

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ENVIRONMENTAL DEFENSE FUND,
CENTER FOR ENVIRONMENTAL
HEALTH, ENVIRONMENTAL HEALTH
STRATEGY CENTER, NATURAL
RESOURCES DEFENSE COUNCIL, and
SIERRA CLUB,

Plaintiffs,

v.

ANDREW WHEELER, in his official
capacity as Administrator, U.S.
Environmental Protection Agency; and U.S.
ENVIRONMENTAL PROTECTION
AGENCY,

Defendants.

Case No. 20-cv-762

Answer to First Amended Complaint

Defendants (collectively, EPA) answer plaintiffs' First Amended Complaint, ECF No. 16:¹

Introduction

1. The allegations in paragraph 1 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

¹ Topic headings are from the complaint and incorporated here solely for ease of reference. Their use does not constitute any admission by EPA.

2. The allegations in the first sentence of paragraph 2 consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. In response to the allegations in the last two sentences, EPA admits that plaintiffs have requested information about certain new chemicals being reviewed by EPA and that some of that information has not been provided to the plaintiffs. The remaining allegations state legal conclusions that require no response. They also consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
3. In response to paragraph 3, EPA incorporates paragraph 2 from its answer to the original complaint, ECF No. 14 (the original answer).
4. The allegations in the first sentence of paragraph 4 consists of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them. In response to the remaining allegations, EPA incorporates paragraph 3 from the original answer.
5. In response to paragraph 5, EPA incorporates paragraph 4 from the original answer.
6. In response to paragraph 6, EPA incorporates paragraph 5 from the original answer.
7. In response to paragraph 7, EPA incorporates paragraph 6 from the original answer.
8. In response to paragraph 8, EPA incorporates paragraph 7 from the original answer.
9. In response to paragraph 9, EPA incorporates paragraph 8 from the original answer.
10. In response to paragraph 10, EPA incorporates paragraph 9 from the original answer.

Jurisdiction and venue

11. In response to paragraph 11, EPA incorporates paragraph 10 from the original answer.
12. In response to paragraph 12, EPA incorporates paragraph 11 from the original answer.

13. In response to paragraph 13, EPA incorporates paragraph 12 from the original answer.

Parties

14. In response to paragraph 14, EPA incorporates paragraph 13 from the original answer.

15. In response to paragraph 15, EPA incorporates paragraph 14 from the original answer.

16. In response to paragraph 16, EPA incorporates paragraph 15 from the original answer.

17. In response to paragraph 17, EPA incorporates paragraph 16 from the original answer.

18. In response to paragraph 18, EPA incorporates paragraph 17 from the original answer.

19. In response to paragraph 19, EPA incorporates paragraph 18 from the original answer.

Legal frame work

20. In response to paragraph 20, EPA incorporates paragraph 19 from the original answer.

21. In response to paragraph 21, EPA incorporates paragraph 20 from the original answer.

22. In response to paragraph 22, EPA incorporates paragraph 21 from the original answer.

23. In response to paragraph 23, EPA incorporates paragraph 22 from the original answer.

24. In response to paragraph 24, EPA incorporates paragraph 23 from the original answer.

25. In response to paragraph 25, EPA incorporates paragraph 24 from the original answer.

26. In response to paragraph 26, EPA incorporates paragraph 25 from the original answer.

27. In response to paragraph 27, EPA incorporates paragraph 26 from the original answer.

28. In response to paragraph 28, EPA incorporates paragraph 27 from the original answer.

29. The allegations in paragraph 29 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

30. In response to paragraph 30, EPA incorporates paragraph 28 from the original answer.

31. In response to paragraph 31, EPA incorporates paragraph 29 from the original answer.

32. In response to paragraph 32, EPA incorporates paragraph 30 from the original answer.

33. In response to paragraph 33, EPA incorporates paragraph 31 from the original answer.

34. In response to paragraph 34, EPA incorporates paragraphs 32 and 33 from the original answer.

35. In response to paragraph 35, EPA incorporates paragraph 34 from the original answer.

36. In response to paragraph 36, EPA incorporates paragraph 35 from the original answer.

37. In response to paragraph 37, EPA incorporates paragraph 36 from the original answer.

38. In response to paragraph 38, EPA incorporates paragraph 37 from the original answer.

39. In response to paragraph 39, EPA incorporates paragraph 38 from the original answer.

Factual background

40. In response to the first, second, and fourth sentences of paragraph 40, EPA incorporates paragraph 39 from the original answer. The allegations in the third sentence consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. They also state legal conclusions that require no response.

