

ARTHUR COCCODRILLI, CHAIRMAN
GEORGE D. BEDWICK, VICE CHAIRMAN
S. DAVID FINEMAN, ESQ.
SILVAN B. LUTKEWITTE III
JOHN F. MIZNER, ESQ.
KIM KAUFMAN, EXECUTIVE DIRECTOR
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL



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

INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 9, 2009

Honorable James P. Creedon, Secretary
Department of General Services
515 North Office Building
Harrisburg, PA 17120

Re: Regulation #8-14 (IRRC #2796)
Department of General Services
State Metrology Laboratory Fee Schedule

Dear Secretary Creedon:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Charles T. McIlhinney, Jr., Majority Chairman, Senate State Government Committee

Honorable Anthony H. Williams, Minority Chairman, Senate State Government Committee

Honorable Babette Josephs, Majority Chairman, House State Government Committee

Honorable Kerry A. Benninghoff, Minority Chairman, House State Government Committee

Robert A. Mulle, Esq., Office of Attorney General

Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



Department of General Services Regulation #8-14 (IRRC #2796)

State Metrology Laboratory Fee Schedule

December 9, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the October 10, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of General Services (Department) to respond to all comments received from us or any other source.

Section 110.2. State Metrology Laboratory fee schedule. – Fiscal impact; Reasonableness; Clarity.

The proposed regulation increases fees for 12 different types of testing services performed by the State Metrology Laboratory. The increases vary in size in dollar amount and percentage growth. The Preamble includes the following statement: “The general public will benefit because the fees generated will pay for services which are now paid in part by taxpayer dollars.” In addition, the Preamble indicates that the Department estimates the proposed regulation will generate \$125,000 in revenue. However, there is no explanation of how or to what extent the revenue increase covers the actual costs of performing and administering the test services provided by the State Metrology Laboratory.

Other agencies use documents entitled “fee report forms” to document and explain the actual costs necessary to provide the services covered by the fees. The cost or expense could be categorized into components such as specialized equipment costs, or administrative, clerical and laboratory staff time. The submittal of the final-form regulation should be accompanied by fee report forms that explain how each fee increase covers the costs of the provided testing service.



Facsimile Cover Sheet



Phone: (717) 783-5419
Fax #: (717) 783-2664
E-Mail: irrc@irrc.state.pa.us

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

To: Secretary's Office
Agency: Department of General Services
Phone: 7-5996
Fax: 2-2026
Date: December 9, 2009
Pages: 3

RECEIVED
2009 DEC -9 AM 8:54
INDEPENDENT REGULATORY
REVIEW COMMISSION

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Department of General Service's regulation #8-14 (IRRC #2796). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Sharon Pugh **Date:** 12/9/09