NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Safe Management of Recalled Airbags

(LAC 33:V.105 and 1009)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105 and 1009. (HW136)

The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on November 30, 2018. The proposed Rule, regarding the exemption of the collection of airbag waste from hazardous waste requirements, will facilitate the expedited removal of defective airbag inflators from vehicles. As long as certain conditions are met, the efforts made by dealerships, salvage yards, and other locations will help provide safe and environmentally sound disposal for the airbag waste. The basis and rationale for this Rule are to mirror federal regulations for the removal of defective airbags with exception to a more stringent records management requirement for collection and designated facilities. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference the proposed Rule by HW136. Such comments must be received no later than October 2, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW136. The proposed Rule is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20.

**Public Hearing**

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861 or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark

General Counsel

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including solid waste and hazardous waste, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. — D.10.d.iii. …

11. Airbag Waste

a. The following definitions apply for this Paragraph.

*Airbag Waste*—any hazardous waste airbag modules or hazardous waste airbag inflators.

*Airbag Waste Collection Facility*—any facility that receives airbag waste from airbag handlers subject to regulation under this Subsection, and accumulates the waste for more than 10 days.

*Airbag Waste Handler*—any person who generates airbag waste by site that is subject to regulation under this Chapter.

b. Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not subject to any requirements of LAC 33:V.Subpart 1, or to the notification requirements of Subsection A of this Section provided that the airbag waste is:

i. accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

ii. packaged in a container designed to address the risk posed by the airbag waste and labeled “Airbag Waste – Do Not Reuse;”

iii. sent directly to either:

(a). an airbag waste collection facility in the United States of America under the control of:

(i). a vehicle manufacturer;

(ii). their authorized representative;

(iii). under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration (NHTSA); or

(b). a *designated facility,* as defined in LAC 33:V.109;

iv. the transport of the airbag waste complies with all applicable U.S. Department of Transportation (DOT) regulations in 49 CFR part 171-180 during transit; and

v. the airbag waste handler maintains at the handler facilty records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility for no less than three years.

(a). For each shipment, these records shall, at a minimum, contain:

(i). the name of the transporter and date of the shipment;

(ii). name and address of receiving facility; and

(iii). the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

(b). Confirmations of receipt shall include the:

(i). name and address of the receiving facility;

(ii). type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and

(iii). date which it was received.

(c). Shipping records and confirmations of receipt shall be made available for inspection. They may be satisfied by routine business records (e.g.,electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

c. Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations. The facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and shall comply with the requirements of LAC 33:V.Subpart 1.

d. Reuse in vehicles of defective airbag modules or defective airbag inflators, subject to a recall under the NHTSA is considered sham recycling and prohibited in accordance with LAC 33:V.105.R.

e. An airbag waste collection facility and the designated facility shall maintain at their respective facility records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility for no less than three years.

i. For each shipment, these records shall, at a minimum, contain the:

(a). name of the transporter and date of the shipment;

(b). name and address of the handler;

(c). name and address of receiving facility; and

(d). type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

ii. Confirmations of receipt shall include the:

(a). name and address of the receiving facility;

(b). type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and

(c). date which it was received.

iii. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records (e.g.,electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

E. — R.8.h. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division. LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), LR 50:1456 (October 2024), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**Chapter 10. Generators of Hazardous Waste**

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

**Subchapter A. General**

**§1009. Conditions for Exemption for Very Small Quantity Generators**

A. — A.5.h.ii.(b). …

i. for airbag waste, an airbag waste collection facility or a designated facility shall be subject to the requirements of LAC 33:V.105.D.11.

