



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: Monday, April 8, 2019, Pavilion Building, 4th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Dirk Anderson, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson and Clare O'Shaughnessy

Members Absent: Ashley Berliner and Diane Bothfeld

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the March 11, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2 - 14 to follow.
 1. Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians, Secretary of State, Office of Professional Regulation, page 2
 2. Self-Insured Multiple Employer Welfare Arrangements and Association Health Plans (1-2018-02), Department of Financial Regulation, page 3
 3. Medicare Supplement Insurance Minimum Standards Rule, Department of Financial Regulation, page 4
 4. Investigation and Remediation of Contaminated Properties Rule, Agency of Natural Resources, Department of Environmental Conservation, page 5
 5. Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Vermont Standards Board for Professional Educators, page 6
 6. Title 10 V.S.A. App. §2d Archery deer hunting license, Vermont Fish and Wildlife Board, page 7
 7. Title 10 V.S.A. App. §4 Bow and Arrow Hunting, Vermont Fish and Wildlife Board, page 8
 8. Title 10 V.S.A. App. §7 Bear Management Rule, Vermont Fish and Wildlife Board, page 9
 9. Title 10 V.S.A. App. §22 Turkey Seasons Rule, Vermont Fish and Wildlife Board, page 10
 10. Title 10 V.S.A. App. §33 Moose Management Rule, Vermont Fish and Wildlife Board, page 11
 11. Title 10 V.S.A. App. §36 Youth Hunting Day Deer, Vermont Fish and Wildlife Board, page 12
 12. Title 10 V.S.A. App. §37 Deer Management Rule, Vermont Fish and Wildlife Board, page 13
 13. Vermont Appliance Efficiency Standards, Department of Public Service, page 14
- Next scheduled meeting is Monday, May 13, 2019 at 2:00 p.m.
- 4:10 p.m. meeting adjourned.

Proposed Rule: Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians, Secretary of State, Office of Professional Regulation

Presented by Lauren Layman

Motion made to accept the rule by Jen Mojo, seconded by Dirk Anderson, and passed unanimously with the following recommendations:

1. Throughout the rule: Refer to 'No. 144' as an Act.
2. Proposed Rule Coversheet, page 3, #8: Add an 's' to 'requirement' and correct spelling to 'qualifications'.
3. Proposed Rule Coversheet, page 3, #10: Correct spelling to 'dissolution'. Clarify 'minimally intrusive'.
4. Proposed Rule Coversheet, page 4, #12: Correct spelling to 'availability' and 'temporal'.
5. Final Proposed Rule Filing and Adopted Rule Filing: Pages not needed for ICAR.
6. Economic Impact Analysis, page 3, #9: Correct spelling to 'competition'. Perhaps change the word 'piori' to a word more common in the English language.
7. Environmental Impact Analysis, page 2, #8: Change 'N/A' to 'None'.
8. Public Input, page 1, #3: Add the word 'persons' after 'interested'.
9. Public Input, page 1, #4: Correct spelling to 'consultation'.

Proposed Rule: Self-Insured Multiple Employer Welfare Arrangements and Association Health Plans (1-2018-02), Department of Financial Regulation

Presented by Steph Hoffman

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

1. Proposed Rule Coversheet, page 4, #12: Expand upon the last sentence.
2. Economic Impact Analysis, page 3, #8: Consider changing 'lives' to 'people' if appropriate.

**Proposed Rule: Medicare Supplement Insurance Minimum Standards Rule, Department of
Financial Regulation**

Presented by Sebastian Arduengo

Motion made to accept the rule by John Kessler, seconded by Jen Mojo, and passed unanimously except for Steve Knudson who abstained, with the following recommendations:

1. Throughout the rule: Correct spelling to 'Pieciak' and 'Commissioner(s)'.
2. Proposed Rule Coversheet, page 4, #11: Correct spelling to 'individuals'.
3. Environmental Impact Analysis: Change 'Not Applicable' to 'None'.
4. Public Input, page 1, #3: Correct spelling to 'changes'.

