

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Wednesday, September 11, 2024

14th Floor Conference Room

333 Market Street

These minutes provide a *summary* of actions taken at this meeting. A full video of the meeting is available on our website at www.irrc.state.pa.us/meetings/ (select "Meeting Video" link).

I. CALL OF THE MEETING

The September 11, 2024 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 John F. Mizner, Esq., Vice Chairman
 Murray Ufberg, Esq.

Telephone: John J. Soroko, Esq.
 Dennis A. Watson, Esq.

II. APPROVAL OF THE AUGUST 15, 2024 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the August 15, 2024 public meeting minutes, as submitted. Vice Chairman Mizner made the motion and Commissioner Ufberg seconded, and the motion passed 5-0.

III. NEW BUSINESS

A. ACTION ITEMS

A report concerning the Commission's Section 8.1 review of existing regulations was considered. Executive Director David Sumner provided background on the review and summarized the report. Jim Smith, a Commission annuitant who assisted with the project, discussed the findings of the review. In total, 27 orders issuing recommendation of the Commission were approved.

1. Review of Final Report

Chairman Bedwick made a motion for approval of the draft report regarding legislative requests to review existing regulations. Commissioner Ufberg seconded, and the motion passed 5-0.

2. Review of Department of Aging Existing Regulations in Response to a Request from the House Aging and Older Adult Services Committee

At the request of the House Aging and Older Adult Services Committee, the Commission reviewed seven existing regulations found in 6 Pa. Code Chapter 15 Protective Services for Older Adults, Chapter 20 Family Caregiver Support Program, Chapter 21 Domiciliary Services for Adults, and Chapter 22 Pharmaceutical Assistance Contract for the Elderly (PACE). The Commission's review identified outdated provisions which are no longer in the public interest in Chapters 20, 21, and 22 relating to the Regulatory Review Act (RRA) criteria of statutory authority, legislative intent, comments by the House Aging and Older Adults Services Committee, economic impact, and clarity.

Vice Chairman Mizner made a motion for approval of the orders containing recommendations for the Department of Aging. Chairman Bedwick seconded, and the motion passed 5-0.

3. Review of Department of Corrections Existing Regulations in Response to a Request from the House Judiciary Committee

At the request of the House Judiciary Committee, the Commission reviewed five existing regulations found in 37 Pa. Code Chapters 91 Administration, Chapter 93 State Correctional Institutions and Facilities, Chapter 94 Release and Prerelease Programs, Chapter 95 County Correctional Institutions, and Chapter 97 State Intermediate Punishment Drug Offender Treatment Program. The Commission's review identified outdated provisions in each chapter relating to statutory authority, legislative intent, comments by the House Judiciary Committee, reasonableness, and clarity.

Commissioner Ufberg made a motion for approval of the orders containing recommendations for the Department of Corrections. Vice Chairman Mizner seconded, and the motion passed 5-0.

4. Review of Department of Health Existing Regulations in Response to a Request from the House Health Committee

At the request of the House Health Committee, the Commission reviewed the following existing regulations in 28 Pa. Code Chapter 5 Clinical Laboratories, Chapter 30 Blood Banks, Chapter 51 General Information, Chapter 53 Photo Identification Badges, Subpart B General and Special

Hospitals encompassing Chapters 101 to 158, and Subpart F Ambulatory Surgical Facilities encompassing Chapters 551 to 573. The Commission's review identified outdated provisions which are no longer in the public interest in each chapter and subpart identified by the House Health Committee relating to the Regulatory Review Act (RRA) criteria of statutory authority, legislative intent, comments by the House Health Committee, economic impact, need, reasonableness, and clarity.

Commissioner Soroko made a motion for approval of the orders containing recommendations for the Department of Health. Chairman Bedwick seconded, and the motion passed 5-0.

5. Review of the Department of Labor and Industry Existing Regulations in Response to a Request from the House Labor and Industry Committee

In a letter to the Commission, House Labor and Industry Committee requested review of 30 chapters of existing regulations. The Commission's review identified outdated provisions which are no longer in the public interest in the following chapters: Chapter 5 Blasting, Demolition, Fireworks and Explosives; Chapter 7 Elevators, Lifts, Escalators, Dumbwaiters, Hoists and Tramways; Chapter 13 Propane and Liquefied Petroleum Gas, Subchapter B Lead Corroding and Oxidizing; Chapter 23 Laundering and Dyeing Establishments, Subchapter B Dry Cleaning and Dyeing; Chapter 27 Lighting; Chapter 29 Mechanical Apparatus – Miscellaneous, Subchapter F Abrasive Wheels; Chapter 31 Migrant Labor, Subchapter C Seasonal Farm Labor; Chapter 38 Building Energy Conservation Standards; Chapter 41 Sanitation, Subchapter B Railroad Sanitation; Chapter 47 Miscellaneous Provisions, Subchapter D Facilities for Handicapped, and Subchapter K Safety Glazing Material; and Chapter 60 Universal Accessibility Standards.

The outdated provisions related to the RRA criteria of statutory authority, legislative intent, comments by the House Labor and Industry Committee, economic impact, clarity, protection of the public safety, duplication of existing regulations, need, and reasonableness.

Commissioner Watson made a motion for approval of the orders containing recommendations for the Department of Labor and Industry. Vice Chairman Mizner seconded, and the motion passed 5-0.

6. Review of Department of State Existing Regulations in Response to a Request from the House State Government Committee

The House State Government Committee requested that the Commission review 25 existing regulations. The Commission's review identified two outdated existing regulations, including regulation #16-22 (IRRC #2100) Campaign Finance Forms and #16-33 (IRRC #2407) Fees for Notary Services. The Commission's review determined that these regulations are no longer in

the public interest under the RRA criteria of comments by the House State Government Committee, economic impact, reasonableness, and need.

Chairman Bedwick made a motion for approval of the orders containing recommendations for the Department of State. Commissioner Ufberg seconded, and the motion passed 5-0.

7. Review of Existing Regulations that Resulted in No Issues related to the RRA Criteria

The Commission found no issues relating to the RRA review criteria after reviewing regulations from the following agencies: Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services, Joint Committee on Documents, Department of General Services, and Department of Human Services. In these instances, the agencies demonstrated they are actively in the process of updating the regulations, the concerns raised by the committees did not violate the RRA criteria, and/or the agencies refuted the committee concerns.

IV. OTHER BUSINESS

Approval of Vouchers

Vice Chairman Mizner made a motion to approve vouchers and expenses for the period June 21, 2024, through August 15, 2024. Chairman Bedwick seconded, and the motion passed 5-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Thursday, September 19, 2024, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VI. ADJOURNMENT

Chairman Bedwick adjourned the meeting at 11:03 am.