41. In response to paragraph 41, EPA incorporates paragraph 40 from the original answer.

42. In response to paragraph 42, EPA incorporates paragraph 41 from the original answer.

43. In response to paragraph 43, EPA incorporates paragraph 42 from the original answer.

44. In response to paragraph 44, EPA incorporates paragraph 43 from the original answer.

45. In response to paragraph 45, EPA incorporates paragraph 44 from the original answer.

46. In response to paragraph 46, EPA incorporates paragraph 45 from the original answer.

47. In response to paragraph 47, EPA incorporates paragraph 46 from the original answer.

48. In response to paragraph 48, EPA incorporates paragraph 47 from the original answer.

49. In response to paragraph 49, EPA incorporates paragraph 48 from the original answer.

50. In response to paragraph 50, EPA incorporates paragraph 49 from the original answer.

51. In response to paragraph 51, EPA incorporates paragraph 50 from the original answer.

52. In response to paragraph 52, EPA incorporates paragraph 51 from the original answer.

53. In response to paragraph 53, EPA incorporates paragraph 52 from the original answer.

54. In response to paragraph 54, EPA incorporates paragraph 53 from the original answer.

55. The allegations in paragraph 55 characterize the National Defense Authorization Act for

Fiscal Year 2020, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

56. In response to paragraph 56, EPA incorporates paragraph 54 from the original answer.

57. In response to paragraph 57, EPA incorporates paragraph 55 from the original answer.

58. In response to paragraph 58, EPA incorporates paragraph 56 from the original answer.

59. In response to paragraph 59, EPA incorporates paragraph 57 from the original answer.

60. In response to paragraph 60, EPA incorporates paragraph 58 from the original answer.

61. In response to paragraph 61, EPA incorporates paragraph 59 from the original answer.

62. In response to paragraph 62, EPA incorporates paragraph 60 from the original answer.

63. In response to paragraph 63, EPA incorporates paragraph 61 from the original answer.

64. In response to paragraph 64, EPA incorporates paragraph 62 from the original answer.

65. In response to paragraph 65, EPA incorporates paragraph 63 from the original answer.

66. In response to paragraph 66, EPA incorporates paragraph 64 from the original answer.

67. In response to paragraph 67, EPA incorporates paragraph 65 from the original answer.

68. In response to paragraph 68, EPA incorporates paragraph 66 from the original answer.

69. In response to paragraph 69, EPA incorporates paragraph 67 from the original answer.

70. In response to paragraph 70, EPA incorporates paragraph 68 from the original answer.

71. In response to paragraph 71, EPA incorporates paragraph 69 from the original answer.
72. In response to paragraph 72, EPA incorporates paragraph 70 from the original answer.
73. In response to paragraph 73, EPA incorporates paragraph 71 from the original answer.
74. In response to paragraph 74, EPA incorporates paragraph 72 from the original answer.
75. In response to paragraph 75, EPA incorporates paragraph 73 from the original answer.
76. In response to paragraph 76, EPA incorporates paragraph 74 from the original answer.
77. In response to paragraph 77, EPA incorporates paragraph 75 from the original answer.
78. In response to paragraph 78, EPA incorporates paragraph 76 from the original answer.
79. In response to paragraph 79, EPA incorporates paragraph 77 from the original answer.
80. In response to paragraph 80, EPA incorporates paragraph 78 from the original answer.
81. In response to paragraph 81, EPA incorporates paragraph 79 from the original answer.
82. In response to paragraph 82, EPA incorporates paragraph 80 from the original answer.
83. In response to paragraph 83, EPA incorporates paragraph 81 from the original answer.
84. In response to paragraph 84, EPA incorporates paragraph 82 from the original answer.
85. In response to paragraph 85, EPA incorporates paragraph 83 from the original answer.
86. In response to paragraph 86, EPA incorporates paragraph 84 from the original answer.
87. In response to paragraph 87, EPA incorporates paragraph 85 from the original answer.
88. The allegations in the first sentence of paragraph 88 state legal conclusions that require no response. EPA admits the allegation in the second sentence. The remaining allegations characterize Federal Register notices for the PMNs listed in Table 1, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the notices, EPA denies them. In addition, the

allegations in the third sentence consist of vague and ambiguous characterizations and expressions of opinion, and EPA lacks sufficient information to admit or deny them.

