

ORAL ARGUMENT NOT YET SCHEDULED

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

ENVIRONMENTAL DEFENSE FUND,)
et al.,)

Petitioners,)

v.)

Case No. 25-1275 (Consolidated
with 25-1164, 25-1168)

LEE M. ZEDLIN, Administrator, U.S.)
Environmental Protection Agency, and)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondents.)

**MOTION OF THE INDEPENDENT PETROLEUM ASSOCIATION OF
AMERICA, ARKANSAS PRODUCER ASSOCIATIONS AND ROYALTY
OWNERS, EASTERN KANSAS OIL & GAS ASSOCIATION, GAS AND OIL
ASSOCIATION OF WEST VIRGINIA, ILLINOIS OIL & GAS
ASSOCIATION, INDEPENDENT PETROLEUM ASSOCIATION OF
NEW MEXICO, INDIANA OIL AND GAS ASSOCIATION,
INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS,
KANSAS INDEPENDENT OIL & GAS ASSOCIATION, KENTUCKY OIL
& GAS ASSOCIATION, MICHIGAN OIL AND GAS ASSOCIATION,
NATIONAL STRIPPER WELL ASSOCIATION, NORTH DAKOTA
PETROLEUM COUNCIL, OHIO OIL AND GAS ASSOCIATION,
PETROLEUM ALLIANCE OF OKLAHOMA, PANHANDLE
PRODUCERS & ROYALTY OWNERS ASSOCIATION, PENNSYLVANIA
INDEPENDENT OIL & GAS ASSOCIATION, PERMIAN BASIN
PETROLEUM ASSOCIATION, TEXAS ALLIANCE OF ENERGY
PRODUCERS, TEXAS PRODUCER ASSOCIATIONS & ROYALTY
OWNERS ASSOCIATION, AND WESTERN ENERGY ALLIANCE
FOR LEAVE TO INTERVENE AS RESPONDENTS**

Pursuant to Federal Rules of Appellate Procedure 15(d) and 27 and Circuit Rules 15(b) and 27, the Independent Petroleum Association of America ("IPAA"), Arkansas Producer Associations and Royalty Owners, Eastern Kansas Oil & Gas Association ("EKOGA"), Gas and Oil Association of WV ("GOWV"), Illinois Oil & Gas Association ("IOGA"), Indiana Oil and Gas Association ("INOGA"), International Association of Drilling Contractors ("IADC"), Kansas Independent Oil & Gas Association ("KIOGA"), Kentucky Oil & Gas Association ("KOGA"), Michigan Oil and Gas Association ("MOGA"), National Stripper Well Association ("NSWA"), North Dakota Petroleum Council ("NDPC"), Ohio Oil and Gas Association ("OOGA"), Pennsylvania Independent Oil & Gas Association ("PIOGA"), Petroleum Alliance of Oklahoma ("Petroleum Alliance"), Texas Alliance of Energy Producers ("Texas Alliance"), Texas Producer Associations & Royalty Owners Association ("TIPRO"), and Western Energy Alliance (collectively, "the Producer Associations"), respectfully move for leave to intervene as Respondents in the above-captioned case.

On December 3, 2025, the Petitioners Environmental Defense Fund, Center for Biological Diversity, Clean Air Council, Dakota Resource Council, Earthworks, Environmental Law & Policy Center, Food & Water Watch, Fort Berthold Protectors of Water and Earth Rights, GreenLatinos, Natural Resources Defense Council, and Sierra Club (collectively referred to as "the EDF Petitioners"), filed a petition for review challenging a final action of the United States Environmental Protection Agency

(“EPA”) pursuant to the Clean Air Act (“CAA” or “the Act”) called “Oil and Natural Gas Sector Climate Review: Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources” and published in the Federal Register at, 90 Fed. Reg. 55,671 (Dec. 3, 2025) (“the Final Rule”). Pursuant to Federal Rule of Appellate Procedure 15(d), this motion to intervene has been timely filed within 30 days after Petitioners filed their petition for review.

