

113TH CONGRESS  
1ST SESSION

# H. R. 888

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

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2013

Mr. POMPEO (for himself, Mr. MATHESON, Mr. LONG, and Mr. LATTA) 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 2013”.

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) REGULATIONS.—Not later than  
8 12 months after the date of enactment of  
9 the General Duty Clarification Act of  
10 2013, the Administrator shall promulgate  
11 regulations establishing criteria defining,  
12 for purposes of this paragraph, the terms  
13 ‘extremely hazardous substance’, ‘appro-  
14 priate hazard assessment techniques’, and  
15 ‘design and maintain a safe facility’.

16 “(ii) UNIFORMITY.—Not later than 18  
17 months after the date of enactment of the  
18 General Duty Clarification Act of 2013,  
19 the Administrator shall issue guidelines to  
20 ensure that enforcement of this paragraph  
21 is handled by the regional offices of the  
22 Environmental Protection Agency in a uni-  
23 form and appropriate manner across all re-  
24 gions of the United States.”.

1 (b) DEFINITION OF ACCIDENTAL RELEASE.—Sub-  
2 paragraph (A) of section 112(r)(2) of the Clean Air Act  
3 (42 U.S.C. 7412(r)(2)) is amended by inserting before the  
4 period at the end the following: “, other than such an  
5 emission resulting from an act intended to cause harm”.

6 (c) DESIGNS, APPROACHES OR TECHNOLOGIES.—  
7 Subsection (r) of section 112 of the Clean Air Act (42  
8 U.S.C. 7412(r)) is amended by adding at the end the fol-  
9 lowing:

10 “(12) DESIGNS, APPROACHES, OR TECH-  
11 NOLOGIES.—In exercising any authority under this  
12 subsection, the Administrator shall not, directly or  
13 indirectly, impose any obligation on any owner or  
14 operator of any stationary source to consider or im-  
15 plement particular designs, approaches, or tech-  
16 nologies relating to manufacturing, processing, han-  
17 dling, or storage.”.

○