UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMMUNITY IN-POWER AND DEVELOPMENT ASSOCIATION INC.
600 Austin Ave
Port Arthur, TX 77640;

LEARNING DISABILITIES ASSOCIATION OF AMERICA
4068 Mount Royal Boulevard, Suite 224B
Allison Park, PA 15101;

LOUISIANA ENVIRONMENTAL ACTION NETWORK
162 Croydon Ave
Baton Rouge, LA 70806;

SIERRA CLUB
2101 Webster Street, Suite 1300
Oakland, CA 94612; and

TEXAS ENVIRONMENTAL JUSTICE ADVOCACY SERVICES
900 N Wayside Dr
Houston, TX 77011,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460;

and MICHAEL REGAN, in his official capacity as Administrator of the United States Environmental Protection Agency,
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460,

Defendants.

Civil Action No. 23-2715

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Community In-Power and Development Association Inc., Learning Disabilities Association of America, Louisiana Environmental Action Network, Sierra Club, and Texas Environmental Justice Advocacy Services (collectively, "Plaintiffs"), bring this civil action against the U.S. Environmental Protection Agency ("EPA" or the "Agency") and Michael Regan, Administrator of the EPA (collectively, "Defendants" or "EPA") to address Defendants' failure to complete nearly two dozen risk evaluations for highly toxic chemicals by the statutory deadline. Because EPA cannot fulfill its duty to regulate the risks these chemicals pose until after it completes these overdue risk evaluations, this delay harms Plaintiffs' members, staff members, and supporters by leaving them exposed to these chemicals and the serious risks they pose to human health.

2. This case arises under the Toxic Substances Control Act ("TSCA"), which imposes a duty on EPA to comprehensively evaluate the risks to human health and the environment posed by chemicals in commerce. EPA evaluates these risks by conducting assessments known as risk evaluations. *See* 15 U.S.C. § 2605(b) (establishing risk evaluation requirements). Through these risk evaluations, EPA determines whether a chemical substance presents an unreasonable risk of injury to human health or the environment. *Id.* § 2605(b)(4)(A). If after evaluating a chemical EPA determines that the chemical poses unreasonable risk, EPA must regulate the chemical to eliminate that risk. *Id.* § 2605(a). These regulations can include restrictions—up to and including complete bans—on the manufacture, processing, use, and disposal of the chemical. *Id.*

3. TSCA dictates that EPA "shall complete [each] risk evaluation . . . as soon as practicable, but not later than 3 years after the date on which the Administrator initiates the risk

evaluation," subject only to a one-time extension "for not more than 6 months." *Id.* § 2605(b)(4)(G).

4. This suit seeks to remedy the ongoing harm stemming from EPA's violation of the statutory deadline set by TSCA to complete risk evaluations for twenty-two toxic chemicals (the "Overdue Risk Evaluations"). The chemicals with Overdue Risk Evaluations include solvents, flame retardants, synthetic fragrances, plasticizers, and fuel components that are manufactured and released to the environment in high volumes and widely used in consumer and industrial products.

5. The twenty-two chemicals for which EPA's risk evaluations are overdue are: (1) 1,3-butadiene; (2) butyl benzyl phthalate; (3) dibutyl phthalate; (4) o-dichlorobenzene; (5) p-dichlorobenzene; (6) 1,1-dichloroethane; (7) 1,2-dichloroethane; (8) trans-1,2-dichloroethylene; (9) 1,2-dichloropropane; (10) dicyclohexyl phthalate; (11) di-ethylhexyl phthalate ("DEHP"); (12) di-isobutyl phthalate; (13) ethylene dibromide; (14) formaldehyde; (15) 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[g]-2-benzopyran ("HHCB"); (16) 4,4'-(1-methylethylidene)bis[2,6-dibromophenol] ("TBBPA"); (17) phosphoric acid, triphenyl ester ("TPP"); (18) phthalic anhydride; (19) 1,1,2-trichloroethane; (20) tris(2-chloroethyl) phosphate ("TCEP"); (21) di-isodecyl phthalate ("DIDP"); and (22) di-isononyl phthalate ("DINP") (collectively, the "Overdue Risk Evaluation Chemicals").[1]

[1] *See* High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA) and Initiation of Risk Evaluation on High-Priority Substances; Notice of Availability, 84 Fed. Reg. 71,924-02, 71,934 (Dec. 30, 2019); Di-isodecyl Phthalate (DIDP); Final Scope of the Risk Evaluation to Be Conducted Under the Toxic Substances Control Act (TSCA); Notice of Availability, 86 Fed. Reg. 48,695, 48,695 (Aug. 31, 2021) (explaining that EPA initiated DIDP risk evaluation on January 2, 2020); Di-isononyl Phthalate (DINP); Final Scope of the Risk

6. Plaintiffs' members and staff and their children are exposed to the Overdue Risk Evaluation Chemicals, placing them at risk of life-altering and sometimes lethal health harms. Plaintiffs' members and staff and their children will continue to be exposed so long as EPA unlawfully delays completion of the Overdue Risk Evaluations and the subsequent process of regulating these chemicals to eliminate the unreasonable risks they pose to human health. Many of Plaintiffs' members and staff live and work near the fencelines of industrial facilities that pollute the air, water, and soil in their communities with the Overdue Risk Evaluation Chemicals. Many regularly use, or have in their home, consumer products and/or building materials that EPA has identified as sources of exposure to the Overdue Risk Evaluation Chemicals.

7. Plaintiffs' members and staff include pregnant people and parents of young children who are more susceptible to harm from their exposure to these chemicals due to their life stage. Others experience heightened susceptibility to health harm because of preexisting chronic diseases or their simultaneous exposure to other toxic chemicals present in the air they breathe, the water they drink, and the consumer products they use.

8. EPA's failure to complete the Overdue Risk Evaluations within the statutorily mandated three year and six-month timeframe violates TSCA and harms Plaintiffs' members and staff by unlawfully prolonging their exposure and their children's exposure to these chemicals and depriving them of the procedures guaranteed to them by TSCA for timely EPA evaluation and regulation of chemicals that endanger their health. EPA's failure to timely complete the

Evaluation to Be Conducted Under the Toxic Substances Control Act (TSCA); Notice of Availability, 86 Fed. Reg. 48,693, 48,694 (Aug. 31, 2021) (explaining that EPA initiated DINP risk evaluation on January 2, 2020).

Overdue Risk Evaluations also deprives Plaintiffs and their members and staff of information about chemical exposures and risks to which they are entitled under TSCA.

9. To remedy the injuries caused by EPA's failure to meet its statutory deadline, Plaintiffs ask the Court to (1) declare that EPA has violated TSCA by failing to meet the deadline for completion of the Overdue Risk Evaluations; and (2) order EPA to complete the Overdue Risk Evaluations expeditiously pursuant to deadlines established by the Court.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361; and TSCA, 15 U.S.C. § 2619(a). The relief requested is authorized by 28 U.S.C. §§ 2201–02.

11. By certified letters to EPA Administrator Michael Regan and Attorney General Merrick Garland—posted on July 7, 2023, with return receipts dated July 10, 2023—Plaintiffs gave notice of their intent to file this action as required by 15 U.S.C. § 2619(b)(2)(A) and 40 C.F.R. §§ 702.61–702.62.

