

Laura Almond

From: Laura Almond
Sent: Monday, November 10, 2025 9:32 AM
To: 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'; 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'
Cc: Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills; Robert Shadoin; Jay Love
Subject: Summary Report for Proposed Rule HW133
Attachments: HW133 Notice of Intent.pdf

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	William Little	Delivered: 11/10/2025 9:32 AM
	Nathan Mills	Delivered: 11/10/2025 9:32 AM
	Robert Shadoin	Delivered: 11/10/2025 9:32 AM
	Jay Love	Delivered: 11/10/2025 9:32 AM

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 HW133
Hazardous Waste Pharmaceutical Rule
(LAC 33:V.Chapters 1, 3, 10, 12, 15, 22, 43, and 49)
Proposed on September 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

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This concludes this transmission.

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

3) The addition of LAC 33:V.1013.C.2.d.i, which details how small quantity generators shall conduct and maintain weekly inspection records.

4) The addition of LAC 33:V.1015.B.1.e.i, which details how large quantity generators must conduct and maintain weekly inspection records.

5) The addition of LAC 33:V.1013.B.7, which details procedures to withdraw an episodic event notification.

6) The addition of LAC 33:VII, Section 119, which outlines Hazardous Waste Determination requirements.

7) The addition of Subsection 315. P, stating that solid waste generators shall conduct a hazardous waste determination for all generated wastes. Waste determination is a requirement for all solid waste under the Resource Conservation and Recovery Act (RCRA), but it was not plainly stated in the solid waste regulations. This update clearly identifies the regulatory requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units resulting from this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to have costs or economic benefits on persons, small businesses, or nongovernmental groups. The proposed rule change only corrects errors in the current regulations or provides clarification to existing regulatory requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Louisiana Department of Environmental Quality does not anticipate any impact on competition in the public and private sectors as a result of the proposed rule change.

Jill C. Clark
General Counsel
2509#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Hazardous Waste Pharmaceutical Rule (LAC 33:V.Chapters 1, 3, 10, 12, 15, 22, 43, and 49)

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.Chapters 1, 3, 10, 12, 15, 22, 43, and 49 (HW133).

The proposed Rule will adopt the mandatory and optional portion of the Federal Management Standards for Hazardous Waste Pharmaceuticals and amendment to the P075 listing for nicotine. The mandatory portions of the proposed Rule create new management standards for pharmaceuticals by healthcare facilities and reverse distributors in lieu of being managed as traditional hazardous waste. The proposed Rule prohibits the disposal of hazardous waste pharmaceuticals down the drain and eliminates dual regulation of Resource Conservation and Recovery Act (RCRA) hazardous wastes that are also Drug Enforcement Administration controlled

substances under a conditional exemption. The proposed Rule maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. The optional portion of the proposed Rule excludes the P075 listing of nicotine and nicotine salts contained in USDA approved over the counter nicotine replacement therapies. The basis and rationale for this proposed Rule are to adopt and incorporate by reference the Federal Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 listing for nicotine. This proposed 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.1.a.i. ...

ii. any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment, except as prohibited by 40 CFR 266.505 and Clean Water Act requirements at 40 CFR 403.5(b). *Domestic Sewage* means untreated sanitary wastes that pass through a sewer system;

D.1.b. - N. ...

1. Except as provided in LAC 33:V.105.N.6, any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of LAC 33:V.Chapter 38 may petition for a regulatory amendment under LAC 33:I.Chapter 9 and LAC 33:V.Chapter 38.

2. - 5. ...

6. Hazardous waste pharmaceuticals are regulated by 40 CFR part 266 subpart P and may not be added as a category of hazardous waste for management under this Subsection.

O. - 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 Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), amended by the Office of Secretary, Legal Division, 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), amended by the Office of the Secretary, Legal Affairs Division LR 50:1456 (October 2024), LR 51:

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Empty Container—

1.a. - 2.c.iii. ...

3. containers of hazardous waste pharmaceuticals are subject to LAC 33:V.1205 for determining when they are considered empty, in lieu of this Section, except as provided by 40 CFR 266.507(c) and (d).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

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, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR

25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), LR 46:898 (July 2020), LR 47:1852 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1457 (October 2024), LR 51:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§305. Scope of the Permit

A. - C.13.d. ...

14. any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of LAC 33:V.Chapters 3, 5, and 7 for those activities;

15. in the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition or;

16. reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated, as defined in LAC 33:V.1205 and are subject to regulation under LAC 33:V.1205 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

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 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), 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:V.108 and Chapter 11.]

Subchapter A. General

§1003. Purpose, Scope, and Applicability

A. - F. ...

G. All *reverse distributors*, as defined in LAC 33:V.1205, are subject to LAC 33:V.1205 for the management of hazardous waste pharmaceuticals in lieu of this Chapter.

