



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: February 23, 2024, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Nicole Dubuque, Jared Adler (voted on the 1st two rules only then exited meeting at 1:55 PM), Natalie Weill (did not vote)

Minutes By: Melissa Mazza-Paquette

- 1:01 p.m. meeting called to order, welcome and introduction of newest Committee member Natalie Weill who will begin voting at the next ICAR meeting.
- Review and approval of [minutes](#) from the January 8, 2024 meeting.
- No additions/deletions to agenda.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 - 1) Aboveground Storage Tank Rules, Agency of Natural Resources, Department of Environmental Conservation, page 2
 - 2) Unused Drug Repository Rule, Agency of Human Services, Department of Health, page 3
 - 3) Improved Tracking of Workplace Injuries and Illnesses, Vermont Department of Labor, page 4
 - 4) Reportable and Communicable Diseases Rule, Agency of Human Services, Department of Health, page 5
 - 5) Rule 3.300 Disconnection of Residential Gas, Electric and Water Service, Vermont Public Utility Commission, page 6
 - 6) Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service, Vermont Public Utility Commission, page 7
- Other business:
 - Diane will create draft public guidance for the Committee's review at a future meeting to aid those filing proposed rules.
- Next scheduled meeting is Monday, March 11, 2024 at 2:00 p.m.
- 3:02 p.m. meeting adjourned.

Proposed Rule: Aboveground Storage Tank Rules, Agency of Natural Resources, Department of Environmental Conservation

Presented By: Anna Bourakovsky and Andrew Youngs

Motion made to accept the rule by Sean Brown, seconded by Diane Sherman, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Submit an updated rule that highlights changes noted at the beginning of the meeting distinguishing between new and existing installations (*received after the ICAR 02/23/24 meeting*).
2. Proposed Filing – Coversheet:
 - a. #8: Reword to include the full scope of changes including the strict requirements, etc.
 - b. #12: Provide an executive summary to align with the Economic Impact Analysis.
3. Public Input:
 - a. #3: Provide additional upcoming outreach such as the towns and the newsletter process referenced during the meeting.

Note from the Teams chat from the office of the Secretary of State: “Just as an fyi, the APA Portal at <https://secure.vermont.gov/SOS/rules/> does include a subscription tool where users may choose from multiple criteria and will be notified of any postings matching their selected criteria.”

Proposed Rule: Unused Drug Repository Rule, Agency of Human Services, Department of Health

Presented By: Brendan Atwood

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

1. Proposed Filing – Coversheet, #10: Include the “how” as required.
2. Economic Impact Analysis:
 - a. Include any relevant data, costs and/or information pertaining to new hires to administer the program.
 - b. #3: Correct spelling “emdicine”.
 - c. #9: Describe how the analysis was conducted and identifying the source of information.
3. Environmental Impact Analysis, #9: Include more detail.
4. Public Input Maximization Plan:
 - a. #3: Include positive impacts, such as those to health, economic and environmental.
 - b. #4: Change “Aide” to “Aid”.
 - c. Consider reaching out to others who might be interested in this proposed rule, such as community members and those involved in solid waste.

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Proposed Rule: Improved Tracking of Workplace Injuries and Illnesses, Vermont Department of Labor

Presented By: Dan Whipple and Karl Hayden

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

1. Proposed Filing – Coversheet, #10: Include information pertaining to the loss of jurisdiction to the federal government; or staying in compliance with our state plan.
2. Economic Impact Analysis:
 - a. Align with the Proposed Filing – Coversheet and include specific economic impacts.
 - b. Clarify numbers are national from the Federal Registry.
 - c. Clarify costs/breakdown.
 - d. #6: Clarify any level of increased reporting requirements.
 - e. #3: Include the estimated costs and benefits anticipated.
3. Environmental Impact Analysis, #9: Complete.
4. Public Input Maximization Plan:
 - a. #3 and #4: Include who (#4) and how (#3) you are publicizing in Vermont, including outreach to all entities, such as Vermont employers, League of Cities and Towns, etc.
5. Incorporation by Reference:
 - a. #5: Include physical office address.
 - b. #6: Note the adoption of OSHA amendments, clarifying reference pertaining to OSHA vs VOSHA.
 - c. *FYI: Although it must be as stringent, modifications can be made to what's being incorporated.*

Proposed Rule: Reportable and Communicable Diseases Rule, Agency of Human Services, Department of Health

Presented By: Natalie Weill

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

1. Proposed Filing – Coversheet:
 - a. #11: Reach out to the Vermont Agency of Agriculture, Food & Markets.
 - b. #12: Clarify if there are any economic impacts to others.
2. Public Input Maximization Plan:
 - a. #3: Include all outreach.
 - b. Add ‘, Food & Markets’ to ‘Vermont Agency of Agriculture’.

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Proposed Rule: Rule 3.300 Disconnection of Residential Gas, Electric and Water Service, Vermont Public Utility Commission

Presented By: Dan Burke

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

1. Proposed Filing – Coversheet:
 - a. #8: Include descriptive details of what’s being referenced after ‘disconnections’.
 - b. #11: Include a period at the end of the sentence.
2. Adopting Page, #4: Contact the Office of the Secretary of State for assistance finding the log #.

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Proposed Rule: Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service, Vermont Public Utility Commission

Presented By: Dan Burke

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

1. Proposed Filing – Coversheet:
 - a. #8: Include descriptive details of what’s being referenced after ‘disconnections’.
2. Adopting Page, #4: Contact the Office of the Secretary of State for assistance finding the log #.

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