

# Voluntary Environmental Self-Disclosure: Louisiana House/Senate Enact Legislation



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The Louisiana House and Senate have passed legislation requiring the Louisiana Department of Environmental Quality (“LDEQ”) to promulgate regulations:

- Allowing for voluntary environmental self-audits
- Providing for confidentiality of information contained in a voluntary environmental self-audit
- Requiring that incentives (such as penalty reductions) be provided to facilities conducting voluntary environmental self-audits

If signed by the Louisiana Governor, House Bill No. 72 would require that LDEQ promulgate regulations addressing topics such as:

- Procedures for conducting voluntary environmental self-audits
- Incentives
- Corrective actions for violations discovered as a result of such voluntary environmental self-audit
- Submission to LDEQ of the plans to correct violations discovered during a voluntary environmental self-audit
- Fees associated with the process

The regulations would also be required to identify violations that are not eligible for relief such as:

- Result in serious actual harm to the environmental
- Present an imminent or substantial endangerment to public health or the environment
- Discovered by LDEQ prior to the written disclosure of the violation to the agency
- Detected through monitoring, sampling or auditing procedures that are required by statute, regulation, permit, judicial or administrative order, or consent agreement

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) developed an environmental self-disclosure incentive policy a number of years ago. The DEQ policy allows the agency to mitigate up to 100 percent of a gravity-based component of a civil administrative penalty in the event that self-disclosed violations meet a number of criteria specified in the policy (i.e., reported to DEQ within a certain time period; not already mandated to be reported by law, permit, etc.; detected through an environmental audit or environmental management system; corrected and/or remediated recurrence prevented; not a repeat violation; and cooperation with the agency.)

As with the Louisiana Legislation, DEQ’s policy does not allow its application to certain scenarios such as:

- Imminent and substantial endangerment to human health or the environment

- Creation of serious actual harm to human health or the environment
- Violations deliberate or intentional
- Indication of lack of good faith to understand and comply with applicable state environmental laws, etc.
- Entity is routinely out of compliance with environmental laws, etc.
- Violation violates specific terms of any judicial or administrative order

A copy of House Bill No. 72 can be downloaded [here](#).