

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

TEXAS CHEMISTRY
COUNCIL, *et al.*

Petitioners,

v.

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

Respondents.

Nos. 24-60193, 24-60281, 24-
60333 (consolidated)

**NOTICE OF WITHDRAWAL OF
MOTION TO HOLD CASE IN ABEYANCE**

Respondent Environmental Protection Agency (“EPA”) hereby withdraws its Motion to Hold Case In Abeyance and respectfully requests that the Court set an August 8, 2025 deadline for filing Motions to Govern Further Proceedings.

1. On February 14, 2025, the Court granted EPA’s Motion to Hold Case In Abeyance for 120 days to allow new Agency leadership to review the challenged rule regulating asbestos. Doc. No. 182-1.

2. On June 16, 2025, EPA filed a Motion to Hold Case In Abeyance for an additional six months while the Agency reconsiders the challenged rule via notice-and-comment rulemaking. Doc. No. 201-1.

3. On June 18, 2025, Petitioner Asbestos Disease Awareness Organization filed an Opposition to the Motion. Doc. No. 202.
4. On June 23, 2025, the Court requested that EPA file a reply to the Opposition by June 27, 2025 at 12 p.m. CST. Doc. No. 207.
5. On June 25, 2025, the Court granted EPA's request for an extension of the deadline to file a reply to July 7, 2025. Doc. No. 210.
6. In lieu of a reply, EPA is withdrawing the Motion to Hold Case In Abeyance (Doc. No. 201-1).
7. Since EPA filed its Motion to Hold Case in Abeyance, the Agency has further reconsidered the challenged rule and no longer intends to conduct notice-and-comment rulemaking to evaluate potential changes at this time. *See* Decl. of Lynn Dekleva, ¶ 8.

In light of the withdrawal of the Motion To Hold Case In Abeyance, EPA respectfully requests that the Court set a deadline of August 8, 2025 for filing Motions to Govern Further Proceedings.

Dated: July 7, 2025

Respectfully submitted,

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