

# The Regulatory Review Process in Pennsylvania

**Pennsylvania Association of Sewage Enforcement  
Officers (PASEO)  
and  
Pennsylvania Septage Management Association  
(PSMA)**

Presented by  
The Independent Regulatory Review  
Commission  
George D. Bedwick, Chair  
David Sumner, Executive Director  
Leslie Lewis Johnson, Chief Counsel

Red Lion, Harrisburg PA  
February 6, 2024

# Pennsylvania has a Two-Stage Process

In most cases, regulations follow a **two-stage review process**:

## Proposed Regulation

- Open to comments from citizens, interested parties, legislators, legislative committees, and IRRC
- Often improved as a result of input

## Final Regulation

- Reviewed and subject to approval/disapproval before it can be implemented

# Things to know about IRRC

- **An independent agency**
- **Five commissioners, one each appointed by:**
  - **Governor**
  - **Senate President Pro Tempore**
  - **Speaker of the House**
  - **Senate Minority Leader**
  - **House Minority Leader**

## Commission Members and Staff



## George D. Bedwick

**Title:** Chairman

**Residence:** Harrisburg, PA

**Education:** King's College (BA), Dickinson Law School (JD)

**Appointed:** October 2023 by the Honorable Joanna McClinton, House Democratic Leader

**Biography:** George D. Bedwick retired from the Pennsylvania House of Representatives in 2007 serving in positions that included Legislative Director for the Majority Leader and Legislative Counsel to the Minority and Majority Whip. He is also a former board member of the Pennsylvania Industrial Development Authority.

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## John F. Mizner, Esq.

**Title:** Vice Chairman

**Residence:** Erie, PA

**Education:** St. Vincent College (BA), University of Pittsburgh School of Law (JD)

**Appointed:** February 2021 by the Honorable Jake Corman, President Pro Tempore of the Senate

**Biography:** John Mizner is an Attorney in Erie, PA.

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## John J. Soroko, Esq.

**Title:** Commissioner

**Residence:** Philadelphia, PA

**Education:** Haverford College (BA), New York University of Law (JD)

**Appointed:** December 2023 by the Honorable Bryan Cutler, House Republican Leader

**Biography:** John J. Soroko is currently Chairman Emeritus of the Duane Morris law firm, following 40 years of experience and leadership with the firm. He serves as Co-Chair of the Federal Judicial Nomination Advisory Panel for the Eastern District of Pennsylvania, was formerly President Judge of the Pennsylvania Court of Judicial Discipline and a Director of the Philadelphia Regional Port Authority. He is admitted as a foreign lawyer in Singapore and serves as a board member of many charitable,

educational, legal, and business organizations.



## Murray Ufberg, Esq.

**Title:** Commissioner

**Residence:** Upper Gwynedd, PA

**Education:** Bucknell University (BA), Duquesne University (JD)

**Appointed:** February 2023 by the Honorable Josh Shapiro, Governor. March 2015 through January 2023 as an appointee of Governor Tom Wolf. February 2003 through March 2006 as an appointee of Governor Edward G. Rendell.

**Biography:** Murray Ufberg is a partner of Rosenn, Jenkins & Greenwald, LLP, where he served as Managing Partner for over 22 years. He is a past member of the Hearing Committee of the Disciplinary Board of the Pennsylvania Supreme Court and of the Board of Pennsylvania Higher Education Assistance Agency. He has served on the Boards of numerous charitable, religious and civic organizations, including The Commonwealth Medical College, Misericordia University and WVIA TV/FM/HDTV.

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## Dennis A. Watson, Esq.

**Title:** Commissioner

**Residence:** Pittsburgh, PA

**Education:** University of Pennsylvania (BA), University of Pittsburgh (JD)

**Appointed:** February 2021 by the Honorable Jay Costa, Senate Democratic Leader

**Biography:** Dennis A. Watson currently serves as a Shareholder of Dickie, McCamey & Chilcote PC. He is a proctor in the Maritime Law Association and a member of the Southeastern Admiralty Law Institute. He also serves as a trustee of the Historical Society of Western Pennsylvania, Chairman of the Borough of West View Zoning Hearing Board and Chairman of the West View Water Authority. He is a member of the Academy of Trial Lawyers of Allegheny County.

