

**Protocol for Presentation of  
Regulations Under the Regulatory Review Act**

**Adopted by the EQB on October 24, 1984 and  
Amended by the EQB on May 19, 1993, and \_\_\_\_\_, 2009**

**A. General**

Proceedings in matters concerning regulations that are reviewed and adopted by the Environmental Quality Board (EQB) shall be conducted in a manner that minimizes unnecessary delays and recognizes informal, good-faith negotiations by the EQB Chairperson and his/her designee, pursuant to the requirements of the Regulatory Review Act (Act).

**B. Responsibilities of the EQB Chairperson**

1. The Chairperson of the EQB or his/her designee shall represent the Board in proceedings conducted pursuant to the Regulatory Review Act, including before the Independent Regulatory Review Commission (IRRC).
2. Acting pursuant to the guidelines in this protocol, the Chairperson of the EQB or his/her designee shall accurately and faithfully present the rationale, policy considerations and justification for any regulation authorized by the EQB.
3. Following the Department's receipt of a notice of disapproval of a regulation from the Independent Regulatory Review Commission (IRRC), the Chairperson or his/her designee shall promptly notify the EQB and may:
  - a. notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and IRRC that the regulation is withdrawn, pursuant to Section 7(a) of the Act.
  - b. act on the Board's behalf by notifying the Governor, the designated Standing Committees of the House of Representatives and the Senate, and IRRC that the regulation will be submitted without revisions within 40 days of the Department's receipt of the IRRC disapproval order, pursuant to Section 7 (b) of the Act.
  - c. act on the Board's behalf by notifying the designated Standing Committees of the House of Representatives and the Senate, and IRRC that the regulation will be submitted with further revisions within 40 days of the Department's receipt of the IRRC disapproval order, pursuant to Section 7 (c) of the Act. At its next scheduled meeting, the Board shall approve, by a majority of members present, to amend the rulemaking to address IRRC's disapproval order.

4. Following disapproval from either or both Standing Committees, the Chairperson or his/her designee shall promptly notify the EQB and, upon approval of the Board at its next scheduled meeting, withdraw a regulation from consideration by the Standing Committees of the House of Representatives and the Senate, and the IRRC, when deemed necessary.
5. Following the Department's assessment of any interceding actions that affect the need for and the promulgation of a rulemaking such as the passage of a new state law or a change in federal law or regulation, the Chairperson or his/her designee may notify IRRC and the Standing Committees of the House of Representatives and the Senate that the regulation is withdrawn. Notice of the Chairperson's action will be promptly shared with Board members. The action by the Chairperson or his/her designee will not prejudice the Board from resubmitting the rulemaking to IRRC and the Standing Committees at a later time, if directed by the Board at a subsequent meeting.
6. The Chairperson or his/her designee shall prepare and submit such reports or other materials that are needed to comply with the procedures contained in the Act.