

June 25, 2025

## **TSCA Section 6 Risk Management Rule (RMR) Litigation**

### **Asbestos RMR Litigation**

- Case Name: *Texas Chemistry Council v. EPA*, Case No. 24-60193 (5th Cir.)
- Circuit: The seven petitions for review challenging the final RMR for asbestos were consolidated in the U.S. Court of Appeals for the Fifth Circuit.
- Updates: On June 16, 2025, EPA moved for continuance of abeyance for six months, as EPA “will conduct a rulemaking to assess the challenged rule.” Five petitioners did not oppose EPA’s motion, one petitioner took no position, and one petitioner opposed.

### **Carbon Tetrachloride (CTC) RMR Litigation**

- Case Name: *Olin Corporation v. EPA*, Case No. 25-1014 (8th Cir.)
- Circuit: The eight petitions for review filed challenging the final CTC RMR were consolidated in the U.S. Court of Appeals for the Eighth Circuit.
- Updates: On April 3, 2025, the Eighth Circuit granted EPA’s motion to extend the abeyance in the case until June 2, 2025. EPA has since requested that the court continue to hold the case in abeyance while it continues to decide whether to reconsider the challenged rule.

### **Trichloroethylene (TCE) RMR Litigation**

- Case Name: *United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, v. EPA*, Case No. 25-1055 (3rd Cir.)
- Circuit: The 13 petitions for review filed challenging the final TCE RMR were consolidated in the U.S. Court of Appeals for the Third Circuit.
- Updates: On March 28, 2025, the Third Circuit granted the labor and environmental petitioners’ request to lift the administrative stay in the case. EPA has announced, however,

that it will delay the workplace requirements for critical uses of TCE. On May 27, 2025, EPA filed a motion requesting that the court hold the case in abeyance indefinitely while EPA conducts a rulemaking to reassess the final TCE RMR. The court has not yet issued a decision on EPA's motion.

### **Perchloroethylene (PCE) RMR Litigation**

- Case Name: *FabriClean Supply and Technical Chemical Company, Inc. v. EPA*, Case No. 25-60006 (5th Cir.)
- Circuit: The six petitions for review challenging the final PCE RMR were consolidated in the U.S. Court of Appeals for the Fifth Circuit.
- Updates: On May 12, 2025, EPA requested that the court hold the case in abeyance while EPA conducts a rulemaking to reassess the final PCE RME. Three petitioners opposed EPA's request for an indefinite abeyance, raising concerns that regulated entities will remain subject to the PCE RMR during the abeyance and EPA's proposed revision to the PCE rule. On May 23, 2025, the Fifth Circuit denied EPA's motion to stay proceedings indefinitely, but granted an additional 90-day stay, stating that the court expects the parties to resolve the matter by **August 21, 2025**, or proceed with the appeal.

### **Methylene Chloride RMR Litigation**

- Case Name: *East Fork Enterprises v. EPA*, Case No. 24-60227 (5th Cir.)
- Circuit: The three petitions for review challenging the final methylene chloride RMR were consolidated in the U.S. Court of Appeals for the Fifth Circuit.
- Updates: The Fifth Circuit heard oral arguments in the case challenging the final methylene chloride RMR on June 3, 2025. Though the court had rejected a previous request by EPA to hold the case in abeyance while it determined whether to reconsider the final rule, EPA had indicated to the court that it would not defend two provisions in the final rule pertaining to EPA's decision to make a singular risk determination for the chemical substance as a whole and its assumptions regarding the use of personal protective equipment (PPE).