12. Venue is proper in this Court under 15 U.S.C. § 2619(a) because Plaintiffs seek to compel Defendants to perform duties under TSCA which are not discretionary.

PARTIES

13. Plaintiffs are nonprofit organizations with longstanding commitments to protecting their members and the public from dangerous exposures to toxic chemicals. Plaintiffs educate, organize, support, and advocate on behalf of their members and supporters who are exposed to the Overdue Risk Evaluation Chemicals and other toxic chemicals that are released from industrial facilities and products.

14. EPA's failure to complete the Overdue Risk Evaluations by the deadline set by TSCA deprives Plaintiffs' members, staff members, and their children of the timely evaluation and regulation of the Overdue Risk Evaluation Chemicals guaranteed to them by TSCA, deprives them of information about chemical exposures and risks to which TSCA entitles them, and prolongs their exposure to these chemicals, exacerbating the risks of harm to their health.

15. Plaintiff Community In-Power and Development Association Inc. ("CIDA") is a 501(c)(3) non-profit organization that works to serve and empower residents of Port Arthur, Texas, and neighboring communities in the "Golden Triangle," the area of Southeast Texas between the cities of Beaumont, Port Arthur, and Orange. Founded in 2000 and headquartered in Port Arthur, Texas, CIDA helps residents of Port Arthur and surrounding communities take action against the many nearby chemical manufacturers, refineries, incinerators, and other industrial facilities that pollute these communities. For example, CIDA holds regular community meetings about how chemical exposures can impact health, posts regularly on social media about emissions from local facilities and ways nearby residents can determine if they have been exposed, educates residents about how to report chemical releases to government authorities, and helps them prepare to participate in public meetings with regulators and elected officials. CIDA staff also conduct door-to-door outreach in Port Arthur neighborhoods impacted by the Overdue Risk Evaluation Chemicals and other toxic chemicals, and they regularly respond to inquiries from community members who are concerned about toxic chemical releases from facilities in the area. CIDA believes that polluters should be held accountable for the chronic, systemic poisoning of low-wealth communities and communities of color located along the "fenceline" of their facilities.

16. Plaintiff Learning Disabilities Association of America ("LDA") is a national non-profit organization headquartered in Pittsburgh, Pennsylvania, with state and local chapters throughout the country. LDA's mission is to create opportunities for success for all individuals affected by learning disabilities through support, education, and advocacy. LDA has more than 1,700 dues-paying members nationwide and engages approximately 36,000 supporters through its email communications. LDA members elect state affiliates who function as delegates from each state and elect LDA's Board of Directors annually. A core component of LDA's work is to promote research into the causes of learning disabilities and other neurological disorders and advocate for policies that will reduce the number of individuals affected by learning disabilities.

17. To advance these objectives, LDA established the Healthy Children Project in 2002 to raise awareness about the link between toxic chemical exposures and harm to brain development and to advocate for policies that will reduce these exposures, especially among pregnant people and young children. Among other priorities, LDA has advocated extensively for the regulation of toxic flame retardants and phthalates that harm brain development and has pursued multiple lawsuits under TSCA to that end. For example, LDA challenged EPA's failure to properly address the neurodevelopmental risks posed by the toxic flame retardant hexabromocyclododecane in the Agency's risk evaluation of the chemical. LDA also challenged EPA's 2021 regulation to manage the risks of the toxic flame retardant decabromodiphenyl ether, which failed to protect children and pregnant people from exposure to this neurodevelopmental toxicant. LDA has also engaged in litigation and administrative advocacy to restrict the use of phthalates in food packaging and food production equipment. LDA also engages in litigation and extensive administrative advocacy to ensure that EPA implements TSCA properly and uses its full authority under TSCA to protect children's brain health.

18. Plaintiff Louisiana Environmental Action Network ("LEAN") is a community-based not-for-profit organization working to resolve the unique environmental struggles present in Louisiana. Founded in 1986 and headquartered in Baton Rouge, Louisiana, LEAN's mission is to foster cooperation and communication between individual citizens and corporate and government organizations to assess and mend the environmental problems of Louisiana. Through education, empowerment, advocacy, and support, LEAN works to provide the necessary tools and services to individuals and communities facing environmental problems that often threaten their health, safety, and quality of life. LEAN also advocates on behalf of its members who live in communities where they are exposed to dangerous chemicals from local chemical facilities. Through extensive administrative advocacy and litigation, LEAN continually advocates for more health-protective regulations of toxic chemicals under TSCA and other laws.

19. Plaintiff Sierra Club is a national 501(c)(4) environmental non-profit organization headquartered in Oakland, California. Sierra Club was founded in 1892 and today has sixty-three chapters with more than 800,000 members across all fifty states, the District of Columbia, and Puerto Rico. Sierra Club's mission is to preserve and protect the places where people live, work, and play. Their members are dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives, nationwide. The Sierra Club's members pay dues that help to finance the programs and activities of the organization. Members also have voting rights to elect Sierra Club's Board of Directors.

20. Sierra Club engages in extensive education, advocacy, and litigation to protect its members and the broader public from toxic pollution that jeopardizes health in communities

across the country and disproportionately harms women, children, and communities of color. For instance, Sierra Club's Clean Air Team advocates to reduce releases of toxic chemicals into the air, including many of the Overdue Risk Evaluation Chemicals. Sierra Club staff partner with and support a volunteer-led Toxics Team that educates Sierra Club members and the public at large about dangerous chemicals in their communities and advocates for laws and policies that will adequately protect the public, wildlife, and the environment from exposures to toxic chemicals.

21. Plaintiff Texas Environmental Justice Advocacy Services ("t.e.j.a.s.") is a non-profit organization based in the east end of Houston, Texas. T.e.j.a.s. principally serves the communities surrounding the Houston Ship Channel—the busiest international port in the country and site of the largest petrochemical refinery complex in the Western Hemisphere—by providing tools to create sustainable, environmentally healthy communities. To that end, t.e.j.a.s. educates residents impacted by industrial pollution along the Houston Ship Channel about the sources and extent of industrial pollution in their communities and the health concerns arising from that pollution. T.e.j.a.s. also empowers individuals by educating them about relevant environmental laws and regulations, advocates to enforce and strengthen those laws, and offers resources for effective community action and greater public participation. As part of their efforts to educate residents, public officials, and other stakeholders about the magnitude of industrial pollution harming human health in communities along the Houston Ship Channel, t.e.j.a.s. staff regularly lead "toxic tours" of highly contaminated areas around the Houston Ship Channel. They also advocate for, and monitor the adequacy of, critical language translation services at public meetings addressing environmental concerns and help prepare community members to provide testimony at public hearings. T.e.j.a.s. staff communicate regularly with residents of the

Ship Channel communities the organization serves and engages in advocacy in response to their concerns. T.e.j.a.s. regularly submits comments on EPA actions that affect the health of communities along the Houston Ship Channel, meets directly with EPA officials to advocate for stronger regulation of toxic chemicals released in the Houston area, and engages in litigation to strengthen chemical regulation and ensure better public access to information about chemical releases that threaten human health.

