

HCS HB 933 -- ENVIRONMENTAL AUDITS

SPONSOR: Townley (Bivins)

COMMITTEE ACTION: Voted "do pass" by the Committee on Conservation and Natural Resources by a vote of 11 to 8.

This substitute details the conditions under which noncompliance with environmental regulations by an entity subject to environmental law will be protected from administrative, civil, and criminal penalties and prosecution and public disclosure pursuant to Chapter 610, RSMo.

The principal conditions include:

- (1) Discovery of the noncompliance through a voluntary, as opposed to a legally mandated, internal environmental audit or compliance management system;
- (2) Full and timely disclosure of the noncompliance to the Department of Natural Resources;
- (3) Discovery and disclosure of the noncompliance prior to any governmental inspection or investigation, third-party complaint, whistle-blower employee report, or imminent discovery by any regulatory department or agency;
- (4) Time limits for correcting the noncompliance;
- (5) Written agreements to take necessary steps to prevent recurrence;
- (6) Absence of occurrence of the identical noncompliance by the facility within the previous three years or within the previous five years at facilities owned or operated by the same entity; and
- (7) The entity's cooperation with the department to determine the applicability of the protections afforded by the substitute.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that the bill will help improve the environment. Compliance is the objective of the bill; and with these changes, the industry can voluntarily comply without risk of penalty.

Testifying for the bill were Representative Bivins; Associated Industries of Missouri; Chemistry Council of Missouri; Missouri Chamber of Commerce and Industry; and St. Louis Regional

Community Growth Association.

OPPONENTS: Those who oppose the bill say that environmental audits are necessary to bring companies into compliance, and the provisions of the bill will hurt the enforcement options of the Department of Natural Resources. The scope of the bill needs to be narrowed and the role of the department more defined. The bill goes beyond existing federal audit policies.

Testifying against the bill were Division of Air and Land Protection; and Sierra Club.

Marc Webb, Legislative Analyst