

Environmental Issues Associated with Disaster Planning and Response

June 11, 2019 Jeff Civins, Michael Scanlon

PRACTICES Environmental, Chemical, Environmental Litigation

The breadth, detail, and complexity of environmental laws makes compliance and risk-minimization challenging even under normal circumstances. The task becomes significantly more daunting when a natural disaster strikes, such as the saga of the Arkema chemical plant during and after Hurricane Harvey illustrates. An industrial accident there resulted in an explosion and fire, which sickened first responders, led to the evacuation of everyone within a mile-and-half of the facility, and resulted in indictments of the company that owned the facility, its CEO, and the plant manager.

The Arkema incident serves as a cautionary tale for regulated industries demonstrating the need to prepare well-thought out responses for natural disasters—a need that will only grow as climate change increases the frequency and the magnitude of storm events. This paper first discusses the incident at Arkema, then provides a high-level overview of some of the regulatory obligations, liabilities, and defenses pertinent to regulated industries before, during, and after a disaster strikes. It then discusses emerging issues relating to climate change and the use of per- and poly-fluorinated alkyl compounds to fight fires and offers a conclusion and recommendation.

Excerpted from paper written for the U.S. Environmental Protection Agency Region 4 Conference of ABA Section on Environment, Energy, and Resources. Read the full [paper](#) here.