



Environmental Protection Agency (collectively “EPA”) in the above-captioned challenge to EPA’s final rule entitled “*Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025,*” as published in the Federal Register at 91 Fed. Reg. 9712 (Feb. 27, 2026) (“GHGRP Extension Rule”).

## INTRODUCTION

The GHGRP Extension Rule modifies and extends several deadlines in EPA’s separate Greenhouse Gas Reporting Program (“GHGRP”). EPA’s GHGRP was directed by Congress in the Fiscal Year (FY) 2008 Consolidated Appropriations Act, directing EPA to “develop and publish a . . . [rule] to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States.” Consolidated Appropriations Act, 2008, Public Law 110–161, 121 Stat. 1844, 2128 (2008). EPA subsequently issued the rule entitled “*Mandatory Reporting of Greenhouse Gases,*” 74 Fed. Reg. 56260 (Oct. 30, 2009) (“2009 GHGRP Rule”). EPA has since published numerous revisions to the 2009 GHGRP.

In 2022, Congress amended the Clean Air Act (“CAA”) by adding section 136, “Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems.” Among other things, the amendment to section 136 required EPA to impose and collect a waste emissions charge (“WEC”) on methane emissions exceeding certain thresholds. On July 4, 2025, President Trump signed the One Big Beautiful Bill Act which amended CAA section 136(g) to revise the

period under which the WEC is imposed and collected to begin with emissions reported for calendar year 2034 and later.

On September 12, 2025, the EPA proposed to permanently remove program obligations for 46 source categories of the GHGRP in the proposed rule entitled “*Reconsideration of the Greenhouse Gas Reporting Program*,” 90 Fed. Reg. 44,591 (Sept. 16, 2025) (“Proposed GHGRP Reconsideration Rule”). Under the Proposed Reconsideration Rule, EPA also proposed two changes to the subpart W. First, EPA proposed to permanently remove program obligations for facilities in the natural gas distribution segment. Second, for the remaining nine segments of subpart W, EPA is proposed to suspend program reporting requirements until reporting year 2034 in accordance with the One Big Beautiful Bill Act.

However, the remaining nine segments of subpart W still had reporting obligations starting on March 31, 2026 under the existing GHGRP. As such, EPA also proposed extending the March 31, 2026, reporting deadline until June 10, 2026 in the Proposed Reconsideration Rule. While EPA was still finalizing the Proposed Reconsideration Rule, EPA published the GHGRP Extension Rule which extended the March 31, 2026 reporting deadlines until October 30, 2026.

DEPA seeks to intervene in this proceeding – including any other cases that may be later filed seeking review of the GHGRP Extension Rule, *see* D.C. Cir. Rule

15(b) – to protect DEPA and DEPA’s members’ substantial interests that may be impaired by the disposition of this case.

DEPA is a nationwide collaboration of 25 coalition associations, representing about 10,000 companies and individuals engaged in domestic onshore oil and natural gas production and exploration. Attachment 1 (Decl. of J. Simmons) at ¶ 5. DEPA also represents individual oil and gas companies. *Id.* at ¶ 6. Founded in 2009, DEPA gives a clear voice to its member companies and individuals working in the domestic oil and gas production sector to secure our nation's energy future. *Id.* at ¶ 5. As a representative of both coalition associations and individual oil and gas companies, DEPA vigorously advocates for the interests of the domestic oil and gas industry in the U.S. This includes advocating for common sense law and policy, challenging statutory overreaches by federal agencies, and defending federal rulemakings that are the result of reasoned governance. *Id.* at ¶ 6.

DEPA has a direct organizational interest in defending the GHGRP Extension Rule, as DEPA (1) commented in support of EPA’s related Proposed GHGRP Reconsideration Rule; (2) plans to comment in support of the GHGRP Extension Rule; and (3) DEPA’s individual member companies and coalition association directly benefit from the GHGRP Extension Rule and would be harmed if the GHGRP Extension Rule were invalidated. *Id.* at ¶¶ 7-13.

DEPA's individual member companies and coalition association organizations are also directly impacted by and benefit from the GHGRP Final Extension Rule, which extends current reporting deadlines which otherwise may never be implemented after EPA completes its Proposed GHGRP Reconsideration Rule. *Id.* at ¶¶ 12-13.

As such, DEPA has a compelling interest in intervening in support of Respondents to defend the GHGRP Extension Rule, satisfies the standard for intervention, and this motion should be granted.

