

**NOTICE TO THE
UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
OF MULTICIRCUIT PETITIONS FOR REVIEW**

IN RE: Environmental Protection Agency,) MCP No. _____
Asbestos Part 1; Chrysotile Asbestos; Regulation)
of Certain Conditions of Use Under the Toxic)
Substances Control Act (TSCA),)
89 Fed. Reg. 21970 (Mar. 28, 2024))

Pursuant to 28 U.S.C. § 2112(a)(3) and the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the Environmental Protection Agency (“EPA”) hereby notifies the United States Judicial Panel on Multidistrict Litigation of four petitions for review of the same final agency action, which were filed in three different courts of appeal within 10 days after issuance of the agency action and received by EPA from the petitioners within the applicable ten-day period. The final agency action is entitled “Asbestos Part 1; Chrysotile Asbestos; Regulation of Certain Conditions of Use Under the Toxic Substances Control Act (TSCA)” (the “Asbestos Part 1 Final Rule”) and was issued by EPA on March 28, 2024. The Asbestos Part 1 Final Rule was published in the Federal Register at 89 Fed. Reg. 21970.

Respectfully submitted,

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s/ Laura J. Glickman
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Attorneys for Respondent EPA

Schedule of Actions Required by Rule 25.2

- A. Date of Federal Register publication of Asbestos Part 1 Final Rule: March 28, 2024.
- B. EPA received the following petitions for reviews, which meet the criteria set forth in 28 U.S.C. § 2112(a) for random selection by the United States Panel on Multidistrict Litigation:

Case Name	Circuit Court	Docket Number	Filing Date	Date Received by EPA
<i>United Steel, et al. v. EPA</i>	D.C. Circuit	24-1089	4/19/2024	4/19/2024
<i>Asbestos Disease Awareness Org., v. EPA, et al.</i>	D.C. Circuit	24-1090	4/19/2024	4/22/2024
<i>Texas Chemistry Council v. EPA</i>	Fifth Circuit	24-60193	4/19/2024	4/22/2024
<i>Am. Chemistry Council, et al. v. EPA</i>	Eleventh Circuit	24-11206	4/18/2024	4/19/2024

One additional petition was filed challenging the Asbestos Part 1 Rule, however that petition did not meet the Section 2112 criteria for random selection by the United States Panel on Multidistrict Litigation. Specifically, EPA did not receive a copy of the petition for review filed in *Ohio Chemistry Tech. Council v. U.S. EPA*, No. 24-3325 (6th Cir.) from the petitioners in that case by April 22, 2024, which is the end of the applicable ten-day period.

Proof of Service

I hereby certify that on May 3, 2024, I have directed that copies of the foregoing Notice to the United States Panel on Multidistrict Litigation of Multicircuit Petitions for Review be sent by FedEx to the Clerks of the United States Courts of Appeals for the Fifth, Sixth, Eleventh, and District of Columbia Circuits:

Lyle W. Cayce
Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130-3408

Kelly L. Stephens
Clerk of Court
U.S. Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, OH 45202-3988

David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
John C. Godbold Federal Building
Court of Appeals Administrative Offices
96 Poplar Street, NW
Atlanta, GA 30303

Mark Langer
Clerk of Court
U.S. Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001-2866

In addition, I have served the following counsel for petitioners via email and directed that copies be sent via first class mail:

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