

**IN THE UNITED STATES COURT OF APPEALS FOR THE  
FIFTH CIRCUIT**

American Public Health Association; Collegium Ramazzini;  
IAFF Local F-116 (Vandenberg Professional Firefighters);  
IAFF Local F-253 (Fort Myer Professional Firefighters); The  
FealGood Foundation; Henry A. Anderson, MD; Brad Black,  
MD; Barry Castleman, ScD; Raja Flores, MD; Arthur Frank,  
MD, PhD; Phil Landrigan, MD, MSc; Richard Lemen, PhD,  
MSPH; Steven Markowitz, MD, DrPH; Jacqueline Moline,  
MD, MSc; Celeste Monforton, DrPH, MPH; Christine Oliver,  
MD, MPH, MSc; Dan Whu, MD, MPH (International  
Association of Fire Fighters); and Andrea Wolf, MD, MPH.

*Petitioners,*

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENC, and MICHAEL  
REGAN, 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, American Public Health Association, Collegium Ramazzini,  
IAFF Local F-116 (Vandenberg Professional Firefighters), IAFF Local F-253 (Fort

Myer Professional Firefighters), The FealGood Foundation, Henry A. Anderson, MD, Brad Black, MD, Barry Castleman, ScD, Raja Flores, MD, Arthur Frank, MD, PhD, Phil Landrigan, MD, MSc Richard Lemen, PhD, MSPH, Steven Markowitz, MD, DrPH, Jacqueline Moline, MD, MSc, Celeste Monforton, DrPH, MPH, Christine Oliver, MD, MPH, MSc, Dan Whu, MD, MPH (International Association of Fire Fighters), and Andrea Wolf, MD, MPH, hereby petition for review of a final rule promulgated by Respondent United States Environmental Protection Agency (EPA) under section 6(a) of the Toxic Substances Control Act (TSCA). 15 U.S.C. § 2605(a). The rule is entitled *Asbestos Part 1; Chrysotile Asbestos: Regulation of Certain Conditions of Use Under the Toxic Substances Control Act* and was published at 89 Federal Register 21970 (March 28, 2024). The rule was “issue[d]” for purposes of judicial review on April 11, 2024. 40 C.F.R. § 23.5(a). A copy of the rule is attached to this petition.

The EPA rule for which Petitioners seek review is the subject of five previously filed petitions for review consolidated before this Court as *Texas Chemistry Council v. EPA*, No. 24-60193. One of these petitions was filed by the Asbestos Disease Awareness Organization (ADAO), filed on April 19, 2024. After their petition is docketed, Petitioners intend to move to consolidate it with the currently consolidated cases before the Court and to collaborate with ADAO in briefing and arguing the issues.

Petitioner Celeste Monforton resides within this Circuit. This Court accordingly has jurisdiction to review EPA's rule pursuant to 15 U.S.C. § 2618(a)(1)(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,

/s/Robert M. Sussman  
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## **CERTIFICATE OF INTERESTED PARTIES**

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made so that the judges of this court may evaluate possible disqualification or recusal.

- (1) Robert M. Sussman, Sussman & Associates (counsel for petitioners)
- (2) Henry A. Anderson, MD (petitioner)
- (3) Brad Black, MD (petitioner)
- (4) Barry Castleman, ScD (petitioner)
- (5) Raja Flores, MD (petitioner)
- (6) Arthur Frank, MD, PhD (petitioner)
- (7) Phil Landrigan, MD, MSc (petitioner)
- (8) Richard Lemen, PhD, MSPH (petitioner)
- (9) Steven Markowitz, MD, DrPH (petitioner)
- (10) Jacqueline Moline, MD, MSc (petitioner)
- (11) Celeste Monforton, DrPH, MPH (petitioner)
- (12) Christine Oliver, MD, MPH, MSc (petitioner)
- (13) Dan Whu, MD, MPH (International Association of Fire Fighters)  
(petitioner)
- (14) Andrea Wolf, MD, MPH (petitioner)

- (15) American Public Health Association (petitioner)
- (16) Collegium Ramazzini (petitioner)
- (17) IAFF Local F-116 (Vandenberg Professional Firefighters)(petitioner)
- (18) IAFF Local F-253 (Fort Myer Professional Firefighters)(petitioner)
- (19) The FealGood Foundation (petitioner)
- (20) Asbestos Disease Awareness Organization (ADAO)  
(petitioner in No. 24-60193)
- (21) Linda Reinstein (President ADAO)
- (22) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,  
Allied Industrial and Service Workers International Union, AFL-  
CIO/CLC (USW) (petitioner in No. 24-60193)
- (23) Occupational Safety & Health Law Project, LLC (Counsel for USW)
- (24) Randy S. Rabinowitz (Counsel for USW)
- (25) Victoria L. Bor (Counsel for USW)
- (26) Nathan Finch (Counsel for USW)
- (27) Motley Rice (Counsel for USW)
- (28) Texas Chemistry Council (TCC) (petitioner in No. 24-60193)
- (29) Baker Botts L.L.P. (TCC Counsel)
- (30) Carter, Beau (TCC Counsel)
- (31) Aaron M. Streett (TCC counsel)
- (32) American Chemistry Council (ACC) (Petitioner in No. 24-60193)
- (33) Georgia Chemistry Council (GCC) (Petitioner in No. 24-60193)

- (34) Crowell and Moring (Counsel for ACC and GCC)
- (35) David Chung (Counsel for ACC and GCC)
- (36) Warren Lehrenbaum (Counsel for ACC and GCC)
- (37) Ohio Chemistry Technology Council (OCTC) (petitioner in No. 24-60193)
- (38) Robert J. Karl(counsel for OCTC)
- (39) United States Environmental Protection Agency (Respondent)
- (40) Regan, Michael S., Administrator, United States Environmental Protection Agency (Respondent)
- (41) Garland, Merrick B., Attorney General, United States Department of Justice (Respondents' Counsel)
- (42) Todd Kim, Assistant Attorney General, US Department of Justice (Respondents' Counsel)
- (43) Laura Glickman, US Department of Justice (Respondents' Counsel)
- (44) Prieto, Jeffrey M. (General Counsel for Respondent United States Environmental Protection)

Respectfully Submitted,

/s/ Robert M. Sussman

Robert M. Sussman

*Counsel for Petitioners*

## **CERTIFICATE OF SERVICE**

I hereby certify that I have caused the foregoing petition for review to be served on respondents Environmental Protection Agency and Michael Regan by delivering copies to them at US Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W. Washington, DC 20460 and by emailing the petition to the Office of General Counsel and the Agency's counsel at the Department of Justice.

/s/Robert M. Sussman  
ROBERT M. SUSSMAN