

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
NOV 16 2012
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UNITED STATES COURT OF APPEALS
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FILED **NOV 16 2012**
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IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN FOREST & PAPER)
ASSOCIATION, INC. AND AMERICAN)
WOOD COUNCIL,)
)
Petitioners)
)
v.)
)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent)

No. 12-1452

PETITION FOR REVIEW

Pursuant to Fed. R. App. P. 15 and Clean Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1), American Forest & Paper Association and American Wood Council hereby petition this Court to review a final action of the U.S. Environmental Protection Agency, to wit: the promulgation of emission factors for estimating methane and nitrous oxide emissions from combustion of “Biomass Fuels—Solid,” codified at 40 C.F.R. part 98 subpart C Table C-2 and from burning kraft pulping liquor, codified at 40 C.F.R. part 98 subpart AA Table AA-1.

EPA promulgated those emission factors as part of a rulemaking titled "Mandatory Reporting of Greenhouse Gases; Final Rule," which was published at 74 Fed. Reg. 56,260 (Oct. 30, 2009). This action is being filed, as authorized by Clean Air Act section 307(b)(1), 42 U.S.C. § 7607(b)(1), within 60 days after new grounds arose on which to seek judicial review of the EPA final action, namely the publication of a report on stack sampling for methane and nitrous oxide that demonstrates that the challenged emission factors greatly overstate actual emissions of these pollutants.

A Rule 26.1 Disclosure Statement is being filed along with this petition for review.

Dated: November 16, 2012

Respectfully submitted,



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AMERICAN FOREST & PAPER)
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UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent)

No. _____

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1 and Circuit Rule 26.1, undersigned counsel for the American Forest & Paper Association, Inc. and the American Wood Council certifies as follows:

1. The American Forest & Paper Association, Inc. is a non-profit, nationwide trade association representing member companies engaged in the management and harvesting of forest resources and the manufacture of pulp,

paper, paperboard, and wood products.

2. The American Wood Council is a non-profit trade association representing member companies engaged in the manufacture of traditional and engineered wood products in North America.

3. This proceeding involves a petition for review, pursuant to 42 U.S.C. § 7607(b) and Fed. R. App. P. 15(a), of a final action of the U.S. Environmental Protection Agency, namely the promulgation of emission factors for estimating methane and nitrous oxide emissions from combustion of “Biomass Fuels—Solid,” codified at 40 C.F.R. part 98 subpart C Table C-2 and from burning kraft pulping liquor, codified at 40 C.F.R. part 98 subpart AA Table AA-1. EPA promulgated those emission factors as part of a rulemaking titled “Mandatory Reporting of Greenhouse Gases; Final Rule,” which was published at 74 Fed. Reg. 56,260 (Oct. 30, 2009). American Forest & Paper Association, Inc.’s and American Wood Council’s members operate facilities that are directed by EPA regulations to use the challenged emission factors when reporting estimated greenhouse gas emissions. The challenged emission factors result in substantial overstatement of actual greenhouse gas emissions from the members’ facilities and from other facilities that burn wood and wood residuals.

4. American Forest & Paper Association, Inc. has no parent corporation, and no publicly held company owns more than a 10 percent interest in American Forest & Paper Association, Inc. American Forest & Paper Association, Inc. is a “trade association” within the meaning of Circuit Rule 26.1(b).

5. American Wood Council has no parent corporation, and no publicly held company owns more than a 10 percent interest in American Wood Council. American Wood Council is a “trade association” within the meaning of Circuit Rule 26.1(b).

Dated: November 16, 2012

Respectfully submitted,



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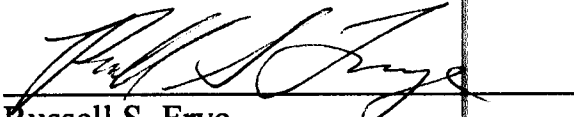
CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing Petition for Review and accompanying Rule 26.1 Disclosure Statement were served by placing them in the U.S. mail, first class, postage prepaid, this 16th day of November, 2012, upon the following persons:

Administrator Lisa P. Jackson
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Honorable Eric H. Holder Jr.
Attorney General
U.S. Department of Justice
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