H. Each *healthcare facility*, as defined in LAC 33:V.1205, shall determine whether it is subject to LAC 33:V.1205 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and nonpharmaceutical hazardous waste). A healthcare facility that generates more than 100 kg (220 pounds) of hazardous waste per calendar month, more than 1 kg (2.2 pounds) of acute hazardous waste per calendar month, or more than 100 kg (220 pounds) per calendar month of any residue, contaminated soil, water, or other debris, resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in LAC 33:V.4901.B or LAC 33:V.4901.E is subject to LAC 33:V.1205 for the management of hazardous waste pharmaceuticals in lieu of this Part.

I. A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its nonpharmaceutical hazardous waste, remains subject to LAC 33:V.1009 and is not subject to LAC 33:V.1205, except for 40 CFR 266.505 and 266.507 and the optional provisions of 40 CFR 266.504.

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 46:901 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§1007. Generator Category Determination

A. - D.5....

6. universal waste managed under LAC 33:V.105.D.7 and Chapter 38;

7. managed as part of an episodic event in compliance with LAC 33:V.Chapter 10.Subchapter C; or

8. is a *hazardous waste pharmaceutical*, as defined in LAC 33:V.1205, that is subject to or managed in accordance with LAC 33:V.1205 or is a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance and is conditionally exempt under 40 CFR 266.506.

E. - G.2.b. ...

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 46:903 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§1009. Conditions for Exemption for Very Small Quantity Generators

A. - A.5.h.ii.(a). ...

(b). an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the

U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

i. a *reverse distributor*, as defined in LAC 33:V.1205, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a *healthcare facility*, as defined in LAC 33:V.1205; or

j. a *healthcare facility*, as defined in LAC 33:V.1205, that meets the conditions in 40 CFR 266.502(l) and 266.503(b), as applicable, to accept noncreditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.

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), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 12. Federal Programs Adopted by Reference

Subchapter A. Modifications and/or Exceptions

§1201. Modifications and/or Exceptions

A. The following terms in Title 40 of the Code of Federal Regulations (CFR) are changed to mean the following.

1. EPA or Regional Administrator shall refer to LDEQ or Assistant Secretary of the Office of Environmental Services.

2. CFR requirements where reports, notification and other correspondence are submitted to EPA, shall be sent to the LDEQ Office of Environmental Services.

3. Must in CFR language means shall.

4. CFR biennial reports shall be annual reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter B. Programs

§1203. Reserved

A. Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

§1205. Pharmaceutical Waste

A. Any facility that manages hazardous pharmaceutical waste shall meet 40 CFR 266, subpart P (Hazardous Waste Pharmaceuticals), August 2019, which is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. - C.11.e. ...

f. antifreeze as described in LAC 33:V.3811;

12. LAC 33:V.5309 identifies when the requirements of this Chapter apply to the storage of military munitions classified as solid waste under LAC 33:V.5303. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Subpart 1; or

13. reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated *hazardous waste pharmaceuticals*, as defined in LAC 33:V.1205 and are subject to regulation under LAC 33:V.1205 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

D. - H.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2180 et seq.

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 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2205. Storage Requirements for Generators and Reverse Distributors

A. - A.3. ...

4. A healthcare facility accumulates such wastes in containers on site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the healthcare facility complies with the applicable requirements in LAC 33:V.1205.

5. A reverse distributor accumulates such wastes in containers on site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the reverse distributor complies with LAC 33:V.1205.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:280 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§2245. Generator and Reverse Distributor Waste Analysis, Recordkeeping, and Notice Requirements

A. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1144 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018), LR 46:937 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.13.f. ...

14. reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated *hazardous waste pharmaceuticals*, as defined in LAC 33:V.1205 and are subject to regulation under LAC 33:V.1205 in lieu of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically R.S. 30:2180 et seq.

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 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 49. Lists of Hazardous Wastes

Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).

§4901. Category I Hazardous Wastes

A. - D.2. ...

3. any residue remaining in a container or an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in LAC 33:V.4901.E or F, unless the container is empty as defined in LAC 33:V.109. *Empty Container*.2 or LAC 33:V.1205;

Note: Unless the residue is being beneficially used, reused, legitimately recycled or reclaimed, or being accumulated, stored, transported or treated prior to such use, reuse, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate reuse of the residue is where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue is where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.

D.4. - E. ...

Table 3. Acute Hazardous Wastes (Alphabetical Order by Substance)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)

P075	154-11-5	Nicotine, and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)

P075	154-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (s)- and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)

P075	154-11-5	Nicotine, and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)

P075	154-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (s)- and salts (this listing does not include patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, 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 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR

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18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), LR 33:1627 (August 2007), LR 34:635 (April 2008), LR 34:1020 (June 2008), LR 34:2392 (November 2008), LR 36:2555 (November 2010), LR 38:780 (March 2012), amended by the Office of the Secretary, Legal Division, LR 39:2492 (September 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed 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 this proposed Rule by HW133. Such comments must be received no later than November 6, 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 HW133. 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 October 30, 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=96029909> 881 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: Hazardous Waste Pharmaceutical Rule**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state governmental units as a result of the proposed rule change.

