

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-1200

September Term, 2013

EPA-73FR16436
EPA-73FR16436-01

Filed On: December 11, 2013

State of Mississippi,

Petitioner

v.

Environmental Protection Agency,

Respondent

County of Nassau, et al.,
Intervenors

Consolidated with 08-1202, 08-1203, 08-1204,
08-1206

BEFORE: Tatel, Brown, and Griffith, Circuit Judges

ORDER

Upon consideration of the petition of the petitioners' American Lung Association, et al., for panel rehearing joined by the State petitioners, and the responses thereto, it is

ORDERED that the petition for panel rehearing be granted in part and denied in part.
It is

FURTHER ORDERED that the opinion be amended as follows:

Slip Op. at p. 32, lines 3-5:

Delete "for egregious procedural errors, such as EPA's failure to consider sensitive sub-populations, like asthmatics, children, or the elderly." and

Insert in lieu thereof: "because EPA acted arbitrarily and capriciously by, for example, failing to give appropriate consideration to key aspects of the 'margin of safety' inquiry, such as how pollution thresholds might impact sensitive sub-populations, such as asthmatics, children, or the elderly."

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Jennifer M. Clark

Deputy Clerk