Petitioners take no position on this motion. Respondent EPA do not oppose the motion.

BACKGROUND

The Final Rule at issue revises several compliance deadlines relating to New Source Performance Standards (“NSPS”) and emission guidelines regulating emissions of greenhouse gases and volatile organic compounds for the Crude Oil and Natural Gas source category pursuant to section 111(b) and 111(d) of the CAA, 42 U.S.C. § 7411(b) and (d), promulgated at 89 Fed. Reg. 16,820 (March 8, 2024) (the “2024 Rule”) and 90 Fed. Reg. at 35,966 (July 31, 2025) (the “Interim Final Rule”). EDF Petitioners filed a petition for review of the Interim Rule on July 31, 2025 (Case No. 25-1164). Doc. No. 2128494. Producer Associations were granted permission to intervene on November 19, 2025. Doc. No. 2146242.

The Producer Associations are trade associations representing entities and individuals within the oil and natural gas industry, including oil and natural gas

producers and extractors, royalty owners, oilfield service companies, and state and national independent oil and natural gas associations. The individual members of the Producer Associations number in the thousands and are spread out across the country and operate thousands of new and existing oil and natural gas wells. Many of these members are "mom and pop" operations – owning hundreds, sometimes thousands, of existing wells producing very little natural gas and oil – generally referred to as "marginal wells." These wells are marginal not only in their production but also with regard to their economic viability. These existing wells are dramatically different than the hydraulically fractured wells drilled in the late 2000's with horizontal legs producing historically large volumes of gas or oil.

The Producer Associations' members own and operate facilities that will be subject to EPA's performance standards and standards that states will set in accordance with the emission guidelines promulgated by the EPA in the 2024 Rule, Interim Final Rule and Final Rule, accordingly, request leave to intervene as Respondents.

ARGUMENT

The Court should allow the Producer Associations to intervene as respondents because, as discussed below, the Producer Associations meet the standard for intervention in petition for review proceedings in this Court.

I. The Legal Standard for Intervention

Federal Rule of Appellate Procedure 15(d) and Circuit Court Rule 15(b) establish the criteria for intervention in petition for review proceedings in this Court. A motion

for leave to intervene “must be filed within 30 days after the petition for review is filed and must contain a concise statement of the interest of the moving party and the grounds for intervention.” Fed. R. App. P. 15(d).

Although neither the Federal Rule 15 nor Circuit Rule 15 establish additional criteria, Federal Rule of Civil Procedure 24 governing intervention, while not binding in cases originating in courts of appeals, provides guidance for the intervention inquiry under Federal Rule of Appellate Procedure 15(d). *See, e.g., Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am. 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*).

The requirements for intervention of right under Federal Rule of Civil Procedure 24(a)(2) are that: (1) the intervention motion is timely; (2) the movant claims a cognizable interest in the action; (3) movant's absence will impair or impede its ability to protect its stated interest; and (4) existing parties inadequately represent movant's interests. *See, e.g., Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003).

This Court has stated that an applicant for intervention that meets the test for intervention of right also thereby demonstrates Article III standing. *See Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233 (D.C. Cir. 2003). As discussed below, the Producer Associations meet the elements of the intervention-of-right test and satisfy applicable

standing requirements.¹ Groups such as the Producer Associations have standing to participate in litigation on their members' behalf when "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested required the participation of individual members in the lawsuit." *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977); *se also, e.g. Sierra Club v. EPA*, 292 F.3d 895, 898 (D.C. Cir. 2002). For reasons discussed herein, the Producer Associations will be harmed if the Rule is not upheld should the Petitioners prevail in their challenge. The Producer Associations would therefore have standing to intervene in their own individual rights. Further, the interests the Producer Associations seek to protect are germane to the organization's purpose of participating in proceedings and related litigation that affect the Producer Associations. Finally, participation of the individual members of the Producer Associations in this litigation is not required.