## **ARGUMENT**

In support of its motion, DEPA states as follows:

### **I. DEPA Satisfies the Standards for Intervention.**

Federal Rule of Appellate Procedure 15(d) requires that a party moving to intervene sets forth its interests and the grounds for intervention. Intervention under Rule 15(d) is granted where the moving party's interests in the outcome of the action are direct and substantial. *See, e.g., Yakima Valley Cablevision, Inc. v. FCC*, 794 F.2d 737, 744–45 (D.C. Cir. 1986) (intervention allowed under Rule 15(d) because petitioners were “directly affected by” agency action); *Bales v. NLRB*, 914 F.2d 92, 94 (6th Cir. 1990) (granting Rule 15(d) intervention to party with “substantial interest in the outcome”). The decision to allow intervention is guided by practical considerations and the “need for a liberal application in favor of permitting

intervention.” *Nuesse v. Camp*, 385 F.2d 694, 700, 702 (D.C. Cir. 1967). Although Rule 15(d) does not provide clear criteria for intervention, Federal Rule of Civil Procedure 24(a) and the “policies underlying intervention” in federal district courts provide guidance. *See Int’l Union U.A.W. v. Scofield*, 382 U.S. 205, 216 n.10 (1965); *Amalgamated Transit Union Int’l v. Donovan*, 771 F.2d 1551, 1553 n.3 (D.C. Cir. 1985) (per curiam).

Federal Rule of Civil Procedure 24(a) provides that “[o]n timely motion, the court must permit anyone to intervene who ... claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24. Finally, intervenors seeking the same relief sought by at least one existing party need not possess constitutional standing, but intervenors seeking relief broader than or different from that sought by existing parties must do so. *Institutional S’holder Services, Inc. v. SEC*, 142 F.4th 757, 768 n.3 (D.C. Cir. 2025).

DEPA satisfies the requirements of intervention under Federal Rule of Civil Procedure 24(a) because: (1) this intervention motion is timely, (2) DEPA has a legally cognizable interest in the case supporting Article III standing, (3) DEPA’s absence from the case will impair its ability to protect its (and DEPA’s members’)

interests in the GHGRP Extension Rule, and (4) DEPA's interests are not adequately represented by the existing parties. *See Williams & Humbert, Ltd. v. W&H Trade Marks (Jersey)*, 840 F.2d 72, 74 (D.C. Cir. 1988).

**A. DEPA's Application is Timely.**

DEPA has filed this Motion to Intervene within the thirty-day statutory timeframe to intervene after the filing of the Petition for Review in Case Nos. 26-1096 (Apr. 23, 2026). *See Fed. R. App. P. 15(d)*. This Motion to Intervene is also timely as the case is at its earliest stage, and therefore DEPA's intervention will not unduly delay or prejudice any party and will not interfere with any schedule set by the Court.

This case is in its earliest stage. The Respondents have not yet filed any procedural motions or certified an administrative record. No briefing schedule has been set, and instead Petitioners today have filed an unopposed motion to hold their petition in abeyance while Respondents consider Petitioners' separate pending petition for administrative reconsideration. Doc. No. 2175007. As such, granting DEPA intervention will not disrupt this litigation or prejudice any party. Further, DEPA is prepared to follow and abide by any briefing schedule and all other deadlines later set in this action. DEPA's motion is timely.

**B. DEPA Has Legally Cognizable Interests in this Case Supporting Article III Standing and Its Absence from These Consolidated Cases Will Impair Its Ability to Protect Those Interests.**

The D.C. Circuit determines whether a party has a legally cognizable interest by “looking to the practical consequences of denying intervention.” *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003) (quotation omitted). A party seeking leave to intervene as of right pursuant to Rule 24(a) must further demonstrate that it has both constitutional and prudential standing to participate as a party in the case. *Mova Pharm. Corp. v. Shalala*, 140 F.3d 1060, 1074 (D.C. Cir. 1998)<sup>1</sup>. DEPA satisfies the requirements of Federal Rule of Civil Procedure 24(a) and meets any constitutional or prudential standing test that applies to intervention.

Under D.C. Circuit caselaw, the “standing inquiry for an intervening-defendant is the same as for a plaintiff: the intervenor must show injury in fact, causation, and redressability.” *Crossroads Grassroots Pol’y Strategies v. FEC*, 788 F.3d 312, 316 (D.C. Cir. 2015). A movant-intervenor has standing to defend a challenged regulation when it “benefits from [the] agency action, the action is then challenged in court, and an unfavorable decision would remove the [movant’s] benefit.” *Id.* at 317 (finding this proves injury, causation, and redressability at once).

