

## Comments of the Independent Regulatory Review Commission



### Environmental Quality Board Regulation #7-498 (IRRC #3153)

#### Radiological Health and Radon Certification Fees; Pennsylvania Radon Mitigation System Tag

**September 29, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the July 2, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

#### **Economic or fiscal impact; Adverse effects on prices of goods and services; Protection of the public health, safety and welfare.**

While we recognize that Section 8 of the Radon Certification Act (act) (63 P.S. § 2008) requires that the Department of Environmental Protection (Department) establish a fee schedule to cover the costs of the certification programs established in the act, and Section 401 of the Radiation Protection Act (35 P.S. § 7110.401) contains a similar requirement, commentators oppose the significant fee increases proposed in this regulation. Several commentators suggest that the Department should minimize expenses before imposing higher costs on the regulated community. Others indicate that the industry's increased costs will be passed on to consumers, which may result in fewer people testing and mitigating their homes.

Has EQB evaluated whether increased costs for radon testing and mitigation could lead to a decline in radon testing and/or mitigation overall? We ask EQB to address in the Preamble of the final regulation its consideration of any negative impact that increased fees could have on efforts to protect the public from radon. Also, EQB should explain what has been done to reduce expenses and improve efficiency to the greatest extent possible in order to reduce the fiscal impact on the regulated community.

Additionally related to fees, in response to Regulatory Analysis Form question #29, EQB anticipates the promulgation, effective and compliance dates for the final-form regulation to be Quarter 2, 2017. We note that the *Radiation Protection Program Three-Year Regulatory Fee and Program Cost Analysis Report to the EQB* shows that proposed increased fees were expected to begin in 2016-17. Given the discrepancy between these dates, we ask EQB to provide updated information in the Preamble of the final-form regulation regarding projected program costs and revenue.