

Laura Almond

From: Laura Almond
Sent: Thursday, October 9, 2025 7:20 AM
To: 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.housespeaker@legis.la.gov'; 'apa.senatepresident@legis.la.gov'
Cc: Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills
Subject: Summary Report for Proposed Rule HW136
Attachments: HW136 NOI.pdf

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October 9, 2025

The Honorable Eddie J. Lambert, Chairman
c/o Committee Staff
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman
House Committee on Natural Resources and Environment
c/o Committee Staff

**RE: Summary Report for Proposed Rule HW136
Safe Management of Recalled Airbags
(LAC 33:V.105 and 1009)
Proposed on August 20, 2025**

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Neither oral nor written comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached is the Notice of Intent for informational purposes. The original proposed rule was previously provided to you and is not being resubmitted with this report.

We would appreciate it if you would acknowledge receipt of this message by return email. Please contact Laura Almond at laura.almond@la.gov or (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark
General Counsel

This concludes this transmission.

Laura Almond
Environmental Project Specialist
Louisiana Department of Environmental Quality
Legal Affairs Division
(225) 219-3985

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

2508#034

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.

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.

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

ii. *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.

iii. *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 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.

(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 Affairs 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 33: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:

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Safe Management of Recalled Airbags

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT 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 NONGOVERNMENTAL 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.

Jill C. Clark
General Counsel
2508#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Universal Waste Regulations: Addition of Aerosol Cans
(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301)

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, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301. (HW134ft)

The proposed Rule is identical to federal regulations found in FR Vol. 84 No. 236 pages 67202-67220, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. The proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on February 7, 2020. The proposed Rule amends the universal waste program to include hazardous waste aerosol cans under the Resource Conservation and Recovery Act regulations. This modification provides regulatory relief and environmental benefits to a broad range of aerosol can generators and handlers, including the retail sector. Specifically, it offers a streamlined, environmentally protective system for managing discarded aerosol cans, alleviates regulatory burdens, promotes collection and recycling efforts, and supports the development of municipal and commercial programs aimed at reducing the disposal of these materials in municipal solid waste landfills or combustors. The basis and rationale for this Rule are to mirror federal regulations and promote recycling of aerosol cans. 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.

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

Laura Almond

From: Microsoft Outlook
To: 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.housespeaker@legis.la.gov';
'apa.senatepresident@legis.la.gov'
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Subject: Relayed: Summary Report for Proposed Rule HW136

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'apa.housespeaker@legis.la.gov' (apa.housespeaker@legis.la.gov)

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

Subject: Summary Report for Proposed Rule HW136



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Thursday, October 9, 2025 7:20 AM
Subject: Delivered: Summary Report for Proposed Rule HW136

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule HW136



Summary Report
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From: Microsoft Outlook
To: Jill Clark
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Subject: Delivered: Summary Report for Proposed Rule HW136

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

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Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Thursday, October 9, 2025 7:20 AM
Subject: Delivered: Summary Report for Proposed Rule HW136

Your message has been delivered to the following recipients:

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Summary Report
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Laura Almond

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To: Deidra Johnson
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Subject: Delivered: Summary Report for Proposed Rule HW136

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Deidra Johnson (Deidra.Johnson@LA.GOV)

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Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Thursday, October 9, 2025 7:20 AM
Subject: Delivered: Summary Report for Proposed Rule HW136

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule HW136



Summary Report
for Proposed Ru...

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Thursday, October 9, 2025 7:20 AM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
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ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

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If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Thursday, October 9, 2025 7:20 AM
To: Laura Almond
Subject: Request received

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ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

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If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

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<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Thursday, October 9, 2025 7:20 AM
To: Laura Almond
Cc: APA - Senate Environment
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDol2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.