



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** May 10, 2021, Microsoft Teams Virtual Meeting

**Members Present:** Chair Kristin Clouser, Dirk Anderson, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Diane Sherman and Clare O'Shaughnessy

**Members Absent:** Ashley Berliner

**Minutes By:** Melissa Mazza-Paquette

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- 2:00 p.m. meeting called to order, welcome and introductions.
  - Review and approval of minutes from the [April 12, 2021](#) meeting.
  - Note: The following Emergency Rules were supported by ICAR Chair Clouser:
    1. 'PUC Emergency Rule 2.500 COVID-19 Emergency Procedures' by the Public Utility Commission on 4/13/21.
    2. 'Reportable and Communicable Diseases Emergency Rule' by the Agency of Human Services, Department of Health on 4/19/21.
  - No additions/deletions to agenda. Agenda approved as drafted.
  - No public comments made.
  - Presentation of Proposed Rules on pages 2-4 to follow.
    1. VOSHA Rule: 29 CFR 1910.1024, Updates and Revisions of the Beryllium Standard for General Industry, Department of Labor, page 2
    2. Biomass Renewable Energy Standard, Agency of Natural Resources, Department of Forests, Parks and Recreation, page 3
    3. Rule on Rulemaking, Office of the Secretary of State, page 4
      - a. Note: The Office of the Secretary of State will be invited to a future ICAR meeting to discuss potential changes to the ICAR forms, including a potential pre-filing with ICAR sheet.
  - Equity Impact on ICAR Rules: Executive Director of Racial Equity Xusana Davis
    - Director Davis plans to attend future ICAR meetings to provide her perspective on equity when needed.
    - There would be value in those proposing rules to do an equity analysis prior to filing and expand their outreach process to be all inclusive.
  - Next scheduled meeting is June 14, 2021 at 2:00 p.m.
  - 3:24 p.m. meeting adjourned.

1) **Proposed Rule:** VOSHA Rule: 29 CFR 1910.1024, Updates and Revisions of the Beryllium Standard for General Industry, Department of Labor

**Presented By:** Dan Whipple

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously except for Dirk Anderson who abstained, with the following recommendations:

1. Proposed Rule Coversheet, #8: Clarify the participation of OSHA – federal vs. state.
2. Proposed Rule Coversheet, #12: Clarify the third and fifth sentences. Include the history of the \$73,860,230. Indicate that there wasn't any specific Vermont analysis done.
3. Proposed Rule Coversheet, #14 and #15: Include dates or TBD.
4. Adopting Page, #4: Include title.
5. Environmental Impact Analysis, #9: Expand upon 'negligible'.
6. Public Input, #3: Include the intent to host a public hearing and approximate time frame for which it will occur. Communicate to the public that the Vermont rule could be stricter than the Federal rule.

2) **Proposed Rule:** Biomass Renewable Energy Standard, Agency of Natural Resources, Department of Forests, Parks and Recreation

**Presented By:** Emma Hanson and Meghan Purvee

Motion made to accept the rule by Diane Bothfeld, seconded by Dirk Anderson, and passed unanimously except for Jennifer Mojo who abstained, with the following recommendations:

1. Proposed Rule Coversheet, #8: Include the 2nd sentence from #9 at beginning of #8.
2. Economic Impact Analysis, #5: Include explanation.
3. Economic Impact Analysis, #7: If appropriate, include the negligible impact. Otherwise, state that there isn't any impact without using the 'n/a' acronym.
4. Economic Impact Analysis, #8: Complete.
5. Environmental Impact Analysis, #6: Change 'rules' to 'rule' in the first sentence.
6. Environmental Impact Analysis, #7: Correct 'solution' and 'as well have a' language in the last sentence.
7. Public Input, #3 and #4: Include public engagement, the plan for outreach – including forestry partners/channels and impacted industries, what's been done to date, etc.
8. Public Input, #5: Include standards established by the EPA, completed stakeholder outreach, and feedback from potentially impacted industries received or expected to be received.

3) **Proposed Rule:** Rule on Rulemaking, Office of the Secretary of State

**Presented By:** Chris Winters, Louise Corliss and Angela Valentinetti

Motion made to accept the rule by Diane Bothfeld, seconded by Diane Sherman, and passed unanimously except for John Kessler who left the meeting early therefore did not vote, with the following recommendations:

1. Proposed Rule Coversheet, #8: Include a statement regarding the reliability of authentication, as well as how the notice of public participation is not hindered. Correct spelling of 'formatting' in the last sentence. Include an explanation as to why the removal of the requirement to notify ICAR and LCAR 30 days before the SOS makes changes to the filing forms would be helpful outside of the pandemic.
2. Proposed Rule Coversheet, #14 and #15: Include dates or TBD.
3. Public Input, #3: Include public engagement, the plan for outreach, what's been done to date, etc.