

Pennsylvania's General Assembly created the Independent Regulatory Review Commission to provide independent oversight of the rulemaking process in Pennsylvania and to establish an ongoing and effective review of agency regulations. The Commission's mission is to review agency regulations in order to determine whether they are in the public interest. By evaluating the conformity of rulemakings with law, and their impact on the public and regulated community, we assist the General Assembly and the Governor in achieving a favorable regulatory balance and ensure the integrity of the regulatory process. This annual report details the Commission's activities in 2017.

In 2017, the Commission reviewed a total of 53 regulations, including 31 proposed and 22 final regulations. More than 230 public comments were submitted on pending regulations in 2017. 32 members of the House and Senate submitted comments on these regulations. Standing Committees submitted formal comments on one rulemaking.

Notable regulations reviewed by the Commission in 2017 include: Gasoline Volatility Requirements (Environmental Quality Board #3162); Home and Community-Based Supports and Licensing (Department of Human Services #3160); and Securities Regulation Omnibus Amendments (Department of Banking and Securities #3152). A full list of the regulations reviewed by the Commission in 2017 is attached.

Copies of all comments filed on these regulations, together with information on all actions taken concerning the regulations, is available on the Commission's website: www.irrc.state.pa.us.

Looking ahead, the Commission will continue its role as an independent oversight body reviewing agency regulations and determining whether the criteria set forth in Pennsylvania's Regulatory Review Act have been satisfied.

Proposed Regulations

The following is an explanation of the action codes for Proposed Regulations:

NONE	Commission did not submit comments.
OPEN	Regulation was received in 2017 with Commission action due in 2018.
*	Final-form regulation delivered in 2017.
WDN	Withdrawn – A regulation submitted as proposed that was withdrawn by the Agency before IRRC issued comments.
W2Y	Withdrawn Under Section 5.1(a) – A regulation submitted as proposed, but not delivered in final-form within two years of the close of the public comment period, and consequently, deemed to be withdrawn.

Final Regulations

The following is an explanation of the action codes for Final Regulations:

- ABL Approved by Law The final regulation was deemed to be approved because the Commission did not submit any comments on the proposed regulation, the regulation was not modified from its proposed form and the designated standing committees did not disapprove the final regulation.
- APP Approved The final regulation was approved.
- N/A Indicates this was a final-omitted regulation and was, therefore, not published in the *Pennsylvania Bulletin* for public comment.
- **NONE** The Commission did not submit any comments on the proposed regulation.

DEPARTMENT OF AGRICULTURE

PROPOSED F	PROPOSED REGULATIONS					
Date Received	Agency & TITLE		IRRC #	Comments Filed		
09/11/17	#2-187	Weighmasters	#3179	11/22/17		

Rescinds outdated and burdensome provisions related to weighmasters' certificates and certificates of quality for anthracite coal.

09/11/17	#2-190	Commercial Kennel Canine Health Regulations	#3180	NONE
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Rescinds a provision relating to flooring which the Commonwealth Court has determined contradicts the express statutory provisions of the Dog Law and violates the legislative intent of the Dog Law.

10/05/17 #	#2-185	Vegetable Marketing and Research Program	#3181	NONE
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Addresses producer charges for the Pennsylvania Vegetable Marketing and Research Program and makes "housekeeping" updates to the existing regulations.

DEPARTMENT OF BANKING AND SECURITIES

FINAL REGULATIONS						
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action	
08/10/17	#3-54	Securities Regulations Omnibus Amendments	#3152	08/31/16	10/12/17 APP	

Updates existing regulations and makes them consistent with the North American Securities Administrators Association model rules and the Securities and Exchange Commission regulations.

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
11/06/17	#7B-8	Conservation of Pennsylvania Native Wild	#3184	OPEN

Conservation of Pennsylvania Native Wild

OPEN

Plants Updates the classification lists of native wild plants, the scientific and common names of certain native wild plants, and the reference source that DCNR uses for the names of native wild plants.

DEPARTMENT OF EDUCATION

FINAL REGU	LATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
00/07/47					05/10/1
03/27/17	#6-337	Postsecondary Distance Education Reciprocity	#3168	N/A	05/18/17 APP

Establishes fees to support the administration of the Commonwealth's membership in the State Authorization Reciprocity Agreement.

