Feds Given 12 Months to Release Chemical Safety Rule

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1990 law mandated chemical release regulations Three decades of delay unreasonable, court says By Peter Hayes | February 5, 2019 10:31AM ET The federal government must issue regulations within one year establishing the reporting requirements for accidental chemical releases into the ambient air, a federal trial court ruled.

U.S. Chemical and Safety Hazard Investigation Board violated the Administrative Procedure Act by failing for 29 years to promulgate accidental release-reporting regulations, the U.S. District Court for the District of Columbia said.

Air Alliance Houston and several other public interest groups filed the suit in 2017, alleging the CSB unreasonably delayed issuing the regulations, which were mandated in the 1990 Clean Air Act amendments that created the board.

The court rejected the CSB's argument that the delay was reasonable given its "limited resources and competing priorities."

If their inaction is caused by a lack of resources, the board should not ignore the congressional directive, the court said. Instead it should return to congress to ask for relief from the statutory requirement, the court said.

Public Employees for Environmental Responsibility, Louisiana Bucket Brigade, United Support and Memorial for Workplace Fatalities, and Neil Carman, the clean air program director of the Sierra Club's Texas chapter, were also plaintiffs in the action.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

Judge Amit P. Mehta issued the opinion.

The case is Air All. Hous. v. U.S. Chem. & Safety Hazard Investigation Bd., D.D.C., No. 17-cv-02608, 2

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