

1 diving, and that infection cannot result from drinking water contaminated with the amoeba;
2 and

3 WHEREAS, in November 2013, the department issued its first emergency rule
4 relative to minimum disinfection requirements for public water systems in the wake of
5 *Naegleria fowleri* being identified in the St. Bernard Parish water system, and subsequently
6 in a water system in DeSoto Parish; and

7 WHEREAS, this was the first in what would become a series of emergency rules that
8 the department has issued or redeclared since 2013 on public water system disinfection; and

9 WHEREAS, recognizing the need for a more permanent and stable policy than an
10 emergency rule on disinfection of drinking water, as well as the need to delineate which
11 water systems are required to comply with minimum disinfection standards, the legislature
12 passed Senate Bill No. 75 of the 2014 Regular Session, which became Act No. 573, referred
13 to hereafter as "Act No. 573"; and

14 WHEREAS, among other provisions formalizing standards for chlorine levels in
15 public water systems, Act No. 573 set forth a clear exemption from such standards for
16 industrial water users that own, operate, and maintain a water system dedicated to the
17 exclusive use of industrial operations or facilities; and

18 WHEREAS, notwithstanding this exemption, which is codified at R.S. 40:4.15(C),
19 the department has attempted to subject industrial users to chlorination standards set forth
20 in Act No. 573 and in its emergency rules; and

21 WHEREAS, it is uncertain as of the date of filing of this Resolution when the
22 department will consider any final rulemaking on this matter; and

23 WHEREAS, such uncertainty is of particular concern not only because of the
24 regulatory burden it has caused for industrial water users, but also because chlorination of
25 drinking water at levels currently required by the department could actually harm public
26 health, as chlorination at these levels can create carcinogenic byproducts such as
27 trihalomethanes in drinking water; and

28 WHEREAS, the legislature intends for departments and agencies of the state to
29 utilize the emergency rulemaking powers conveyed by the Administrative Procedure Act
30 judiciously, and only in strict conformance with the requirements of R.S. 49:953(B); and

1 WHEREAS, the legislature intends further that departments and agencies of the state
2 engage only in the regulatory functions specified and delegated to them in law.

3 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
4 clarify that the intent of R.S. 40:4.15(C), as enacted by Act No. 573 of the 2014 Regular
5 Session, is to exempt industrial water users that own, operate, and maintain a water system
6 dedicated to the exclusive use of industrial operations or facilities from chlorination
7 standards for public water systems.

8 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct
9 the secretary of the Department of Health and Hospitals to promulgate rules through the
10 notice of intent process that comport with Act No. 573 to replace the series of redeclared
11 emergency rules that the department has adopted since 2013 relative to disinfection
12 requirements for public water systems.

13 BE IT FURTHER RESOLVED that the secretary of the Department of Health and
14 Hospitals shall cause the notice of intent required by this Resolution to be published in the
15 Louisiana Register no later than December 31, 2015.

16 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
17 secretary of the Department of Health and Hospitals.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 54 Original

2015 Regular Session

Hoffmann

Clarifies that the intent of present law (R.S. 40:4.15(C)) is to exempt industrial water users that own, operate, and maintain a water system dedicated to the exclusive use of industrial operations or facilities from chlorination standards for public water systems.

Directs the secretary of the Dept. of Health and Hospitals (DHH) to promulgate rules through the notice of intent process to replace a series of redeclared emergency rules relative to disinfection requirements for public water systems.

Stipulates that DHH shall publish the requisite notice of intent in the La. Register no later than Dec. 31, 2015.