

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

ASBESTOS DISEASE AWARENESS ORGANIZATION;
AMERICAN PUBLIC HEALTH ASSOCIATION; CENTER FOR
ENVIRONMENTAL HEALTH; ENVIRONMENTAL
INFORMATION ASSOCIATION; SAFER CHEMICALS
HEALTHY FAMILIES - A PROGRAM OF TOXIC-FREE
FUTURE; VERMONT PUBLIC INTEREST RESEARCH
GROUP; BARRY CASTLEMAN, ScD; RAJA FLORES, MD;
ARTHUR FRANK, MD, PhD; PHILIP LANDRIGAN, MD, MSc;
RICHARD LEMEN, PhD, MSPH; and CELESTE MONFORTON,
DrPH, MPH.

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENC, 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, Asbestos Disease Awareness Organization, American Public
Health Association, Center for Environmental Health, Environmental Information
Association, Safer Chemicals Healthy Families - A Program of Toxic-Free Future,
Vermont Public Interest Research Group, Barry Castleman, ScD, Raja Flores,

MD, Arthur Frank, MD, PhD, Philip Landrigan, MD, MSc, Richard Lemen, PhD, MSPH, and Celeste Monforton, DrPH, MPH hereby petition for review of a final risk evaluation and order by Respondent United States Environmental Protection Agency (EPA), determining the risks of certain conditions of use of chrysotile asbestos fibers but declining to consider the risks of other asbestos fibers, conditions of use, health effects and pathways of exposure that impact public health.

EPA published a notice of availability for the final risk evaluation and order for asbestos in the Federal Register on January 4, 2021 (86 Fed. Reg. 89). The final risk evaluation and order were accordingly “issue[d]” for purposes of judicial review on January 18, 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/assessing-and-managing-chemicals-under-tsca/final-risk-evaluation-asbestos-part-1-chrysotile>) is attached as Exhibit 1.

Petitioners Asbestos Disease Awareness Organization, Center for Environmental Health and Safer Chemicals Healthy Families all have principal places 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

Respectfully submitted January 26, 2021,

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CORPORATE DISCLOSURE STATEMENT

Petitioners Asbestos Disease Awareness Organization, American Public Health Association, Center for Environmental Health, Environmental Information Association, Safer Chemicals Healthy Families, 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.

Respectfully submitted this 26th day of January, 2021

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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 January 26, 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.

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