

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 15, 2026

Lyle W. Cayce
Clerk

No. 24-60256

EAST FORK ENTERPRISES, INCORPORATED; EPIC PAINT
COMPANY; SIERRA CLUB; AMERICAN CHEMISTRY COUNCIL,

Petitioners,

versus

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; LEE
ZELDIN, *Administrator, United States Environmental Protection Agency,*

Respondents.

Petitions for Review of the Environmental Protection
Agency 89 Fed. Reg. 39,254

JUDGMENT

Before HIGGINBOTHAM, JONES, and SOUTHWICK, *Circuit Judges.*

This cause was considered on the petitions of East Fork Enterprises, Incorporated, Epic Paint Company, Sierra Club and American Chemistry Counsel for review from the Environmental Protection Agency and was argued by counsel.

IT IS ORDERED and ADJUDGED WE GRANT the Industry's Petitioners' petition for review, VACATE the challenged rule and associated risk determination, DENY the Sierra Club's petition for review, and REMAND to EPA for proceedings consistent with this opinion.

IT IS FURTHER ORDERED that respondents pay petitioners the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.