Additionally, the Producer Associations meet prudential standing requirements because their members, as the parties directly regulated by the Rule at issue here, have interests "within the zone of interests to be protected or regulated by the [CAA]." *Nat'l Petrochemical & Refiners Ass'n v. EPA*, 287 F.3d 1130, 1147 (D.C. Cir. 2002) (*per curiam*) (internal quotation marks and citation omitted). The members of the Producer

¹ Although this Court has previously required intervenors to demonstrate standing, *see NRDC v. EPA*, 896 F.3d 459, 462-63 (D.C. Cir. 2018), the Supreme Court clarified that an intervenor who is not invoking the Court's jurisdiction need not demonstrate standing. *See Va. House of Delegates v. Bethune-Hill*, 587 U.S. 658, 662-63 (2019). Regardless, the Independent Producers have standing.

Associations own and operate thousands of sources that are the subject of the compliance deadlines in the 2024 Rule, which this Rule seeks to extend. They have substantial interests in avoiding compliance dates that the EPA has recognized are “not currently workable.” 90 Fed. Reg. at 35,969.

II. Movant-Intervenor Meets the Standard for Intervention.

A. Filing of this Motion is Timely.

Movant-Intervenor Producer Associations meet the timeliness requirement because this motion is being filed within 30 days after Petitioners filed its petition for review on December 3, 2025, in compliance with Federal Rule of Appellate Procedure 15(d) et al.

B. The Producer Associations and Their Members Have Cognizable Interests That Will Be Impaired If Petitioners Prevail.

This litigation threatens the interests of the Movant-Intervenors and their members. The Fina Rule extends compliance dates that are directly applicable to the Producer Associations. These compliance deadline extensions could be lost if the Petitioners prevail in this litigation. Thus, if the interest prongs of Federal Rule of Civil Procedure 24 are relevant, Movant-Intervenors meet them in this case.

The interest test for intervention, under this Court’s standard, is flexible and “is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficient and due process.” *Nuesse v. Camp*, 385 F.2d 694, 700 (D.C. Cir. 1967). Where parties are the subject of governmental

regulation, as the IPAA is with respect to this Rule, “there is ordinarily little question that the action or inaction has caused [it] injury.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561-62 (1992). Further, a legally protectible interest may exist where an intervenor-applicant demonstrates that it stands to “gain or lose by the direct legal operation and effect of the judgment.” *United States v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1292 (D.C. Cir. 1980) (internal quotation marks and citation omitted). This Court has held that “[t]he ‘threatened loss’ of [a] favorable action [by an agency] constitutes a ‘concrete and imminent injury’” justifying intervention. Order, *New York v. EPA*, No. 17-1273 (D.C. Cir. Mar. 14, 2018) (per curiam) (ECF No. 1722115) (quoting *Fund for Animals*, 322 F.3d at 733) (granting group’s motion to intervene in challenge to EPA denial of rulemaking petition that would have subjected the group’s members to more stringent regulation).

In this case, a ruling that the Final Rule is unlawful in whole or in part, or that the Rule should otherwise be revised, would present a “concrete and imminent injury” to the Producer Associations’ members that own and operate sources subject to the compliance deadlines extended in the Rule.

C. Existing Parties Cannot Adequately Represent the Movant-Intervenors’ Interests.

Under Federal Rule of Civil Procedure 24(a)(2), the burden of showing inadequate representation in a motion for intervention “is not onerous” and “[t]he applicant need only show that representation of his interest ‘may be’ inadequate, not that representation will in fact be inadequate.” *Dimond v. Dist. of Columbia*, 792 F.2d 179,

192 (D.C. Cir. 1986) (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)). Assuming *arguendo* that inadequate representation is an applicable test for intervention under Federal Rule of Appellate Procedure 15(d),² Movant-Intervenors meet that criterion here.