State Board of Education

FINAL REGULATIONS							
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action		
03/13/17	#6-336	Nonimmunized Children	#3146	06/08/16	04/20/17 APP		

Updates regulations pertaining to nonimmunized children.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Board of Coal Mine Safety

PROPOSED F	REGULATIONS			
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/03/17	#7-527	Sensitive Ground Fault	#3165	05/17/17*

Adds a provision to address the safety of cables powering certain machines at underground bituminous coal mine sites.

FINAL REGULATIONS						
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action	

10/11/17 #7-527	Sensitive Ground Fault	#3165	05/17/17	11/16/17 APP
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Adds a provision to address the safety of cables powering certain machines at underground bituminous coal mine sites.

Environmental Quality Board

PROPOSED F	REGULATIONS	3		
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
02/10/17	#7-529	Gasoline Volatility Requirements	#3162	05/31/17

Repeals certain gasoline volatility requirements.

04/21/17	#7-499	Radiological Health	#3169	07/26/17
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Updates regulations to establish and maintain adequate radiation protection standards and oversight.

05/31/17 #7	-492	Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NOx and VOCs	#3173	09/20/17
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Limits emissions of volatile organic compounds from the use and application of industrial cleaning solvents at certain stationary sources.

08/09/17 #7-521 Safe Drinking Water; General Update and #3177	10/25/17
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Updates existing regulations pertaining to treatment technique requirements for pathogens, permit fees, and monitoring and reporting requirements.

10/06/17 #7-534 Triennial Review of Water Quality Standards	#3182	OPEN
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Updates and revises water quality criteria as required by the federal Clean Water Act.

FINAL REGU	ATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
		Water Quality Standards; Class A	·		
07/19/17	#7-528	Stream Redesignations	#3140	05/18/16	08/24/17 APP

Updates and revises water quality standards that are designated uses for surface waters in Pennsylvania.

10/12/17 #7-535 Stream Redesignations (Sobers Run, et al.)	#3150	08/24/16	11/16/17 APP]
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Updates and revises water quality standards that are designated uses for surface waters of the Commonwealth.

07/19/17 #7-498	Radiological Health and Radon Certification Fees; Pennsylvania Radon Mitigation System Tag and Fee	#3153	09/29/16	08/24/17 APP	
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Increases fees associated with the radioactive materials licensing and radon certification activities regulated by the Department's Radiation Protection Program and adds a requirement for a Pennsylvania Radon Mitigation System Tag.

05/11/17	#7-495	Environmental Laboratory Accreditation	#3157	10/19/16	06/15/17 APP	
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Amends existing regulations pertaining to environmental laboratory accreditation to add accreditation standards, clarify requirements, remove unnecessary or cost-prohibitive requirements and amend the fee structure.

DEPARTMENT OF GENERAL SERVICES

PROPOSED F	EGULATIONS	· · · · · · · · · · · · · · · · · · ·		
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
05/15/17	#8-27	Metrology Calibration and Testing Fees	#3171	07/07/17 WDN

Amends the schedule of fees for metrology laboratory services and allows for future automatic percentage increases in the schedule of fees.

DEPARTMENT OF HUMAN SERVICES

PROPOSED F	REGULATIONS	· · · · · · · · · · · · · · · · · · ·		
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
10/25/16	#14-540	Home and Community-Based Supports and Licensing	#3160	01/18/17

Amends and updates regulations governing program, operational and fiscal aspects of home and community-based supports for people with an intellectual disability or autism.

07/28/17 #14-538 Outpatient Psychiatric Services and Psychiatric Outpatient Clinics	#3176	10/11/17
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Updates current regulations pertaining to the delivery of outpatient psychiatric services and the operation of psychiatric outpatient clinics.

DEPARTMENT REVENUE

PROPOSED F	REGULATIONS			
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
10/18/17	#15-459	Withholding of Tax	#3183	12/27/17

Further automates the reporting of tax information.

DEPARTMENT OF STATE

Bureau of Professional and Occupational Affairs

FINAL REGU	ATIONS				
Date Received Agency & Regulation #		TITLE	IRRC #	Comments Filed	Final Action
06/30/17	#16A-4413	Schedule of Civil Penalties - Podiatrists	#3100	08/05/15	08/24/17 APP

Establishes civil penalties for practicing or offering to practice podiatry with an expired license and failing to complete 50 hours of approved continuing education.