89. In response to paragraph 89, EPA admits that since TSCA was amended in 2016, a notice of receipt of a PMN has not been published in the Federal Register within five business days of the PMN's receipt.

90. In response to paragraph 90, EPA incorporates paragraph 87 from the original answer.

91. The allegations in paragraph 91 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

92. In response to paragraph 92, EPA incorporates paragraph 88 from the original answer.

93. In response to paragraph 93, EPA incorporates paragraph 89 from the original answer.

94. The allegations in the first sentence of paragraph 94 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

95. The allegations in paragraph 95 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

96. The allegations in the first sentence of paragraph 96 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The remaining allegations characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them. They also consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

97. In response to paragraph 97, EPA incorporates paragraph 91 from the original answer.
98. The allegations in the first sentence of paragraph 98 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. In response to the remaining sentences, EPA incorporates paragraph 92 from the original answer.
99. EPA admits the allegations in the first sentence of paragraph 99. The remaining allegations characterize documents on the CDs that plaintiffs received, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the documents, EPA denies them.
100. EPA admits the allegations in the first sentence of paragraph 100. EPA lacks sufficient information to admit or deny the allegations in the second sentence. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.
101. In response to paragraph 101, EPA incorporates paragraph 94 from the original answer.
102. In response to paragraph 102, EPA incorporates paragraph 95 from the original answer.
103. In response to paragraph 103, EPA incorporates paragraph 96 from the original answer.
104. The allegations in the first sentence of paragraph 104 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. In response to the allegations in the second sentence, EPA admits that it assembles a public file upon request, and the public file does not include information claimed as confidential by the submitter.
105. In response to the allegations in paragraph 105, EPA admits that it generally provides only the most recent version of the PMN if the requestor does specifically ask for prior

versions, and does not provide correspondence if the requestor does not specifically ask for correspondence. The remaining allegations consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

106. The allegations in the first sentence of paragraph 106 characterize EPA's responses to requests for public files, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the responses, EPA denies them. The remaining allegations state legal conclusions that require no response.