The Petitioners' interests are clearly adverse to the interests of the Producer Associations. The Petitioners and many other environmental groups have advocated for controls on low production wells and are clearly adverse to the Producer Associations and will not represent their interests.

Further, the EPA continues to demonstrate it has very limited information on the operating characteristics and emissions profiles associated with low production wells. As a governmental entity, the EPA necessarily represents the broader "general public interest." *Diamond*, 792 F.2d at 192-93 ("A government entity ... is charged by law with representing the public interest of its citizens ... The [government entity] would be shirking its duty were it to advance th[e] narrower interest [of a business concern] at the expense of its representation of the general public interest."); *Fund for Animals*, 322 F.3d at 736 (this court "ha[s] often concluded that governmental entities do not adequately represent the interests of aspiring intervenors").

This Court has recognized that, "[e]ven when the interests of EPA and [intervenors] can be expected to coincide, ... that does not necessarily mean adequacy

² Federal Rule of Civil Procedure 24(a)(2)'s "adequate representation" prong has no parallel in Federal Rule of Appellate Procedure 15(d), but the Producer Associations addresses it here to inform the Court fully.

of representation is ensured ...” *NRDC v. Castle*, 561 F.2d 904, 912 (D.C. Cir. 1977). In *NRDC*, after rubber and chemical manufacturers had sought unsuccessfully to intervene in the district court in support of EPA, this Court on appeal reversed the denial of intervention. Because the companies’ interests were narrower than those of EPA and were “concerned primarily with the regulation that affects their industries,” the companies’ “participation in defense of EPA decisions that accord with their interest may also be likely to serve as a vigorous and helpful supplement to EPA’s defense.” *Id.* at 912-13 (emphasis omitted). Here, unlike EPA, Movant-Intervenors have a specific, focused interest in avoiding unwarranted or unsupported imposition of potentially burdensome and costly emission control obligations on its members that will supplement EPA’s position to retain the Final Rule.

Lastly, other Movant-Intervenors in this matter cannot adequately represent the interests of the Movant-Intervenor Producer Associations because those entities and their constituents do not sufficiently focus on the interests of low production well operators and, in some instances, may have interests that conflict with those of the Producer Associations. Accordingly, the existing parties do not and cannot adequately represent the Movant-Intervenors’ interests in this case.

CONCLUSION

For the foregoing reasons, the Movant-Intervenors Producer Associations respectfully request leave to intervene as respondents in Case No. 25-1275.

RESPECTFULLY SUBMITTED,

/s/James D. Elliott

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Association, Kentucky Oil & Gas Association,
Michigan Oil and Gas Association, National
Stripper Well Association, North Dakota
Petroleum Council, Ohio Oil And Gas
Association, Petroleum Alliance of Oklahoma,
Panhandle Producers & Royalty Owners
Association, Pennsylvania Independent Oil &
Gas Association, Permian Basin Petroleum
Association, Texas Alliance Of Energy
Producers, Texas Independent Producers &
Royalty Owners Association, And Western
Energy Alliance

Dated: December 31, 2025

CERTIFICATE AS TO PARTIES AND AMICI CURIAE

Petitioners:

No. 25-1164: Environmental Defense Fund; Clean Air Council; Dakota Resource Council; Earthworks; Environmental Law & Policy Center; Food & Water Watch; Fort Berthold Protectors of Water and Earth Rights; GreenLatinos; Natural Resources Defense Council; Sierra Club

No. 25-1168: Center for Biological Diversity

No. 25-1275: Environmental Defense Fund; Center for Biological Diversity Clean Air Council; Dakota Resource Council; Earthworks; Environmental Law & Policy Center; Food & Water Watch; Fort Berthold Protectors of Water and Earth Rights; GreenLatinos; Natural Resources Defense Council; Sierra Club

Respondents:

Lee M. Zeldin, Administrator for the United States Environmental Protection Agency; United States Environmental Protection Agency.

