

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

ENVIRONMENTAL DEFENSE FUND,  
SIERRA CLUB, and ENVIRONMENTAL  
WORKING GROUP,

*Petitioners,*

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and JANE  
NISHIDA, Acting Administrator, United  
States Environmental Protection Agency,

*Respondents.*

No. \_\_\_\_\_

**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, Petitioners Environmental Defense Fund, Sierra Club, and Environmental Working Group hereby petition the Court for review of a final risk evaluation and order by Respondent United States Environmental Protection Agency (“EPA”). EPA determined that the chemical 1,4-dioxane does not present an unreasonable risk of injury to health or the environment under certain conditions of use and declined to consider certain uses and pathways through which the public, including Petitioners’ members, are exposed or face risk of exposure 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 (at 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. §§ 2605(i)(1),

2618(a). 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 January 19, 2021, at <[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 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 principal places of business of Petitioners Environmental Defense Fund and Environmental Working Group are not within this Circuit, but pursuant to Federal Rule of Appellate Procedure 15(a)(1), their interests make joinder to this petition practicable.

January 25, 2021

Respectfully submitted,

By:           s/Matthew D. Zinn

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