22. Plaintiffs have engaged in extensive advocacy to urge EPA to timely complete chemical risk evaluations under TSCA that will accurately assess the real-world risks experienced by Plaintiffs' members and their neighbors—many of whom are exposed simultaneously and on an ongoing basis to multiple toxic chemicals, compounding the risks to their health and their children's health. For example, Plaintiffs CIDA, LEAN, and t.e.j.a.s. meet regularly with the leadership of EPA's Office of Chemical Safety and Pollution Prevention to discuss these issues, submit comments on EPA actions under TSCA, and recently hosted EPA officials responsible for carrying out the Overdue Risk Evaluations in the communities they serve so those officials could better understand and address the chemical exposure risks inflicted on people who live near clusters of facilities that release the Overdue Risk Evaluation Chemicals. Plaintiffs LDA and Sierra Club likewise engage in administrative advocacy as well as litigation to ensure that EPA uses its full authorities under TSCA to protect human health and the environment.

23. Defendant EPA is the federal agency charged with implementing TSCA, including completing risk evaluations consistent with the statutory deadlines.

24. Defendant Michael Regan is the Administrator of the EPA and is sued in his official capacity.

LEGAL BACKGROUND

25. Congress enacted TSCA "to prevent unreasonable risks of injury to health or the environment associated with the manufacture, processing, distribution in commerce, use, or disposal of chemical substances." S. Rep. No. 94-698, at 1 (1976). While other federal environmental laws focus on regulating pollution in specific environmental media, such as air or water, Congress recognized that none gave EPA authority to "look comprehensively" at the risks of a chemical "in total." *Id*. at 2. TSCA was enacted to achieve this comprehensive review and regulation. *Id.*

26. TSCA establishes a multi-step process for evaluating and managing the health and environmental risks posed by toxic chemicals. *See* 15 U.S.C. § 2605. In most instances, the initial step in this process is EPA's prioritization of chemicals for risk evaluation. *Id*. § 2605(b)(1)–(2).

27. By December 22, 2019, EPA was required to initiate risk evaluations for at least twenty chemicals that the Agency had designated as high-priority substances, *id.* § 2605(b)(2)(B)—*i.e.*, "chemical substance[s] that . . . without consideration of costs or other nonrisk factors, may present an unreasonable risk of injury to health or the environment," *id*. § 2605(b)(1)(B)(i). "EPA's general objective" when selecting these high-priority substances is to select chemicals "with the greatest hazard and exposure potential first." 40 C.F.R. § 702.5(a).

28. Once EPA designates a chemical as "high-priority," it must initiate a risk evaluation for that chemical. 15 U.S.C. § 2605(b)(3)(A). When conducting these risk evaluations, EPA must determine whether the chemical substance presents an unreasonable risk of injury to health or the environment, "including an unreasonable risk to a potentially exposed or susceptible subpopulation" such as workers, children, or people living near the fenceline of

polluting facilities. *Id*. § 2605(b)(4)(A); *see also id*. § 2602(12) (defining "potentially exposed or susceptible subpopulation" as a group of people "who, due to either greater susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance"). Among other information, EPA must make available to the public "a nontechnical summary of each risk evaluation" as well as the identity and results of all studies EPA considered in conducting the evaluation. 15 U.S.C. § 2625(j)(3)–(4).

29. Of central relevance to this lawsuit, TSCA states, without exception, that EPA must complete each risk evaluation it initiates "as soon as practicable," and in no case more than three years and six months from the date the Agency initiates the risk evaluation. *Id*. § 2605(b)(4)(G); *see also* 40 C.F.R. § 702.49(b).

30. If EPA determines that a chemical presents unreasonable risk to human health or the environment, EPA must regulate the chemical's manufacture, import, processing, distribution, use, and/or disposal "to the extent necessary so that the chemical substance . . . no longer presents such risk." 15 U.S.C. § 2605(a).

31. In addition to the high-priority chemicals review process, TSCA also allows chemical manufacturers to request that EPA conduct a risk evaluation for a chemical substance. *Id*. § 2605(b)(4)(C)(ii); 40 C.F.R. § 702.37.

32. If EPA grants a manufacturer's request for a risk evaluation, this evaluation must also be completed within three years and six months from the date the Agency initiates the risk evaluation. 15 U.S.C. § 2605(b)(4)(G).

33. For both high-priority chemicals designated by the Agency and chemicals subject to manufacturer-requested risk evaluations, EPA's promulgation of regulations to manage a chemical's risks takes place *after* the completion of the risk evaluation. *Id*. § 2605(a), (b)(4).

FACTUAL BACKGROUND

I. THE OVERDUE RISK EVALUATIONS

34. On December 20, 2019, EPA designated twenty chemical substances as "high-priority" and initiated risk evaluations for those chemicals under TSCA (the "High-Priority Risk Evaluations"). The twenty high-priority chemicals are: (1) 1,3-butadiene; (2) butyl benzyl phthalate; (3) dibutyl phthalate; (4) o-dichlorobenzene; (5) p-dichlorobenzene; (6) 1,1-dichloroethane; (7) 1,2-dichloroethane; (8) trans-1,2-dichloroethylene; (9) 1,2-dichloropropane; (10) dicyclohexyl phthalate; (11) DEHP; (12) di-isobutyl phthalate; (13) ethylene dibromide; (14) formaldehyde; (15) HHCB; (16) TBBPA; (17) TPP; (18) phthalic anhydride; (19) 1,1,2-trichloroethane; and (20) TCEP. High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA) and Initiation of Risk Evaluation on High-Priority Substances; Notice of Availability, 84 Fed. Reg. 71,924-02, 71,924, 71,934 (Dec. 30, 2019).

35. On May 24, 2019, ExxonMobil Chemical Company, through the American Chemistry Council's High Phthalates Council, requested that EPA conduct a risk evaluation of DIDP. Di-isodecyl Phthalate (DIDP); Manufacturer Request for Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comments, 84 Fed. Reg. 42,914, 42,915 (Aug. 19, 2019).

36. EPA granted this request and initiated the risk evaluation process for DIDP on January 2, 2020. Di-isodecyl Phthalate (DIDP); Final Scope of the Risk Evaluation to Be Conducted Under the Toxic Substances Control Act (TSCA); Notice of Availability, 86 Fed. Reg. 48,695, 48,695 (Aug. 31, 2021).

37. On May 24, 2019, ExxonMobil Chemical Company, Evonik Corporation, and Teknor Apex, through the American Chemistry Council's High Phthalates Council, requested

that EPA conduct a risk evaluation of DINP. Di-isononyl Phthalate (DINP); Manufacturer Request for Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comments, 84 Fed. Reg. 42,912-02, 42,913 (Aug. 19, 2019).

38. EPA granted this request and initiated the risk evaluation process for DINP on January 2, 2020. Di-isononyl Phthalate (DINP); Final Scope of the Risk Evaluation to Be Conducted Under the Toxic Substances Control Act (TSCA); Notice of Availability, 86 Fed. Reg. 48,693, 48,694 (Aug. 31, 2021).

