



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: September 10, 2018, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Steve Knudson, John Kessler, Matt Langham and via phone were Ashley Berliner and Jen Mojo

Members Absent: Clare O'Shaughnessy, Dirk Anderson, 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 August 13, 2018 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-5 to follow.
 1. Amendments to Subchapter XI, Low Emission Vehicle Program, Vermont Air Pollution Control Regulations, Agency of Natural Resources, page 2
 2. Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services, Department of Health, page 3
 3. Regulations for the Designation and Operation of Home Health Agencies, Agency of Human Services, Department of Disabilities, Aging & Independent Living, page 4
 4. Wastewater and Potable Water Supply Rules, Agency of Natural Resources, page 5
- Next scheduled meeting is October 8, 2018 at 2:00 p.m.
- 3:38 p.m. meeting adjourned.

**Proposed Rule: Amendments to Subchapter XI, Low Emission Vehicle Program, Vermont Air Pollution Control Regulations, Agency of Natural Resources,
Presented by: Megan O'Toole and Deirdra Ritzer**

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

1. Proposed Rule Filing, page 3, #10: Add reference to Section 177.
2. Proposed Rule Filing, page 3, #11: Add auto dealers if appropriate.
3. Proposed Rule Filing, page 5, #16: Add 'Low Emission Vehicle (LEV)'.
4. Adopting Page, page 1, #5: Add SOS Log # and title. Correct the date.
5. Economic Impact Analysis, page 1, #3, last line: Add 'not' between 'does' and 'change'.
6. Environmental Impact Analysis, page 2, #7: Delete the word 'negative' in the last line. Generally define what the effects are.
7. Public Input, page 1, #5: Include trade groups such as Auto Alliance if appropriate.
8. Scientific Information and Incorporation by Reference, page 2, #5: Add a phone number.

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**Proposed Rule: Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services,
Department of Health
Presented by: Shayla Livingston**

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

1. Proposed Rule Filing, page 3, #9: Correct misspelled words in lines one and two (permenant and requiremnts).
2. Economic Impact Analysis, page 1, #3: Remove the 'to' in the last line and throughout the rule between 'Narcan rescue' and 'kit'.
3. Economic Impact Analysis, page 2, #5: Correct 'antagonist' to 'antagonist'.
4. Economic Impact Analysis, page 2, #9: Elaborate on the outcome of the meeting.
5. Public Input, page 1, #3: Include upcoming public hearing information.
6. Environmental Impact Analysis, page 2, #9: Explain why there's no impact.
7. Public Input Statement, page 2, #7: Change 'emendations' to 'recommendations'.

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Proposed Rule: Regulations for the Designation and Operation of Home Health Agencies, Agency of Human Services, Department of Disabilities, Aging & Independent Living

Presented by: Stuart Schurr

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

1. Economic Impact Analysis, page 2, #3: Rework the last sentence for clear understanding, and correct the spelling 'curent'.
2. Public Input, page 1, #3: Delete what's included, include upcoming hearing and state that copies will be provided to interested parties.

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**Proposed Rule: Wastewater and Potable Water Supply Rules, Agency of Natural Resources
Presented by: Ernest Christianson and Diane Sherman**

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

1. Proposed Rule Coversheet, page 3, #12: Include an estimate of the cost of water quality sampling and testing.
2. Economic Impact Analysis, page 2, #3: Reword. Include that there's currently an established fee with the Department of Health. If there is a basis for the prediction, please include. If appropriate, provide types of compliance costs and provide an estimate of sampling costs.
3. Environmental Impact Analysis, page 1, #4: Reword the second sentence as 'soil treatment of wastewater' is difficult to understand as written.
4. Incorporation by Reference, page 2, #5: Include a phone number.

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