# Before Regulatory Oversight

## The General Assembly had:

- **Enacted a large number of statutes**
- **Given boards, commissions, departments, and agencies the authority to adopt rules and regulations to implement those statutes**

# Before Regulatory Oversight

**Pennsylvania's legislature found that this delegation of its authority resulted in regulations that:**

- **Did not conform to legislative intent**
- **Were not evaluated based on their cost benefit**

# Before Regulatory Oversight

**The General Assembly determined that it must establish a procedure for oversight and review of regulations to:**

- **Curtail excessive regulation, and**
- **Require the executive branch to justify its exercise of the authority to regulate before imposing hidden costs upon the economy of Pennsylvania**



# Enactment of Regulatory Review Act

- Establish a method for ongoing and effective legislative **review and oversight** to foster executive **branch accountability**
- Provide for **primary review** by an agency with sufficient authority, expertise, independence and time to perform that function...IRRC
- Provide **ultimate review** of regulations by the General Assembly
- Assist the Governor, the Attorney General and the General Assembly in their supervisory and oversight functions
- Encourage the resolution of objections to a regulation and the reaching of a consensus among the Commission, the Standing Committees, interested parties and Agencies

# Present Day: Legal Framework

- **Administrative Code** (71 P.S. § 232)  
Section 612 requires the Governor's Office of Budget to prepare a fiscal note for proposed regulations indicating revenue loss or cost increase
- **Commonwealth Attorneys Act** (71 P.S. §§ 732-101–732-506)  
Provides for the review of proposed and final regulations for form and legality by the Office of Attorney General and the Office of General Counsel
- **Commonwealth Documents Law** (45 P.S. §§ 1102-1208)  
Provides for the publication of proposed rulemakings for public review and comment
- **Regulatory Review Act (RRA)** (71 P.S. §§ 745.1– 745.14)  
Provides for the formal review of proposed and final regulations by the General Assembly and IRRC

# What can regulations do?

- **Implement legislation**
- **Comply with a state or federal court decision**
- **Add, amend, or repeal a regulation**
- **Clarify an existing regulation**

# Delegation of regulatory authority

AN ACT to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the profession of barbering; regulating barber shops and barber schools, and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of State; and providing penalties.

Act 101 of 1984



# Examples of Regulations Reviewed by IRRC

- **Changes to Immunization Requirements (#3146 and #3147)**
- **Milk Sanitation (Department of Agriculture (#3210))**
- **State Athletic Commission: Mixed Martial Arts “Ground and Pound” Rules (#2958)**
- **DCNR: Ginseng Harvesting Regulations (#2991)**



# Some Exceptions

- **Regulations from the Courts, Game Commission, and Fish & Boat Commission**
- **Other Areas Specifically Exempted by Statute**
  - **Initial Regulations Under Act 16 of 2016 (Medical Marijuana) – The Act provides for temporary regulations that are exempt from regulatory review**
  - **Act 22 of 2011 (Omnibus Welfare Code Amendments) – Approved June 30, 2011; This statute specifically exempted from review regulations promulgated through June, 2012**

# Two-Stage Regulatory Review Process

The seal of the Independent Regulatory Review Commission of Pennsylvania is a circular emblem. It features a central figure of a woman in classical attire, holding a scale of justice in her right hand and a sword in her left. The figure is set against a background of the state of Pennsylvania. The seal is surrounded by the text "PENNSYLVANIA 1787" at the top and "VIRTUE LIBERTY INDEPENDENCE" on the right. At the bottom, it reads "1999" and "E PLURIBUS UNUM".