Intervenors/Movant-Intervenors:

At that the time of this filing, the intervenors in consolidated castes No 25-1164 and No. 25-1168 are American Exploration & Production Council; Domestic Energy Producers Alliance; Interstate Natural Gas Association of America, GPA Midstream, American Petroleum Institute, The Independent Petroleum Association Of America, Arkansas Independent Producers And Royalty Owners, Eastern Kansas Oil & Gas Association, Gas And Oil Association Of West Virginia, Illinois Oil & Gas Association, Independent Petroleum Association Of New Mexico, Indiana Oil And Gas Association, International Association Of Drilling Contractors, Kansas Independent Oil & Gas Association, Kentucky Oil & Gas Association, Michigan Oil and Gas Association, National Stripper Well Association, North Dakota Petroleum Council, Ohio Oil And Gas Association, Petroleum Alliance of Oklahoma, Panhandle Producers & Royalty Owners Association, Pennsylvania Independent Oil & Gas Association, Permian Basin Petroleum Association, Texas Alliance Of Energy

Producers, Texas Independent Producers & Royalty Owners Association, And Western Energy Alliance.

At the time of this filing, the movant-intervenors are the American Petroleum Institute, GPA Midstream, and Interstate Natural Gas Association of America.

Amici Curiae:

There are no *amici curiae* at this time.

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ENVIRONMENTAL DEFENSE FUND,)
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Case No. 25-1275 (Consolidated
with 25-1164, 25-1168)

LEE M. ZEDLIN, Administrator, U.S.)
Environmental Protection Agency, and)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondents.

**RULE 26.1 DISCLOSURE STATEMENT OF THE INDEPENDENT
PETROLEUM ASSOCIATION OF AMERICA, ARKANSAS
INDEPENDENT PRODUCERS AND ROYALTY OWNERS, EASTERN
KANSAS OIL & GAS ASSOCIATION, GAS AND OIL ASSOCIATION OF
WEST VIRGINIA, ILLINOIS OIL & GAS ASSOCIATION,
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO,
INDIANA OIL AND GAS ASSOCIATION, INTERNATIONAL
ASSOCIATION OF DRILLING CONTRACTORS, KANSAS
INDEPENDENT OIL & GAS ASSOCIATION, KENTUCKY OIL & GAS
ASSOCIATION, MICHIGAN OIL AND GAS ASSOCIATION, NATIONAL
STRIPPER WELL ASSOCIATION, NORTH DAKOTA PETROLEUM
COUNCIL, OHIO OIL AND GAS ASSOCIATION, PETROLEUM
ALLIANCE OF OKLAHOMA, PANHANDLE PRODUCERS & ROYALTY
OWNERS ASSOCIATION, PENNSYLVANIA INDEPENDENT OIL &
GAS ASSOCIATION, PERMIAN BASIN PETROLEUM ASSOCIATION,**

TEXAS ALLIANCE OF ENERGY PRODUCERS, TEXAS INDEPENDENT PRODUCERS & ROYALTY OWNERS ASSOCIATION, AND WESTERN ENERGY ALLIANCE

Pursuant to Fed. R. App. P. 26.1 and D.C. Circuit Rule 26.1, Petitioners, The Independent Petroleum Association Of America, Arkansas Independent Producers And Royalty Owners, Eastern Kansas Oil & Gas Association, Gas And Oil Association Of West Virginia, Illinois Oil & Gas Association, Independent Petroleum Association Of New Mexico, Indiana Oil And Gas Association, International Association Of Drilling Contractors, Kansas Independent Oil & Gas Association, Kentucky Oil & Gas Association, National Stripper Well Association, North Dakota Petroleum Council, Ohio Oil And Gas Association, Petroleum Alliance Of Oklahoma, Panhandle Producers & Royalty Owners Association, Pennsylvania Independent Oil & Gas Association, Permian Basin Petroleum Association, Texas Alliance Of Energy Producers, Texas Independent Producers & Royalty Owners Association, And Western Energy Alliance (collectively, "Independent Producers") file the following statement:

