

Development of Laws and Regulations



AWMA Fall Conference

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**Presentation by:
Richard Metcalf**

HOW REGULATIONS ARE MADE

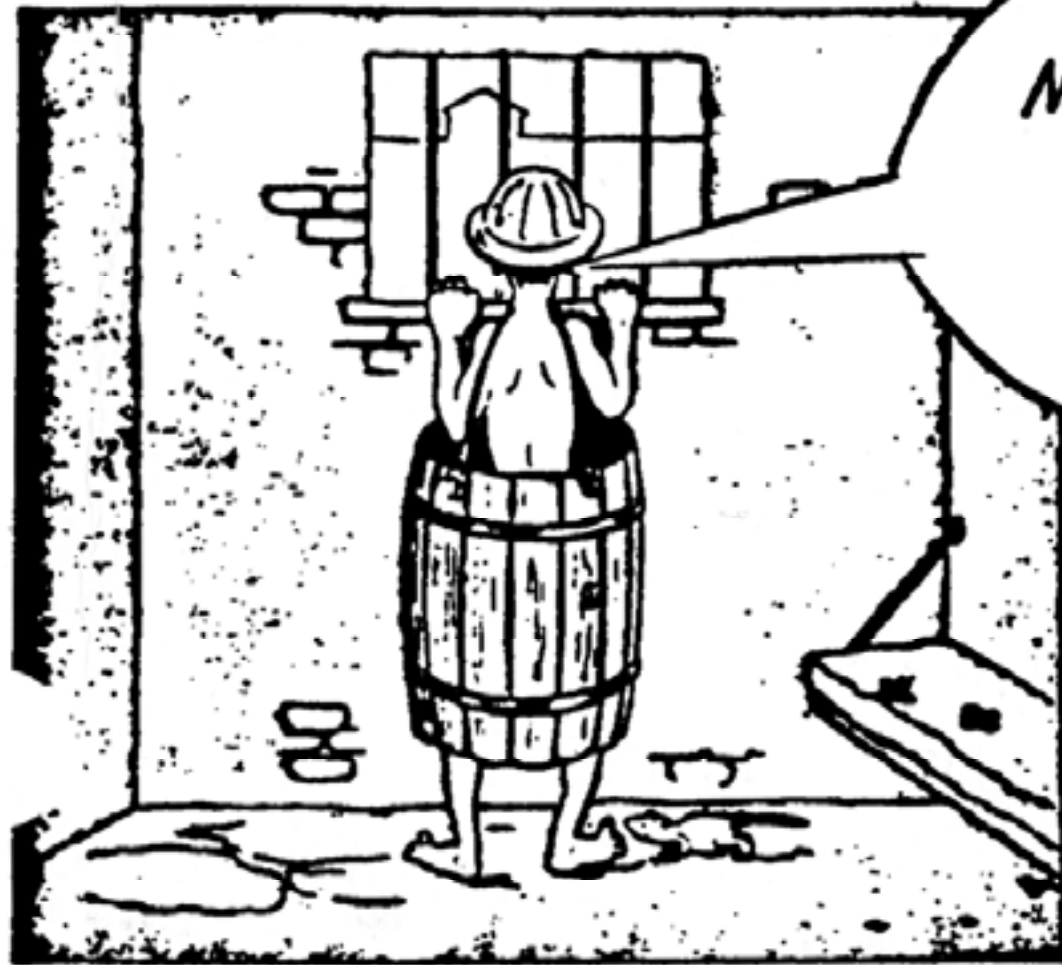
ALTERNATE TITLE:

**WHAT RICHARD AND HENRY
ACTUALLY DO FOR A LIVING**

OVERVIEW

- **WHY UNDERSTANDING THIS PROCESS IS IMPORTANT**
- **THE PROCESS**
- **HELPFUL HINTS/WORDS OF WISDOM**

**WHY UNDERSTANDING THE
REGULATIONS IS IMPORTANT**



NEXT TIME
I'LL READ
MY RULEBOOK!

THE PROCESS

- **LEGISLATIVE AUTHORIZATION**
- **OFFICIAL PROPOSAL IN LEGAL DOCUMENT**
- **COMMENT PERIOD**
- **RESPONSE TO COMMENTS**
- **LEGISLATIVE OVERSIGHT**
- **ADOPTION**

LEGISLATIVE AUTHORITY

- **RULES CAN NOT BE WRITTEN UNLESS AUTHORIZED BY STATUTE**
- **SOME AUTHORIZATIONS BROAD**
- **OTHERS VERY SPECIFIC**

BROAD STATUTORY AUTHORITY

**THE DEQ MAY WRITE RULES
TO REDUCE THE LEVELS
OF AIR CONTAMINANTS
IN LOUISIANA**

LIMITED AUTHORITY

**THE DEQ SHALL DEVELOP
A LIST OF NOT MORE THAN
100 TOXIC AIR POLLUTANTS
PER THE FOLLOWING CRITERIA**

OFFICIAL PROPOSAL

- **ALL PROPOSED RULES MUST APPEAR IN THE LOUISIANA REGISTER**
- **LOUISIANA REGISTER IS PUBLISHED ON THE 20TH OF EVERY MONTH**
- **www.doa.louisiana.gov/osr/osr.htm**

