



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: May 13, 2019, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609
Members Present: Chair Brad Ferland, Dirk Anderson, Ashley Berliner, Diane Bothfeld, John Kessler, Matt Langham, and Steve Knudson
Members Absent: Clare O'Shaughnessy and Jennifer Mojo,
Minutes By: Melissa Mazza-Paquette

- 2:01 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the April 8, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
 - Note: During the hearing, proposed rule #10 was presented after proposed rule #5 and all others were presented after.
- No public comments made.
- Presentation of Proposed Rules on pages 2-11 to follow.
 1. Vermont Hemp Rules, Agency of Agriculture, Food and Markets, page 2
 2. Refugee Medical Assistance, Agency of Human Services, page 3
 3. Vermont Residential Building Energy Standards (RBES), Public Service Department, page 4
 4. Vermont Commercial Building Energy Standards (CBES), Department of Public Service, page 5
 5. 2019 Vermont Materials Management Plan: Reducing Solid Waste and Increasing Recycling and Composting, Agency of Natural Resources, page 6
 6. Prescribed Drugs, Agency of Human Services, page 7
 - a. Note: Due to the change in #10, this proposed rule was moved to #7 during the hearing.
 7. Pharmaceuticals, Medical Supplies and Equipment - General Information, Agency of Human Services, page 8
 - a. Note: Due to the change in #10, this proposed rule was moved to #8 during the hearing.
 8. Gender Affirmation Surgery for the Treatment of Gender Dysphoria, Agency of Human Services, page 9
 - a. Note: Due to the change in #10, this proposed rule was moved to #9 during the hearing.
 9. VPharm Prescribed Drugs, Agency of Human Services, page 10
 - a. Note: Due to the change in #10, this proposed rule was moved to #10 during the hearing.
 10. Vermont Wetland Rules, Agency of Natural Resources, page 11
 - a. Note: Rule was moved up to #6 during the hearing.
- Next scheduled meeting is Monday, June 10, 2019 at 2:00 p.m.
- 3:50 p.m. meeting adjourned.

Proposed Rule: Vermont Hemp Rules, Agency of Agriculture, Food and Markets

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

1. Proposed Rule Coversheet, page 4, #11: Include landowners if applicable.
2. Proposed Rule Coversheet, page 4, #12: Include in the Economic Impact Analysis.
3. Proposed Rule Coversheet, page 4, #13 and #14: Include hearing information or TBD.
4. Economic Impact Analysis, pages 1-2, #3: Spell out the acronyms and include them after in parentheses. Consider using a different word for 'route' in the last sentence of the second to last paragraph. Clarify last paragraph (i.e. it states 'These rules' in the first sentence and 'It' in the second). Spell out VAAFAM and include it in parentheses after.
5. Economic Impact Analysis, page 3, #7: Include the positive financial impacts.
6. Environmental Impact Analysis, page 1, #3: Change 'These rule' to the appropriate term.
7. Public Input, page 1, #4: Add 'least' between 'The Agency will hold at' and 'three public meetings...'. Correct misspelled word 'pubic'.
8. Public Input, page 2, #5: Correct misspelled word 'lobbiests'.
9. Text: Clarify the 0.3 percent threshold and 1 percent thresholds.
10. Text: Correct the section reference of the Farm Bill.
11. Text, page 1, Section 2: Change 'wants' to something else, such as 'intends' or 'plans'.
12. Text, pages 1-2, Section 3.5: Add spaces after commas.
13. Text, pages 8-9, Sections 7.6 and 9.3: Section 9.3 does not include disposal guidance.
14. Text: Confusing guidance between federal and state laws – clarification required when inconsistencies between the two exist, such as acceptable THC levels and disposal requirements vs mitigation plans.

**Proposed Rule: Refugee Medical Assistance, Agency of Human Services
Presented by Paul Dragon**

Motion made to accept the rule by Diane Bothfeld, seconded by Dirk Anderson, and passed unanimously except for Ashley Berliner who abstained, with the following recommendation:

1. Economic Impact Analysis, page 2, #3: Include the number of participants affected.

**Proposed Rule: Vermont Residential Building Energy Standards (RBES), Public Service Department
Presented by Kelly Launder, Keith Levenson and Allison Bates Wannop**

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

1. Proposed Rule Coversheet, page 4, #13 and #14: Include information or TBD.
2. Public Input, page 2-3 #5: Consider reaching out to the Vermont Employee State Credit Union (VESCU).

Proposed Rule: Vermont Commercial Building Energy Standards (CBES), Department of Public Service

Presented by Barry Murphy, Kelly Launder, Allison Bates Wannop

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

1. Proposed Rule Coversheet, page 3, #11: Add ‘the division for the’ before ‘State Historic Preservation Office/ACCD’...
2. Proposed Rule Coversheet, page 4, #13 and #14: Include information or TBD.
3. Public Input, page 2-3 #5: Consider reaching out to the Vermont Employee State Credit Union (VESCU).
4. Scientific Information, page 2, #5: Include contact information such as phone number and email address.

Proposed Rule: 2019 Vermont Materials Management Plan: Reducing Solid Waste and Increasing Recycling and Composting, Agency of Natural Resources
Presented by Cathy Jamieson, Josh Kelly, Anne Bijur

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

1. Proposed Rule Coversheet, page 4, #13 and #14: Include information or TBD.
2. Proposed Rule Coversheet, page 5, #16: Include Solid Waste Management Entities and SWME if appropriate.
3. Economic Impact Analysis, page 4, #9: Expand upon the ‘Agency’s best assessment’.
4. Environmental Impact Analysis, page 2, #4: Include how the ‘... Plan indirectly maintains...’.
5. Public Input, page 1, #3: Update.
6. Public Input, page 2, #5: Include Vermont Cities, Leagues and Towns if appropriate.
7. Scientific Information, page 2, #5: Include phone number.
8. Incorporation By Reference, page 2, #5: Include phone number.

**Proposed Rule: Vermont Wetland Rules, Agency of Natural Resources
Presented by Laura Lapierre, Hannah Smith**

Motion made to accept the rule by Matt Langham, seconded by Diane Bothfeld, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, pages 4 and 5, #13 and #14: Include information or TBD.
2. Scientific Information, page 3, #5: Include phone number and any other relevant information to obtain copies.

**Proposed Rule: Prescribed Drugs, Agency of Human Services
Presented by Ashley Berliner**

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

1. Proposed Rule Coversheet, page 3, #7: Spell out the acronym and include it after in parentheses.
2. Public Input, page 1, #3: Update.
3. Make clear that this proposed rule doesn't aggravate the potential of over prescribing.

**Proposed Rule: Pharmaceuticals, Medical Supplies and Equipment - General Information, Agency of
Human Services
Presented by Ashley Berliner**

Motion made to accept the rule to repeal as presented by Diane Bothfeld, seconded by Dirk Anderson, and passed unanimously except for Ashley Berliner who abstained.

Proposed Rule: Gender Affirmation Surgery for the Treatment of Gender Dysphoria, Agency of Human Services

Presented by Ashley Berliner

Motion made to accept the rule by Dirk Anderson, seconded by John Kessler, and passed unanimously except for Ashley Berliner who abstained, with the following recommendation:

1. Text, page 1, 4.238.1 (c): Clarify the definition of “Gender Identity” as written is a clinical definition as it differs from the one in Vermont State Statue.

**Proposed Rule: VPharm Prescribed Drugs, Agency of Human Services
Presented by Ashley Berliner**

Motion made to accept the rule as presented by Diane Bothfeld, seconded by Matt Langham, and passed unanimously except for Ashley Berliner who abstained.