**Proposed Rule: Investigation and Remediation of Contaminated Properties Rule, Agency of
Natural Resources, Department of Environmental Conservation**

Presented by Matt Moran and John Beling

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

1. Proposed Rule Coversheet, page 3, #8: Restructure paragraph for clarification.
2. Proposed Rule Coversheet, page 3, #9: Define PFAS and add acronym to parenthesis after.
3. Proposed Rule Coversheet, page 4, #10: Consider adding 'adequately' before 'protective' in last line.
4. Proposed Rule Coversheet, page 4, #11 and #12 and Economic Impact Analysis, page 1, #3: Remove 'etc.' and add 'and' after last comma (prior to where the etc. was removed).
5. Economic Impact Analysis, page 2, #5: Add some comfort language for reassurance.
6. Economic Impact Analysis, page 3, #7: Include examples of criteria to meet.
7. Economic Impact Analysis, page 3, #8: Capitalize 'changes' in the start of the sentence and clarify that sentence (perhaps 'Changes are minor and therefore cause little change in economic impact'. In the following sentence, reword if appropriate to read 'less effective control' or 'less flexibility'.
8. Environmental Impact Analysis, page 1, #5: Include positive effects, such as return of some land to productive use.
9. Public Input, page 2, #4: If appropriate, include regulatory agencies/associations.

Proposed Rule: Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Vermont Standards Board for Professional Educators

Presented by Patrick Halladay

Motion made to accept the rule by Jen Mojo, seconded by Matt Langham, and passed unanimously except for Clare O'Shaughnessy who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #10: Add 'of the' followed by the title of the Board after 'The results from the convening'.
2. Economic Impact Analysis, page 2, #4 and #9: Reconcile and provide more information.

Proposed Rule: Title 10 V.S.A. App. §2d Archery deer hunting license, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Capitalize each word of the rule title.
2. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
3. Proposed Rule Coversheet, page 3, #14: Add information or 'TBD'.

Proposed Rule: Title 10 V.S.A. App. §4 Bow and Arrow Hunting, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
2. Proposed Rule Coversheet, page 4, #12: Correct spelling to 'therefore' and 'check'.
3. Proposed Rule Coversheet, page 4, #14: Add information or 'TBD'.
4. Proposed Rule Coversheet, page 5, #16: Add 'archery'.
5. Economic Impact Analysis, page 1, #3: Confirm accuracy of '799,000 lbs'.
6. Economic Impact Analysis, page 2, #3: Explain why you're using the 2006 study.
7. Economic Impact Analysis, page 3, #6: Clarify the strategy.

Proposed Rule: Title 10 V.S.A. App. §7 Bear Management Rule, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
2. Proposed Rule Coversheet, page 3, #14: Add information or 'TBD'.
3. Environmental Impact Analysis, page 1, #6: Correct spelling to 'result'.

Proposed Rule: Title 10 V.S.A. App. §22 Turkey Seasons Rule, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
2. Proposed Rule Coversheet, page 3, #14: Add information or 'TBD'.
3. Environmental Impact Analysis, page 1, #6: Correct spelling to 'seasons'.

Proposed Rule: Title 10 V.S.A. App. §33 Moose Management Rule, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
2. Proposed Rule Coversheet, page 3, #14: Add information or 'TBD'.

Proposed Rule: Title 10 V.S.A. App. §36 Youth Hunting Day Deer, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Capitalize each word of the Title.
2. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
3. Proposed Rule Coversheet, page 3, #8: Correct spelling to 'weekend' and 'legislature'.
4. Proposed Rule Coversheet, page 3, #14: Add information or 'TBD'.

Proposed Rule: Title 10 V.S.A. App. §37 Deer Management Rule, Vermont Fish and Wildlife Board

Presented by Catherine Gjessing and Mark Scott

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

1. Proposed Rule Coversheet, page 2, #4: Correct email to 'mark.scott@vermont.gov'.
2. Proposed Rule Coversheet, page 3, #14: Add information or 'TBD'.
3. Proposed Rule Coversheet, page 5, #316: Add 'Bow & Arrow'; 'Deer Limit'; and 'Deer Season'.
4. Economic Impact Analysis, pages #1 and 2, #3: Confirm accuracy of 950,000 lbs and explain why you're using the 2006 study.
5. Economic Impact Analysis, page 1, #3: Include the scientific information regarding the management of the deer herd.

Proposed Rule: Vermont Appliance Efficiency Standards, Department of Public Service

Presented by Megan Ludwig and Keith Levenson

Motion made to accept the rule by John Kessler, seconded by Dirk Anderson, and passed unanimously with the following recommendations:

1. Consult with Legislative Council and the Secretary of State's Office on if a rule number should be created for a page of text including an introduction of the legislative mandate and reference to the links included in the Incorporation by Reference.
2. Research what happened in other states to the inventory that can't be sold after set date.