39. Under TSCA, EPA was required to complete the High-Priority Risk Evaluations by June 20, 2023. 15 U.S.C. § 2605(b)(4)(G) (requiring EPA to complete risk evaluations within three years and six months of the date it initiated the risk evaluations).

40. However, EPA has not completed any of the twenty High-Priority Risk Evaluations, in violation of its statutory duty.

41. Under TSCA, EPA was required to complete the manufacturer-requested risk evaluations by July 2, 2023. *Id.* (requiring EPA to complete risk evaluations within three years and six months of the date it initiated the risk evaluations).

42. However, EPA has not completed the risk evaluations of DIDP or DINP, in violation of its statutory duty.

43. Indeed, EPA has not completed even the draft risk evaluation for any of the Overdue Risk Evaluation Chemicals, much less the final risk evaluations for which the deadline has already passed. EPA's own regulations establish that the Agency will not be completing the Overdue Risk Evaluations imminently, as they require the Agency to publish a draft risk evaluation and provide at least sixty days for public comment, after which EPA must consider and respond to the comments it receives prior to finalizing the risk evaluation. 40 C.F.R.

§§ 702.49, 702.51. EPA has not taken any of these actions for the twenty-two chemicals at issue in this case.

II. THE OVERDUE RISK EVALUATION CHEMICALS ARE WIDELY USED AND PRESENT SERIOUS RISKS TO HUMAN HEALTH

A. 1,3-Butadiene

44. The chemical 1,3-butadiene (CASRN[2] 106-99-0) is used primarily to manufacture plastic and rubber, as well as fossil fuels. It is also found in a variety of industrial, commercial, and consumer products, including adhesives and sealants; hydraulic fracturing fluids; paints and coatings; lubricants; fuel products; laboratory chemicals; and automotive care products. 1,3-butadiene is a known human carcinogen. It is also associated with other potentially life-altering health effects, including reproductive and developmental toxicity. Between one and five billion pounds of 1,3-butadiene are manufactured or imported annually in the United States.

45. According to EPA, the general population in the United States is exposed to 1,3-butadiene in drinking water and in the air "due to its presence in gasoline, motor-vehicle exhausts as a product of incomplete combustion of gasoline and diesel oil, and thermal breakdown of plastics." EPA, *Final Scope of the Risk Evaluation for 1,3-Butadiene* 37 (2020). Higher levels of 1,3-butadiene air pollution have been measured near "heavily trafficked areas, refineries, chemical manufacturing plants, and plastic and rubber factories." *Id.*

B. Butyl Benzyl Phthalate

46. Butyl benzyl phthalate (CASRN 85-68-7) is a chemical used widely in consumer products including adhesives and sealants; automotive care products; arts, crafts, and hobby

[2] CASRN or "CAS Registry Number" is a unique identification number assigned by the Chemical Abstracts Service in the United States to chemical substances described in scientific literature from 1957 to present, with additional substances dating to the early 1900s.

materials; cleaning and furnishing care products; fabric, textile, and leather products; floor coverings; paints and coatings; plastic and rubber products; playground and sporting equipment; and ink, toner, and colorant products. Up to 20 million pounds of butyl benzyl phthalate are manufactured in or imported into the United States annually.

47. Exposure to butyl benzyl phthalate is linked to numerous health problems, including cancer, liver damage, reproductive harm, and developmental harm—including harm to the developing brain. As with many of the Overdue Risk Evaluation Chemicals, butyl benzyl phthalate's adverse effects on development make it especially dangerous for children and pregnant people.

C. Dibutyl Phthalate

48. Dibutyl phthalate (CASRN 84-74-2) is a chemical found in a variety of consumer products, including arts, crafts, and hobby materials; adhesives and sealants such as for food packaging and labels; building and construction materials; cleaning and furnishing care products such as glass window cleaners, carpet and floor cleaners, spot remover, and shoe care products; electrical and electronic products; fabric, textile, and leather products; floor coverings; furniture and furnishings; paints and coatings; plastic and rubber products; ink, toner, and colorant products; and playground and sporting equipment. Dibutyl phthalate is associated with numerous adverse health effects, including harm to the brain and liver; harm to the respiratory, cardiovascular, and reproductive systems; and increased mortality.

D. o-Dichlorobenzene

49. The chemical o-dichlorobenzene (CASRN 95-50-1) is found in industrial coolants; ink, toner, and colorant products; coatings and paints, paint thinners, and paint strippers; lubricants; aerospace oils; fuels; and air fresheners, such as toilet bowl deodorizers.

Exposure to o-dichlorobenzene can cause numerous adverse health effects, including harm to the liver, nose and eye irritation, and harm to the respiratory and cardiovascular systems.

E. p-Dichlorobenzene

50. The chemical p-dichlorobenzene (CASRN 106-46-7) is found in synthetic dyes and pigments; industrial coolants; air care products such as air purifiers; lubricants and greases; fuel additive products; and building and construction materials. Exposure to p-dichlorobenzene is associated with numerous adverse health effects, including cancer; adverse effects on the respiratory, cardiovascular, gastrointestinal, and reproductive systems; harm to the liver, kidneys, brain, and skin; nose and eye irritation; and harm to development.

F. 1,1-Dichloroethane

51. The chemical 1,1-dichloroethane (CASRN 75-34-3) is used as a feedstock for producing other chemicals and is also used in laboratory settings. Exposure to 1,1-dichloroethane is associated with cancer and with other serious health harms including adverse cardiovascular, kidney, neurological, and developmental effects.

52. Between 100 million and one billion pounds of 1,1-dichloroethane are manufactured in or imported into the United States annually. According to EPA, people living near petrochemical facilities experience heightened exposure to 1,1-dichloroethane air pollution compared to the general population. Exposure also occurs from contaminated drinking water.

G. 1,2-Dichloroethane

53. The chemical 1,2-dichloroethane (CASRN 107-06-2) is used in adhesives and sealants; industrial coolants; lubricants; solvents for cleaning and degreasing; plastic and rubber products; and fuel additive products. Exposure to 1,2-dichloroethane is linked to cancer and is associated with many other adverse health effects such as harm to the respiratory, cardiovascular,

gastrointestinal, immune, and reproductive systems; harm to the liver, kidneys, and brain; and harm to development.

54. Between 30 to 40 billion pounds of 1,2-dichloroethane are manufactured in or imported into the United States annually. According to EPA, the general population in the United States is exposed to 1,2-dichloroethane in the air, and the chemical is also present in drinking water.

H. Trans-1,2-Dichloroethylene

55. The chemical trans-1,2-dichloroethylene (CASRN 156-60-5) is found in vapor degreasing formulations, aerosol degreasing products, commercial cleaning and furnishing care products, anti-adhesive agents, solvents, lubricants, adhesives and sealants, manufacturing fluids, refrigerants and refrigeration system flush treatments, chemical processing aids, and propellants and blowing agents. It is also used as a laboratory chemical. Exposure to trans-1,2-dichloroethylene is associated with harm to the immune system.

56. According to EPA, the general population in urban areas is exposed to trans-1,2-dichloroethylene through air pollution and drinking water contamination. In addition, consumers are exposed to trans-1,2-dichloroethylene due to off-gassing of polyurethane foam and building insulation and from consumer products such as cleaners, solvents, and degreasing products.

