



PRESS RELEASE

Attorney General Frosh Joins Suit to Protect Communities and First Responders from Chemical Accidents

11 Attorneys General Sue To Lift Illegal Two-Year Delay In Chemical Accident Safety Rule;

Rule Would Improve Prevention, Detection, And Response To Explosions, Fires, Poisonous Gas Releases, and Other Chemical Accidents

BALTIMORE, MD (July 24, 2017) – Maryland Attorney General Brian E. Frosh, part of a coalition of 11 state Attorneys General, today filed a lawsuit against the federal Environmental Protection Agency (EPA) for illegally delaying a vital rule meant to protect communities, workers, and first responders from dangerous chemical accidents. The rule, the Accidental Release Prevention Requirements or the “Chemical Accident Safety 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.

“Our first concern must be protecting people – the workers at these plants, the neighbors and the first responders,” said Attorney General Frosh. “Secretary Pruitt is violating the law and endangering our citizens by delaying the Chemical Accident Safety Rule at the behest of the chemical industry.”

[Click here to read the lawsuit.](#)

The coalition of Attorneys General is challenging EPA Administrator Scott Pruitt’s recent delay of the rule by an additional 20 months as exceeding EPA’s authority under the Clean Air Act, and as arbitrary and capricious.

According to the EPA, in the last 10 years, there have been over 1,500 accidents at chemical plants, including 15 in Maryland. Nationally, these accidents caused 58 deaths; 17,099 people to be injured or seek medical treatment; almost 500,000 people to be evacuated or sheltered-in-place; and over \$2 billion in property damage. High-profile incidents included those at BP Refinery in Texas in 2005 (15 people killed, 170 injured), Chevron Refinery in California in 2012 (19 workers endangered, 15,000 people sought medical treatment), Tesoro Refinery in Washington in 2010 (seven people killed), West Fertilizer Facility in Texas in 2013 (15 people killed), and Williams Olefins Plant in Louisiana in 2013 (two workers killed, many more injured).

The number and severity of accidents over the last decade make clear the need to update the safety and security of the nation's chemical facilities. On January 13, 2017, the Obama Administration finalized the Chemical Accident Safety Rule to update "Risk Management Plan" regulations mandated by Congress in 1990 amendments to the federal Clean Air Act. The amended rules would necessitate additional safeguards in accident prevention programs to protect communities and prevent future accidents, as well as analyses of safer technology and alternatives; emergency response procedures, mandating annual coordination with local first responders, annual notification drills, and periodic field exercises; and increased public access to facility chemical hazard information, in addition to public meetings within 90 days of an incident. In fact, despite Administrator Pruitt's delay of the rule, the EPA published a June 2017 fact sheet explaining how these improvements "will help protect local first responders, community members, and employees from death or injury due to the chemical facility accidents."

The more than 12,000 facilities covered by the regulations include chemical manufacturers, petroleum refineries, pulp and paper mills, chemical and petroleum wholesalers and terminals, wastewater treatment plants, agricultural chemical distributors, midstream gas plants, and food storage facilities with ammonia refrigeration systems. The 15 facilities in Maryland include wastewater treatment plants, chemical manufacturers and a nuclear power plant.

When adopted, the rule's effective date was March 14, 2017. Facilities were provided one year from the effective date to comply with the emergency response procedures, and four years to implement the accident prevention program and public information disclosure requirements. EPA determined that this lead-time was necessary for facility operators to understand and implement the rule's provisions.

Soon after the Chemical Accident Safety Rule was finalized, a number of oil and gas and chemical industry associations and companies – including the American Chemistry Council, the American Fuel & Petrochemical Manufacturers, and the American Petroleum Institute – petitioned the EPA to reconsider the rule. EPA Administrator Scott Pruitt subsequently granted these requests and delayed the rule's effective date for 90 days.

On June 14, 2017, Administrator Pruitt further delayed the Chemical Accident Safety Rule's effective date for an additional 20 months until February 19, 2019. The Trump administration's decision to delay the rule for almost two years directly contradicts the June 2017 EPA fact sheet which outlines the pressing need for, and the dramatic safety benefits of, the rule. The 20-month delay would extend the date at which chemical facilities must comply with the rule's emergency response requirements to 2020, and with its accident prevention program and public information disclosure requirements to 2023.

In addition to Maryland, the lawsuit was joined by Attorneys General from Illinois, Iowa, Maine, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington.

In the suit filed today in the U.S. Court of Appeals for the D.C. Circuit, the coalition of Attorneys General are challenging the June 14 rule and its 20-month delay of the Chemical Accident Safety Rule's effective date.

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

JUL 24 2017

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
FILED JUL 24 2017
CLERK

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New York, State of Illinois, State of
Iowa, State of Maine, State of Maryland,
Commonwealth of Massachusetts, State of New
Mexico, State of Oregon, State of Rhode Island,
State of Vermont, and the State of Washington,

Petitioners,

v.