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<sup>1</sup> As noted earlier, an intervenor need not establish constitutional standing when seeking the same relief as existing parties. *Institutional S’holder Services, Inc.*, 142 F.4<sup>th</sup> at 768 n.3. However, DEPA meets the standard for intervention even if required to establish constitutional standing.

And an organization may defend agency action on its members' behalf when "(1) at least one of its members would have standing to [defend] in his or her own right; (2) the interests it seeks to protect are germane to the organization's purpose; and (3) neither the [defense] asserted nor the relief requested requires the participation of individual members in the lawsuit." *Hearth, Patio & Barbecue Ass'n v. EPA*, 11 F.4th 791, 802 (D.C. Cir. 2021) (quoting *Sierra Club v. FERC*, 827 F.3d 59, 65 (D.C. Cir. 2016)); *Military Toxics Project v. EPA*, 146 F.3d 948, 954 (D.C. Cir. 1998) (trade association had standing in challenge to EPA regulation where some of its members were subject to the regulation).

In cases involving petitions for review of EPA regulations, this Circuit has consistently granted requests to intervene by trade associations who represent regulated entities. *See, e.g., Sierra Club v. EPA*, No. 13-1112 (Doc.# 1436907) (D.C. Cir. May 20, 2013) (order granting trade association's motion to intervene in a petition to review a Clean Air Act rulemaking governing Portland cement manufacturing). Here, DEPA has a direct organizational interest in defending the Extension Rule, as its organizational purpose is to advocate for the interest of its member companies and individuals who are regulated oil and gas domestic operators, including advocating for reasonable regulation and correction of statutory overreach by federal agencies. Attachment 1 (Decl. of J. Simmons) at ¶ 6.

Further, DEPA's members have standing to defend the GHGRP Extension Rule in their own right. DEPA's members are directly regulated by the current GHGRP, because they are the object of that governmental regulation, and stand to benefit from the compliance timeline enlargements contained in the GHGRP Extension Rule. DEPA's members also face significant challenges if the Final Extension Rule were to be invalidated, as they would have missed the prior extended March 30, 2026 reporting deadline that was extended by the GHGRP Extension Rule. Any holding resulting from this litigation which invalidates the GHGRP Extension Rule would thus impose significant additional compliance burdens on DEPA's members. Attachment 1 (Decl. of J. Simmons) at ¶¶ 11-13. The injury that DEPA's members will suffer is thus directly traceable to Petitioners' challenge to the GHGRP Extension Rule.

Furthermore, DEPA's participation in this challenge does not require participation by its members because Petitioners will raise questions of law or fact that will be resolved on the record for the GHGRP Extension Rule, without consideration of those members' individual circumstances. *See Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 597–98 (D.C. Cir. 2015). If DEPA successfully litigates on its members' behalf, allowing the GHGRP Extension Rule to be implemented, DEPA's members will obtain the benefits of the deadline

enlargements in the GHGRP Extension Rule. DEPA therefore satisfies the requirements for Article III standing.

**C. DEPA's Interests are Not Adequately Represented by Existing Parties.**

DEPA's interests are not adequately represented by other parties in these consolidated cases. The burden of demonstrating inadequate representation "is not onerous," and DEPA "need only show that representation of [its] interest 'may be' inadequate, not that representation will in fact be inadequate." *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986) (quoting *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)). This burden is "minimal." *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 194–196 (2022). DEPA need not "predict now the specific instances," *NRDC v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977), in which conflicts may arise; a "potential conflict," *Dimond*, 792 F.2d at 193, or a "possibility of disparate interests," *Costle*, 561 F.2d at 912, is sufficient. Notably, this Court "look[s] skeptically on government entities serving as adequate advocates for private parties," *Crossroads*, 788 F.3d at 321, and, in evaluating motions to intervene, this Court "ha[s] often concluded that governmental entities do not adequately represent the interests of aspiring intervenors," *Fund for Animals, Inc.*, 322 F.3d at 736.

To that end, EPA cannot adequately represent DEPA's interests and DEPA satisfies the "not onerous" standard of establishing inadequate representation. *See*

*Crossroads*, 788 F.3d at 321. As a governmental entity, EPA necessarily represents the broader “general public interest” and not DEPA’s specific industry and member interests. *Dimond*, 792 F.2d at 192-93. Further, there are no other pending movant intervenors for respondents.