I. 1,2-Dichloropropane

57. The chemical 1,2-dichloropropane (CASRN 78-87-5) is found in industrial solvents. It is also used in liquid sprays, waxes, and polishes for cleaning and as a laboratory chemical. Between 100 million and one billion pounds of 1,2-dichloropropane are manufactured or imported domestically each year.

58. Exposure to 1,2-dichloropropane is associated with cancer. It is also associated with other adverse health effects, including respiratory, blood, liver, and kidney effects and developmental toxicity.

J. Dicyclohexyl Phthalate

59. The chemical dicyclohexyl phthalate (CASRN 84-61-7) is used in a variety of consumer products, including adhesives and sealants; arts, crafts, and hobby materials; and plastic and rubber products. It is also used in paints and coatings; building and construction materials; ink, toner, and colorant products; industrial and commercial plastic and rubber products; and as a laboratory chemical. Dicyclohexyl phthalate is associated with multiple adverse health effects, including reproductive toxicity, skin sensitization, and endocrine disruption.

K. DEHP

60. DEHP (CASRN 117-81-7) is a chemical found in a variety of consumer and commercial products, including electrical tape and other adhesives and sealants; arts, crafts, and hobby materials; automotive care products; building and construction materials; electrical and electronic products; fabric, textile, and leather products; furniture and furnishings; dyes and pigments; lawn and garden care products; paints and coatings; plastic and rubber products; playground and sporting equipment; and batteries. DEHP is associated with numerous adverse health effects, including cancer; liver damage; and developmental, neurodevelopmental, and reproductive toxicity.

L. Di-isobutyl Phthalate

61. Di-isobutyl phthalate (CASRN 84-69-5) is a chemical found in a variety of consumer products, including adhesives and sealants; air care products (*e.g.*, air fresheners);

fabric, textile, and leather products; floor coverings; ink, toner, and colorant products; paints and coatings; plastic and rubber products; and playground and sporting equipment. It is also used in building and construction materials; industrial and commercial plastic and rubber products; fuels and related products; and as a laboratory chemical. Di-isobutyl phthalate is associated with reproductive toxicity and endocrine disruption.

M. Ethylene Dibromide

62. Ethylene dibromide (CASRN 106-93-4) is a chemical used as a fuel additive and laboratory chemical. According to EPA, the general population in the United States is exposed to ethylene dibromide in the air due to its presence in gasoline and motor vehicle exhaust. It is also present in drinking water. People living near oil refineries and chemical manufacturing plants tend to experience higher exposure than the general population.

63. Ethylene dibromide is classified as a probable human carcinogen and is associated with other serious health harms, including adverse effects on the liver as well as the endocrine, reproductive, and respiratory systems.

N. Formaldehyde

64. Formaldehyde (CASRN 50-00-0) is a chemical used in numerous products, including paper, plastic, and packaging materials; hobby products; toys; playground and sporting equipment; cleaning and furniture care products; floor coverings; foam seating, bedding, furniture, and furnishings; fabrics, textiles, and leather products; adhesives and sealants; paints and coatings; building and construction materials; electrical, electronic, and metal products; lubricants; and fertilizers. It is also used for embalming and as a laboratory chemical. Between one and five billion pounds of formaldehyde are manufactured in or imported into the United States annually.

65. Formaldehyde is known to cause cancer and is associated with other serious health harms including adverse respiratory, gastrointestinal, liver, skin, neurological, developmental, genotoxic, and urinary effects. In addition to industrial releases, exposures can occur due to the off-gassing of formaldehyde from, among other materials, pressed wood building products and carpets.

O. HHCB

66. HHCB (CASRN 1222-05-5) is a chemical found in a variety of consumer products, including household and commercial cleaning and furnishing care products; laundry detergents and fabric softeners; paper, plastic, and rubber products such as disposable floor mats; and air care products such as candles, fragrance oils, scented bathroom clips, and air freshener plug-ins. It is also used as a laboratory chemical. HHCB is associated with endocrine disrupting effects.

P. TBBPA

67. TBBPA (CASRN 79-94-7) is a chemical used widely in consumer products including fabric, textiles, and office furniture; electrical and electronic products such as computers, appliances, telephones, and children's electronic products; children's plastic toys and jewelry; building and construction materials; and batteries. Up to 100 million pounds of TBBPA are manufactured in or imported into the United States annually. TBBPA is known to cause cancer and is associated with endocrine disrupting effects. There is also emerging evidence that TBBPA harms brain development.

Q. TPP

68. TPP (CASRN 115-86-6) is a chemical found in a variety of consumer products, including foam seating and bedding products; plastic and rubber products; paints and coatings;

furniture and furnishings; and electrical and electronic products. TPP is associated with harm to the endocrine system and metabolism, developmental harm, and reproductive harm.

R. Phthalic Anhydride

69. Phthalic anhydride (CASRN 85-44-9) is a chemical used in adhesives and sealants; paints and coatings; plastic and rubber products such as building and construction materials, electronics, personal care products, and medical devices; fuel and related products; flame retardants; tanning and curing of textiles, apparel, and leather; surface treating agents for rubber manufacturing; lubricants and greases; water filtration applications; and oil treatment of wood. It is also used as a laboratory chemical. Between 250 and 500 million pounds of phthalic anhydride are manufactured in or imported into the United States annually. Phthalic anhydride is associated with a range of health harms, including adverse respiratory and kidney effects.

S. 1,1,2-Trichloroethane

70. The chemical 1,1,2-trichloroethane (CASRN 79-00-5) is found in adhesives and is used as a laboratory chemical. Exposure to 1,1,2-trichloroethane is associated with cancer and with adverse immune, blood, respiratory, gastrointestinal, liver, kidney, skin, and neurological effects. Between 100 million and one billion pounds of 1,1,2-trichloroethane are manufactured in or imported into the United States annually.

T. TCEP

71. TCEP (CASRN 115-96-8) is a chemical used widely in consumer products such as paints and coatings; electrical and electronic products; building and construction materials; and batteries. It is also found in aircraft interiors and aerospace products; foam cushions and bedding products; fabric and textile products; and it is used as a laboratory chemical. TCEP is

linked to cancer and is associated with reproductive toxicity. It has also been linked to neurodevelopmental harm.

U. DIDP

72. DIDP (CASRN 26761-40-0 and 68515-49-1) is a chemical found in a variety of consumer products, including adhesives and sealants; arts, crafts, and hobby materials; automotive care products; building and construction materials; electrical and electronic products; floor coverings; ink, toner, and colorant products; lubricants and greases; paints and coatings; photographic supplies; plastic and rubber products; and toys, playground equipment, and sporting equipment. It is also used in abrasives manufacturing (*e.g.*, surface conditioning discs), industrial lubricants, and as a laboratory chemical. Between 100 million and one billion pounds of DIDP are manufactured in or imported into the United States annually.

