Honorable H. Rodham Clinton, J. Corzine, J. Jeffords, P. Leahy, B. Boxer, F. Lautenberg, C. Schumer, J. Reed, J. Kerry, C. Dodd, and E. Markey

James R. Layton
State Solicitor
Timothy P. Duggan
Joseph P. Bindbeutel
State of Missouri
Supreme Court Building
207 W. High Street
P.O. Box 899
Jefferson City, MO 65102-0899
(573) 751-1800
tim.duggan@ago.mo.gov
joe.bindbeutel@ago.mo.gov
For the State of Missouri

Richard E. Ayres
Ayres Law Group
1615 L Street, N.W., Suite 1350
Washington, D.C. 20036
(202) 452-9200
AyresR@AyresLawGroup.com
For Calpine Corporation

Jeffrey M. Gleason
Southern Environmental Law Center
201 West Main Street, Suite 14
Charlottesville, VA 22902
(434) 977-4090
jgleason@selcva.org
For Southern Alliance for Clean Energy (D.C. Cir. 03-1381 and 04-1029)

Daniel J. Popeo
Paul D. Kamenar
Washington Legal Foundation
2009 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 588-0302
pkamenar@wlf.org
For Washington Legal Foundation

Patrick J. Crank
Attorney General
Michael R. O'Donnell, Deputy A.G.
Vicci M. Colgan, Sr. Assistant A.G.
Office of the Attorney General
for the State of Wyoming
123 State Capitol
Cheyenne, WY 82002
(307) 777-3539
vcolga@state.wy.us
sely@state.wy.us
For the State of Wyoming

Geoffrey M. Klineberg
David L. Schwarz
Leo R. Tsao
Kellogg, Huber, Hansen, Todd, Evans
& Figel, P.L.L.C.
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7900
gklineberg@khhte.com
For the Atlantic Salmon Federation

Hope Babcock
Senior Attorney/Director
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Ave., N.W., Suite 312
Washington, D.C. 20001
(202) 662-9535
babcock@law.georgetown.edu
For Amici American Thoracic Society, American College of Chest Physicians, and National Association for the Medical Direction of Respiratory Care

Steve Carter
Indiana Attorney General
Thomas M. Fisher
Special Counsel
Indiana Attorney General's Office
Indiana Government Ctr. South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204
(317) 232-6201
tfisher@atg.state.in.us
For the State of Indiana

Henry V. Nickel
HUNTON & WILLIAMS, LLP
1900 K Street, N.W.
Washington, D.C. 20006
(202) 955-1500
Counsel for the Utility Air Regulatory Group