

NEWS RELEASE



Attorney General Edmund G. Brown Jr.
California Department of Justice
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Brown Sues EPA For Subverting Toxic Disclosure Rules

NEW YORK — Charging the federal government with “subverting a key public safety measure,” California Attorney General Edmund G. Brown Jr. today sued the U.S. Environmental Protection Agency for allowing companies to hide information about toxic chemicals at thousands of facilities around the United States.

Brown joined eleven other states in challenging the EPA’s decision to weaken the Toxic Release Inventory, a program which requires facilities to report annual quantities of toxic chemicals emitted by refineries, chemical plants, and other manufacturing facilities.

Blasting the new disclosure requirements, Attorney General Brown said, “The EPA is subverting a key public safety measure that helps communities protect themselves from toxic chemicals. The federal government should require more--not less--disclosure of the toxic substances that threaten public health and safety.”

Under the new rules, approximately 5,300 facilities nationally could be permitted to conceal vital safety information from the Environmental Protection Agency about toxic chemical levels and management of toxic waste. The new regulations increase by 10-fold the quantity of chemical waste that a facility can generate without providing detailed reports.

The attorney general is filing the lawsuit to invalidate EPA's revised regulations and return to the former, more stringent, reporting requirements. California asserts that EPA’s adoption of the new rule violates the federal Emergency Planning and Community Right-to-Know Act, a law which requires EPA to collect information on toxic chemicals. The law was passed under Ronald Reagan after a cloud of methyl isocyanate killed thousands of people in Bhopal, India and then a similar chemical release occurred at a sister plant in West Virginia.

Facilities covered by the Right-to-Know Act must disclose their releases of approximately 650 toxic chemicals as well as the quantities of chemicals they recycle, treat, burn, or otherwise dispose of on-site and off-site. The information in the database has been used by citizen groups, state and local governments and labor organizations to protect workers and monitor toxic chemicals.

The database has also been used in California to support Prop 65, a state law that requires companies to warn the public about exposure to chemicals known to cause cancer or reproductive harm. Since the disclosure requirements were established in 1986, thousands of companies have voluntarily cut their toxic chemical releases by billions of pounds.

The states joining today's lawsuit against the EPA include: Arizona, Connecticut, Illinois, Maine, Massachusetts, the Minnesota Pollution Control Agency, New Hampshire, New Jersey, New York, the Pennsylvania Department of Environmental Protection and Vermont.

The states' lawsuit, filed today in United States District Court in Manhattan, is attached.

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