

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN LUNG ASSOCIATION and)
NATIONAL PARKS CONSERVATION)
ASSOCIATION,)

Plaintiffs,)

v.)

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, and LISA)
JACKSON, Administrator, United States)
Environmental Protection Agency,)

Defendants.)

Civil Action No. 1:12-cv-00243-RLW
(Judge Robert L. Wilkins)

STATE OF NEW YORK, et al.,)

Plaintiffs,)

v.)

LISA P. JACKSON, as Administrator of the)
Environmental Protection Agency, and the)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)

Defendants.)

Civil Action No. 1:12-cv-00531-RLW
(Judge Robert L. Wilkins)

ORDER

This Court, having duly considered the Application for Preliminary and Permanent Injunction filed by Plaintiffs American Lung Association and National Parks Conservation Association (together, “ALA”) and the Cross-Motion for Summary Judgment by the State of New York, *et al.* (“State Plaintiffs”) and the request in those motions to establish a court deadline requiring Defendants U.S. Environmental Protection Agency, *et al.* (“EPA”) to sign a proposed rule pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the national ambient air quality

standards (“NAAQS”) for particulate matter, as well as the responses in opposition thereto filed by EPA and EPA’s Cross-Motion for Summary Judgment as to Remedy, having heard oral argument on the motions from counsel for ALA, State Plaintiffs, and EPA on May 31, 2012, and having found that Plaintiffs have satisfied the elements required for granting a preliminary injunction, hereby GRANTS IN PART ALA’s Application for Preliminary Injunction, and ORDERS as follows:

(1) By no later than June 7, 2012, EPA shall sign a notice of proposed rulemaking pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the particulate matter NAAQS and proposing such revisions to the NAAQS and/or proposing new NAAQS for particulate matter as may be appropriate in accordance with 42 U.S.C. §§ 7408 and 7409(b);

(2) EPA shall seek expedited publication of the notice of proposed rulemaking in the Federal Register;

(3) EPA shall schedule and hold any public hearing(s) and hold a public comment period such that the comment period closes no later than nine (9) weeks from the date of publication of the notice of proposed rulemaking in the Federal Register.

The Court reserves ruling on the deadline by which EPA must sign a notice of final rulemaking setting forth its decision pursuant to 42 U.S.C. § 7409(d)(1) concerning its review of the particulate matter NAAQS and the parties’ related requests for relief set forth in ALA’s Application for Preliminary and Permanent Injunction and in the State Plaintiffs’ and EPA’s cross-motions for summary judgment. The hearing on these pending motions is hereby continued until June 11 at 11 a.m. at which time EPA Assistant Administrator Regina McCarthy shall appear in Court for examination concerning statements in her May 4, 2012 declaration regarding EPA’s proposed August 15, 2013 date to sign the notice of final rulemaking. The parties shall submit a status report to the Court by 5:00 p.m. eastern on June 8th on the status of

any discussions to resolve the matters before the Court, and the need for any further hearing on June 11 in light of such discussions.

IT IS SO ORDERED.

Dated: _____

ROBERT L. WILKINS
U.S. DISTRICT JUDGE