## Proposed Rulemaking Stage

# Agency Develops Regulation

- Agency may convene Stakeholder Group
- Office of General Counsel Review
- Governor's Policy Office Review
- Budget Office Review for Fiscal Impact
- Office of Attorney General Review for Form and Legality



# Start of Proposed Stage

Delivery to Legislative Reference Bureau, IRRC, and Standing Committees on the Same Day

- Publication in *PA Bulletin* and minimum 30-day public comment period
- Regulation package available on IRRC's website
- Regulation package includes Regulatory Analysis Form, signed face sheet, preamble, annex and transmittal sheet

<b>Regulatory Analysis Form</b> <small>(Completed by Promulgating Agency)</small>		<small>INDEPENDENT REGULATORY REVIEW COMMISSION</small> <b>IRRC</b>
<small>[All Comments submitted on this regulation will appear on IRRC's website]</small>		NOV 30 2022 Independent Regulatory Review Commission IRRC Number: <b>3363</b>
(1) Agency: Environmental Protection	(2) Agency Number: 7 Identification Number: 580	
(3) PA Code Cite: 25 Pa. Code Chapter 129		
(4) Short Title: Control of VOC Emissions from Conventional Oil and Natural Gas Sources		
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Laura Griffin, 717.772.3277, <a href="mailto:laurgriffi@pa.gov">laurgriffi@pa.gov</a> Secondary Contact: Brian Chalfant, 717.783.8073, <a href="mailto:bchalfant@pa.gov">bchalfant@pa.gov</a>		
(6) Type of Rulemaking (check applicable box): <input type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input checked="" type="checkbox"/> Final Omitted Regulation	<input checked="" type="checkbox"/> Emergency Certification Regulation; <input checked="" type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)  This final-omitted rulemaking adds reasonably available control technology (RACT) requirements and RACT emission limitations for conventional oil and natural gas sources of volatile organic compound (VOC) emissions to Chapter 129 (relating to standards for sources). VOC emissions are precursors to the formation of ground-level ozone, a public health, welfare and environmental hazard. Sources affected by this final-omitted rulemaking include natural gas-driven continuous bleed pneumatic controllers, natural gas-driven diaphragm pumps, reciprocating compressors, centrifugal compressors, fugitive emissions components and storage vessels installed at conventional well sites, gathering and boosting stations and natural gas processing plants, as well as storage vessels in the natural gas transmission and storage segment. While this final-omitted rulemaking requires VOC emission reductions, methane emissions are also reduced as a co-benefit, because both VOCs and methane are emitted from oil and gas operations.  This final-omitted rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following promulgation of the final-form regulation.		
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.  This emergency certified final-omitted rulemaking is issued under the authority of section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Section 5(a)(8) of the APCA (35 P.S. § 4005(a)(8)) also grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q). Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)), known as the Commonwealth Documents Law (CDL). This final-omitted		

rulemaking is also being submitted as an emergency certified regulation under section 6(d) of the Regulatory Review Act (RRA) (71 P.S. § 745.6(d)).

**(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as any deadlines for action.**

Yes, this final-omitted rulemaking to adopt RACT requirements and emission limitations for conventional oil and natural gas sources of VOC emissions is required under the CAA. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2)(A) and 7511c(b)(1)(B)), this final-omitted rulemaking establishes the VOC emission limitations and other RACT requirements consistent with the EPA's recommendations in the "Control Techniques Guidelines for the Oil and Natural Gas Industry," EPA 453/B-16-001, Office of Air Quality Planning and Standards, EPA, October 2016 (2016 O&G CTG) as RACT for these sources in this Commonwealth. See 81 FR 74798 (October 27, 2016).<sup>1</sup> This final-omitted rulemaking is also necessary to attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone and protect public health and welfare from harmful air pollution.

*Background on the Ozone National Ambient Air Quality Standards (NAAQS)*

Under section 108 of the CAA (42 U.S.C.A. § 7408), the EPA is responsible for establishing NAAQS, or maximum allowable concentrations in the ambient air, for six criteria pollutants considered harmful to public health and the environment: ground-level ozone; particulate matter; nitrogen oxides (NO<sub>x</sub>); carbon monoxide; sulfur dioxide; and lead. Section 109 of the CAA (42 U.S.C.A. § 7409) established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment. In section 302(h) of the CAA (42 U.S.C.A. § 7602(h)), effects on welfare are defined to include protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and public welfare, including the environment.

