

AG Kaul: Joins lawsuit against the Trump Administration for gutting safety protections for chemical accidents

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MADISON, Wis. – Attorney General Kaul today joined a coalition of 15 attorneys general and the City of Philadelphia in suing the Trump Administration’s Environmental Protection Agency (EPA) for gutting safeguards to prevent and limit harms from dangerous chemical accidents. Specifically, the coalition is challenging the EPA’s rollback of Obama-era amendments to its “Risk Management Program” (RMP) regulations, referred to as the Chemical Disaster Rule. This rule made critical improvements to the RMP to better safeguard against explosions, fires, poisonous gas releases, and other accidents at facilities that store and use toxic chemicals.

“The Trump Administration’s rollback of important safeguards against chemical disasters isn’t just misguided—it’s dangerous,” said Attorney General Kaul. “We’re fighting this rule to help protect the health and safety of Wisconsinites and our environment.”

The Trump EPA finalized the rule that rolls back critical elements of the Chemical Disaster Rule in December 2019. The rule changes included the elimination of independent audits conducted by third parties and “root cause” analyses following accidents, as well as analyses of safer technology and alternatives that could prevent or lessen harms from accidents. EPA also cut back on training requirements and requiring facilities to share information with first responders and nearby communities on hazardous chemicals used onsite.

In August 2018, a coalition of 12 attorneys general submitted extensive comments on the Trump EPA's proposed rollback of the Chemical Disaster Rule, arguing that the proposal, if adopted, would be "arbitrary and capricious" and "inconsistent with the Clean Air Act." The coalition urged EPA to heed the warning of the U.S. Court of Appeals for the District of Columbia that the Agency's single-minded focus on industry costs of complying with the Rule made a "mockery" out of the Clean Air Act.

Toxic chemical plants continue to have a potential for accidents that pose a serious danger to the public. In fact, since the attorneys general commented on the proposed rule last summer, accidents at facilities regulated under the RMP have occurred across the country, causing deaths, injuries, and evacuations. For example, in November 2019, the massive explosions at the TPC Group chemical plant in Port Neches, Texas released toxic plumes of butadiene and other carcinogens into the air, injured at least eight people, and required the evacuation of over 60,000 residents from the surrounding communities.

The coalition's petition for review was filed in the United States Court of Appeals for the District of Columbia. The suit, led by New York Attorney General Letitia James, also includes attorneys general of District of Columbia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, and the City of Philadelphia.