06/30/17	#16A-5514	Schedule of Civil Penalties - Accountants	#3105	NONE	08/23/17 ABL	
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Amends the schedule of civil penalties for violations of the Board's regulations.

State Board of Accountancy

FINAL REGU	LATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
06/30/17	#16A-5513	Act 73 and Act 15 Amendments	#3104	08/12/15	08/24/17 APP

Updates existing regulations to conform to statutory amendments.

State Board of Certified Real Estate Appraisers

FINAL REGULATIONS								
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action			
09/06/17	#16A-7021	Appraisal Management Companies	#3113	10/07/15	10/12/17 APP			

Governs the registration of appraisal management companies as required by the "Appraisal Management Company Registration Act."

State Board of Chiropractic

FINAL REGU	LATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
04/11/17	#16A-4324	Radiological Procedures Examination	#3106	NONE	05/17/17 ABL

Requires auxiliary personnel seeking to sit for a radiological procedures examination to apply and pay the fee directly to the testing service.

State Board of Examiners in Speech-Language Pathology and Audiology

FINAL REGULATIONS								
Date Received Agency & Regulation #		TITLE	IRRC #	Comments Filed	Final Action			
05/15/17	#16A-6803	Fees; General Revisions	#3159	12/28/16	06/15/17 APP			

Implements amendments to the Speech-Language Pathologists and Audiologists Licensure Act, adopts new fee categories and amends certain existing fees.

State Board of Pharmacy

PROPOSED F	REGULATIONS	· · · · ·		
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/01/17	#16A-5419	Compounding	#3163	05/10/17

Updates regulations to incorporate developments and improvements related to safe, sterile practices and procedures for the compounding of pharmaceutical products.

State Registration Board for Professional Engineers, Land Surveyors and Geologists

FINAL REGU	ATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
06/14/17	#16A-4713	Renewal Fee	#3097	07/15/15	08/24/17 APP

Increases the renewal fee for licensees.

DEPARTMENT OF TRANSPORTATION

PROPOSED F	REGULATIONS			
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/10/17	#18-466	Vehicle Equipment and Inspection	#3166	05/24/17

Updates provisions related to inspection of vehicles.

04/29/15	#18-465 Physical and Mental Criteria, Including Vision Standards, Relating to the Licensin of Drivers	#18-465	#3096	06/08/17 WDN	
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Updates medical requirements and standards for license holders that are being treated for brain disease, cognitive impairment or an intellectual/emotional disorder.

05/21/15 #18-435 School Bus Drivers	#3102	06/08/17 WDN
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Lists the minimum medical requirements for school bus drivers.

06/09/15	#18-436	Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers; Field of Vision; Loss of Consciousness	#3107	06/08/17 WDN	
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Updates field of vision requirements for all license holders and requirements for license holders that have had more than one episode of loss of consciousness in the preceding 12 month period.

06/29/15	/15 #18-464	School Bus Drivers; Medical	10100	08/10/17	
00/29/15	#10-404	Requirements and Standards	#3108	W2Y	

Updates the minimum standards for school bus drivers diagnosed with a brain disease, cognitive impairment or a mental or emotional disorder.

ENVIRONMENTAL HEARING BOARD

FINAL REGUI	ATIONS					
Date Received	Agency & Regulation #	/ & TITLE		Comments Filed	Final Action	
04/18/17	#106-12	Practice and Procedure	#3126	02/18/16	06/15/17 APP	

Updates and clarifies the Board's rules of practice and procedure.

MILK MARKETING BOARD

FINAL REGUI	ATIONS					
Date Received Agency & Regulation #		gency & TITLE		Comments Filed	Final Action	
10/31/17	#47-17	Uniform System of Accounts	#3154	09/07/16	12/07/17 APP	

Deletes milk dealer cost categories that have become outdated, adds new categories and clarifies category descriptions.

OFFICE OF ATTORNEY GENERAL

PROPOSED F	REGULATIONS	6		
Date Received Agency & Regulation #		eceived Agency & TITLE		Comments Filed
12/27/17	#59-9	Unfair Market Trade Practices; Automotive Industry Trade Practices	#3186	OPEN

Improves, enhances and updates the Office of Attorney General's unfair methods of competition and unfair or deceptive acts or practices regulations.

