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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 26, 2008

Honorable Sandi Vito, Acting Secretary
Department of Labor and Industry
1700 Labor and Industry Building
Harrisburg, PA 17120

Re: Regulation #12-71 (IRRC #2556)
Department of Labor and Industry
Registration of Sign Language Interpreters and Transliterators

Dear Acting Secretary Vito:

The Independent Regulatory Review Commission disapproved your regulation on August 21, 2008. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

Within 40 days of receipt of our order, Section 7(a) of the Regulatory Review Act requires you to select one of the following options: (1) proceed with promulgation under Section 7(b); (2) proceed with promulgation under Section 7(c); or (3) withdraw the regulation. If you do not take any action within this period, the regulation is deemed withdrawn.

If you or your staff have any questions, please contact me at 783-5506.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable John R. Gordner, Chairman, Senate Labor and Industry Committee
Honorable Christine M. Tartaglione, Minority Chairman, Senate Labor and Industry Committee
Honorable Robert E. Belfanti, Jr., Majority Chairman, House Labor Relations Committee
Honorable Gene DiGirolamo, Minority Chairman, House Labor Relations Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
DISAPPROVAL ORDER**

Commissioners Voting:

Public Meeting Held August 21, 2008

Arthur Coccodrilli, Chairman
Karen A. Miller
John F. Mizner, Esq.

Regulation No. 12-71 (#2556)
Department of Labor and Industry
Registration of Sign Language Interpreters and
Translitterators

On July 10, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking adds 34 Pa. Code Chapter 501. The proposed regulation was published in the July 22, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 8, 2008.

The purpose of the rulemaking is to implement the Sign Language Interpreter and Translitterator State Registration Act (Act). (63 P.S. §§ 1725.1 - 1725.11.)

Based upon the information provided to us, the Commission has determined that one of the criteria set forth in the Regulatory Review Act has not been met. That criterion pertains to clarity and lack of ambiguity. (71 P.S. § 745.5b(b)(3)(ii).)

Our comments on the proposed version of this rulemaking identified specific sections that lacked clarity. The Department has made several changes to the rulemaking in response to those comments and also comments provided by the public. However, the following clarity concerns remain.

First, § 501.4, pertaining to registration and § 501.5, pertaining to exemptions, are written in a manner that requires a person to read both the regulation and the Act in order to understand all aspects of the registration process. In addition, the regulation is silent on the provisions of the Act pertaining to confidential communications. We recommend that §§ 501.4 and 501.5 be amended in a manner that more accurately informs the regulated community of the registration process and we recommend that a new section pertaining to confidential communications be added to the regulation. We note that the amendments to the exemptions in § 501.5 should include the exemptions contained in the Act and also the exemption created by Act 172 of 2006, which relates to court and administrative proceeding interpreters.

Second, we believe the definition of "RID Generalist examinations" found in § 501.1 remains unclear for two reasons. First, the definition does not reflect the fact that the examination is no longer given. In addition, the definition now includes the following undefined acronyms: CI/CT, CSC, MCSC, CDI, OTC and OIC:C. We recommend that this definition be amended to reflect the fact that the examination is no longer given and to define the acronyms.

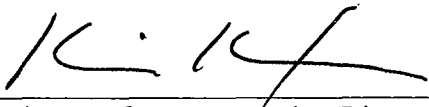
Third, in our comment on § 501.5(e), we asked the Department to amend the final regulation in accordance with Act 92 of 2006 (Act 92), which relates to interpreting and transliterating in a public or private school. The Department added language to reference "regulations promulgated by the State Board of Education." The State Board of Education

recently promulgated two regulations, as required by Act 92. We acknowledge that when the final-form regulation was developed by the Department, the regulations of the State Board of Education were not finalized and it would not have been possible to include more specific citations. However, the State Board of Education's regulation are now finalized and we recommend that this final regulation include those specific citations (See 22 Pa Code §14.105 and §711.5.)

We have determined this regulation is consistent with the statutory authority of the Department (63 P.S. § 1725.3(4)) and the intention of the General Assembly. However, after considering the clarity criterion of the Regulatory Review Act discussed above, we find that promulgation of this regulation is not in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is disapproved.



Kim Kaufman, Executive Director



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Department of Labor & Industry
Registration of Sign Language Interpreters and
Translitterators

Honorable Sandi Vito, Acting Secretary

Candace Gutshalk
Date: 8/26/08

Regulation #12-71 (IRRC #2556)
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Honorable Robert Belfanti, Majority Chairman
House Labor Relations Committee

Robert Belfanti
Date: 8/26/08

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Honorable Christine Tartaglione, Minority Chairman
Senate Labor and Industry Committee

K. Benton
Date: 8/26/08

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Honorable John Gordner, Chairman
Senate Labor and Industry Committee

Narda Truitt
Date: 8/26/08

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Honorable Gene DiGirolamo, Minority Chairman
House Labor Relations Committee

Gene DiGirolamo
Date: 8-26-08