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Susanne R. Young, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR)
AGENDA

Monday, May 14, 2018, 2:00 p.m.

Pavilion 4th Floor Conference Room (to the right opposite the elevators)

- Welcome
- Review and approval of the minutes from the April 9, 2018 meeting
- Review and approval of the minutes from the April 12, 2018 meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
 1. Administrative Rules of the Board of Public Accountancy, Office of Professional Regulation
 - a. These rules adopt a standard format matching rules in other professions; require that applicants supply a valid social security number and affirm an intention to practice accountancy in Vermont; parallel AICPA model rules where possible, for consistency with other jurisdictions; simplify continuing-education requirements by ending carryover credit and recognizing fractional-hour credit; and simplify peer-review and facilitated state board access, in order to improve enforcement.
 2. 2018 Vermont Passenger Tramway Rules adopting ANSI B.77, Vermont Department of Labor and the Vermont Passenger Tramway Board
 - a. The ANSI B77.1-2017 standard seeks to reflect the current state-of-the-art in passenger ropeway design, operation, and maintenance, which will, in turn, be acceptable for adoption by government agencies and others. The document is broken up into seven main parts that each address a different category of passenger ropeway that is covered by its scope. In each of these sections, the standard covers specifications and guidelines for design and installation, electrical design and installation, and operation and maintenance, while considering a multitude of factors, such as location (with influences like icing, wind action, and ski slopes), clearances, and speed.
 3. Passenger Tramway Safety Rules & Addendum to ANSI B77.1, Vermont Department of Labor and the Vermont Passenger Tramway Board
 - a. The rules explain the tramway inspection process, registration and fee requirements, variance process and penalty provisions. The rules also clarify application of portions of the ANSI B.77 standard (adopted separately), and establish certain Vermont specific, requirements.



4. Underground Storage Tank (UST) Rules, Vermont Agency of Natural Resources, Department of Environmental Conservation
 - a. This is an update of the existing Underground Storage Tank Rules (effective October 1, 2011). These rules mirror Federal regulations and are a major factor in EPA's delegation of the program to the State. The rule regulates the installation and operation of underground storage tank systems that store gasoline, diesel fuel, heating oil, kerosene, used oil, and other hazardous materials. These materials have great potential to affect human health and the environment, and the rules serve to minimize the potential threat from the underground storage tank systems. The 2018 changes will clarify and update several sections and add new requirements that critical components be tested at least once every three years. New federal regulations require this triennial testing, and to maintain our state program approval, Vermont's regulations must be no less stringent than the federal regulations.
5. Radiological Health Rule, Agency of Human Services, Department of Health
 - a. This rule establishes requirements for the protection of public health and safety as related to radiation sources.
6. Vermont Workers' Compensation Vocational Rehabilitation Rules, Vermont Department of Labor
 - a. This is a comprehensive rewrite of the vocational rehabilitation rules, which have not been updated since 2007. Among the key changes:
 - i. The proposed rules clarify that the goal of vocational rehabilitation -- to restore earning skills -- should be accomplished in a timely and cost-effective manner.
 - ii. Under proposed Rules 51.2100 and 51.2403, an injured worker with only a part-time work release may be entitled to vocational rehabilitation services. However, this will not be the case if the injured worker voluntarily limits him- or herself to part-time work for SSDI purposes.
 - iii. Proposed Rule 53.0000 eliminates the Department of Aging and Disabilities screening process. Instead, adjusters will screen injured workers for vocational rehabilitation entitlement based on easily verifiable responses to two questions.
 - iv. Proposed Rule 51.2206 discourages Return to Work Plans that will take more than 52 weeks to complete. Proposed Rules 55.8000 and 57.2100 discourage excessive plan amendments and suspensions.
7. Miscellaneous Amendments to the Vermont Air Pollution Control Regulations, Agency of Natural Resources, Department of Environmental Conservation
 - a. These amendments address updates to regulations pertaining to the control of emissions from sources of volatile organic compounds (VOCs), as prescribed by the Clean Air Act 2008 Ozone Standards and required to be included in Vermont's State Implementation Plan. The public comment period and hearing for this rule will also serve as the comment period and hearing required under 40 C.F.R. §51.102 for corresponding revisions to Vermont's State Implementation Plan (SIP) in compliance with the Clean Air Act (CAA).
8. Amendments to Vermont CO2 Budget Trading Regulations, Agency of Natural Resources, Department of Environmental Conservation
 - a. The proposed rule amends the Vermont CO2 Budget Trading Program Regulations which implement the Regional Greenhouse Gas Initiative (RGGI) in Vermont. The amendments reflect revisions agreed to by the RGGI states (CT,



