

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

NEIGHBORS FOR ENVIRONMENTAL JUSTICE;
NEW JERSEY WORK ENVIRONMENT COUNCIL;
SIERRA CLUB; UNITED STEEL, PAPER AND
FORESTRY, RUBBER, MANUFACTURING,
ENERGY, ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION, AFL-CIO;
and NATURAL RESOURCES DEFENSE
COUNCIL,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and ANDREW
WHEELER, Administrator, United States
Environmental Protection Agency,

Respondents.

PETITION FOR REVIEW

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2618, the Administrative Procedure Act, 5 U.S.C. § 706, and Rule 15 of the Federal Rules of Appellate Procedure, Neighbors for Environmental Justice; the New Jersey Work Environment Council; Sierra Club, Inc.; the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO; and the Natural Resources Defense Council, Inc. hereby petition for review of a final risk evaluation and order by Respondent

United States Environmental Protection Agency (EPA), determining that the chemical methylene chloride does not present an unreasonable risk of injury to health or the environment under certain conditions of use and declining to consider certain uses and pathways through which members of Petitioners are exposed and face risks of exposure to methylene chloride.

EPA published a notice of availability for the final risk evaluation and order for methylene chloride in the Federal Register on June 24, 2020 (at 85 Fed. Reg. 37,942). The final risk evaluation and order were accordingly “issue[d]” for purposes of judicial review on July 8, 2020. 40 C.F.R. § 23.5(a); *see also* 15 U.S.C. § 2618(a); *id.* § 2605(i)(1). A copy of EPA’s notice of availability is attached as Exhibit 1 to this petition, and a copy of EPA’s final risk evaluation and order (downloaded from EPA’s website on July 15, 2020, via https://www.epa.gov/sites/production/files/2020-06/documents/1_mecl_risk_evaluation_final.pdf) is attached as Exhibit 2.

Petitioner Sierra Club’s principal place of business is within this Circuit. This Court accordingly has jurisdiction to review EPA’s order pursuant to 15 U.S.C. § 2618(a). The other Petitioners’ principal places of business are not within this Circuit, but pursuant to Federal Rule of Appellate Procedure 15(a)(1), their interests make joinder to this petition practicable.

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Respectfully submitted July 16, 2020,

s/Selena Kyle

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