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KATHLEEN BABINEAUX BLANCO
GOVERNOR

JERRY LUKE LEBLANC
COMMISSIONER
OF ADMINISTRATION



COMMENT PERIOD

- **ALL PROPOSED RULES SPECIFY A COMMENT PERIOD**
- **AGENCIES VARY BUT DEQ USUALLY ABOUT 40 DAYS**
- **A PUBLIC HEARING MAY OR MAY NOT BE HELD BUT DEQ ALWAYS DOES USUALLY ABOUT 30 DAYS**
- **THERE IS NO DIFFERENCE IN WEIGHT BETWEEN ORAL OR WRITTEN COMMENTS**

RESPONSE TO COMMENTS

- **ALL AGENCIES MUST PREPARE A “RESPONSE TO COMMENT” DOCUMENT**
- **THE DOCUMENT IDENTIFIES:**
 - **WHO SUBMITTED THE COMMENT**
 - **THE PROS/CONS OF ACCEPTING THE COMMENT**
 - **THE FINAL AGENCY ACTION ON THE COMMENT**

RESPONSE TO COMMENT

- **VERY IMPORTANT DOCUMENT**
- **DOES HELP WITH UNDERSTANDING DEQ'S INTENT**
- **ESPECIALLY TRUE WHEN DEQ AGREES WITH COMMENT BUT MAKES NO WORDING CHANGE**

LEGISLATIVE OVERSIGHT

- **ALL RULES PROPOSED FOR FINAL ADOPTION MUST BE APPROVED BY LEGISLATURE**
- **LEGISLATIVE OVERSIGHT SUBCOMMITTEE HAS 30 DAYS TO APPROVE/DISAPPROVE RULE ONCE RECEIVED**
- **IF SUBCOMMITTEE DOES NOT MEET, RULE IS AUTOMATICALLY APPROVED**

LEGISLATIVE OVERSIGHT

- **IF SUBCOMMITTEE DOES NOT APPROVE RULE, IT CAN NOT BE ADOPTED**
- **GOVERNOR CAN OVERRIDE LEGISLATIVE SUBCOMMITTEE DISAPPROVAL OF A RULE**

ADOPTION

- **THE FULL RULE MUST APPEAR IN THE LOUISIANA REGISTER TO BE CONSIDERED ADOPTED**
- **THE TEXT IN THE LOUISIANA REGISTER IS THE “OFFICIAL” RULE TEXT**

DEQ SPECIAL REQUIREMENTS

- **RULES IDENTICAL TO FEDERAL RULES CAN BE “FAST TRACKED”**
- **“DIFFERENCES” FROM FEDERAL RULES MUST BE PROPOED SEPARATELY FROM RULES THAT ARE IDENTICAL TO THE FEDERAL RULE**
- **A COST AND RISK BENEFIT ANALYSIS MUST BE PERFORMED ON RULES THAT DIFFER FROM THE FEDERAL RULE AND HAVE A \$1,000,000 IMPACT**

HELPFUL HINTS/WORDS OF WISDOM

**WORDS MEAN SOMETHING –
READ THE WORDS CAREFULLY**

HELPFUL HINTS/WORDS OF WISDOM

“AND” MEANS “AND”

“OR” MEANS “OR”

HELPFUL HINTS/WORDS OF WISDOM

**“SHALL” MEANS “YOU MUST” –
“SHOULD” OR “MAY” MEANS
IT IS OPTIONAL**

HELPFUL HINTS/WORDS OF WISDOM

**NEVER ASSUME YOU REMEMBER
WHAT THE REGULATION REQUIRES –
GO BACK AND READ IT CAREFULLY**

HELPFUL HINTS/WORDS OF WISDOM

**THE PUBLISHED REGISTER VERSION IS
THE “ONLY” OFFICIAL VERSION**

HELPFUL HINTS/WORDS OF WISDOM

THE REGULATIONS MAY NOT INCLUDE ALL KEY DEFINITIONS, TERMS, EXEMPTIONS – CHECKING THE UNDERLYING LAW MAY BE HELPFUL

HELPFUL HINTS/WORDS OF WISDOM

CLARIFICATIONS MAY BE FOUND IN THE PREAMBLES (USUALLY FEDERAL RULES) OR IN THE RESPONSE TO COMMENTS

HELPFUL HINTS/WORDS OF WISDOM

**CLARIFICATIONS TO THE RULE MAY BE
INCLUDED IN PERMIT LANGUAGE**

HELPFUL HINTS/WORDS OF WISDOM

AGENCY “POLICIES” THAT HAVE NOT BEEN THROUGH THE PROCESS (UNLESS DIRECTLY REQUIRED BY LAW) CAN BE CHALLENGED

HELPFUL HINTS/WORDS OF WISDOM

**USE THE “EXPERIENCED” PERSONNEL
AVAILABLE TO YOU**

QUESTIONS

metcalf@Lmoga.com
www.Lmoga.com



225.387.3205