PENNSYLVANIA GAMING CONTROL BOARD

PROPOSED F	REGULATION	S		
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/01/17	#125-204	Four Card Prime and Cajun Stud; Table Game Rules of Play	#3164	05/10/17

Adds two new table games to the complement of games available for play in the Commonwealth.

05/22/17 #125-205 Table Game Rules of Play #	#3172	NONE
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Incorporates existing statements of policy on new side wagers, payment table and variations of existing table games into permanent regulations and adds a new table game to those available for play in the Commonwealth.

06/13/17 #125-206	Junkets, Electronic Credit Systems and Table Game Rules of Play	#3174	09/13/17
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Amends existing regulations to improve clarity, reduce the number of junket reports required and incorporate new side wagers into the existing table games regulations.

FINAL REGUI	LATIONS					
Date Received	Received Agency & TITLE		IRRC #	Comments Filed	Final Action	
08/24/17	#125-189	Hybrid Garning Tables and Electronic Wagering Terminals	#3112	09/30/15	10/12/17 APP	

Adds hybrid gaming tables to the complement of table games available for play in the Commonwealth.

PENNSYLVANIA LIQUOR CONTROL BOARD

PROPOSED REGULATIONS							
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed			
05/04/17	#54-91	Return of Liquor	#3170	07/26/17			

Provides direction to licensees and permittees for returning liquor to the Pennsylvania Liquor Control Board and clarifies existing regulations pertaining to liquor and malt or brewed beverages.

10/29/15	Manager	nent Contracts	#3123	12/21/17 W2Y	
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Eliminates the blanket prohibition of a pecuniary interest being held by a management company.

FINAL REGUL	ATIONS	······				
Date Received Agency & Regulation #		& TITLE		Comments Filed	Final Action	
06/29/17	#54-97	Intermunicipal Transfer of Retail Licenses	#3175	N/A	08/24/17 APP	

Amends existing regulations relating to intermunicipal transfer of retail liquor and eating place retail dispenser licenses to be consistent with Act 155 of 2006.

08/24/17	#54-98	Transportation of Liquor, Malt or Brewed Beverages or Alcohol	#3178	N/A	10/12/17 APP	
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Amends the minimum size requirement for lettering that must appear on vehicles used to transport liquor or malt or brewed beverages from four inches to two inches.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PROPOSED F	REGULATIONS			
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
02/06/17	#57-315	Standards and Billing Practices for Residential Public Utility Service	#3161	05/18/17

Amends existing regulations to implement the Responsible Customer Protection Act.

11/08/17 #57-317 Motor Carrier Age Requirement	#3185	OPEN
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Reduces the minimum age for paratransit drivers from 21 to 18 in limited circumstances.

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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09/11/17	#57-311	Steam Heat Distribution System Safety Regulations	#3131	04/06/16	10/12/17 APP

09/11/17	#37-311	Safety Regulations	#3131	04/06/16	APP	I
Amends and exp	bands existing stea	am regulations to facilitate safety insp	pections of a	steam distribu	ition	1

facilities.

05/11/17	#57-313	Electric Safety Regulations	#3132	04/06/16	06/15/17 APP	
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Amends and expands existing regulations to facilitate safety inspections of electric distribution facilities.

02/23/17 #57-312	Reduce Barriers to Entry for Passenger Motor Carriers	#3135	04/27/16	04/20/17 APP	
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Eliminates the requirement that an applicant for passenger carrier authority demonstrate that the proposed service is responsive to a public demand or need.

PHILADELPHIA PARKING AUTHORITY

PROPOSED REGULATIONS Date Received Agency & Regulation # TITLE IRRC # Comments Filed 05/28/15 #126-11 Modern Taxicab Standards #3103 07/13/17 W2Y

Requires all vehicles proposed for medallion taxicab service after a designated date to be wheelchair accessible and comply with the wheelchair accessible regulations, including vehicle age and mileage requirements.

STATE CIVIL SERVICE COMMISSION

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PROPOSED P	EGULATION	S			
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	
03/21/17	#61-6	Implementation of Acts 69 and 167 of 2016	#3167	06/21/17	

Updates the regulations to conform to the requirements of Acts 69 and 167 of 2016 and to reflect current practices and procedures.