107. In response to paragraph 107, EPA incorporates paragraph 98 from the original answer.

108. In response to paragraph 108, EPA incorporates paragraph 99 from the original answer.

109. In response to paragraph 109, EPA incorporates paragraph 100 from the original answer.

110. In response to paragraph 110, EPA incorporates paragraphs 101 and 102 from the original answer.

111. In response to paragraph 111, EPA incorporates paragraph 103 from the original answer.

112. In response to paragraph 112, EPA incorporates paragraph 104 from the original answer.

113. In response to paragraph 113, EPA incorporates paragraph 105 from the original answer.

114. In response to paragraph 114, EPA incorporates paragraph 106 from the original answer.

115. In response to paragraph 115, EPA incorporates paragraph 107 from the original answer.

116. In response to paragraph 116, EPA incorporates paragraph 108 from the original answer.

117. In response to paragraph 117, EPA incorporates paragraph 109 from the original answer.

118. In response to paragraph 118, EPA incorporates paragraph 110 from the original answer.

119. In response to paragraph 119, EPA incorporates paragraph 111 from the original answer.

120. In response to paragraph 120, EPA incorporates paragraph 112 from the original answer.

121. In response to paragraph 121, EPA incorporates paragraph 113 from the original answer.

122. In response to paragraph 122, EPA incorporates paragraph 114 from the original answer.

123. In response to paragraph 123, EPA incorporates paragraph 115 from the original answer.

124. In response to paragraph 124, EPA incorporates paragraph 116 from the original answer.

125. In response to paragraph 125, EPA incorporates paragraph 117 from the original answer.

126. In response to paragraph 126, EPA incorporates paragraph 118 from the original answer.

127. In response to paragraph 127, EPA incorporates paragraph 119 from the original answer.

128. In response to paragraph 128, EPA incorporates paragraph 120 from the original answer.

129. In response to paragraph 129, EPA incorporates paragraph 121 from the original answer.

130. In response to paragraph 130, EPA incorporates paragraph 122 from the original answer.

131. The allegations in the first sentence of paragraph 131 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The allegations in the second and third sentences characterize the complaint and the public files of the PMNs listed in the complaint, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the PMNs and their associated records or with the public files, EPA denies them. The remaining allegations state legal conclusions that require no response.

132. In response to paragraph 132, EPA incorporates paragraph 124 from the original answer.

133. In response to paragraph 133, EPA incorporates paragraph 125 from the original answer.

134. In response to paragraph 134, EPA incorporates paragraph 126 from the original answer.

135. In response to paragraph 135, EPA incorporates paragraph 127 from the original answer.

136. In response to paragraph 136, EPA incorporates paragraph 128 from the original answer.

137. In response to paragraph 137, EPA incorporates paragraph 129 from the original answer.

138. In response to paragraph 138, EPA incorporates paragraph 130 from the original answer.

139. In response to paragraph 139, EPA incorporates paragraph 131 from the original answer.

140. In response to paragraph 140, EPA incorporates paragraph 132 from the original answer.

141. In response to paragraph 141, EPA incorporates paragraph 133 from the original answer.

142. In response to paragraph 142, EPA incorporates paragraph 134 from the original answer.

143. In response to paragraph 143, EPA incorporates paragraph 135 from the original answer.

Claims for relief

Count I

144. In response to paragraph 144, EPA incorporates its responses to paragraphs 1 to 143.

145. The allegations in paragraph 145 characterize the Toxic Substances Control Act, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the Act, EPA denies them.

146. EPA denies the allegations in the first sentence of paragraph 146. The remaining allegations characterize Federal Register notices, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the notices, EPA denies them.

147. In response to paragraph 147, EPA admits that the Federal Register notices listed in Table 1 were published more than 5 days after receipt of the underlying PMNs.

148. The allegations in paragraph 148 state legal conclusions that require no response.

149. The allegations in paragraph 149 state legal conclusions that require no response.

150. The allegations in paragraph 150 state legal conclusions that require no response.

Count II

151. In response to paragraph 151, EPA incorporates its responses to paragraphs 1 to 150.

152. The allegations in paragraph 152 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

153. The allegations in paragraph 153 characterize the files for the PMNs listed in Table 2, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the files, EPA denies them.

154. The allegations in paragraph 154 characterize Federal Register notices, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the notices, EPA denies them.

155. The allegations in paragraph 155 state legal conclusions that require no response.

156. The allegations in paragraph 156 state legal conclusions that require no response.

157. The allegations in paragraph 157 state legal conclusions that require no response.

Count III

158. In response to paragraph 158, EPA incorporates its responses to paragraphs 1 to 157.

159. The allegations in paragraph 159 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

160. EPA admits the allegations in paragraph 160.

161. The allegations in paragraph 161 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

162. The allegations in the first two sentences of paragraph 162 characterize Federal Register notices, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the notices, EPA denies them. In response to

the allegations in the last sentence, EPA admits that the notices of receipt listed in Table 3 were published more than 45 days after receipt of the underlying Test Market Exemption applications. The remaining allegations state legal conclusions that require no response.

163. In response to the allegations in paragraph 163, EPA admits that Test Market Exemption Application T-17-0002 was not published in the Federal Register. EPA also states that T-19-0001 was not an actual Test Market Exemption Application, but instead a dummy submission used to test EPA's electronic systems.

