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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

STATE GOVERNMENT COMMITTEE
CHAIRMAN

March 1, 2016

Leslie Lewis Johnson, Esq., Chief Counsel
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

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Dear Ms. Johnson:

I am writing to you as a follow-up to a January 27 letter from Republican members of the House State Government Committee regarding IRRC's Proposed Rulemaking amending 1 PA Code Chapters 301, 303, 305, 307, 309, 311, 311a and 315. In light of comments submitted to you on the same day by the Joint Committee on Documents, I would like to offer additional comments on provisions of these proposed regulations that relate to the Regulatory Analysis Form.

I believe that House State Government Committee's January 27 letter makes it clear that the majority of members of one of the standing committees with oversight regarding this regulation believe that a completed and sufficiently detailed regulatory analysis form is crucial to the regulatory review process. Without complete and detailed information neither the General Assembly nor the public can accurately assess the impact of a regulation on the lives of Pennsylvanians.

I see that the Joint Committee on Documents did not express any objection to a suggestion from the Pennsylvania Independent Oil and Gas Association (PIOGA) that the term "completed regulatory analysis form" be defined, except to say that terms in the definition should be clear. I believe that the addition of such a definition is crucial to ensuring that agencies have clear direction as to what standards they must meet in the process of preparing these forms.

I also took note of the Joint Committee's comments regarding PIOGA's suggested addition to section 305.1(b). PIOGA proposes a process under which an incomplete Regulatory Analysis Form would render a proposed regulation invalid, if the defect is not cured. The Joint Committee disagrees with this suggestion and indicates that its reason for disagreement is that the Regulatory Analysis Form is a statutory requirement. In my view it is because the submission of a Regulatory Analysis Form is a statutory requirement that I believe that the regulations must include a mechanism for invalidating

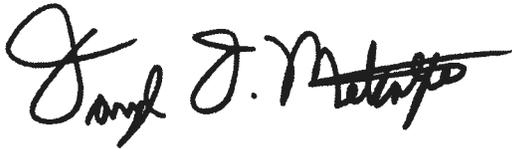
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a proposed regulation if the regulation is accompanied by an incomplete Regulatory Analysis Form.

As the January 27 State Government Committee letter indicated, Section 11(a) of the Regulatory Review Act provides general authority to IRRC to promulgate regulations to ensure compliance with the Act and section 5.1(a) requires submission of a complete regulatory analysis form. Given these two provisions of law, I will reiterate my belief that IRRC has the authority to promulgate regulations to ensure that the regulatory review process starts with a completed and detailed Regulatory Analysis Form.

Thank you again for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl D. Metcalfe". The signature is stylized and cursive.

Daryl D. Metcalfe
Chairman, State Government Committee
12th Legislative District

DDM:pln