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*National Association of Manufacturers v. Department of Defense*, No. 16-299

The Clean Water Act confers original jurisdiction on the federal courts of appeals to hear petitions for review of a narrow range of agency actions. The courts of appeals have been divided over how broadly to read that provision. In this case, 31 states and 57 business entities challenged EPA’s “waters of the United States” rule, one of the most important regulations ever promulgated under the Clean Water Act. The Supreme Court granted certiorari to determine whether the rule is subject to challenge in the courts of appeals under the Clean Water Act’s judicial review provision or instead is subject to challenge in the district courts under the Administrative Procedure Act. Mayer Brown represents the petitioner, National Association of Manufacturers.