



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: July 12, 2021, Physical Location: 109 State Street, 5th Floor Conference Room, Montpelier VT; Virtual Meeting: Microsoft Teams
Members Present: Chair Kristin Clouser, Dirk Anderson, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Diane Sherman
Members Absent: Ashley Berliner, Clare O'Shaughnessy
Minutes By: Melissa Mazza-Paquette and Diane Bothfeld

- 2:12 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the [June 14, 2021](#) meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Note: The following emergency rules were supported by ICAR Chair Clouser:
 1. 'Access to Health Care Services Related to COVID-19' by the Department of Financial Regulation on 6/30/21.
 2. 'Interim Rules for Clinical Pharmacy' by the Secretary of State, Office of Professional Regulation on 7/7/21.
 3. PUC Emergency Rule 2.600 COVID-19 Emergency Procedures' by the Public Utility Commission on 7/9/21.
- Presentation of Proposed Rules on pages 2-7 to follow.
 1. Hemlock Woolly Adelgid Quarantine, Agency of Agriculture, Food and Markets, page 2
 2. Vermont Joint Quarantine No. 1 (Scleroderris Canker), Agency of Agriculture, Food and Markets, page 3
 3. Hospital Licensing Rule, Agency of Human Services, page 4
 4. Administrative Rules for Veterinarians, Secretary of State, Office of Professional Regulation, page 5
 5. Independent School Program Approval, State Board of Education, page 6
 6. Vermont Use of Public Waters Rules, Agency of Natural Resources, page 7
- Next scheduled meetings:
 - Wednesday, July 14, 2021 - Review of ICAR Forms with the Office of the Secretary of State
 - Monday, August 9, 2021 at 2:00 p.m. – Monthly ICAR meeting
- 3:49 p.m. meeting adjourned.

**Proposed Rule: Hemlock Woolly Adelgid Quarantine, Agency of Agriculture, Food and Markets
Presented By: David Huber, Zach Szczukowski**

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

1. Change 'not applicable' to 'no impacts' or 'no alternatives' where appropriate.
2. Proposed Rule Coversheet, #8 and #9: Reverse the two answers and: In #8 include that the hemlock woolly adelgid is a sap sucking invasive pest which affects hemlock trees across the eastern seaboard and other parts of the United States and is in Vermont. Provide a substance description of what happens, including key facts of how the existing rule needs to be updated to where the risk exists; and in #9: Choose either the first or second paragraph.
3. Proposed Rule Coversheet, #12: Highlight any positive impacts.
4. Adopting Page, #3: Define minimal impact. Include the benefit of treated products and increased market potential. Explain neutral vs. positive.
5. Economic Impact Analysis, #3: Harmonize or provide a general statement whether the impact is neutral or positive as appropriate.
6. Economic Impact Analysis, #3D: Be consistent in explanation of the impact.
7. Environmental Impact, #3 and #4: Clarify the nature of impact.
8. Public Input: Include reach out to landowners, nurseries and greenhouses and schedule a hearing.
9. Proposed Rule Coversheet, #12-14: Update as hearing is recommended.
10. Scientific Information, #3: Include this explanation elsewhere in forms where appropriate.

Proposed Rule: Vermont Joint Quarantine No. 1 (Scleroderris Canker), Agency of Agriculture, Food and Markets

Presented By: David Huber, Zach Szczukowski

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, #10: Include reasoning.
2. Proposed Rule Coversheet, #8: Include more detail including the reasoning – can use information from #9.
3. Change all “not applicable” answers to “no impact” where appropriate.
4. Economic Analysis #3 C: Clarify impact language for consistency.
5. Economic Analysis #8 and #9: Clarify uncertainty/unnecessary worry for regulated communities.

Proposed Rule: Hospital Licensing Rule, Agency of Human Services
Presented By: Brendan Atwood

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

1. Proposed Rule Coversheet #10 and #11: Include more information regarding the economic burden.
2. Proposed Rule Coversheet #14: Complete hearing information.
3. Proposed Rule Coversheet #11: Licensing body impacts should be included.
4. Economic Impact, #9: Include more information, including what was examined and information added from the coversheet.
5. Economic Impact, #6 and #7: Unclear if the reference to #3 is appropriate. Elaborate that there are no additional parties in addition to those listed in #3.
6. Change all 'not applicable' to 'no impact' where appropriate.

Proposed Rule: Administrative Rules for Veterinarians, Secretary of State, Office of Professional Regulation

Presented By: Gabe Gilman

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

1. Change all 'not applicable' to 'no impact' where appropriate.
2. Proposed Rule Coversheet, #8: Change period to a semicolon in the 7th line.
3. Proposed Rule Coversheet, #9: Include the causal connection of changes to Title 3.
4. Proposed Rule Coversheet, #12: Provide more detail on the nature of the economic impact and include any neutral or positive impacts.
5. Proposed Rule Coversheet, #13-15: Host a public hearing and include information.
6. Economic Impact, #6: Quantify minor savings if possible.

Proposed Rule: Independent School Program Approval, State Board of Education
Presented By: Emily Simmons, Jennifer Samuelson

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously expect for Diane Bothfeld who had to leave the meeting prior to voting on this proposed rule, with the following recommendations:

1. Proposed Rule Coversheet, #12 and Economic Impact Analysis: Include further explanation and agreement with the general assembly of the economic impact and reasoning.
2. Proposed Rule Coversheet, #8: Provide explanation of what is being changing from.
3. Economic Impact, #4: Include a period at the end of the paragraph.
4. Public Input, #3: Include plans to advertise hearings and detail communication methods.

Proposed Rule: Vermont Use of Public Waters Rules, Agency of Natural Resources
Presented By: Hannah Smith

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously, except for Jen Mojo who abstained and Diane Bothfeld who had to leave the meeting prior to this proposed rule, with the following consideration:

1. As there were public meetings held locally on this issue, the public could provide written comments, and the fact that this was an extension of a prior 10-year delegation, this is one of the rare instances where a public hearing is not being requested.