On April 30, 1971, the EPA promulgated primary and secondary NAAQS for photochemical oxidants, which include ground-level ozone, under section 109 of the CAA. See 36 FR 8186 (April 30, 1971). These standards were set at an hourly average of 0.08 parts per million (ppm) total photochemical oxidants not to be exceeded more than 1 hour per year. On February 8, 1979, the EPA revised the level of the primary 1-hour ozone standard from 0.08 ppm to 0.12 ppm and set the secondary standard identical to the primary standard. See 44 FR 8202 (February 8, 1979). This revised 1-hour standard was reaffirmed on March 9, 1993. See 58 FR 13008 (March 9, 1993).

On July 18, 1997, the EPA concluded that revisions to the then-current 1-hour ozone primary standard to provide increased public health protection were appropriate to protect public health with an adequate margin of safety. Further, the EPA determined that it was appropriate to establish a primary standard of 0.08 ppm averaged over 8 hours. At this time, the EPA also established a secondary standard equal to the primary standard. See 62 FR 38856 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004). Based on the Department's certified ambient air monitoring data for the Commonwealth's 2020 ozone season, all monitored areas of this Commonwealth are attaining and maintaining the 1997 8-hour ozone NAAQS.

<sup>1</sup> See also EPA, Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA 453/B-16-001, Office of Air Quality Planning and Standards, October 2016, <https://www.epa.gov/sites/default/files/2016-10/documents/2016-ctg-oil-and-gas.pdf>

# Regulatory Analysis Form

FINAL-OMITTED RULEMAKING  
ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CH. 129]

Control of VOC Emissions from Conventional Oil and Natural Gas Sources

The Environmental Quality Board (Board) amends Chapter 129 (relating to standards for sources) to read as set forth in Annex A. This final-omitted rulemaking amends §§ 129.131—129.140 to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for conventional oil and natural gas sources of volatile organic compound (VOC) emissions. These sources include natural gas-driven continuous bleed pneumatic controllers, natural gas-driven diaphragm pumps, reciprocating compressors, centrifugal compressors, fugitive emissions components and storage vessels installed at conventional well sites, gathering and boosting stations and natural gas processing plants, as well as storage vessels in the natural gas transmission and storage segment. The Board adds definitions, acronyms and United States Environmental Protection Agency (EPA) methods to § 129.132 (relating to definitions, acronyms and EPA methods) to support the implementation of the control measures. Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)), known as the Commonwealth Documents Law (CDL). This final-omitted rulemaking is also being submitted as an emergency certified regulation under section 6(d) of the Regulatory Review Act (RRA) (71 P.S. § 745.6(d)).

*Rulemaking Background and History*

On December 17, 2019, the Board adopted the Control of VOC Emissions from Oil and Natural Gas Sources proposed rulemaking (referred to as the combined rulemaking). The combined rulemaking included VOC RACT requirements for five categories of oil and natural gas sources of VOC emissions in this Commonwealth, including sources used by the unconventional and conventional industries. On May 23, 2020, the combined rulemaking was published for a 66-day comment period at 50 Pa.B. 2633 (May 23, 2020). Three public hearings were held virtually on June 23, 24, and 25, 2020. Over 100 individuals provided verbal testimony. The comment period closed on July 27, 2020. The Board received over 4,500 comments, including comments from the House and Senate Environmental Resources and Energy Committees (ERE Committees), members of the General Assembly and the Independent Regulatory Review Commission (IRRC). The majority of the commentators expressed their support for the VOC RACT requirements in the combined rulemaking, noting the need to address air emissions from the oil and gas sector. On March 15, 2022, the Board adopted the combined rulemaking as a final-form rulemaking.

