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October 7, 2026

By Electronic Filing
Hon. Scott Harris
Supreme Court of the United States
1 First St., NE
Washington, DC 20543

Re: *Chamber of Commerce, et al. v. Environmental Protection Agency, et al.*, No. 26-298

Dear Mr. Harris:

Petitioners respectfully oppose Respondent State of California's request, filed today, seeking a further extension of time to file a brief in opposition.

The petition in this case was filed and electronically served on August 28, 2026, and responses were originally due on October 8, 2026. California requested and received a 30-day extension until November 9, 2026, so that it could "file a response that accounts for" briefs expected to be filed by amici and the federal government. Request for Extension at 1 (filed Sept. 18, 2026). Petitioners did not oppose this first extension "provided that it is the only extension movants receive." *Id.* California now seeks an additional 30-day extension until December 7, 2026, claiming it needs yet more time to "account[] for" briefs filed by amici and the federal government.¹

As the petition (at 8–14, 42–44) and the federal government's brief in support (at 26–27) explain, time is of the essence. The agency rule at issue initiated a domino effect of cascading deadlines and obligations that increasingly burden EPA, States, and regulated parties with each passing day. In addition, the Clean Air Act's "anti-

¹ California also previously obtained a 36-day extension to respond to the petition in *Kentucky, et al. v. EPA, et al.* (No. 26-277), which seeks review of the same judgment and decision below. Petitioners in *Kentucky* consented to the 36-day extension, but informed California that they would oppose any further extension.

backsliding” provision, which impedes future regulatory actions in this space, looms ever larger as implementation of the challenged rule proceeds apace. *See All. of Nurses for Healthy Env’ts v. Zeldin*, No. 26-cv-03118, 2026 WL 2078145 (N.D. Cal. July 17, 2026) (ordering EPA, by February 2027, to publish final air quality designations implementing the rule for all areas of the country); *see also* Press Release, U.S. Env’t Prot. Agency, *EPA Notifies States of Potential Designations for the Biden EPA’s Flawed 2024 Air Quality Standard Following Appealed Court Order* (Oct. 2, 2026), <https://www.epa.gov/newsreleases/epa-notifies-states-potential-designations-biden-epas-flawed-2024-air-quality-standard> (noting EPA’s progress in complying with the N.D. Cal. order); U.S. Env’t Prot. Agency, *Initial Air Quality Designations for the 2024 Revised Primary Annual Fine Particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS)*, 91 Fed. Reg. 63,516 (Oct. 6, 2026).

The petition was thus filed well before it was due so that even allowing respondents the customary 30-day extension for filing their response, this Court would still be able to follow its ordinary practices and, if inclined, grant the petition for argument this Term. Under the current response deadline of November 9, the petition would just make the December 11, 2026 Conference. And if the Court so chooses, the petition could then be relisted once and granted at the January 8, 2027 Conference. Any additional extension jeopardizes that timing.

Moreover, California already has ample time to respond to the petition. California justified its first request for extension solely on the ground that it “needed” 30 days to “account for” the federal government’s response and the amici briefs. It has that time—and more—under the current schedule. Indeed, by November 9, it will have had the petition for 73 days, the Government’s response for 38 days, and all briefs of amici for at least 30 days. In comparison, the petition was filed 63 days after the decision below and the federal government filed its response 35 days later. In its second request for an extension, California provides no new reasons for why it needs yet more time to respond.

DATED: October 7, 2026

Respectfully submitted,

s/ Elbert Lin

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