E. Scott Pruitt, as Administrator of the
Environmental Protection Agency, and the
Environmental Protection Agency,

Respondents.

Case No. 17-_____

17-1181

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15, Circuit Rule 15,
and section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), New York,
Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, Oregon,
Rhode Island, Vermont, and Washington (“State Petitioners”) petition this
Court to review the final agency action of Respondents entitled “Accidental
Release Prevention Requirements: Risk Management Programs under the
Clean Air Act; Further Delay of Effective Date,” 82 Fed. Reg. 27,133 (June
14, 2017) (“Delay Rule”).


State Petitioners seek a determination by this Court pursuant to section
307(d)(9) of the Clean Air Act, 42 U.S.C. § 7607(b), that the Delay Rule is
unlawful and therefore must be vacated.

Dated: July 21, 2017

Respectfully Submitted,

FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL



MICHAEL J. MYERS

Senior Counsel

LAURA MIRMAN-HESLIN

Assistant Attorney General

Environmental Protection Bureau

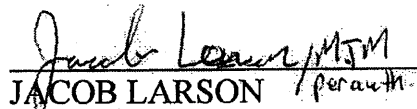
The Capitol

Albany, NY 12224

(518) 776-2400

FOR THE STATE OF IOWA

TOM MILLER
ATTORNEY GENERAL



JACOB LARSON

Assistant Attorney General

Environmental Law Division

Hoover State Office Building

1305 E. Walnut St., 2nd Floor

Des Moines, IA 50319

(515) 281-5341

FOR THE STATE OF MAINE

JANET T. MILLS
ATTORNEY GENERAL



GERALD D. REID

Natural Resources Division Chief


6 State House Station

Augusta, ME 04333

(207) 626-8800

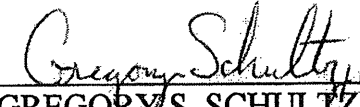
FOR THE STATE OF
MARYLAND

BRIAN E. FROSH
ATTORNEY GENERAL


STEVEN M. SULLIVAN *per auth.*
Solicitor General
200 St. Paul Place, 20th Floor
Baltimore, MD 21202
(410) 576-6427


FOR THE STATE OF RHODE
ISLAND

PETER F. KILMARTIN
ATTORNEY GENERAL


GREGORY S. SCHULTZ *per auth.*
Special Assistant Attorney General
Rhode Island Department of
Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400


FOR THE COMMONWEALTH OF
MASSACHUSETTS

MAURA HEALY
ATTORNEY GENERAL


CHRISTOPHE COURCHESNE *per auth.*
Assistant Attorney General
Chief, Environmental Protection Div.
1 Ashburton Place
Boston, MA 02108
(617) 963-2423

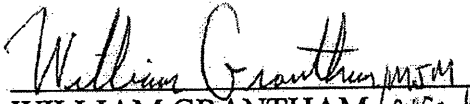
FOR THE STATE OF
WASHINGTON

ROBERT W. FERGUSON
ATTORNEY GENERAL


WILLIAM R. SHERMAN *per auth.*
Assistant Attorney General
Counsel for Environmental
Protection
800 5th Ave Suite 2000, TB-14
Seattle, WA 98104-3188
(206) 442-4485


FOR THE STATE OF NEW
MEXICO

HECTOR H. BALDERAS
ATTORNEY GENERAL


WILLIAM GRANTHAM *per auth.*
BRIAN E. McMATH
Consumer & Environmental
Protection Division
New Mexico Office of the Attorney
General
201 Third St. NW, Suite 300
Albuquerque, NM 87102
(505) 717-3500


FOR THE STATE OF ILLINOIS

LISA MADIGAN
ATTORNEY GENERAL


MATTHEW J. DUNN *per auth.*
GERALD T. KARR
JAMES P. GIGNAC
Assistant Attorneys General
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, IL 60602
(312) 814-0660

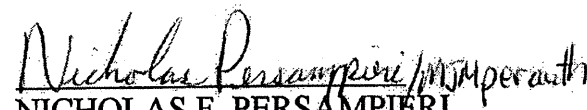
FOR THE STATE OF OREGON

ELLEN F. ROSENBLUM
ATTORNEY GENERAL


PAUL GARRAHAN *per auth.*
Attorney-in-Charge
Natural Resources Section
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4593

FOR THE STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL



NICHOLAS F. PERSAMPIERI *per auth.*
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Circuit Rule 15(a), a copy of the foregoing Petition for Review was served on July 21, 2017 by first class mail, postage prepaid on the following:

Hon. E. Scott Pruitt, Administrator
Office of the Administrator (1101A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Hon. Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530


MICHAEL J. MYERS