

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held January 21, 2021

George D. Bedwick, Chairman  
John F. Mizner, Esq., Vice Chairman  
John J. Soroko, Esq.  
Murray Ufberg, Esq.  
Dennis A. Watson, Esq.

WHEREAS, the Independent Regulatory Review Commission has adopted protocols allowing the Commission to conduct business through virtual meetings,

The adoption of these protocols was necessary for the Commission to carry out its statutory functions during a public health emergency of international concern and declared state of emergency in Commonwealth,

To minimize person-to-person interaction and reduce occasions for the transmission of COVID-19, these protocols were put in place immediately by the Commission Chairman with the knowledge and consent of all Commission members by Order dated January 13, 2021,

**BY ORDER OF THE COMMISSION:**

We hereby ratify the actions of Chairman Bedwick on behalf of the Commission and the provisions of the attached January 13, 2021 Order.



*George D. Bedwick*  
George D. Bedwick, Chairman

**INDEPENDENT REGULATORY REVIEW COMMISSION  
EMERGENCY ORDER**

January 13, 2021

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared a novel coronavirus (“COVID-19”) a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, the Governor of the Commonwealth of Pennsylvania proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to Section 7301(c) of the Emergency Management Code. 35 Pa. C.S. §§ 7101, *et seq.*

WHEREAS, as part of that proclamation, the Governor suspended “the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency” pursuant to Section 7301(f)(1) of the Emergency Management Code.

WHEREAS, the Governor has renewed the proclamation of disaster emergency because of the ongoing threat of COVID-19 to individuals within the Commonwealth of Pennsylvania; and

WHEREAS, COVID-19 is a contagious disease that is rapidly spreading from person to person. People infected are capable of exposing others to COVID-19 even if their symptoms are mild, such as a cough, or even if they are asymptomatic. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one’s mouth, nose, or eyes; and

WHEREAS, a new, even more transmissible strain of the novel coronavirus has been discovered; and

WHEREAS, limiting unnecessary physical and in-person interactions is essential to mitigating the spread of the virus; and

WHEREAS, as regions of the state have reopened and as the Independent Regulatory Review Commission (Commission) established by Act 181 of 1982, 71 P.S. §§ 745.1- 745.14 must conduct public meetings to carry out its statutory functions, it must strive to minimize occasions for the transmission of COVID-19 by utilizing remote or virtual methods of conducting public meetings; and

WHEREAS, Section 4(i) of the Regulatory Review Act (Act) requires that three commissioners be physically present to be counted towards the quorum needed to conduct official business during a public meeting. 71 P.S. 745.4(i);

WHEREAS, requiring the physical presence of Commissioners to establish a quorum at Commission meetings has involved substantial travel with its incumbent risk of contact with or transmission of COVID-19; and

WHEREAS, requiring the physical presence of Commissioners to establish a quorum at Commission meetings involves the substantial risk of transmission of COVID-19 inherent in meeting indoors and in an enclosed space; and

WHEREAS, requiring the physical presence of Commissioners to establish a quorum at Commission meetings runs counter to the Governor's Emergency Proclamation to not take any action that "in any way" hinders coping with the current emergency.

NOW THEREFORE, in order to continue conducting the business of the Commonwealth of Pennsylvania while the Governor's proclamation of disaster emergency remains in effect:

1. The Commission will utilize video, telephonic, or other online conferencing equipment or services to conduct public meetings.
2. The Act's requirement that three commissioners be physically present to be counted towards a quorum can be accomplished by video, telephonic, or other method of online conferencing participation of the commissioners.
3. The Commission may establish additional procedures for conducting video, telephonic or other means of online public meetings, and communicate such procedures to participants and the public by publishing the same on its webpage.
4. This Order shall take effect immediately and shall expire when the Governor terminates the disaster emergency proclaimed on March 6, 2020 pursuant to 35 Pa. C.S. § 7301(c) or the declaration emergency proclaimed March 6, 2020 expires by law pursuant to 35 Pa. C.S. §7301(c).



  
George D. Bedwick, Chairman