73. DIDP is associated with multiple adverse health effects, including cancer and developmental toxicity.

V. DINP

74. DINP (CASRN 28553-12-0 and 68515-48-0) is a chemical found in a variety of consumer and commercial products, including air care products; adhesives and sealants; arts, crafts, and hobby materials; automotive care products; construction materials; cleaning and furniture care products; electronic products; fabric and textile products; foam seating and bedding products; furniture and furnishings; ink, toner, and colorant products; paints and coatings; paper products; plastic and rubber products such as in wires and cables; floor and wall coverings; and playground and sporting equipment. It is also used in mold-making for munitions and weapon systems, in solvents, and as a laboratory chemical. Between 100 million and one billion pounds of DINP are manufactured in or imported into the United States annually.

75. DINP is associated with cancer as well as reproductive, developmental, liver, and kidney toxicity.

III. PLAINTIFFS' MEMBERS AND STAFF ARE HARMED BY EPA'S VIOLATIONS OF THE RISK EVALUATION DEADLINE

76. The Plaintiffs' members and staff have been harmed by EPA's violations of the statutory deadline set by TSCA for completion of the Overdue Risk Evaluations and will continue to be harmed for as long as EPA's delay persists.

77. Plaintiffs' members and staff and their children are exposed to the Overdue Risk Evaluation Chemicals because they live, work, go to school, and/or recreate near industrial facilities that release the Overdue Risk Evaluation Chemicals into the air, water, and/or land. This ongoing exposure places them at risk of serious health harms.

78. For example, CIDA founder and Chief Executive Officer Hilton Kelley lives and works in Port Arthur, Texas, within three miles of multiple facilities that release large volumes of 1,3-butadiene and formaldehyde. These facilities include the BASF Total Petrochemicals facility in Port Arthur, which, according to EPA's Toxics Release Inventory ("TRI"), released more than 64,000 pounds of 1,3-butadiene into the air from 2019 to 2021 (the most recent years for which final data are available). According to EPA's National Emissions Inventory ("NEI"), this facility also released more than 4,000 pounds of formaldehyde into the air in the 2020 reporting year (the most recent year for which data are available). Mr. Kelley also lives within five miles of the Veolia ES Technical Solutions waste incinerator. According to the NEI, in 2020 this facility released approximately 1,000 pounds of 1,2-dichloroethane and more than 300 pounds of 1,1,2-trichloroethane, and also released formaldehyde, 1,3 butadiene, and p-dichlorobenzene.

79. CIDA staff member Michelle Smith also lives in Port Arthur, Texas, approximately one mile from the Motiva Chemicals facility. According to the TRI, this facility released more than 8,000 pounds of 1,3-butadiene into the air from 2019 to 2021.

80. In addition to working with community members in Port Arthur, Mr. Kelley and Ms. Smith work with community members in neighboring Port Neches, Texas, where multiple facilities emit large quantities of 1,3-butadiene into the air. These include the TPC Group facility, which according to the TRI released more than 364,000 pounds of 1,3-butadiene into the air from 2019 to 2021.

81. T.e.j.a.s. founders and co-directors Juan and Ana Parras live in East Houston; work from their office in the Harrisburg area of East Houston; and regularly meet with residents and lead "toxic tours" in the communities of Manchester, Deer Park, Pasadena, and Baytown along the Houston Ship Channel where, according to EPA's TRI and NEI, facilities release 1,3-butadiene, dibutyl phthalate, DEHP, ethylene dibromide, formaldehyde, o-dichlorobenzene, p-dichlorobenzene, 1,1,2-trichloroethane, 1,1-dichloroethane, 1,2-dichloroethane, 1,2-dichloropropane, and phthalic anhydride. These facilities include the Goodyear Tire & Rubber Co. facility located in Houston approximately five miles from the t.e.j.a.s. office, which according to the TRI released more than 55,000 pounds of 1,3-butadiene into the air from 2019 to 2021. Adjacent to the Goodyear facility is a TPC Group facility, which according to the TRI released more than 74,000 pounds of 1,3-butadiene into the air during the same period. In addition, Mr. and Mrs. Parras live less than one mile from a contaminated industrial site in Houston with elevated levels of trans-1,2-dichloroethylene in the soil.

82. Sierra Club member Sharron Stewart lives within two miles of the Shintech Freeport Plant in Freeport, Texas, which releases DEHP, formaldehyde, 1,2-dichloroethane, and

1,3-butadiene into the air. According to EPA's NEI, the Shintech Freeport Plant released more than 7,000 pounds of DEHP and more than 2,000 pounds of formaldehyde into the air in the 2020 reporting year.

83. Sierra Club member Melanie Oldham lives in Freeport, Texas, within five miles of facilities that release formaldehyde, 1,2-dichloroethane, 1,3-butadiene, 1,2-dichloropropane, 1,1,2-trichloroethane, and phthalic anhydride. These include the Dow Chemical Company, located approximately two miles from Ms. Oldham's home, which according to the TRI released more than 34,000 pounds of formaldehyde, more than 22,000 pounds of 1,3-butadiene, and more than 2,300 pounds of 1,2-dichloroethane from 2019 to 2021. Ms. Oldham also lives approximately two miles from the Freeport Olin facility, which according to the TRI released more than 47,000 pounds of 1,2-dichloroethane, approximately 5,800 pounds of 1,1,2-trichloroethane, and approximately 2,900 pounds of 1,2-dichloropropane during the same period.

84. LEAN member Stephanie Anthony has lived for decades near the Formosa Plastics facility and the ExxonMobil facility complex in Baton Rouge, Louisiana. According to the TRI, from 2019 to 2021 the Formosa Plastics facility released approximately 5,000 pounds of 1,1,2-trichloroethane, more than 4,000 pounds of 1,1-dichloroethane, and more than 97,000 pounds of 1,2-dichloroethane. In addition, the facility released more than 4,000 pounds of formaldehyde in the 2020 NEI reporting year. The ExxonMobil facilities in Baton Rouge also manufacture and release multiple Overdue Risk Evaluation Chemicals, including 1,3-butadiene, dibutyl phthalate, DEHP, DIDP, DINP, and ethylene dibromide. Among other activities in her daily life that expose Ms. Anthony to pollution from these facilities, she spends approximately eight to ten hours per week attending services and volunteering in the community kids outreach

program at her church, which is located less than five miles from the Formosa Plastics and ExxonMobil facilities.

85. LEAN member Les Ann Kirkland has lived in the historic district neighborhood in Plaquemine, Louisiana, for fifty years. Her home is less than five miles from at least five major industrial facilities that release the Overdue Risk Evaluation Chemicals. Among these facilities are Westlake Chemicals & Vinyls, located approximately three miles from Ms. Kirkland's home, which according to the TRI released almost 38,000 pounds of 1,2-dichloroethane from 2019 to 2021. The facility also releases 1,1,2-trichloroethane, 1,1-dichloroethane, 1,3-butadiene, and formaldehyde. The Blue Cube Operations facility, located less than 2.5 miles from Ms. Kirkland's home, released more than 38,000 pounds of 1,2-dichloroethane from 2019 to 2021, as well as 1,1,2-trichloroethane and 1,2-dichloropropane. Dow Chemical, located less than two miles from Ms. Kirkland's home, released more than 20,000 pounds of 1,3-butadiene in the same period, as well as formaldehyde, 1,2-dichloroethane, and 1,2-dichloropropane.

