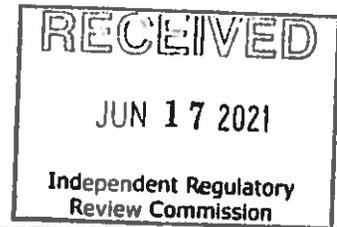


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**Kathy Cooper**

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**From:** Charles Williams <arlywilliams7@gmail.com>  
**Sent:** Wednesday, June 16, 2021 3:03 PM  
**To:** IRRC  
**Subject:** Comments on IRRC Number 3294



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**Re: Department of Drug and Alcohol Programs, Standards for Drug and Alcohol Recovery House Licensure, IRRC Number 3294**

Members of the Commission,

Thank you for giving me the opportunity to comment on these licensing standards for drug and alcohol recovery homes.

I would like to raise concerns about regulatory language under 28 Pa. Code §§ 717.4 - 717.5. These sections allow the Department of Drug and Alcohol Programs (Department) to grant and revoke exceptions to its recovery house regulations.

The power to exempt regulated entities from legal requirements gives the Department incredible flexibility. While this flexibility is valuable in responding to emergency or other circumstances where compliance may be impossible, impracticable, or undesirable to achieve the legitimate objectives of the Department, exempting a regulated party from legal requirements raises questions about predictability, fairness, and public protection.

The power of exception presents risks. It can create the appearance or reality of impropriety, bias, or injustice. This power creates a danger that insiders have greater access to exceptions than market entrants.

This regulatory proposal does not contain details of the Department's processes for granting and revoking exceptions, nor how the Department will reduce the associated risks. Nor could I find this information on the Department's website. At a minimum, the Department should establish and publish standards and procedures for seeking, approving, and revoking exceptions, and promote transparency in the exception process by publishing active exceptions, including their duration, even if indefinite.

Further exacerbating these risks, regulators may succumb to the temptation to rely too much on exceptions rather than changing outdated regulations. This creates a piecemeal regulatory system that is difficult to understand. In addition, it avoids valuable regulatory scrutiny by this Commission.

Until the Department provides greater clarity and transparency on its exception process, I recommend that the Commission issue a disapproval order for IRRC Number 3294. Further, the Commission should continue to consider this issue across state agency regulatory proposals.

Granting a department a broad exception power to amend its regulations without public comment and without regulatory review is not only contrary to the public interest, but also runs counter to the legislative intent behind Pennsylvania's Regulatory Review Act.

Truly,

Charles Williams