



Enviros Sue Chem Safety Board Over Accident Report Rules

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In a complaint filed Thursday in D.C. federal court, Air Alliance Houston, **Public Employees for Environmental Responsibility** and other environmental groups say that the CAA requires the Chemical Safety Board to establish requirements for reporting accidents. While having acknowledged the mandate, the CSB has not taken final action since the enactment of the 1990 Clean Air Act Amendments, according to the suit.

PEER said in a statement that the lawsuit seeks to force the CSB to establish guidelines for the disclosure of air pollutants accidentally emitted by any industry within the agency's jurisdiction. The CSB is charged with investigating chemical fires, explosions, leaks and other accidents.

The group says the need for such a rule was highlighted this summer when Arkema Inc.'s liquid organic peroxide manufacturing plant caught fire in the wake of historic flooding from Hurricane Harvey.

"America's sole industrial safety monitor is currently flying blind and placing the health of the public at risk," PEER attorney 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."

According to the lawsuit, the CSB in 2009 published an advance notice of proposed rule-making for chemical release reporting but took no further action.

In addition, the complaint says the Office of Inspector General of the U.S. Department of Homeland Security, the U.S. Government Accountability Office and the Office of Inspector General of the U.S. Environmental Protection Agency have separately noted the CSB's lack of air pollution reporting guidelines for accidents.

At least two lawsuits have been filed against Arkema over the releases from its facility: one filed by first responders that alleged no one told them about the dangers associated with the chemicals released

during the fires and explosions; and a separate class action that alleged the company “could have prevented or avoided the accident with better precautionary measures.”

The CSB did not immediately respond to a request for comment Monday.

The plaintiffs are represented by Paula Dinerstein of Public Employees for Environmental Responsibility.

Counsel information for the CSB was not available Monday.

The case is Air Alliance Houston et al. v. U.S. Chemical Safety and Hazard Investigation Board, case number 1:17-cv-02608, in the U.S. District Court for the District of Columbia.

--Additional reporting by Michelle Casady. Editing by Edrienne Su.