

112TH CONGRESS
2D SESSION

H. R. 6345

To amend section 112(r) of the Clean Air Act (relating to prevention of accidental releases).

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. POMPEO (for himself and Mr. TERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 112(r) of the Clean Air Act (relating to prevention of accidental releases).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “General Duty Clari-
5 fication Act of 2012”.

6 **SEC. 2. PREVENTION OF ACCIDENTAL RELEASES.**

7 (a) PURPOSE AND GENERAL DUTY.—Paragraph (1)
8 of section 112(r) of the Clean Air Act (42 U.S.C. 7412(r))
9 is amended—

1 (1) by striking “It shall be the objective” and
2 inserting the following:

3 “(A) IN GENERAL.—It shall be the objec-
4 tive”; and

5 (2) by adding at the end the following:

6 “(B) REGULATIONS.—

7 “(i) LIMITATION.—No entity may be
8 found to be in violation of this paragraph
9 until the Administrator promulgates final
10 regulations under clause (ii) and issues in-
11 ternal enforcement guidelines under clause
12 (iii).

13 “(ii) REGULATIONS.—The Adminis-
14 trator shall promulgate regulations estab-
15 lishing criteria defining, for purposes of
16 this paragraph, the terms ‘extremely haz-
17 ardous substance’, ‘appropriate hazard as-
18 sessment techniques’, and ‘design and
19 maintain a safe facility’.

20 “(iii) UNIFORMITY.—Subsequent to
21 the promulgation of final regulations under
22 clause (ii), the Administrator shall issue
23 guidelines to ensure that enforcement of
24 this paragraph is handled by the regional
25 offices of the Environmental Protection

1 Agency in a uniform and appropriate man-
2 ner across all regions of the United
3 States.”.

4 (b) DEFINITION OF ACCIDENTAL RELEASE.—Sub-
5 paragraph (A) of section 112(r)(2) of the Clean Air Act
6 (42 U.S.C. 7412(r)(2)) is amended by inserting before the
7 period at the end the following: “, other than such an
8 emission resulting from an intentional act”.

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