

2019 Regular Session

HOUSE RESOLUTION NO. 231

BY REPRESENTATIVE BISHOP

ENVIRONMENT/ENFORCEMENT: Urges and requests the secretary of the Department of Environmental Quality to study the establishment of a voluntary compliance audit program for industries regulated by the department

1 A RESOLUTION

2 To urge and request the secretary of the Department of Environmental Quality to study the
3 establishment of a voluntary compliance audit program for industries regulated by
4 the department and, no later than February 1, 2020, to submit to the House
5 Committee on Natural Resources and Environment a written report containing a
6 description of the elements of a proposed program, recommendations for legislation
7 necessary for implementation of the program, and other information and concerns
8 developed through the study process that would provide more insight into the
9 program.

10 WHEREAS, effective regulation is essential for the efficient operation of Louisiana's
11 facilities regulated by the Department of Environmental Quality (DEQ) and open and
12 frequent communication between the department and the facilities regulated by the
13 department is an essential element of effective regulation; and

14 WHEREAS, the citizens and environment of the state of Louisiana may benefit from
15 the development and implementation of a voluntary compliance audit program whereby a
16 regulated facility, in cooperation with the DEQ, conducts a self-audit of its compliance with
17 laws and regulations and subsequently remediates any violation discovered by such audit;
18 and

19 WHEREAS, a voluntary compliance audit program should be developed in a manner
20 that protects citizens of Louisiana and incentivizes regulated facilities to engage in

1 systematic voluntary self-investigations, including monitoring, evaluation, review, and
2 assessment of a facility's compliance and conditions of permits; and

3 WHEREAS, a voluntary compliance audit program should encourage a regulated
4 facility to increase transparency and improve communications and compliance with the laws
5 and regulations enforced by the DEQ; and

6 WHEREAS, a voluntary compliance audit program should encourage regulated
7 facilities to provide more compliance information to the DEQ thereby enabling improved
8 enforcement capabilities by the department; and

9 WHEREAS, a voluntary compliance audit program should provide for limited
10 privilege from disclosure of certain information contained in the voluntary audit and create
11 immunity from civil penalties for disclosing and promptly remediating violations discovered
12 through a voluntary audit; and

13 WHEREAS, in 1997, the United States Environmental Protection Agency placed an
14 emphasis on encouraging regulated entities to voluntarily discover, disclose, and correct
15 environmental violations and offered penalty mitigation and incentives to companies for
16 prompt voluntary disclosure; and

17 WHEREAS, in 2007, the United States Environmental Protection Agency announced
18 that over four thousand entities discovered and promptly disclosed violations at more than
19 eleven thousand three hundred facilities; and

20 WHEREAS, in May 2018, the United States Environmental Protection Agency
21 renewed its commitment to working with entities interested in proactively managing their
22 facilities to correct violations with minimized costs and reduced risks; and

23 WHEREAS, a voluntary compliance audit program will not shield any criminal
24 activity by a facility nor will it protect a facility with violations that present a major degree
25 of risk or impact to either human health or the environment from statutory and regulatory
26 penalties; and

27 WHEREAS, a voluntary audit program is not intended to shield against any
28 intentional violations nor will it excuse any violations that are not promptly remediated; and

1 WHEREAS, a voluntary compliance audit program should not be designed to in any
2 way affect compliance with the Public Records Law, R.S. 44:1 et seq., or access to public
3 records; and

4 WHEREAS, setting forth a proposal for such a voluntary audit program is an
5 important step toward reducing risk to human health and the environment and encouraging
6 open communication and cooperation between the DEQ and the facilities it regulates.

7 THEREFORE BE IT RESOLVED that the House of Representatives of the
8 Legislature of Louisiana does hereby urge and request the Department of Environmental
9 Quality to study the establishment of a voluntary compliance audit program for industries
10 regulated by the department and, no later than February 1, 2020, to submit to the House
11 Committee on Natural Resources and Environment a written report containing the elements
12 of a proposed program, recommendations for necessary legislation, and other information
13 developed through the study process that would provide more insight into the program.

14 BE IT FURTHER RESOLVED that the secretary of the Department of
15 Environmental Quality shall consult and engage with members of the industries regulated
16 by the department and their associations, and shall include other stakeholders in the
17 discussions and development of the voluntary compliance audit program, and provide
18 opportunities for public comment.

19 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
20 secretary of the Department of Environmental Quality.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 231 Original

2019 Regular Session

Bishop

Urges and requests the secretary of the Dept. of Environmental Quality to study the establishment of a voluntary compliance audit program for industries regulated by the department.