

## AIR POLLUTION

### Greens sue CSB over accidental release reporting

Corbin Hiar, E&E News reporter

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A coalition of environmental groups today sued the U.S. Chemical Safety Board in a bid to force the agency to increase transparency about accidental chemical releases.

Such action, Public Employees for Environmental Responsibility and three other groups argued, was called for by the Clean Air Act amendments of 1990.

Specifically, the amendments said CSB "shall ... establish by regulation requirements binding on persons for reporting accidental releases into the ambient air subject to the Board's investigatory jurisdiction."

In the early days of the Obama administration, CSB finally issued an advanced notice of proposed rulemaking on chemical release reporting.

"A reporting regulation is clearly required by the statute," CSB said in the 2009 [notice](#).

Since then, however, the agency has taken no further action to advance an accidental release reporting rule.

"The absence of a regulation has negatively impacted accidental release investigations and responses, most recently in August and September 2017, when the Arkema chemical plant in Houston experienced chemical fires and explosions as a result of flooding from Hurricane Harvey," the [lawsuit](#) claims.

The chemical plant fire sickened more than a dozen first responders, seven of whom are now suing Arkema Inc. for medical expenses and other damages ([Energywire](#), Sept. 8).

"America's sole industrial safety monitor is currently flying blind and placing the health of the public at risk," PEER Staff Counsel Adam Carlesco said in a statement. "Congress has clearly required, and the CSB has acknowledged, that a rule must be promulgated to inform the public as to what chemicals industries have spewed into the atmosphere following an accident. Our lawsuit would finally implement this unambiguous yet long-neglected mandate."

CSB didn't immediately respond to a request for comment on the suit.

The complaint was filed in the U.S. District Court for the District of Columbia.

The other groups that signed onto the suit are the Louisiana Bucket Brigade, Air Alliance Houston, and United Support and Memorial for Workplace Fatalities. Neil Carman, a chemist and the clean air program director for the Texas Sierra Club, is also a plaintiff in the case.

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E&E News  
122 C Street NW 7th Floor Washington, DC 20001  
Phone: 202-628-6500 Fax: 202-737-5299  
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