

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA, et al.,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Respondents.

Case No. 24-1193 and
consolidated cases

MOTION TO GOVERN

Respondents the United States Environmental Protection Agency and Administrator Lee Zeldin (“EPA”) respectfully move the Court to lift the abeyance and order the parties to propose an amended briefing schedule by September 30, 2025. EPA has reviewed the underlying rule and has decided to keep the Rule in place. *See* Att. A, Evans Decl. ¶ 11.

Petitioners and Respondent-Intervenors in these consolidated cases do not oppose this motion. In support of this motion, EPA states as follows:

1. Petitioners seek review of an EPA final rule titled “Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances,” 89 Fed. Reg. 39124 (May 8, 2024) (“Rule”).

2. On October 1, 2024, the Court entered a briefing schedule and format for these consolidated cases. Doc. No. 2077702.

3. Consistent with the Court's order, Petitioners filed their opening brief on November 4, 2024, EPA filed its response brief on January 17, 2025, and Respondent-Intervenors filed their brief on February 13, 2025. *See id.*; Doc. Nos. 2083600, 2094951, 2100646.

4. Before briefing completed, on February 24, 2025, the Court granted EPA's motion to hold the case in abeyance pending new EPA leadership's review of the Rule. Doc. No. 2102403. Since then, the Court has granted EPA's motions to continue the abeyance to allow additional time for EPA to review the Rule, the issues presented in this case, and to develop EPA's position on how to proceed in this litigation. *See, e.g.*, Doc. No. 2130679.

5. EPA has completed its review and has decided to keep the Rule in place. Evans Decl. ¶ 11.

6. The parties now need to complete briefing. Petitioners' joint reply brief (not to exceed 8,500 words), a deferred appendix, and the parties' final briefs remain to be filed. *See* Doc. No. 2077702. And the briefing deadlines established in the Court's October 1, 2024, order have now passed. *Id.* Thus, EPA requests that the Court order the parties to propose an amended briefing schedule by September 30, 2025, to complete briefing these consolidated cases.

Respectfully submitted,

DATED: September 17, 2025

ADAM R.F. GUSTAFSON

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/s/ Jin Hyung Lee

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CERTIFICATES OF COMPLIANCE AND SERVICE

This document complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 336 words.

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On September 17, 2025, I filed the foregoing with the Court's CM/ECF system, which will notify each party.

/s/ Jin Hyung Lee
JIN HYUNG LEE