

**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](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,

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## **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 1<sup>st</sup> day of February 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 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.

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