
DIGEST

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HB 597 Original

2015 Regular Session

Stuart Bishop

Abstract: Allows for a privilege for a voluntarily conducted environmental audit and information attached to that audit.

Proposed law provides that in civil or administrative proceedings, the owner or operator has a privilege to refuse to disclose information contained in a voluntary environmental audit report. Defines a voluntary environment audit as an audit of a facility's compliance with laws involving regulations by the office of conservation, the Dept. of Environmental Quality, or the Dept. of Public Safety and Corrections when the audit was conducted by or at the request of the owner or operator, not at the direction of a state entity, and any violation discovered by the audit was not independently detected by a state entity.

Proposed law prohibits subpoenas and court orders from being used to force disclosure of information contained in a voluntary environmental audit report and prohibits a state agency from requesting, reviewing, or otherwise using any information contained in such report. Provides that no penalty can be imposed by a state entity for violations discovered during a voluntary environmental audit.

Proposed law provides for a specific procedure to be followed for the voluntary environmental audit including initiation by written notice to the appropriate department or commissioner of conservation. The written notice is to contain a beginning and an ending date that are no more than six months apart or a date acceptable to the appropriate state entity. Authorizes the extension of the audit period with the approval of the appropriate state entity. Information regarding violations should be generated by the voluntary audit and any violations discovered are to be reported to the appropriate state entity. Due diligence shall be given to bringing all violations into compliance. If the facility being audited is to be sold or transferred, the audit must be completed prior to the transfer.

Proposed law provides that the privilege is granted to the owner or operator of a facility unless a court or administrative law judge finds that the person claiming the privilege has been engaged in a pattern of disregard of the requirements of law over the past three years. Provides that the burden of establishing applicability of the privilege is up to the person asserting the privilege. Provides that the owner or operator may waive privilege but that the release of any information contained in the report by any other person does not automatically waive privilege.

Applies to audits conducted after July 1, 2015.

(Adds R.S. 30:4.3, 2044, and 2381)