

No. 24-1191

United States Court of Appeals
District of Columbia Circuit

NATIONAL ASSOCIATION OF MANUFACTURERS *and*
AMERICAN CHEMISTRY COUNCIL,
Petitioners,

- v. -

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY *and*
MICHAEL S. REGAN, *in his official capacity as EPA Administrator,*
Respondents.

PETITION FOR REVIEW

The National Association of Manufacturers and American Chemistry Council hereby petition for review of a final rule issued by the U.S. Environmental Protection Agency under the Safe Drinking Water Act. The rule is entitled *PFAS National Primary Drinking Water Regulation*, 89 Fed. Reg. 32,532 (Apr. 26, 2024) (the Final Rule). A copy of the Final Rule is attached as Exhibit A.

This petition is filed pursuant to 42 U.S.C. § 300j-7(a)(1), Federal Rule of Appellate Procedure 15(a), and this Court's local Rule 15.

For reasons that will be more fully developed in their merits briefing to the Court, petitioners challenge the Final Rule on the grounds that it exceeds the

agency's authority under the Safe Drinking Water Act of 1974 (42 U.S.C. § 300g *et seq.*); it is arbitrary, capricious, and an abuse of discretion; and it was promulgated without observance of procedures required by law. Petitioners seek an order vacating the Final Rule and setting it aside.

Jurisdiction and venue are proper in this Court under 5 U.S.C. §§ 702, 703 and 42 U.S.C. § 300j-7(a)(1). This filing is timely because it is made within the 45-day period established by 42 U.S.C. § 300j-7(a)(2).

Dated: June 10, 2024

Respectfully submitted,

/s/ Michael B. Kimberly

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CORPORATE DISCLOSURE STATEMENT

The National Association of Manufacturers and American Chemistry Council both are nonprofit, tax-exempt organizations located in the District of Columbia. Neither has a parent corporation or issues stock.

Dated: June 10, 2024

/s/ Michael B. Kimberly

CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 15(c), I certify that on June 10, 2024, I caused a true and correct copy of the foregoing Petition for Review to be served by email to the EPA Chief Counsel and by certified mail to all physical addresses:

Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Michael S. Regan, in his official capacity as EPA Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dated: June 10, 2024

/s/ Michael B. Kimberly