

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SAFER CHEMICALS HEALTHY FAMILIES;
ALASKA COMMUNITY ACTION ON TOXICS;
ENVIRONMENTAL HEALTH STRATEGY
CENTER; ENVIRONMENTAL WORKING
GROUP; LEARNING DISABILITIES
ASSOCIATION OF AMERICA; SIERRA CLUB;
UNION OF CONCERNED SCIENTISTS;
UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION, AFL-
CIO/CLC; WE ACT FOR ENVIRONMENTAL
JUSTICE; ASBESTOS DISEASE AWARENESS
ORGANIZATION; and VERMONT PUBLIC
INTEREST RESEARCH GROUP,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, AND SCOTT
PRUITT, Administrator, United States
Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Pursuant to the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2618,
the Administrative Procedure Act, 5 U.S.C. § 706, and Rule 15 of the Federal
Rules of Appellate Procedure, Petitioners Safer Chemicals Healthy Families;

Alaska Community Action on Toxics; Environmental Health Strategy Center; Environmental Working Group; Learning Disabilities Association of America; Sierra Club; Union of Concerned Scientists; United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC (“USW”); WE ACT for Environmental Justice; Asbestos Disease Awareness Organization; and Vermont Public Interest Research Group (collectively, “Petitioners”) hereby petition this Court for review of the order of Respondent Scott Pruitt, the Administrator of Respondent United States Environmental Protection Agency (“EPA”), promulgating the final rule entitled “Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act,” which was published in the Federal Register on July 20, 2017, 82 Fed. Reg. 33,726 (July 20, 2017) (“Risk Evaluation Rule”), and “issued” for purposes of judicial review on August 3, 2017. *See* 40 C.F.R. § 23.5(a); 15 U.S.C. § 2618(a)(2) (citing 28 U.S.C. § 2112). Petitioners have attached a copy of the Risk Evaluation Rule as Exhibit 1. The rule establishes the process that EPA will use to determine whether chemical substances present an unreasonable risk of injury to health or the environment.

Petitioners seek review of the Risk Evaluation Rule pursuant to 15 U.S.C. § 2618(a)(1)(A), which authorizes any person, within 60 days of the promulgation of a rule under TSCA Subchapter I, to petition for review to the United States Court

of Appeals for the circuit in which such person resides or in which such person's principal place of business is located. The principal place of business of petitioners Alaska Community Action on Toxics, Sierra Club, and Asbestos Disease Awareness Organization are located within this Circuit. The other petitioners are not headquartered in a state within this Circuit, but pursuant to Federal Rule of Appellate Procedure 15(a)(1), their interests make joinder to this petition practicable. Petitioners challenge the Risk Evaluation Rule as arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; in excess of statutory jurisdiction, authority, or limitations; and without observance of procedure required by law. *See* 15 U.S.C. § 2618(c)(1)(B) (providing that 5 U.S.C. § 706 shall apply to review of a rule under this section).

This Petition is related to the Petition for Review of the final rule entitled "Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances Control Act," 82 Fed. Reg. 33,753 (July 20, 2017), which Petitioners filed in this Court on this day.

* * *

Respectfully submitted this 10th day of August, 2017.

s/Eve C. Gartner

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Environmental Justice*

s/Randy Rabinowitz

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s/Robert M. Sussman

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*Attorney for Petitioner Safer Chemicals
Healthy Families, Asbestos Disease
Awareness Organization, and Vermont
Public Interest Research Group*

CORPORATE DISCLOSURE STATEMENT

Petitioners Safer Chemicals Healthy Families, Alaska Community Action on
Toxics, Environmental Health Strategy Center, Environmental Working Group,
Learning Disabilities Association of America, Sierra Club, Union of Concerned
Scientists, WE ACT for Environmental Justice, Asbestos Disease Awareness
Organization, and Vermont Public Interest Research Group are nonprofit
organizations. None have any parent companies, subsidiaries, or affiliates that
have issued shares to the public in the United States or abroad. Petitioner USW is
a labor organization, and likewise has no parent companies, subsidiaries, or
affiliates that have issued shares to the public in the United States or abroad.

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Respectfully submitted this 10th day of August, 2017,

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s/Randy Rabinowitz

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*Attorney for Petitioner Safer Chemicals
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Awareness Organization, and Vermont
Public Interest Research Group*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on August 10, 2017. I certify that the following participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system:

Scott Pruitt

U.S. EPA Administrator
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Brian Stretch

U.S. Attorney's Office
Federal Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Jeff Sessions

U.S. Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 10, 2017 in Washington, D.C.

s/Eve C. Gartner_____

Eve C. Gartner

**UNITED STATES COURT OF APPEALS
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the Administrative Procedure Act, 5 U.S.C. § 706, and Rule 15 of the Federal
Rules of Appellate Procedure, Petitioners Safer Chemicals Healthy Families;

Alaska Community Action on Toxics; Environmental Health Strategy Center; Environmental Working Group; Learning Disabilities Association of America; Sierra Club; Union of Concerned Scientists; United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC (“USW”); WE ACT for Environmental Justice; Asbestos Disease Awareness Organization; and Vermont Public Interest Research Group (collectively, “Petitioners”) hereby petition this Court for review of the order of Respondent Scott Pruitt, the Administrator of Respondent United States Environmental Protection Agency (“EPA”), promulgating the final rule entitled “Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances Control Act,” which was published in the Federal Register on July 20, 2017, 82 Fed. Reg. 33,753 (July 20, 2017) (“Prioritization Rule”), and “issued” for purposes of judicial review on August 3, 2017. *See* 40 C.F.R. § 23.5(a); 15 U.S.C. § 2618(a)(2) (citing 28 U.S.C. § 2112). Petitioners have attached a copy of the Prioritization Rule as Exhibit 1. The rule establishes the process and criteria that EPA will use to designate chemical substances as high or low priority for conducting risk evaluations.

Petitioners seek review of the Prioritization Rule pursuant to 15 U.S.C. § 2618(a)(1)(A), which authorizes any person, within 60 days of the promulgation of a rule under TSCA Subchapter I, to petition for review to the United States

Court of Appeals for the circuit in which such person resides or in which such person's principal place of business is located. The principal place of business of petitioners Alaska Community Action on Toxics, Sierra Club, and Asbestos Disease Awareness Organization are located within this Circuit. The other petitioners are not headquartered in a state within this Circuit, but pursuant to Federal Rule of Appellate Procedure 15(a)(1), their interests make joinder to this petition practicable. Petitioners challenge the Prioritization Rule as arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; in excess of statutory jurisdiction, authority, or limitations; and without observance of procedure required by law. *See* 15 U.S.C. § 2618(c)(1)(B) (providing that 5 U.S.C. § 706 shall apply to review of a rule under this section).

This Petition is related to the Petition for Review of the final rule entitled "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act," 82 Fed. Reg. 33,726 (July 20, 2017), which Petitioners filed in this Court on this day.

* * *

Respectfully submitted this 10th day of August, 2017.

s/Eve C. Gartner

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have issued shares to the public in the United States or abroad. Petitioner USW is
a labor organization, and likewise has no parent companies, subsidiaries, or
affiliates that have issued shares to the public in the United States or abroad.

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