

2019 Regular Session

HOUSE RESOLUTION NO. 231

BY REPRESENTATIVE BISHOP

A RESOLUTION

To urge and request the secretary of the Department of Environmental Quality to study the establishment of a voluntary compliance audit program for industries regulated by the department and, no later than February 1, 2020, to submit to the House Committee on Natural Resources and Environment a written report containing a description of the elements of a proposed program, recommendations for legislation necessary for implementation of the program, whether or not a program is needed, and other information and concerns developed through the study process that would provide more insight into the program.

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

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

WHEREAS, a voluntary compliance audit program should be developed in a manner that protects citizens of Louisiana and incentivizes regulated facilities to engage in systematic voluntary self-investigations, including monitoring, evaluation, review, and assessment of a facility's compliance and conditions of permits; and

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

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

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

WHEREAS, in 1995, the United States Environmental Protection Agency placed an emphasis on encouraging regulated entities to voluntarily discover, disclose, and correct environmental violations and offered penalty mitigation and incentives to companies for prompt voluntary disclosure; and

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

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

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

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

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

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

THEREFORE BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Department of Environmental Quality to study the establishment of a voluntary compliance audit program for industries regulated by the department and, no later than February 1, 2020, to submit to the House Committee on Natural Resources and Environment a written report containing the elements of a proposed program, recommendations for necessary legislation, whether or not a program is needed, and other information developed through the study process that would provide more insight into the program.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES