

114TH CONGRESS
1ST SESSION

S. 88

To amend the Clean Air Act to clarify the definition of accidental release,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2015

Mr. VITTER 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 the definition of
accidental release, and for other purposes.

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 2015”.

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

7 Section 112(r) of the Clean Air Act (42 U.S.C.
8 7412(r)) is amended—

9 (1) in paragraph (1)—

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

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

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

6 “(B) REGULATIONS.—

7 “(i) IN GENERAL.—Not later than 12
8 months after the date of enactment of the
9 General Duty Clarification Act of 2015,
10 the Administrator shall promulgate regula-
11 tions defining the terms ‘extremely haz-
12 ardous substance’, ‘appropriate hazard as-
13 sessment techniques’, and ‘design and
14 maintain a safe facility’ as used in this
15 subsection.

16 “(ii) UNIFORMITY.—Not later than 18
17 months after the date of enactment of the
18 General Duty Clarification Act of 2015,
19 the Administrator shall issue guidelines to
20 ensure that this paragraph is enforced by
21 the regional offices of the Environmental
22 Protection Agency in a uniform and appro-
23 priate manner across all regions of the
24 United States.”;

1 (2) in paragraph (2)(A), by inserting “, other
2 than an emission resulting from an act intended to
3 cause harm” before the period at the end; and

4 (3) by adding at the end the following:

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

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