DE, ME, MD, MA, NH, NY, RI and VT) to the RGGI model rule made during the most recent program review, most notably establishing a regional emissions cap of 75,147,784 short tons for 2021, declining by 2,275,000 short tons a year through 2030, resulting in a 30% reduction in the regional cap from 2020 to 2030. The amendments establish Vermont's base CO2 budgets for 2021-2030; remove two of the five existing offset project categories; and make some minor technical changes and typographical corrections. Model rule changes regarding the allowance auction, including an additional budget adjustment for banked allowances, revision of the size of the cost containment reserve, and implementation of an emissions containment reserve will be implemented by the Public Utilities Commission.

9. Response to Child Abuse and Neglect, Agency of Human Services, Department of Children and Families, Family Services Division
 - a. This rule proposes new definitions and changes to current definitions necessary to align with Act 60. The section on Receiving and Evaluating Reports of Child Abuse or Neglect has been revised to consolidate information about the Department for Children and Families' (DCF) mandate to evaluate and respond to reports of child maltreatment in a timely way. Language was added detailing the process required by 33 V.S.A. § 4914 for the Agency of Human Services Secretary to determine which department will respond when a DCF employee is alleged to have abused or neglected a child.
 - b. This rule clarifies and modifies provisions relating to response time frames; criteria for deciding the appropriate response; situations requiring an investigative response; investigation procedures; and substantiation decisions.
 - c. This rule deletes provisions that are already in statute or more appropriately addressed in policy.
10. Child Protection Registry and Administrative Review Process, Agency of Human Services, Department of Children and Families, Family Services Division
 - a. The content of this rule has been consolidated with the Department's rule, Child Protection Registry, which will be repealed in its entirety. The proposed rule reflects a substantive change in the system of Child Protection Levels. The proposed rule:
 - i. Uses age of the perpetrator as a sorting mechanism for sexual abuse and risk of sexual abuse. Individuals who maltreated children at younger ages (under age 26) will be eligible to petition for expungement sooner.
 - ii. Allows some individuals, based on the type of maltreatment and risk level, to petition for expungement in one year.
 - iii. Introduces a 15-year waiting period for the most egregious forms of child maltreatment.
 - b. In addition, the proposed rule would allow some individuals to be expunged without a full administrative review hearing, if the record indicates that is appropriate. If the person is denied expungement through this more informal review, he or she will still be eligible for the full Administrative Review Conference process.
11. Child Protection Registry, Agency of Human Services, Department of Children and Families, Family Services Division
 - a. DCF proposes to repeal the Child Protection Registry rule (Rule 8000) in its entirety.

12. Maintenance and Access to Records, Agency of Human Services, Department of Children and Families, Family Services Division
 - a. To align with the statutory changes made by Act 60 (2015), the proposed rule:
 - i. adds additional criteria for evaluation of good cause, when the department is considering denying a request for release of information;
 - ii. adds child's attorney in a Family Division custody matter as an individual who may request information and makes other changes to conform to 2015 statutory changes made by Act 60; and
 - iii. provides specific information about what will be redacted before information is shared with the requesting party.
13. Rules for the Certification and Selection of Vote Tabulators by the Secretary of State; the Use of Tabulators Generally; the Use of Tabulators in Recounts; and the Use of Tabulators in Post-Election Audits, Office of the Secretary of State
 - a. This rule describes requirements for the Secretary of State to follow in his or her certification and selection of vote tabulators for use in the state. All towns in Vermont that use tabulators use the same, uniform tabulator, which is selected for use by the Secretary of State. These rules, in part, set standards for and guide the process of making that selection. The rule also contains requirements regarding the general use of tabulators in any election, recount, or audit. It describes specific rules for use of the tabulator in conducting recounts and also rules for the use of the tabulator in conducting post-election audits.

- Next meeting date: Monday, June 11, 2018 at 2:00 p.m.
- Adjournment