Also, on March 15, 2022, the Board submitted the final-form combined rulemaking to IRRC for its consideration. On April 26, 2022, the House ERE Committee sent a letter to IRRC indicating their disapproval of the combined rulemaking due to their interpretation of language in the Pennsylvania Grade Crude Development Act, the act of June 23, 2016 (P.L. 375, No. 52) (58 P.S. §§ 1201—1208), known as Act 52. The letter stated the House ERE Committee's position that Act 52 requires the Board to submit two rulemaking packages — one that applies to unconventional oil and natural gas sources and one that applies to conventional oil and natural gas sources. The House ERE Committee's letter to IRRC initiated the concurrent resolution process

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## Preamble

# Annex

Annex A  
TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Subpart C. PROTECTION OF NATURAL RESOURCES  
ARTICLE III. AIR RESOURCES  
CHAPTER 129. STANDARDS FOR SOURCES

Control of VOC Emissions from Conventional Oil and Natural Gas Sources

(*Editor's Note:* Sections 129.131—129.140 are proposed to be added and are printed in regular type to enhance readability.)

§ 129.131. General provisions and applicability.

(a) *Applicability.* Beginning \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of this rulemaking.), this section and §§ 129.132—129.140 apply to an owner or operator of one or more of the following conventional oil and natural gas sources of VOC emissions installed at a conventional well site, a gathering and boosting station or a natural gas processing plant in this Commonwealth which were constructed on or before \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of this rulemaking.):

- (1) Storage vessels at:
  - (i) A conventional well site.
  - (ii) A gathering and boosting station.
  - (iii) A natural gas processing plant.
  - (iv) The natural gas transmission and storage segment.
- (2) Natural gas-driven continuous bleed pneumatic controllers.
- (3) Natural gas-driven diaphragm pumps.
- (4) Reciprocating compressors and centrifugal compressors.
- (5) Fugitive emissions components.

(b) *Existing RACT permit.* Compliance with the requirements of this section and §§ 129.132—129.140 assures compliance with the requirements of a permit issued under §§ 129.91—129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) or §§ 129.96—129.100 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs) to the owner or operator of a source subject to subsection (a) prior to \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of this rulemaking.), to control, reduce or minimize VOC emissions from oil and natural gas

1 of 56

CDL-1

RECEIVED  
IRRC

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU 2016 FEB -5 AM 10:20

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality, Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality, Executive or Independent Agencies.

*Amy M. Elliott*  
BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Occupational Therapy  
Education and Licensure  
\_\_\_\_\_  
(AGENCY)

*[Handwritten Signature]*

JAN 13 2016

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-6711

DATE OF ADOPTION: \_\_\_\_\_

*Kerri Hample*  
BY: \_\_\_\_\_  
Kerri Hample

12-17-15  
DATE OF APPROVAL

(Executive Deputy General Counsel  
Strike inapplicable title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- Check if applicable  
Copy not approved.  
Objections attached.
- Check if applicable. No  
Attorney General approval or  
objection within 30 day after  
submission.

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE  
49 PA. CODE, CHAPTER 42

GENERAL REVISIONS

Face Sheet

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 16A-6711		
SUBJECT: General Revisions		
AGENCY: DEPARTMENT OF STATE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE		
<b>TYPE OF REGULATION</b>		
X	Proposed Regulation	
	Final Regulation	
	Final Regulation with Notice of Proposed Rulemaking Omitted	
	120-day Emergency Certification of the Attorney General	
	120-day Emergency Certification of the Governor	
	Delivery of Disapproved Regulation	
a.	With Revisions	
b.	Without Revisions	
<b>FILING OF REGULATION</b>		
<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
2/5/16	<i>A. Keely</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
		MAJORITY CHAIR <u>Julie Harhart</u>
		MINORITY CHAIR _____
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
2/5/16	<i>Tammy M. Blach</i>	MAJORITY CHAIR <u>Robt. M. Tomlinson</u>
		MINORITY CHAIR _____
2/5/16	<i>K. Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
2/5/16	<i>Courina Grant</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