For the foregoing reasons, DEPA respectfully requests that this Court grant its motion to intervene in Case No. 26-1096 and in all other petitions for review of the GHGRP Extension Rule.

Dated: May 26, 2026

Respectfully submitted,

DOMESTIC ENERGY PRODUCERS  
ALLIANCE

*s/ Paul M. Seby*

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***Counsel for Proposed Intervenor-  
Respondent Domestic Energy  
Producers Alliance***

**CERTIFICATE OF COMPLIANCE**

The foregoing motion complies with the type-volume limitation of Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure because it contains 2,376 words, excluding parts exempted by Rule 32(f) of the Federal Rules of Appellate Procedure, according to the count of Microsoft Word. The foregoing motion also complies with Rules 27(d)(1)(E), 32(a)(5), and 32(a)(6) of the Federal Rules of Appellate Procedure because it has been prepared in 14-point Times New Roman type.

Dated: May 26, 2026

Respectfully submitted,

*s/ Paul M. Seby* \_\_\_\_\_  
Paul M. Seby

***Counsel for Proposed Intervenor-  
Respondent Domestic Energy Producers  
Alliance***

## **CERTIFICATE OF PARTIES, RULINGS, AND RELATED CASES**

Pursuant to Circuit Rules 27(a)(4) and 28(a)(1)(A), DEPA furnishes this list of parties, rulings, and related cases.

### **A. PARTIES.**

The following parties, intervenors, and amici curiae have appeared before this Court in Case No. 26-1096:

**Petitioners:** The Petitioners are the Environmental Defense Fund and Environmental Integrity Project.

**Respondents:** The Respondents are Lee M. Zeldin, Administrator, U.S. Environmental Protection Agency; and the United States Environmental Protection Agency.

**Intervenors:** At the time of this filing, there are no other intervenors. There are no other pending requests for intervention.

**Amici Curiae:** None.

### **B. RULING UNDER REVIEW.**

Petitioners seek review of the final rule promulgated by the EPA entitled “Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025” and published in the Federal Register at 91 Fed. Reg. 9712 (Feb. 27, 2026).

### **C. RELATED CASES**

There are no other related cases at this time.

Dated: May 26, 2026

Respectfully submitted,

*s/ Paul M. Seby* \_\_\_\_\_

Paul M. Seby

***Counsel for Proposed Intervenor-  
Respondent Domestic Energy Producers  
Alliance***

**CIRCUIT RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to Circuit Rules 26.1(a), 27(a)(4), and 28(a)(1)(A) and Fed. R. App. P. 26.1, DEPA hereby identifies all parent companies and any publicly held company that has a 10% or greater ownership interest (such as stock or partnership shares) in DEPA:

None.

Pursuant to Circuit Rule 26.1(b), DEPA hereby identifies DEPA’s general nature and purpose, insofar as relevant to the litigation: DEPA is an Oklahoma 501(c)(6) corporation with its principal place of business in Tulsa, Oklahoma. DEPA is a nationwide collaboration of 25 coalition associations and individual domestic oil and gas companies – from California to West Virginia, Texas to Montana – representing about 10,000 individuals and companies engaged in domestic onshore oil and natural gas exploration and production, which members are subject to the challenged GHGRP Extension Rule.

Dated: May 26, 2026

Respectfully submitted,

*s/ Paul M. Seby*  
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Paul M. Seby

***Counsel for Proposed Intervenor-  
Respondent Domestic Energy Producers  
Alliance***

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, May 26, 2026, I filed the above document using the ECF system, which will automatically generate and send service to all registered attorneys participating in this case.

Dated: May 26, 2026

Respectfully submitted,

*s/ Paul M. Seby*  
Paul M. Seby

***Counsel for Proposed Intervenor-  
Respondent Domestic Energy Producers  
Alliance***

# **ATTACHMENT 1**

## **DECLARATION OF JERRY SIMMONS**

**SUBMITTED IN SUPPORT OF DOMESTIC ENERGY PRODUCERS ALLIANCE'S**  
**MOTION TO INTERVENE IN SUPPORT OF RESPONDENTS**

**ORAL ARGUMENT NOT YET SCHEDULED**

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

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ENVIRONMENTAL DEFENSE FUND, and )  
ENVIRONMENTAL INTEGRITY )  
PROJECT, )

