

2021 Regular Session

SENATE BILL NO. 44

BY SENATOR PETERSON AND REPRESENTATIVE LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENT QUALITY DEPT. Provides for reporting and notification of releases of certain materials that cause an emergency condition. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 30:2363(10) and 2373(B)(2) and to enact R.S. 30:2363(21) and  
3 2365(A)(8), relative to the "Right-to-Know" law; to provide for the reporting of  
4 certain releases of hazardous materials; to provide for definitions; to provide for  
5 reporting of emergency conditions; to provide for public notification of emergency  
6 conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2363(10) and 2373(B)(2) are hereby amended and reenacted and  
9 R.S. 30:2363(21) and 2365(A)(8) are hereby enacted to read as follows:

10 §2363. Definitions

11 The following terms as used in this Chapter shall have the following  
12 meanings:

13 \* \* \*

14 (10) "Immediately" means a reasonable period of time after identifying the  
15 nature, quantity, and potential off-site impact of a release considering the exigency  
16 of the circumstances. **In cases of an emergency condition as defined by this**  
17 **Section, "immediately" means as soon as possible not to exceed thirty minutes**

1 from the discovery of the condition.

2 \* \* \*

3 (21)(a) "Emergency condition" means a condition that could result in  
4 any of the following:

5 (i) Reasonable expectation that the health and safety of the public is  
6 endangered.

7 (ii) Cause significant adverse impact to the land, water, or air  
8 environment.

9 (iii) Cause severe damage to property.

10 (b) An emergency condition is presumed to exist whenever a reportable  
11 hazardous material release has occurred or one which results in a fire or  
12 explosion which could reasonably expect to affect the public safety beyond the  
13 boundaries of the facility.

14 \* \* \*

15 §2365. Responsibilities of the department

16 A. The deputy secretary shall:

17 \* \* \*

18 (8) Develop or utilize, in cooperation with any federal, state, or local  
19 governmental agency, an electronic or telephonic public notification system  
20 that, in addition to any other appropriate technology, includes cell tower or  
21 cellular base station location, to aid in the dissemination of information to the  
22 public.

23 \* \* \*

24 §2373. Failure to report; penalties

25 \* \* \*

26 B.

27 \* \* \*

28 (2) Any reportable release of any hazardous material regulated by this  
29 Chapter which causes ~~any injury requiring hospitalization or any fatality or any~~

1        ~~release which results in a fire or explosion which could reasonably be expected to~~  
 2        ~~affect the public safety beyond the boundaries of the facility~~ **an emergency**  
 3        **condition** shall be reported immediately **by the owners and operators** to the  
 4        department. **Reports required by this Paragraph may be limited to only**  
 5        **notification that an emergency condition exists. Upon receipt of such**  
 6        **notification, the department shall utilize the public notification system and the**  
 7        **emergency alert system when authorized by federal regulations. In determining**  
 8        **the scope of the public notification, the department shall consider, based on**  
 9        **contemporaneous information available, the atmospheric conditions and**  
 10       **possible geographic area affected. Any additional information required from an**  
 11       **owner or operator by rules and regulations promulgated pursuant to this**  
 12       **Chapter shall be reported to the department after a reasonable amount of time**  
 13       **to take prompt measures to determine the nature, quantity, and potential**  
 14       **off-site impact of a release, considering the exigency of the circumstances.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

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## DIGEST

SB 44 Engrossed

2021 Regular Session

Peterson

Present law provides for the "Hazardous Materials Information Development, Preparedness, and Response Act" also known as the "Right-to-Know" law that creates a comprehensive information system containing specific data regarding the presence and location of hazardous materials in the state to be shared with the public and among state agencies and local governing authorities.

Proposed law defines an "emergency condition" as any condition that could reasonably expect to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property. Proposed law presumes the existence of an emergency condition whenever a reportable hazardous material release has occurred or one which results in a fire or explosion which could reasonably expect to affect the public safety beyond the boundaries of the facility.

Present law defines "immediately" as a reasonable period of time after identifying the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Proposed law retains present law and adds that in cases of an emergency condition, "immediately" means as soon as possible not to exceed 30 minutes from the discovery of the condition.

Proposed law requires the deputy secretary of the Dept. of Public Safety and Corrections to develop or utilize an electronic or telephonic public notification system that, in addition to any other appropriate technology, includes cell tower or cellular base station location to aid in the dissemination of information to the public.

Proposed law requires owners or operators to immediately report to the department any reportable release of any hazardous material regulated by present law which causes an emergency condition.

Proposed law requires the department to utilize the public notification system upon receipt of such notification.

Proposed law provides that any additional information required by rules and regulations promulgated pursuant to present law shall be reported to the department after a reasonable amount of time to take prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Effective August 1, 2021.

(Amends R.S. 30:2363(10) and 2373(B)(2); adds R.S. 30:2363(21) and 2365(A)(8))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Environmental Quality to the original bill

1. Changes the time in meaning of "immediately" from not to exceed 15 minutes to not to exceed 30 minutes.
2. Removes the conditions of an injury requiring hospitalization or a fatality from the presumption of an emergency condition.