The Independent Petroleum Association of America ("IPAA") is an incorporated trade association that represents thousands of independent oil and natural gas producers and service companies across the United States that are active in the exploration and production segment of the industry, which often involves the hydraulic fracturing of wells. IPAA serves as an informed voice for the exploration and production segment of the industry, and advocates its members' views before the

United States Congress, the Administration and federal agencies. IPAA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Arkansas Independent Producers and Royalty Owners (AIPRO) is an incorporated trade association that represents independent oil and natural gas producers and service companies across the state of Arkansas that are active in the exploration and production segment of the industry, which often involves the hydraulic fracturing of wells. AIPRO serves as an informed voice for Arkansas oil and gas producers, and advocates for its members' views before the Arkansas General Assembly, state agencies and commissions, United States Congress, the Administration and federal agencies. AIPRO has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Eastern Kansas Oil & Gas Association ("EKOGA") is a nonprofit organization founded in 1957 to become a unified voice representing the unique interests of eastern Kansas oil and gas producers, service companies, suppliers and royalty owners on matters involving oil and gas regulations, safety standards, environmental concerns and other energy related issues. EKOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

Formed in 2021, through the merger of the West Virginia Oil and Natural Gas Association and the Independent Oil and Gas Association of West Virginia, the Gas

and Oil Association of WV, Inc. (GO-WV) remains one of the oldest trade organizations in the State and is the only association that serves the entire oil and natural gas industry. The activities of our members include exploration, drilling, completion, gathering, transporting, distribution, processing, and environmental services. GO-WV has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Illinois Oil & Gas Association ("IOGA") was organized in 1944 to provide an agency through which oil and gas producers, land owners, royalty owners, and others who may be directly or indirectly affected by or interested in oil and gas development and production in Illinois, may protect, preserve and advance their common interests. IOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

Independent Petroleum Association New Mexico advances and preserves the interests of independent oil and gas producers while educating the public to the importance of oil and gas to the state and all our lives. IPANM continues to grow and provide the services that protect, defend, and promote the industry that is the very foundation of our way of life. IPANM is member-drive non-profit association and has no parent corporation. There is no publicly held corporation that owns 10% or more of its stock.

The Indiana Oil and Gas Association ("INOGA") has a rich history of involvement in the exploration and development of hydrocarbons in the State of

Indiana. INOGA was formed in 1942 and historically has been an all-volunteer organization principally made up of representatives of oil and gas exploration and development companies (operators), however, it has enjoyed support and membership from pipeline, refinery, land acquisition, service, supply, legal, engineering and geologic companies or individuals. INOGA has been an active representative for the upstream oil and gas industry in Indiana and provides a common forum for this group. INOGA represents its membership on issues of state, federal, and local regulation/legislation that has, does and will affect the business of this industry. INOGA is a 501(c)(6) trade association incorporated as Non-Profit Domestic Corporation under the statutes of Indiana. INOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

Since 1940, the International Association of Drilling Contractors ("IADC") has exclusively represented the worldwide oil and gas drilling industry. IADC's contract-drilling members own most of the world's land and offshore drilling units that drill the vast majority of the wells producing the planet's oil and gas. IADC's membership also includes oil-and-gas producers, and manufacturers and suppliers of oilfield equipment and services. Through conferences, training seminars, print and electronic publications, and a comprehensive network of technical publications, IADC continually fosters education and communication within the upstream petroleum industry. IADC has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Kansas Independent Oil & Gas Association ("KIOGA") is a nonprofit organization founded in 1937 to represent the interests of oil and gas producers in Kansas, as well as allied service and supply companies. Today, KIOGA is a trade association with nearly 3,000 members involved in all aspects of the exploration, production, and development of crude oil and natural gas resources. KIOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Kentucky Oil & Gas Association ("KOGA") was formed in 1931 to represent the interests of Kentucky's crude oil and natural gas industry, and more particularly, the independent crude oil and natural gas operators as well as the businesses that support the industry. KOGA is comprised of over 130 companies and individual members which consist of over 600-member representatives that are directly related to the crude oil and natural gas industry in Kentucky. KOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Michigan Oil and Gas Association ("MOGA") represents the exploration, drilling, production, transportation, processing, and storage of crude oil and natural gas in the State of Michigan. MOGA has nearly 400 members including independent oil companies, major oil companies, the exploration arms of various utility companies, diverse service companies, and individuals. Organized in 1934, MOGA monitors the pulse of the Michigan oil and gas industry as well as its political, regulatory, and legislative interests in the state and the nation's capital. MOGA is the collective voice

of the petroleum industry in Michigan, speaking to the problems and issues facing the various companies involved in the state's crude oil and natural gas business. MOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The National Stripper Well Association ("NSWA") was founded in 1934 as the only national association solely representing the interests of the nation's smallest oil and natural gas wells before Congress, the Administration and the Federal bureaucracies. It is the belief of NSWA that producers, owners, and operators of marginally-producing oil and gas wells have a unique set of needs and concerns regarding federal legislation and regulation. NSWA is a member-based trade association with over 1000 members nationwide across 30 states. NSWA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The North Dakota Petroleum Council ("NDPC") is a trade association representing more than 520 companies involved in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline, transportation, and storage, as well as mineral leasing, consulting, legal work, and oil field service activities in North Dakota, South Dakota, and the Rocky Mountain Region. Established in 1952, NDPC's mission is to promote and enhance the discovery, development, production, transportation, refining, conservation, and marketing of oil and gas in North Dakota, South Dakota, and the Rocky Mountain region; to promote opportunities for open discussion, lawful interchange of information, and education concerning the petroleum industry; to

monitor and influence legislative and regulatory activities on the state and national level; and to accumulate and disseminate information concerning the petroleum industry to foster the best interests of the public and industry. NDPC has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Ohio Oil & Gas Association ("OOGA") is a trade association with members involved in all aspects of the exploration, production, and development of crude oil and natural gas resources within the State of Ohio. OOGA represents the people and companies directly responsible for the production of crude oil, natural gas, and associated products in Ohio. OOGA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Petroleum Alliance of Oklahoma was formed in 2019 by the mergers of the Oklahoma Oil and Gas Association and the Oklahoma Independent Petroleum Association and represents more than 1,400 individuals and member companies from the Mid-Continent oil and natural gas industry. The Alliance is the state's largest oil and natural gas association and one of the industry's strongest advocacy groups, representing upstream, midstream, and downstream industry sectors. The Alliance has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Panhandle Producers & Royalty Owners Association was founded in 1929 and registered in 1939 by the Texas Secretary of State as an oil and gas membership association registered as a 501c3, governed by a board of directors, whose mission is to

protect our industry segments from overreach harmful to our members. We are not owned nor operated by a parent company and are not publicly traded. Our primary purpose is to lobby and represent membership before political parties, state, and federal agencies, to develop policy and position papers, and to act as an informed voice for exploration and production of clean, affordable, abundant fuel with regard to proposed legislation that impacts our industry.

The Pennsylvania Independent Oil & Gas Association ("PIOGA") is a non-profit corporation that was initially formed in 1978 as the Independent Oil and Gas Association of Pennsylvania ("IOGA of PA") to represent the interests of smaller independent producers of Pennsylvania natural gas from conventional limestone and sandstone formations. Effective April 1, 2010, IOGA of PA and the original trade association representing Pennsylvania conventional oil and natural gas producers founded in 1918, the Pennsylvania Oil, Gas and Minerals Association (POGAM), merged and the name of the merged organization changed to its present name. PIOGA's membership currently is over 300 members: oil and natural gas producers developing both conventional and unconventional formations in Pennsylvania; drilling contractors and service companies; engineering companies; manufacturers; marketers; Pennsylvania Public Utility Commission-licensed natural gas suppliers ("NGSs"); professional services firms and consultants; and royalty owners. PIOGA promotes the interests of its members in environmentally responsible oil and natural gas operations,

as well as the development of competitive markets and additional uses for Pennsylvania-produced natural gas. PIOGA has no parent corporation and has not issued any stock.