164. The allegations in paragraph 164 state legal conclusions that require no response.

165. The allegations in paragraph 165 state legal conclusions that require no response.

166. The allegations in paragraph 166 state legal conclusions that require no response.

Count IV

167. In response to paragraph 167, EPA incorporates its responses to paragraphs 1 to 166.

168. The allegations in paragraph 168 characterize the Toxic Substances Control Act and two regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

169. The allegations in paragraph 169 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them.

170. The allegations in paragraph 170 state legal conclusions that require no response.

171. The allegations in paragraph 171 state legal conclusions that require no response.

Count V

172. In response to paragraph 172, EPA incorporates its responses to paragraphs 1 to 171.

173. The allegations in paragraph 173 characterize the Toxic Substances Control Act and two regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

174. EPA admits the allegations in paragraph 174.

175. EPA admits the allegations in paragraph 175 that for each PMN listed in the first column of Table 5, the manufacturer that submitted the PMN application submitted the documents identified in the corresponding row of the second column of Table 5. The remaining allegations describe headings in plaintiffs' Table 5, and require no response.

176. The allegations in paragraph 176 state legal conclusions that require no response.

177. The allegations in paragraph 177 state legal conclusions that require no response.

178. EPA admits the allegations in paragraph 178 that it provided public files in response to plaintiffs' requests for the PMNs listed in Table 5 by the date identified in Table 5. The remaining allegations describe headings in plaintiffs' Table 5, and require no response.

179. The allegations in paragraph 179 characterize the public files of PMNs listed in Table 5, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the files, EPA denies them.

180. The allegations in paragraph 180 state legal conclusions that require no response.

181. The allegations in paragraph 181 state legal conclusions that require no response.

182. The allegations in paragraph 182 state legal conclusions that require no response.

183. The allegations in paragraph 183 state legal conclusions that require no response.

184. The allegations in paragraph 184 state legal conclusions that require no response.

185. The allegations in the first sentence of paragraph 185 characterize the public files of PMNs listed in Table 4, which speak for themselves and are the best evidence of their

content. To the extent the allegations are inconsistent with the files, EPA denies them.

The remaining allegations state legal conclusions that require no response.

Count VI

186. In response to paragraph 186, EPA incorporates its responses to paragraphs 1 to 185.

187. The allegations in paragraph 187 characterize the Toxic Substances Control Act and two regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulations, EPA denies them.

188. EPA admits the allegations in paragraph 188.

189. EPA admits the allegations in the first sentence of paragraph 189. The remaining allegations state legal conclusions that require no response.

190. The allegations in paragraph 190 state legal conclusions that require no response.

191. EPA admits the allegations in paragraph 191 that it provided the public files listed in Table 6 in response to plaintiffs' requests for those PMNs on the dates listed in Table 6. The remaining allegations describe headings in plaintiffs' Table 6, and require no response.

192. In response to the allegations in the first sentence of paragraph 192, EPA admits that in the public files it provided for the PMNs listed in Table 6, the safety data sheets for some PMNs were redacted or partially redacted, but states that others were not. The remaining allegations state legal conclusions that require no response.

193. The allegations in paragraph 193 state legal conclusions that require no response.

194. The allegations in paragraph 194 state legal conclusions that require no response.

195. The allegations in paragraph 195 state legal conclusions that require no response.

196. The allegations in paragraph 196 state legal conclusions that require no response.

Count VII

197. In response to paragraph 197, EPA incorporates its responses to paragraphs 1 to 196.

198. The allegations in paragraph 198 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

199. EPA admits the allegations in paragraph 199.

200. EPA denies the allegations in paragraph 200.

201. The allegations in paragraph 201 state legal conclusions that require no response.

202. EPA admits the allegations in paragraph 202 that it provided public files in response to plaintiffs' requests for the PMNs listed in Table 7 on or around the dates identified in Table 7. The remaining allegations describe headings in plaintiffs' Table 7, and require no response.

203. EPA denies the allegations in the first sentence of paragraph 203. The remaining allegations state legal conclusions that require no response.

204. The allegations in paragraph 204 state legal conclusions that require no response.

205. The allegations in paragraph 205 state legal conclusions that require no response.

206. The allegations in paragraph 206 state legal conclusions that require no response.

207. The allegations in paragraph 207 state legal conclusions that require no response.

Count VIII

208. In response to paragraph 208, EPA incorporates its responses to paragraphs 1 to 207.

209. The allegations in paragraph 209 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

210. EPA admits the allegations in paragraph 210.

211. EPA denies the allegations in paragraph 211.

212. The allegations in paragraph 212 state legal conclusions that require no response.

213. EPA admits the allegations in paragraph 213 that it provided public files in response to plaintiffs' requests for the PMNs listed in Table 8 on or about the dates identified in Table 8. The remaining allegations describe headings in plaintiffs' Table 8, and require no response.

