

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete a provision indicating that the intent of present law 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.
2. Add a provision indicating that the intent of present law is to provide that an industrial user that owns, operates, and maintains a water system dedicated to the exclusive use of its operations or facilities may apply for a variance from any requirement to maintain a minimum disinfectant level of free or total chlorine in its water system, and that DHH shall review any such variance request and may grant approval if not inconsistent with applicable federal statute, rule, or regulation.