A.6. — C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:904 (July 2020), LR 50:1456 (October 2024), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

Person

Preparing

Statement: Brock Bonvillain Dept.: Environmental Quality

Phone: (225) 219-7085 Office: Environmental Services

Return Rule

Address: 602 North Fifth Street Title: Safe Management of Recalled Airbags

(LAC 33:V.105 and 1009)

Baton Rouge, LA 70802

Date Rule

Takes Effect: Upon Promulgation

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

The proposed rule change adds airbag waste to the rules and regulations of Hazardous Waste and Hazardous Materials. More specifically, the proposed rule change exempts the collection of airbag waste from hazardous waste requirements as long as certain conditions are met.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated or estimated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will allow dealerships, salvage yards, and other facilities to expedite the removal of defective airbag inflators from vehicles. Currently, airbag waste is subject to the hazardous waste regulations. The proposed rule change will remove some of the stringent waste management, shipping, and record-keeping requirements for airbag waste.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment in the public and private sectors.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Signature of Head or Designee |  | Legislative Fiscal Officer or Designee |
| Jill C. Clark, General Counsel |  |  |
| Typed Name & Title of Agency Head or Designee |  |  |
|  |  |  |
| Date of Signature |  | Date of Signature |

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

1. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change adds airbag waste to the rules and regulations of Hazardous Waste and Hazardous Materials. More specifically, the proposed rule change exempts the collection of airbag waste from hazardous waste requirements as long as certain conditions are met. This will allow dealerships, salvage yards, and other facilities to expedite the removal of defective airbag inflators from vehicles.

1. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Louisiana is authorized by the United States Environmental Protection Agency (EPA) to administer the hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act (RCRA). One requirement for retaining authorization is to maintain state hazardous waste regulations so that they are equivalent to/or more stringent than corresponding federal regulations. The proposed rule and requirements related to the safe management of recalled airbags will be administered by Louisiana to provide a safe and environmentally sound disposal method for the defective airbag inflators. Since the airbag waste carries an uncertain capacity to rupture and presents an unreasonable risk of serious injury or death, it is imperative to accelerate the recall.

1. Compliance with Act 11 of the 1986 First Extraordinary Session
   1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, the proposed rule change will not result in any increase in the expenditure of funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) Yes. If yes, attach documentation.

(b) NO. If no, provide justification as to why this rule change should be published at this time

This question is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

|  |  |  |  |
| --- | --- | --- | --- |
| **COSTS** | **FY 26** | **FY 27** | **FY 28** |
| PERSONAL SERVICES | $0 | $0 | $0 |
| OPERATING EXPENSES | $0 | $0 | $0 |
| PROFESSIONAL SERVICES | $0 | $0 | $0 |
| OTHER CHARGES | $0 | $0 | $0 |
| EQUIPMENT | $0 | $0 | $0 |
| MAJOR REPAIR & CONSTR. | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |
| **POSITIONS (#)** | **0** | **0** | **0** |

1. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Although the proposed rule change and requirements related to the safe management of recalled airbags will be administered by Louisiana, there are no anticipated increases/decreases in cost to implement the proposed action.

1. Sources of funding for implementing the proposed rule or rule change.

|  |  |  |  |
| --- | --- | --- | --- |
| **SOURCE** | **FY 26** | **FY 27** | **FY 28** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| OTHER (Specify) | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

1. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The proposed rule change does not require additional funding.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated impact on local government units as a result of the proposed rule change.

1. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

1. What increase (decrease) in revenues can be anticipated from the proposed action?

|  |  |  |  |
| --- | --- | --- | --- |
| **REVENUE INCREASE/DECREASE** | **FY 26** | **FY 27** | **FY 28** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| LOCAL FUNDS | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

\*Specify the particular fund being impacted.

1. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule change is not anticipated to have any increase or decrease in revenues.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will allow dealerships, salvage yards, and other facilities to expedite the removal of defective airbag inflators from vehicles. Currently, airbag waste is subject to the hazardous waste regulations. The proposed rule change will remove some of the stringent waste management, shipping, and record-keeping requirements for airbag waste.

1. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There is no anticipated effect on receipts and/or income resulting from the proposed rule change to these groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment

in the public and private sectors. Include a summary of any data, assumptions, and methods used in making these estimates.

There is no anticipated impact on competition or employment in the public and private sectors as a result of this proposed rule change. These changes are mandatory for states to implement to comply with the EPA’s standards and will impact all hazardous waste generators in a similar manner.