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Hawaii Attorney General Fights in Supreme Court to Protect States' Ability to Hold Polluters Accountable

HONOLULU – Attorney General Clare E. Connors is part of a coalition of 15 attorneys general from across the country defending the ability of Hawaii and other states to hold polluters accountable for the damage they cause. In the case of *Atlantic Richfield Company v. Gregory A. Christian, et al.*, a case out of Montana, a heavy manufacturing company is trying to avoid paying for the cleanup of its former site by saying that federal law blocks the ability of states to address, respond to, and clean up hazardous waste sites. Attorney General Connors and her colleagues argue that federal law clearly allows states to protect their land, air, and water from damage, and to hold polluters accountable for the damage they cause.

“The preservation of our environment depends on the ability of the State to enforce our environmental laws,” said Attorney General Connors. “If this company is successful, it could jeopardize our ability to protect the land, water, and air of Hawaii.”

In their brief, Attorney General Connors and her colleagues write that “States have a strong interest in ensuring that their citizens (and the State itself) are compensated for injuries caused by releases of hazardous materials and in preserving their authority to address, respond to, and remediate harm from environmental contamination.”

The states further explain that, far from preempting states’ ability to punish polluters, the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) actually “aimed to preserve the States’ traditional role in addressing environmental contamination,” and recognized “that States play an important role in addressing, responding to, and remediating environmental disasters.”

In addition to Attorney General Connors, the brief was joined by the attorneys general of California, Connecticut, Delaware, Maine, Maryland, Mississippi, New Jersey, New York, Oregon, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.

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