The proposed rule change makes the following changes:

1) Adopts the mandatory and optional portions of the Federal Management Standards for Hazardous Waste Pharmaceuticals.

2) Adopts the Amendment to the P075 listing for Nicotine, which exempts nicotine replacement therapies like gums, patches, and lozenges from the Federal Hazardous Waste Pharmaceutical list.

3) Establishes new management standards for pharmaceuticals by healthcare facilities and reverse distributors, rather than treating them as traditional hazardous waste.

4) Prohibits the disposal of hazardous waste pharmaceuticals down the drain.

5) Eliminates dual regulation of Resource Conservation and Recovery Act (RCRA) hazardous wastes that are also Drug Enforcement Administration-controlled substances under a conditional exemption.

6) Maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal, and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local governmental units resulting from this proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule change is not anticipated to impact the costs or economic benefits of any persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The department does not anticipate any impact on competition in the public and private sectors as a result of the proposed rule change.

Jill C. Clark
General Counsel
2509#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Miscellaneous Corrections
(LAC 33:XV.328, 709, and 778)

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 Radiation Protection regulations, LAC 33:XV.328, 709, and 778 (RP072).

The proposed Rule updates the regulations pertaining to dosimetry and makes miscellaneous corrections to the Radiation Protection regulations. The changes in the state regulations are category B requirements for the State of Louisiana to remain a Nuclear Regulatory Commission (NRC) Agreement State. This Rule was promulgated by the NRC as RATS ID 2023-1. The basis and rationale for the proposed Rule are to mirror the federal regulations and maintain an adequate Agreement State Program. 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 XV. Radiation Protection

Chapter 3. Licensing of Byproduct Material

Subchapter D. Specific Licenses

**§328. Special Requirements for Specific License to
Manufacture, Assemble, Repair, or Distribute
Commodities, Products, or Devices that Contain
Byproduct Material**

A. - J.1.b. ...

i. registered or licensed with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.17(a);

J.1.b.ii. - M.4.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2526 (October 2005), LR 33:2179 (October 2007), LR 36:1771 (August 2010), amended by the Office of the Secretary, Legal

Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Monday, November 10, 2025 9:36 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 PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, 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/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>
Sent: Monday, November 10, 2025 9:36 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 BY COMMITTEE

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

(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 - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Monday, November 10, 2025 9:36 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/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 Speaker <apa.housespeaker@legis.la.gov>
Sent: Monday, November 10, 2025 9:36 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: Microsoft Outlook
To: 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'; 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'
Sent: Monday, November 10, 2025 9:32 AM
Subject: Relayed: Summary Report for Proposed Rule HW133

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

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

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

'apa.s-envq@legis.la.gov' (apa.s-envq@legis.la.gov)

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Poynter Library <drplib@legis.la.gov>
To: Laura Almond
Sent: Monday, November 10, 2025 9:42 AM
Subject: Read: Summary Report for Proposed Rule HW133

Your message

To: Poynter Library
Subject: Summary Report for Proposed Rule HW133
Sent: Monday, November 10, 2025 9:32:11 AM (UTC-06:00) Central Time (US & Canada)

was read on Monday, November 10, 2025 9:41:54 AM (UTC-06:00) Central Time (US & Canada).

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Jay Love
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

Jay Love (Jay.Love2@la.gov)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Robert Shadoin
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

Robert Shadoin (Robert.Shadoin2@LA.GOV)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

Courtney Burdette (DEQ) (Courtney.Burdette@LA.GOV)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Monday, November 10, 2025 9:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW133

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule HW133



Summary Report
for Proposed Ru...

Laura Almond

From: Morris, Luke <morrisl@legis.la.gov>
To: Laura Almond
Sent: Monday, November 10, 2025 9:33 AM
Subject: Read: Summary Report for Proposed Rule HW133

Your message

To: Morris, Luke
Subject: Summary Report for Proposed Rule HW133
Sent: Monday, November 10, 2025 9:32:11 AM (UTC-06:00) Central America

was read on Monday, November 10, 2025 9:33:01 AM (UTC-06:00) Central America.

Laura Almond

From: Ladmiraault, Brandy <ladmiraaultb@legis.la.gov>
To: Laura Almond
Sent: Monday, November 10, 2025 9:37 AM
Subject: Read: Summary Report for Proposed Rule HW133

Your message

To: Ladmiraault, Brandy
Subject: Summary Report for Proposed Rule HW133
Sent: Monday, November 10, 2025 9:32:11 AM (UTC-06:00) Central Time (US & Canada)

was read on Monday, November 10, 2025 9:36:58 AM (UTC-06:00) Central Time (US & Canada).