86. Sierra Club and LEAN members live near the Eagle US 2 LLC facility in Westlake, Louisiana, a major manufacturer of trans-1,2-dichloroethylene. Facilities in Westlake also release 1,3-butadiene, 1,1,2-trichloroethane, 1,1-dichloroethane, and 1,2-dichloroethane.

87. From these and other industrial facilities in their communities, Plaintiffs' members and staff and their children are exposed to Overdue Risk Evaluation Chemicals on an ongoing basis due to pollution that is part of the facilities' routine operations. In addition, they experience spikes in exposure to these toxic chemicals due to explosions, fires, spills, leaks, and other incidents that occur frequently at industrial facilities in their communities.

88. For example, incidents at TPC Group facilities in Houston and Port Neches have resulted in major spikes in exposure to 1,3-butadiene. On January 12, 2023, an equipment failure at the TPC Group facility in East Houston resulted in a release of more than 5,400 pounds of 1,3-butadiene into the air. An April 23, 2021 incident at the same facility resulted in a release of more than 3,000 pounds of 1,3-butadiene. And in Port Neches, a November 27, 2019 explosion at another TPC Group facility released more than 260,560 pounds of 1,3-butadiene.

89. Plaintiffs' members and staff also are exposed to the Overdue Risk Evaluation Chemicals due to the chemicals' presence in products they regularly use or have in their homes. For example, LDA member Alexandra Moulton has building materials in her home and regularly uses products that EPA has identified as sources of exposure to butyl benzyl phthalate, dibutyl phthalate, dicyclohexyl phthalate, DEHP, DIDP, DINP, di-isobutyl phthalate, and HHCB, including vinyl flooring; fragranced cleaning wipes, air freshener, and fabric freshening spray; hobby and crafting kits; and shoes with plastic and foam components.

90. LDA member Kristina Scott has in her home and regularly uses products that EPA has identified as sources of exposure to TBBPA, TPP, and TCEP, including televisions, laptop computers, a tablet, and foam mats. Ms. Moulton also has in her home and regularly uses products that EPA has identified as sources of exposure to these flame-retardant chemicals, including computers, televisions and television accessories, tablets, a video game console, foam mats, and a camping tent.

91. The ongoing exposure to Overdue Risk Evaluation Chemicals experienced by Plaintiffs' members and staff and their children places them at risk of serious harm to their health. Indeed, many of these individuals already experience adverse health effects that are linked to exposure to the Overdue Risk Evaluation Chemicals. Some of these health conditions

make them more susceptible to harm from ongoing exposure to the Overdue Risk Evaluation Chemicals.

92. For example, t.e.j.a.s. co-director Juan Parras experiences frequent headaches and respiratory problems while working. These problems have substantially worsened over time, and Mr. Parras now struggles to take deep, full breaths. T.e.j.a.s. co-director Ana Parras has cancer as well as hypersensitivity pneumonitis, an immune system disorder that impairs lung function. Exposure to hazardous air pollution in the communities where Ms. Parras lives and works can trigger her immune system, causing lung inflammation and potentially permanent damage to her lungs.

93. CIDA founder Hilton Kelley suffers from a persistent cough and hypertension.

94. CIDA staff member Michelle Smith has experienced frequent skin rashes since she moved to Port Arthur, Texas. She has also experienced acute respiratory symptoms on multiple occasions when fires occurred at nearby industrial facilities, sending smoke over and into her home.

95. LDA member Alexandra Moulton has a learning disability and attention deficit hyperactivity disorder ("ADHD"). Her older son has ADHD and both of her sons have displayed signs of learning disabilities.

96. The ongoing contamination of the communities where Plaintiffs' members and staff live, work, attend school, and recreate with the Overdue Risk Evaluation Chemicals causes them stress and anxiety and diminishes their ability to use and enjoy their homes and safely spend time outdoors.

97. Plaintiffs' members and staff also experience stress and anxiety from the presence of the Overdue Risk Evaluation Chemicals in consumer products that they use or otherwise have

in their homes. Although many invest time and money in attempting to avoid product-related exposures to these chemicals, it is impracticable for them to avoid all exposure to themselves and their children through their own vigilance and consumer choices so long as companies may lawfully use the chemicals in products—most often without disclosing that use to consumers.

98. Further, EPA's failure to complete the Overdue Risk Evaluations by the statutory deadline deprives Plaintiffs and their members and staff of information and procedures guaranteed to them by TSCA for the evaluation and regulation of chemicals that endanger their health.

99. These injuries are traceable to EPA's failure to complete the Overdue Risk Evaluations by the statutory deadline. Because risk evaluations are a prerequisite to risk management regulations, EPA's violation of the risk evaluation deadline is delaying potential regulation of the Overdue Risk Evaluation Chemicals under TSCA. Plaintiffs' members and staff and their children will continue to be exposed to the Overdue Risk Evaluation Chemicals without the needed TSCA regulations that would reduce or eliminate those exposures and the associated health risks.

100. An order from this Court directing EPA to complete the Overdue Risk Evaluations as expeditiously as possible would advance the process by which EPA can restrict or prohibit the Overdue Risk Evaluation Chemicals' manufacturing, processing, distribution, use, and disposal, which would reduce the toxic exposures that Plaintiffs' members and staff and their children are experiencing. This in turn would benefit their physical and mental health and their use and enjoyment of their homes and neighborhoods.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for 1,3-Butadiene

101. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

102. Defendants initiated the risk evaluation for 1,3-butadiene pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

103. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for 1,3-butadiene no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

104. As of the date of this filing, Defendants have not completed the risk evaluation for 1,3-butadiene.

105. Defendants' failure to complete the risk evaluation for 1,3-butadiene by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

SECOND CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Butyl Benzyl Phthalate

106. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

107. Defendants initiated the risk evaluation for butyl benzyl phthalate pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

108. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for butyl benzyl phthalate no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

109. As of the date of this filing, Defendants have not completed the risk evaluation for butyl benzyl phthalate.

110. Defendants' failure to complete the risk evaluation for butyl benzyl phthalate by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

THIRD CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Dibutyl Phthalate

111. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

112. Defendants initiated the risk evaluation for dibutyl phthalate pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

113. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for dibutyl phthalate no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

114. As of the date of this filing, Defendants have not completed the risk evaluation for dibutyl phthalate.

115. Defendants' failure to complete the risk evaluation for dibutyl phthalate by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure

of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

FOURTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for o-Dichlorobenzene

116. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

117. Defendants initiated the risk evaluation for o-dichlorobenzene pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

118. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for o-dichlorobenzene no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

119. As of the date of this filing, Defendants have not completed the risk evaluation for o-dichlorobenzene.

120. Defendants' failure to complete the risk evaluation for o-dichlorobenzene by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

FIFTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for p-Dichlorobenzene

121. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

122. Defendants initiated the risk evaluation for p-dichlorobenzene pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

123. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for p-dichlorobenzene no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

124. As of the date of this filing, Defendants have not completed the risk evaluation for p-dichlorobenzene.

125. Defendants' failure to complete the risk evaluation for p-dichlorobenzene by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

SIXTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for 1,1-Dichloroethane

126. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

127. Defendants initiated the risk evaluation for 1,1-dichloroethane pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

128. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for 1,1-dichloroethane no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

129. As of the date of this filing, Defendants have not completed the risk evaluation for 1,1-dichloroethane.

130. Defendants' failure to complete the risk evaluation for 1,1-dichloroethane by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure

of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

SEVENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for 1,2-Dichloroethane

131. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

132. Defendants initiated the risk evaluation for 1,2-dichloroethane pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

133. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for 1,2-dichloroethane no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

134. As of the date of this filing, Defendants have not completed the risk evaluation for 1,2-dichloroethane.

135. Defendants' failure to complete the risk evaluation for 1,2-dichloroethane by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

EIGHTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Trans-1,2-Dichloroethylene

136. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

137. Defendants initiated the risk evaluation for trans-1,2-dichloroethylene pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

138. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for trans-1,2-dichloroethylene no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

139. As of the date of this filing, Defendants have not completed the risk evaluation for trans-1,2-dichloroethylene.

140. Defendants' failure to complete the risk evaluation for trans-1,2-dichloroethylene by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

NINTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for 1,2-Dichloropropane

141. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

142. Defendants initiated the risk evaluation for 1,2-dichloropropane pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

143. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for 1,2-dichloropropane no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

144. As of the date of this filing, Defendants have not completed the risk evaluation for 1,2-dichloropropane.

145. Defendants' failure to complete the risk evaluation for 1,2-dichloropropane by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure

of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

TENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Dicyclohexyl Phthalate

146. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

147. Defendants initiated the risk evaluation for dicyclohexyl phthalate pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

148. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for dicyclohexyl phthalate no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

149. As of the date of this filing, Defendants have not completed the risk evaluation for dicyclohexyl phthalate.

150. Defendants' failure to complete the risk evaluation for dicyclohexyl phthalate by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

ELEVENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for DEHP

151. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

152. Defendants initiated the risk evaluation for DEHP pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. 71,924, 71,934.

153. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for DEHP no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

154. As of the date of this filing, Defendants have not completed the risk evaluation for DEHP.

155. Defendants' failure to complete the risk evaluation for DEHP by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

TWELFTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Di-isobutyl Phthalate

156. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

157. Defendants initiated the risk evaluation for di-isobutyl phthalate pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

158. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for di-isobutyl phthalate no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

159. As of the date of this filing, Defendants have not completed the risk evaluation for di-isobutyl phthalate.

160. Defendants' failure to complete the risk evaluation for di-isobutyl phthalate by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure

of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

THIRTEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Ethylene Dibromide

161. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

162. Defendants initiated the risk evaluation for ethylene dibromide pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

163. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for ethylene dibromide no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

164. As of the date of this filing, Defendants have not completed the risk evaluation for ethylene dibromide.

165. Defendants' failure to complete the risk evaluation for ethylene dibromide by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

FOURTEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Formaldehyde

166. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

167. Defendants initiated the risk evaluation for formaldehyde pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

168. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for formaldehyde no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

169. As of the date of this filing, Defendants have not completed the risk evaluation for formaldehyde.

170. Defendants' failure to complete the risk evaluation for formaldehyde by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

FIFTEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for HHCB

171. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

172. Defendants initiated the risk evaluation for HHCB pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

173. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for HHCB no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

174. As of the date of this filing, Defendants have not completed the risk evaluation for HHCB.

175. Defendants' failure to complete the risk evaluation for HHCB by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the

Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

SIXTEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for TBBPA

176. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

177. Defendants initiated the risk evaluation for TBBPA pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

178. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for TBBPA no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

179. As of the date of this filing, Defendants have not completed the risk evaluation for TBBPA.

180. Defendants' failure to complete the risk evaluation for TBBPA by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

SEVENTEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for TPP

181. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

182. Defendants initiated the risk evaluation for TPP pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

183. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for TPP no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

184. As of the date of this filing, Defendants have not completed the risk evaluation for TPP.

185. Defendants' failure to complete the risk evaluation for TPP by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

EIGHTEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for Phthalic Anhydride

186. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

187. Defendants initiated the risk evaluation for phthalic anhydride pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

188. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for phthalic anhydride no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

189. As of the date of this filing, Defendants have not completed the risk evaluation for phthalic anhydride.

190. Defendants' failure to complete the risk evaluation for phthalic anhydride by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure

of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

NINETEENTH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for 1,1,2-Trichloroethane

191. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

192. Defendants initiated the risk evaluation for 1,1,2-trichloroethane pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

193. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for 1,1,2-trichloroethane no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

194. As of the date of this filing, Defendants have not completed the risk evaluation for 1,1,2-trichloroethane.

195. Defendants' failure to complete the risk evaluation for 1,1,2-trichloroethane by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

TWENTIETH CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for TCEP

196. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

197. Defendants initiated the risk evaluation for TCEP pursuant to TSCA section 6(b) on December 20, 2020. 84 Fed. Reg. at 71,924, 71,934.

198. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for TCEP no later than three years and six months after its initiation, *i.e.*, by June 20, 2023.

199. As of the date of this filing, Defendants have not completed the risk evaluation for TCEP.

200. Defendants' failure to complete the risk evaluation for TCEP by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

TWENTY-FIRST CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for DIDP

201. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

202. Defendants initiated the risk evaluation for DIDP pursuant to TSCA section 6(b) on January 2, 2020. 86 Fed. Reg. at 48,695.

203. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for DIDP no later than three years and six months after its initiation, *i.e.*, by July 2, 2023.

204. As of the date of this filing, Defendants have not completed the risk evaluation for DIDP.

205. Defendants' failure to complete the risk evaluation for DIDP by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the

Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

TWENTY-SECOND CLAIM FOR RELIEF
Violation of Section 6(b)(4)(G) of TSCA by Failing to Timely Publish a Final Risk Evaluation for DINP

206. Plaintiffs incorporate and re-allege all allegations set forth in the preceding paragraphs.

207. Defendants initiated the risk evaluation for DINP pursuant to TSCA section 6(b) on January 2, 2020. 86 Fed. Reg. at 48,694.

208. Pursuant to TSCA section 6(b)(4)(G), Defendants were required to complete the risk evaluation for DINP no later than three years and six months after its initiation, *i.e.*, by July 2, 2023.

209. As of the date of this filing, Defendants have not completed the risk evaluation for DINP.

210. Defendants' failure to complete the risk evaluation for DINP by the deadline established in TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G), constitutes a failure of "the Administrator to perform an[] act or duty under [TSCA] which is not discretionary," within the meaning of TSCA section 20(a)(2), *id.* § 2619(a)(2).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Declare that EPA's failure to complete the Overdue Risk Evaluations by the statutory deadline for completion violates TSCA section 6(b)(4)(G), 15 U.S.C. § 2605(b)(4)(G);

B. Order EPA to complete each of the twenty-two risk evaluations by the earliest practicable dates, pursuant to deadlines set by this Court;

C. Retain jurisdiction over this matter until Defendants have fulfilled their statutory and Court-ordered obligations;

D. Award Plaintiffs reasonable costs and attorneys' fees; and

E. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 18th day of September 2023.

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