

UNITED STATES JUDICIAL PANEL

on

MULTIDISTRICT LITIGATION

IN RE: ENVIRONMENTAL PROTECTION AGENCY,
PERCHLOROETHYLENE (PCE); REGULATION
UNDER THE TOXIC SUBSTANCES CONTROL ACT
(TSCA), 89 FED. REG. 103560, PUBLISHED ON
DECEMBER 18, 2024

MCP No. 194

(SEE ATTACHED SCHEDULE)

CONSOLIDATION ORDER

The Environmental Protection Agency issued a final rule, which was published in the Federal Register on December 18, 2024. The Panel received, pursuant to 28 U.S.C. § 2112(a) (3), a notice of multicircuit petitions for review of that order on January 17, 2025. The notice included petitions for review pending in the following five circuit courts of appeal: Fifth Circuit, Sixth Circuit, Eighth Circuit, Ninth Circuit, and Eleventh Circuit.

The Panel has randomly selected the United States Court of Appeals for the Fifth Circuit in which to consolidate these petitions for review.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the petitions on the attached schedule are consolidated in the United States Court of Appeals for the Fifth Circuit, and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure.

FOR THE PANEL:



Tanasia E. Owens, Case Administrator,
Random Selector



Ajonee A. Miller, Case Administrator,
Witness

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SCHEDULE OF PETITIONS

CIRCUIT NO.

CASE CAPTION

Fifth Circuit, No. 25-60006

FabriClean Supply and Technical Chemical
Company v. United States Environmental
Protection Agency

Sixth Circuit, No. 25-3012

Ohio Chemistry Technology Council v. United
States Environmental Protection Agency

Eighth Circuit, No. 25-1013

Olin Corporation v. United States
Environmental Protection Agency, et al.

Ninth Circuit, No. 25-160

Center for Environmental Health v. United
States Environmental Protection Agency, et al.

Eleventh Circuit, No. 25-10028

American Chemistry Council, et al. v. United
States Environmental Protection Agency