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# Accidental Release Prevention Requirements: Eleven State Attorneys General File Judicial Challenge to U.S. Environmental Protection Agency Rule Delay

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Eleven state Attorneys General filed a July 24th Petition for Review (“Petition”) challenging the United States Environmental Protection Agency (“EPA”) delay of a rule entitled:

*Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act*

The state Attorneys General filing the Petition include:

- New York
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- New Mexico
- Oregon
- Rhode Island
- Vermont
- Washington

EPA’s delay of the effective date of the rule is found at 82 Fed. Reg. 27,133 (June 14, 2017).

The Attorneys General argue that EPA’s delay of the rule by an additional 20 months exceeds the agency’s authority and is arbitrary and capricious. The rule’s previous effective date was March 14, 2017.

The Attorneys General are seeking determination pursuant to Section 307(d)(9) of the Clean Air Act that the delay of the rule is unlawful.

Maryland’s Attorney General argues in a news release that the rule:

. . . makes critical improvements to Congressionally-mandated protections against explosions, fires, poisonous gas releases and other accidents at more than 12,000 facilities across the country, including 157 in Maryland, that store and use toxic chemicals.

[A copy of a Maryland Attorney General press release and the Petition can be downloaded here.](#)

