



**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

ORDER ON ELECTRONIC FILING¹

Before the Environmental Appeals Board.

Per Curiam:

By this order, the Environmental Appeals Board (“EAB”) clarifies that the EAB’s electronic filing system (“e-Filing System”) may be used for *all filings in all matters* that can be filed with EAB and delineates general electronic filing requirements. This order applies to all matters that can be filed with the EAB and supersedes the two August 2013 EAB orders entitled *Revised Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Under 40 C.F.R. Part 22*, and *Revised Order Authorizing Electronic Filing in Proceedings Before the Environmental Appeals Board Not Governed by 40 C.F.R Part 22*.² The EAB in its discretion may revoke or amend this order at any time. This order creates no vested rights in any party.

¹ This order does not affect filing practice with Administrative Law Judges or Presiding Officers.

² This order eliminates the requirement in the 2013 standing orders that litigants file a paper copy when electronically filed documents exceed fifty pages in length. The information about the submission of private and confidential business information that was available in the 2013 standing orders authorizing electronic filing has been removed from this order but is available on our website at www.epa.gov/eab.

E-filing May be Used for All Filings.

Some, but not all, of the regulations governing matters filed with the EAB authorize electronic filing. Pursuant to this order, the EAB's e-Filing System may be used for *all filings in all matters* that can be filed with EAB whether or not the regulations and procedures that govern proceedings before the EAB explicitly authorize the use of electronic filing. This order does not mandate electronic filing. Rather, it allows for electronic filing in addition to those filing methods already authorized and enumerated in applicable regulations. *See, e.g.*, 40 C.F.R. §§ 17.21, 22.5(a)(1), 124.19(i)(2), 209.11(c).³

General e-Filing Requirements.

Anyone choosing to file electronically must register with the EAB's e-Filing Login/Registration System. Instructions and information on how to register or file with the EAB using the e-Filing System are available on the EAB's website at www.epa.gov/eab.⁴ Sending a document directly to the EAB via e-mail, rather than through the EAB e-Filing System, does not constitute electronic filing unless otherwise specified by the EAB. To be

³ In addition to the proceedings associated with the provisions identified in the text above, other matters that can be filed before the EAB include petitions for reimbursement under the Comprehensive Environmental Response, Compensation, and Liability Act; registration-related appeals under the Federal Insecticide, Fungicide, and Rodenticide Act; and certain appeals under the Clean Air Act, *see* 40 C.F.R. pts. 49, 66, 78.

⁴ Registration can take one to two business days to complete. It is the filer's responsibility to ensure that documents are timely filed.

considered timely, documents submitted electronically must be received by 11:59 p.m. Eastern Time on the day the document is required to be filed with the EAB.⁵

To the extent regulations require that documents that are filed be signed by “the party filing or by its attorney or other representative” (collectively “the party filing”), *see* 40 C.F.R. § 22.5(c)(3), utilization of the EAB e-Filing System fulfills these signature requirements, *see id.* § 124.19(i)(2)(i). By filing a document through the EAB e-Filing System, the person filing represents that the party filing has read the document, that to the best of their knowledge the statements made in the document are true, and that the document is not interposed for delay. *See, e.g., id.* § 22.5(c)(3). All documents filed electronically must include the full name of the person filing below the signature line. A party, or its attorney or other representative, filing electronically shall ensure that a certificate of service accompanies each document filed with the EAB and shall serve a copy of each document filed in the matter on each party. *See, e.g.,* 40 C.F.R. § 22.5(a)(3), (b); *id.* § 124.19(i). Filing electronically satisfies any regulatory requirement to file more than one copy with the EAB.

So ordered.

Dated: September 29, 2025

⁵ The EAB e-Filing System will generate an electronic receipt containing the date and time of the filing, and both the person submitting the document and the Clerk of the Board will receive a copy of this electronic receipt.