The Permian Basin Petroleum Association ("PBPA") is the largest regional oil and gas association in the United States. We represent the men and women who work in the oil and gas industry in the Permian Basin of West Texas and southeastern New Mexico. The Permian Basin is the largest inland oil and gas reservoir and the largest oil and gas producing region in the world. PBPA consists of the largest producers as well as the smallest operators in the Permian Basin. Part of PBPA's mission is to promote environmentally conscious operations and sustainable economic profitability among all our members, large and small. PBPA has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

The Texas Alliance of Energy Producers ("Texas Alliance") became a statewide organization in 2000 with the merger of two of the oldest oil & gas associations in the nation: the North Texas Oil & Gas Association and the West Central Texas Oil & Gas Association. The Texas Alliance is now the largest statewide oil and gas association in the country representing Independents. With members in 34 states, the Texas Alliance works on behalf of our members at the local, state, and federal levels on issues vital to the industry. The Texas Alliance is a non-profit entity, has no parent corporation, and there is no publicly held corporation that owns 10% or more of its stock.

The Texas Independent Producers & Royalty Owners Association ("TIPRO") is a trade association representing the interests of nearly 3,000 independent oil and natural

gas producers and royalty owners throughout Texas. As one of the nation's largest statewide associations representing both independent producers and royalty owners, members include small family businesses, the largest, publicly-traded independent producers, and mineral owners, estates, and trusts. Members of TIPRO are responsible for producing approximately 90 percent of the oil and natural gas within Texas, and own mineral interests in millions of acres across the state. TIPRO has no parent corporation and there is no publicly-held corporation that owns more than 10% of its stock.

Western Energy Alliance is the leader and champion for independent oil and natural gas companies in the West. Working with a vibrant membership base for over 50 years, the Alliance stands as a credible leader, advocate, and champion of industry. Our expert staff, active committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all. Most independent producers are small businesses, with an average of fourteen employees. The Alliance has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock.

RESPECTFULLY SUBMITTED,

/s/James D. Elliott

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Association Of America, Arkansas Independent
Producers And Royalty Owners, Eastern Kansas
Oil & Gas Association, Gas And Oil Association
Of West Virginia, Illinois Oil & Gas Association,
Independent Petroleum Association Of New
Mexico, Indiana Oil And Gas Association,
International Association Of Drilling
Contractors, Kansas Independent Oil & Gas
Association, Kentucky Oil & Gas Association,
Michigan Oil and Gas Association, National
Stripper Well Association, North Dakota
Petroleum Council, Ohio Oil And Gas
Association, Petroleum Alliance of Oklahoma,
Panhandle Producers & Royalty Owners
Association, Pennsylvania Independent Oil &
Gas Association, Permian Basin Petroleum
Association, Texas Alliance Of Energy
Producers, Texas Independent Producers &
Royalty Owners Association, And Western
Energy Alliance

Dated: December 31, 2025

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(f) and (g) of the Federal Rules of Appellate Procedure, I hereby certify that the foregoing motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 2171 words, excluding exempted portions, according to the count of Microsoft Word.

I further certify that this motion complies with Fed. R. App. P. 27(d)(1), 32(a)(5), and 32(a)(6) because it has been prepared in 14-point Garamond type.

Dated: December 31, 2025

RESPECTFULLY SUBMITTED,

/s/James D. Elliott

James D. Elliott

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of December 2025, I am causing the foregoing motion and accompanying documents to be electronically filed with the Clerk of the Court by using the Court's CM/ECF system. All registered counsel will be served by the Court's CM/ECF system.

/s/James D. Elliott
James D. Elliott