

112TH CONGRESS
2D SESSION

S. 3529

To amend the Clean Air Act to clarify a certain provision relating to prevention of accidental releases.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2012

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to clarify a certain provision 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 shall be
8 found to be in violation of this paragraph
9 until the Administrator—

10 “(I) promulgates final regula-
11 tions under clause (ii); and

12 “(II) issues internal enforcement
13 guidelines under clause (iii).

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

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

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

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

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