*Petitioners,* )

v. )

LEE ZELDIN, Administrator, U.S. )  
ENVIRONMENTAL PROTECTION )  
AGENCY, and U.S. )  
ENVIRONMENTAL PROTECTION )  
AGENCY, )

*Respondents.* )

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Case No. 26-1096

On Protective Petition for Review of Final Action of the  
United States Environmental Protection Agency

**DECLARATION OF JERRY R. SIMMONS**  
**Submitted in Support of Domestic Energy Producers Alliance's Motion to**  
**Intervene in Support of Respondents**

I, Jerry R. Simmons, declare that the following statements made are true and correct to the best of my knowledge, information, and belief:

1. I am the President and Chief Operating Officer of the Domestic Energy Producers Alliance (“DEPA”). DEPA is headquartered in Tulsa, Oklahoma.

2. As President and CEO of DEPA, I am familiar with the day-to-day and long-term operations of DEPA, and I am qualified and authorized by DEPA to speak to the matters discussed in this declaration.

3. As President and Chief Operating Officer, I also oversee DEPA’s involvement in legal challenges on behalf of the domestic oil and gas industry.

4. I am submitting this declaration in support of DEPA’s Motion to Intervene in Support of Respondents’ defense of various Petitioners’ challenges to the United States Environmental Protection Agency’s (“EPA”) final rule entitled “*Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025*” as published in the Federal Register at 91 Fed. Reg. 9712 (Feb. 27, 2026) (“GHGRP Extension Rule”).

5. DEPA is a nationwide collaboration of 25 coalition associations, representing about 10,000 companies and individuals engaged in domestic onshore oil and natural gas production and exploration. Founded in 2009, DEPA gives a loud, clear voice to the majority of companies and individuals responsible for enduring work to secure our nation's energy future.

6. As a representative of both coalition associations and individual companies, DEPA vigorously advocates for the interests of the domestic oil and gas industry in the U.S. This includes advocating for common sense law and policy, challenging statutory overreaches by federal agencies, and defending federal rulemakings that are the result of reasoned governance.

7. In that role, DEPA commented in support of EPA's related rule entitled "*Reconsideration of the Greenhouse Gas Reporting Program*," 90 Fed. Reg. 44,591 (Sept. 16, 2025) ("Proposed GHGRP Reconsideration Rule"). Document EPA-HQ-OAR-2025-0186-0001 (available at <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0437>).

8. DEPA also plans to comment in support of the GHGRP Extension Rule at issue in this case. In the GHGRP Extension Rule, EPA extended critical and burdensome Greenhouse Gas Reporting Program ("GHGRP") deadlines that would otherwise go into effect, and that are proposed to be eliminated or stayed until 2034 under the Proposed Reconsideration Rule. Those deadlines, if reinstated, would adversely impact DEPA's coalition associations and individual member companies.

9. DEPA was one of many organizations that conducted direct outreach to EPA seeking an extension of the very deadlines that were extended in the Proposed GHGRP Reconsideration Rule and GHGRP Extension Rule. That advocacy was conducted based on direct feedback and requests from DEPA's

membership, many of whom would have been significantly burdened absent the date extensions in the Extension Rule.

10. DEPA thus has a direct and substantial interest in the GHGRP Extension Rule, including ensuring the GHGRP Extension Rule is upheld while EPA is afforded sufficient time to finalize the Proposed GHGRP Reconsideration Rule.


11. If the GHGRP Extension Rule is overturned or invalidated by the consolidated Petitioners in this action, serious harms would come to DEPA's individual member companies and coalition associations. This would include significant reporting deadlines that companies have stopped preparing for given the GHGRP Extension Rule, subjecting them to substantial uncertainty if the dates were sprung back into effect now that the original compliance date of March 30, 2026 has passed.

12. Based on my familiarity with DEPA and its close advocacy work with its individual member companies and coalition associations nationwide, the relief provided by the GHGRP Extension Rule is critical to ensuring that domestic energy producers can continue to provide safe and affordable energy production in the near future.

13. As such, if the GHGRP Extension Rule is vacated or otherwise enjoined, DEPA and its individual member companies and coalition associations will be subject to significant additional operational costs and compliance burdens.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed this 26 day of May 2026, in Tulsa, Oklahoma.



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Jerry R. Simmons  
President and Chief Executive Officer  
Domestic Energy Producers Alliance