

TRANSPORTATION RELEASE AND INCIDENT REPORTING CRITERIA

RS 32:1510. REPORTING OF INCIDENTS, ACCIDENTS, AND CLEANUPS

A. Each person involved in an incident, accident, or the cleanup of an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material subject to this Chapter shall report immediately by telephone to the department if that incident, accident, or cleanup of an incident or accident involves:

- (1) A fatality due to fire, explosion, or exposure to any hazardous material.
- (2) The hospitalization of any person due to fire, explosion, or exposure to any hazardous material.
- (3)(a) A continuing danger to life, health, or property at the place of the incident or accident under any of the following circumstances:
 - (i) The incident or accident results in the release of a hazardous material, as defined in Title 49 of the Code of Federal Regulations.
 - (ii) As a result of the incident or accident, a bulk package of a regulated hazardous material as defined in Title 49 of the Code of Federal Regulations, comes to rest at an angle forty-five degrees or more from the upright position.
 - (iii) It is deemed necessary to transfer a hazardous material, as defined in Title 49 of the Code of Federal Regulations, from one bulk package to another bulk package on a public highway or within 500 feet of an inhabited building.
- (b) Vehicles suffering mechanical failures completely unrelated to the transportation container or the material contained therein, shall not be required to notify under this Paragraph.
- (4) An estimated property damage of more than ten thousand dollars.



E. (1) Notwithstanding any other provision of law to the contrary, the provisions of this Section shall not apply to any incidents, accidents, or cleanup of incidents or accidents that occur within a facility that is subject to the release reporting requirements of R.S. 30:2373(B) and is engaged in activities defined or classified under one or more of the following subsectors, industry groups, or industries of the 1997 North American Industry Classification System (NAICS):

- (a) 211 (oil and gas extraction)
- (b) 22111 (electric power generation)
- (c) 3221 (pulp, paper, and paperboard mills)
- (d) 324 (petroleum and coal products manufacturing)
- (e) 325 (chemical manufacturing)
- (f) 326 (plastics and rubber products manufacturing)
- (g) 331 (primary metal manufacturing)
- (h) 4953 (refuse systems)
- (i) 4212 (local trucking without storage)
- (j) 4789 (trucking without storage)

(2) Notwithstanding the provisions of Paragraph 1 of this Subsection, this Section shall apply to any carrier involved in any incident, accident, or cleanup of an

incident or accident which occurs outside the perimeter of any facility exempted from this Section pursuant to Paragraph 1 of this Subsection.

Any emergency or release notification made to the Hazardous Materials Hotline must be received no later than one hour after the occurrence, depending on the exigency of the circumstances. This is a guideline which places the burden of immediate notification on the responsible party ensuring that timely notification to Local and State government occurs. The purpose of this immediate notification is to ensure the public safety.