

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

CENTER FOR ENVIRONMENTAL HEALTH;
ADVANCE CAROLINA; CAPE FEAR RIVER
WATCH; CLEAN CAPE FEAR; DEMOCRACY
GREEN; HAW RIVER ASSEMBLY; and TOXIC FREE
NC

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and JANE
NISHIDA, Acting 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, Center for Environmental Health, Advance Carolina, Cape
Fear River Watch, Clean Cape Fear, Democracy Green, Haw River Assembly
and Toxic Free NC hereby petition for review of a final risk evaluation and order
by Respondent United States Environmental Protection Agency (EPA),

determining that 1,4-dioxane does not present an unreasonable risk of injury to health or the environment under certain conditions of use and declining to consider the risks of other conditions of use and pathways by which petitioners' members are exposed to 1,4-dioxane.

EPA published a notice of availability for the final risk evaluation and order for 1,4-dioxane in the Federal Register on January 8, 2021 (86 Fed. Reg. 1495). The final risk evaluation and order were accordingly "issue[d]" for purposes of judicial review on January 22, 2021. 40 C.F.R. § 23.5(a); *see also* 15 U.S.C. § 2618(a); *id.* § 2605(i)(1). A copy of EPA's final risk evaluation and order (downloaded from EPA's website via https://www.epa.gov/sites/production/files/2020-12/documents/1_risk_evaluation_for_14-dioxane_casrn_123-91-1.pdf.) is attached as Exhibit 1.

Petitioner Center for Environmental Health has its principal place of business 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 and residences are not within this Circuit, but pursuant to Federal Rule of Appellate Procedure 15(a)(1), their interests make joinder to this petition practicable.

This Petition is related to the Petition for Review of the 1,4-dioxane final risk

evaluation and order filed in this Court by the Environmental Defense Fund et al on
January 25, 2021, No. 21-70162.

Respectfully submitted February 1, 2021,

s/Robert M. Sussman
ROBERT M. SUSSMAN
Sussman & Associates
3101 Garfield St. NW
Washington DC 20008
bobsussman1@comcast.net
202-716-0118

Attorneys for Petitioners

CORPORATE DISCLOSURE STATEMENT

Petitioners Center for Environmental Health, Advance Carolina, Cape Fear River Watch, Clean Cape Fear, Democracy Green, Haw River Assembly and Toxic Free NC are nonprofit organizations. None have any parent companies, subsidiaries, or affiliates that have issued shares to the public in the United States or abroad.

Respectfully submitted this 1st day of February 2021

s/Robert M. Sussman
ROBERT M. SUSSMAN
Sussman & Associates
3101 Garfield Street, NW
Washington, DC 20008
T: 202.716.0118
bobsussman1@comcast.net
Attorney for Petitioners

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 February 1, 2021. I certify that the respondents in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/Robert M. Sussman
ROBERT M. SUSSMAN
Sussman & Associates
3101 Garfield Street, NW
Washington, DC 20008
T: 202.716.0118
bobsussman1@comcast.net
Attorney for Petitioners