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Independent Regulatory Review Commission Issues Recommendations for Regulation Changes

Harrisburg, PA (September 11, 2024)

Today Pennsylvania's Independent Regulatory Review Commission adopted 26 orders issuing recommendations to five agencies to update various provisions of existing Commonwealth regulations. The recommendations issued by the Commission pertain to regulations impacted by new laws or other factors changing their scope or effect. A report containing the recommendations can be found on the Commission's website, www.irrc.state.pa.us.

The issuance of the Commission's report today concludes a review that began in late 2022 at the request of the General Assembly pursuant to a provision of Pennsylvania's Regulatory Review Act governing existing regulations. This provision allows the Commission to review existing regulations and develop possible recommendations for either an agency or the legislature at the conclusion of its review. Recommendations are limited to instances where the Commission concludes that existing provisions are no longer in the public interest.

Examples of the Commission's findings and recommendations for change include:

- Fees from the Department of Health that were increased by the legislature but not updated in agency regulations;
- Rules of the Department of Labor and Industry governing blasting and explosives that are no longer enforced by the Department because those responsibilities were transferred by statute to a different agency in the 1980s;
- Department of State regulations requiring the physical filing of campaign reports on paper or diskette; and
- Department of Health Photo ID badge requirements for physicians and health care facilities that expired in 2012 yet remained codified as regulations.

Commission Chair George Bedwick stated, "Pennsylvania's regulations should provide clear and accurate guidance to the citizens and businesses of the Commonwealth." He added that "no single agency or administration is responsible

for these issues; necessary updates accumulated over years and even decades. We hope that our work today provides important guidance to state agencies and aids the legislature and its committees in their oversight role in the rulemaking process. Working together, we can all ensure that Pennsylvania regulations are in the public interest.”

Commission Vice-Chair John Mizner commented, “Today, my colleagues and I have identified a number of obsolete provisions that serve no purpose. We encourage state agencies to proactively continue along this path, working together with our General Assembly, citizens, and other stakeholders to update and improve the rules governing our day-to-day lives.”

Each year the Commission reviews approximately 60 proposed and final regulations. The legislative requests encompassed an additional 40 prior rulemakings, plus 103 separate Chapters of regulations, and two subchapters. In total, regulations from 10 separate agencies were reviewed, with the project leading to recommendations concerning regulations from the following five state agencies: the Department of Aging, the Department of Corrections, the Department of Health, the Department of Labor and Industry, and the Department of State.

The Commissioners thanked the state agencies involved for their cooperation with its review. Following today’s action, copies of the report will be shared with the General Assembly, Office of the Governor, and the various agencies.

Looking ahead, the Commission will continue its role as an independent oversight body reviewing agency regulations and determining whether the criteria set forth in Pennsylvania’s Regulatory Review Act for determining whether regulations are in the public interest have been satisfied.

The Independent Regulatory Review Commission provides oversight and review of all proposed and existing rules and regulations issued by all departments, boards, commissions, agencies or other authorities of the Commonwealth, excluding the Legislature, Fish and Boat Commission, the Game Commission, and any court, political subdivision, or municipal or local authority. The Commission also acts as a clearinghouse for complaints, comments, and other input regarding existing, proposed, final, and pending regulations.

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