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MARY S. WYATTE, CHIEF COUNSEL

**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>
(717) 783-5417
Fax (717) 783-2664

May 27, 2004

Honorable Calvin B. Johnson, M.D., M.P.H., Secretary
Department of Health
802 Health and Welfare Building
Harrisburg, PA 17108

Re: Regulation #10-170 (IRRC #2300)
Department of Health
Public Swimming and Bathing Places

Dear Secretary Johnson:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,


John R. McGinley, Jr.

Chairman

wbg

Enclosure

cc: Honorable Harold F. Mowery, Jr., Chairman, Senate Public Health and Welfare Committee
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee
Honorable George T. Kenney, Jr., Majority Chairman, House Health and Human Services Committee
Honorable Frank L. Oliver, Democratic Chairman, House Health and Human Services Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held May 27, 2004

John R. McGinley, Jr., Esq., Chairman
Alvin C. Bush, Vice Chairman
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq.

Regulation No. 10-170
Department of Health
Public Swimming and Bathing Places

On September 25, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 18. The proposed regulation was published in the October 5, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 30, 2004.

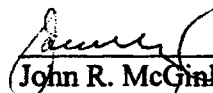
The regulation amends existing regulations relating to bacterial monitoring of public bathing beaches to reflect requirements included in the federal Beaches Environmental Assessment and Coastal Health Act of 2000 (Act). Although the Act governs only Lake Erie beaches in Pennsylvania, the amendments apply to all public bathing beaches in Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. §§ 672-680(d) and 16 P.S. § 12001-12028) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





John R. McGinley, Jr., Esq., Chairman