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WLF Spotlights Three Regulatory Burdens in Comments to EPA Reform Task Force

(In Re: Evaluation of Existing EPA Regulations)

“EPA should reconsider its efforts to wrest away oil and gas regulatory turf from the states and its unscientific approach to assessing exposure risk for certain hazardous substances, both of which undermine economic growth.”

—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation yesterday evening filed comments with the Environmental Protection Agency’s Regulatory Reform Task Force that identify a regulation, a risk-assessment policy, and a report as three regulatory burdens that merit reconsideration or repeal. The task force had issued a general request for comments pursuant to Executive Order 13777, which called on federal agencies to make recommendations that would “lower regulatory burdens on the American people.”

Two of the items WLF’s comments identify relate to EPA’s incursion on the states’ oversight of oil and gas development. First, WLF called for the replacement or modification of a 2016 rule that significantly expanded the agency’s ability to combine oil or natural gas facilities when measuring air emissions. The rule increased the likelihood that an oil or gas operation would exceed its permit, leading to unjust penalties. Second, WLF recommended that EPA withdraw a December 2016 report on the possible connection between hydraulic fracturing and drinking water contamination. The comments argued that the report’s authors ignored key studies disclaiming any such connection and refused to draw definitive conclusions that flowed naturally from the evidence.

WLF’s comments also highlighted the woefully outdated method EPA utilizes when assessing the risk of exposure to asbestos in its regulatory decisions, such as in Superfund site determinations and cleanup planning. EPA adheres to a 1986 policy that considers all types of asbestos to be equally hazardous, despite growing evidence that asbestos risks should be differentiated by mineral type and fiber size. This unscientific policy, WLF argues, not only leads to a misallocation of EPA resources, but it has also helped fuel decades of ruinous product-liability litigation that has bankrupted over 100 companies and continues to enrich a select cadre of asbestos plaintiffs’ lawyers.

Celebrating its 40th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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