

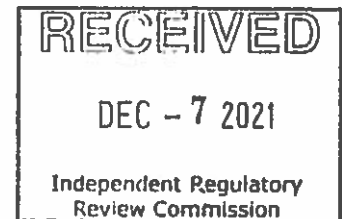
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November 30, 2021

The Honorable Patrick McDonnell, Chairperson
Environmental Quality Board
16th Floor
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

RE: Environmental Quality Board Final Rulemaking 7-559: CO₂ Budget Trading Program

We are writing to inform you that our office is not authorized at this time to publish the Environmental Quality Board Final Rulemaking #7-559: CO₂ Budget Trading Program, submitted November 29, 2021. Currently, Senate Concurrent Regulatory Review Resolution 1 (S.C.R.R.R. 1) disapproving Final Rulemaking #7-559 is still pending before the House of Representatives.

Section 7(d) of the Regulatory Review Act provides, in pertinent part:

“If either committee reports a concurrent resolution before the expiration of the 14-day period, the Senate and the House of Representatives shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution.... The bar on promulgation of the final-form or final-omitted regulation shall continue until that regulation has been approved or deemed approved in accordance with this subsection....”

S.C.R.R.R. 1 was reported by the Senate Environmental Resources and Energy Committee on September 14, 2021, and adopted by the Senate on October 27, 2021. Under section 7(d), the House now has 30 calendar or 10 legislative days, whichever is longer, to adopt the resolution. This period has not yet expired.

As a result of the remaining time for House consideration of S.C.R.R.R. 1, the

requirements of the Regulatory Review Act have not yet been met, and the Legislative Reference Bureau is not authorized to publish Final Rulemaking #7-559. We will hold the rulemaking for publication in the *Pennsylvania Bulletin* until the House review period expires. While we are awaiting the expiration of the review period, we will begin our editorial and pre-publication work on Final Rulemaking #7-559 in the hopes of publication as soon as legally permissible.

Very truly yours,



Amy J. Mendelsohn
Director, Pennsylvania Code and Bulletin

cc: Addie Abelson, Office of General Counsel

✓ George Bedwick, Chairperson, Independent Regulatory Review Commission
Honorable Carolyn Comitta, Minority Chairperson, Senate Environmental Resources and Energy Committee

Amy Elliott, Chief Deputy Attorney General

Honorable Daryl Metcalf, Majority Chairperson, House Environmental Resources and Energy Committee

Honorable Greg Vitali, Minority Chairperson, House Environmental Resources and Energy Committee

Honorable Gene Yaw, Majority Chairperson, Senate Environmental Resources and Energy Committee