2016 FRP - 5 /M /D- 20

IRRC

January 19, 2016

# Transmittal Sheet

**IRRC Number** 2958

**Agency Name** [State Athletic Commission](#)

**Regulation Status** Final-Form

**PA Code** [58 Pa. Code Chapter 29](#) Chapter(s) being amended

**Analysts Assigned** Scott R. Schalles (SRS)  
Fiona E. Wilmarth (FEW)

**Proposed Regulation Received** July 17, 2012

**PA Bulletin Publish Date** July 28, 2012

**Close of Public Comment** August 27, 2012

**Final Due By** August 27, 2014

**IRRC Comments Due** September 26, 2012

**Final-Form Regulation Received** February 14, 2013

**Public Meeting Date** April 04, 2013

**Published as Final** May 18, 2013

**Actions Taken**

IRRC Approval	April 04, 2013
House Committee Deems Regulation Approved	April 03, 2013
Senate Committee Deems Regulation Approved	April 03, 2013

 [Download final regulation](#)

**Public Comments on Final Regulation**

<a href="#">FORM LETTER A 18</a>	March 12, 2013
<a href="#">DAVE KLICK</a>	March 11, 2013
<a href="#">FIGHT CLUB PITTSBURGH MMA MICHAEL MORROW</a>	March 7, 2013
<a href="#">JAMES KENNEY</a>	March 7, 2013
<a href="#">JASON BONI</a>	March 7, 2013

[View Full List](#)

**Legislative Comments (on the Proposed and Final Regulation)**

<a href="#">REP METCALFE</a>	March 19, 2013
<a href="#">REP METCALFE</a>	August 10, 2012

**IRRC Order(s)**

<a href="#">APPROVAL</a>	April 4, 2013
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# Regulation Timeline at Proposed Stage

## Publication of Proposed Rulemaking



## Public Comment Period

(minimum of 30 days for comments)



## IRRC Comments Filed

(30 days after public comment period ends)

# Effective Participation

- Provide substantive comments.
- Keep it simple; offer suggestions.
- If the proposed regulation is amending an existing one, comment on new language only.
- Submit during official public comment period.
- Follow the order of the regulation & use numbering used in the official version in the *PA Bulletin*.



# IRRC Review Criteria

- ◆ **Whether agency has statutory authority to implement regulation**
- ◆ **Whether the regulation is consistent with the legislative intent**
- ◆ Economic and fiscal impact on the public and private sector
- ◆ Protection of the public health, safety and welfare
- ◆ Clarity, feasibility and reasonableness of the regulation
- ◆ **Whether regulation is a policy decision requiring legislative review**
- ◆ **Comments, objections or recommendations of a Committee**
- ◆ Compliance with the Regulatory Review Act and IRRC regulations
- ◆ Whether the regulation is supported by acceptable data
- ◆ Small business analysis and impact

# Two-Stage Regulatory Review Process



## Final Rulemaking Stage

# Agency Review of Comments

After close of public comment period,  
Agency:

- Reviews all comments received
- May convene stakeholder group
- May issue a draft of the final regulation or publish an Advance Notice of Final Regulation
- Prepares final-form regulation and comment and response document
- May decide not to submit final-form regulation

# Final Regulation Timetable

**Submit final regulation to IRRC & Standing Committees**  
*(No later than 2 years from close of public comment period)*



**Committee Action**  
*(Must act no later than 24 hours before IRRC's meeting)*



**Scheduled for IRRC Public Meeting**  
*(held no less than 30 days after delivery of final regulation)*

# Final Regulation

## Agency

- **Must include a response to all comments received**
- **New RAF and Annex are included with any updates and revisions**
- **Scheduled for consideration at IRRC's next public meeting that is at least 30 days from delivery of the regulation**

# Final Regulation

## IRRC Review Criteria

- Criteria is the same as that for proposed regulations.
- Scope of review:
  - IRRC comments
  - Amendments from proposed to final regulation
  - Recommendations, comments, or objections from a standing committee