214. The allegations in the first sentence of paragraph 214 characterize the public files provided by EPA for the PMNs listed in Table 8, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the public files, EPA denies them. The remaining allegations state legal conclusions that require no response.

215. The allegations in paragraph 215 state legal conclusions that require no response.

216. The allegations in paragraph 216 state legal conclusions that require no response.

217. The allegations in paragraph 217 state legal conclusions that require no response.

218. The allegations in paragraph 218 state legal conclusions that require no response.

Count IX

219. In response to paragraph 219, EPA incorporates its responses to paragraphs 1 to 218.

220. The allegations in paragraph 220 characterize the Toxic Substances Control Act and a regulation, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulation, EPA denies them.

221. EPA admits the allegations in paragraph 221.

222. PA admits the allegations in the first sentence of paragraph 222 that it provided public files in response to plaintiffs' requests for the PMNs listed in Table 9 on or about the dates listed in Table 9. The remaining allegations describe headings in plaintiffs' Table 9, and require no response. The allegations in the second sentence characterize the public files, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the public files, EPA denies them. The remaining allegations state legal conclusions that require no response.

223. The allegations in paragraph 223 characterize the documents submitted to EPA for the PMNs listed in Table 9 and those PMNs' public files, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the documents or the files, EPA denies them.

224. The allegations in paragraph 224 states legal conclusions that require no response.

225. The allegations in paragraph 225 state legal conclusions that require no response.

226. The allegations in paragraph 226 state legal conclusions that require no response.

227. The allegations in paragraph 227 state legal conclusions that require no response.

Count X

228. In response to paragraph 228, EPA incorporates its responses to paragraphs 1 to 227.

229. The allegations in paragraph 229 characterize the Toxic Substances Control Act and two regulations, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the Act or the regulations, EPA denies them.

230. EPA admits the allegations in paragraph 230.

231. EPA admits the allegations in paragraph 231 that submitters of the PMNs listed in Table 10 submitted documents and information identified in Table 10. The remaining allegations describe headings in plaintiffs' Table 10, and require no response.

232. EPA admits the allegations in the first sentence of paragraph 232. The allegations in the second sentence consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The allegations in the last sentence characterize the First Amended Complaint, which speaks for itself and is the best evidence of its content. To the extent the allegations are inconsistent with the First Amended Complaint, EPA denies them.

233. The allegations in paragraph 233 consist of vague and ambiguous characterizations, and EPA lacks sufficient information to admit or deny them. The allegations also state legal conclusions that require no response.

234. The allegations in paragraph 234 state legal conclusions that require no response.

235. EPA admits the allegations in paragraph 235 that it provided public files in response to plaintiffs' requests for the PMNs listed in Table 10 on or about the dates listed in Table 10. The remaining allegations describe headings in plaintiffs' Table 10, and require no response.

236. The allegations in the first sentence of paragraph 236 characterize the public files for the PMNs listed in Table 10, which speak for themselves and are the best evidence of their content. To the extent the allegations are inconsistent with the public files, EPA denies them.

237. The allegations in paragraph 237 state legal conclusions that require no response.

238. The allegations in paragraph 238 state legal conclusions that require no response.

239. The allegations in paragraph 239 state legal conclusions that require no response.

240. The allegations in paragraph 240 state legal conclusions that require no response.

The remainder of the complaint consists of plaintiffs' request for relief, to which no response is required. If a response is required, EPA denies that plaintiffs are entitled to relief.

General denial

If any allegation is not admitted or specifically responded to, EPA denies that allegation.

Defenses

EPA reserves the right to assert every affirmative or other defense that may be available, including any defenses available under Federal Rules of Civil Procedure 8 or 12.

Submitted on July 20, 2020.

/s/ Sue Chen

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Certificate of Service

I certify that on July 20, 2020, I filed the foregoing with the Court's CMS/ECF system, which will notify each party.

/s/ Sue Chen

Sue Chen