# Final Regulation

## Public Participation

- Interested parties may submit comments to IRRC prior to IRRC's public meeting.
- Attend IRRC's public meeting.
- Speak in support of or opposition to the regulation at IRRC's public meeting.
- <http://www.irrc.state.pa.us/meetings/>

# IRRC Public Meeting





# IRRC Public Meeting

- **Meeting (*not a hearing*)**
- **Consideration of a final regulation:**
  - **Staff provides summary of the regulation**
  - **Agency opening remarks**
  - **Public comments**
  - **Agency response**
  - **Commissioners motion and vote**

# IRRC Public Meeting

INDEPENDENT REGULATORY REVIEW COMMISSION



# IRRC Public Meeting



# IRRC

Independent Regulatory Review Commission

**PUBLIC MEETING AGENDA  
THURSDAY, APRIL 20, 2023  
10:00 a.m.**

14th Floor Conference Room  
333 Market Street, Harrisburg, PA 17101

- I. **CALL TO ORDER:** Chairman
- II. **EMBARGOED MAIL**
- III. **APPROVAL OF THE DECEMBER 8, 2022 MINUTES**
- IV. **NEW BUSINESS**

## A. ACTION ITEMS

**Staff Review**

**Comments: Agency/Legislative/Public**

**Response: Agency**

**Motion**

**Vote**

- 1. **No. 3363 Environmental Quality Board #7-580:  
Control of VOC Emissions from Conventional Oil  
and Natural Gas Sources (Emergency Certified)**

# IRRC Public Meeting

If IRRC approves a regulation, the Agency may

- **Deliver to Office of Attorney General for review**
- **Deliver to Legislative Reference Bureau for final publication**

# IRRC Public Meeting

If IRRC disapproves a regulation, the Agency may

- Redeliver the final-form regulation *with revisions*;
- Redeliver the final-form regulation *without revisions*; or
- Choose *not* to redeliver the regulation

# If a Regulation is Disapproved

- If the agency redelivers the final-form regulation, IRRC will place it on an upcoming public meeting agenda.
- Committees have another opportunity to review the regulation.
- Stakeholders and interested parties can comment again.
- IRRC can only take action on a regulation twice.

# If a Regulation is Approved

**Ultimately, IRRC cannot stop the promulgation of a regulation.**

**The General Assembly can stop a regulation using the concurrent resolution process.**

# If a Regulation is Approved

**Most regulations become effective on the date of publication, which means that the regulation has successfully gone through the regulatory review process and, upon publication, has the full force and effect of law.**



# Information about Forthcoming Regulations

- Periodically review agency website for recently posted regulations
- Governor's Regulatory Agenda is issued twice yearly (February & July)

***<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-29/980.html>***

- IRRC's website

# More Information about the Regulatory Review Process

- **Informational Videos**
- **Follow us on Twitter: PA\_IRRC**
- **Meeting videos available on Vimeo: IRRC PA**
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# IRRC Website

- **Commissioner and staff information**
- **IRRC's Comments and Orders**
- **Public meeting information**
  - **Agenda & minutes**
  - **Meeting videos**
- **Docket of regulations**
- **Regulatory documents**
- **Annual Report**
- **Regulatory Review Process Handbook**
- **IRRC's regulations -- 1 Pa. Code Chapters 301-315**

# 2024 IRRC Public Meeting Schedule

Thursday, January 25

**Thursday, February 15**

Thursday, March 21

**Thursday, April 18**

Thursday, May 16

**Thursday, June 20**

Thursday, July 18

**Thursday, August 15**

Thursday, September 19

**Thursday, October 24**

Thursday, November 21

**Thursday, December 5**

# Pennsylvania's Regulatory Review Process

The seal of the Independent Regulatory Review Commission is a circular emblem. It features a central figure of a woman in classical attire, holding a scale of justice in her right hand and a sword in her left. The figure is set against a background of the state of Pennsylvania. The words "LIBERTY" and "INDEPENDENCE" are inscribed on the right side of the seal. At the bottom, the year "1999" and the motto "E PLURIBUS UNUM" are visible.

**Questions?**