



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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January 23, 2024

The Honorable Evan P. Shanley
Chairman
House Committee on State Government and Elections
82 Smith Street
Providence, Rhode Island 02903

RE: H 7178 An Act Relating to State Affairs and Government – Administrative Procedures

Dear Chairman Shanley,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 7178, which would require all regulations promulgated by state agencies to be approved by the General Assembly prior to becoming effective. DEM has concerns with this legislation.

Each year, DEM promulgates a large volume of regulations necessary to implement statutes approved by the General Assembly or to comply with requirements imposed by the federal government. The state Administrative Procedures Act (APA) already requires that agencies such as DEM conduct significant analysis before adopting regulations. These requirements include a public comment period of no less than 30 days, a regulatory analysis which includes a cost-benefit analysis and alternatives analysis, and, in many instances, a public hearing. To additionally require legislative approval would slow the regulatory process substantially and would hinder DEM and other agencies in their work to respond quickly to changing circumstances. It would be particularly burdensome during the six months of the year when the General Assembly is not in session.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Mary Kay, DEM Assistant Director and Chief Legal Counsel, at mary.kay@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

Terrence Gray, P.E.
Director

cc: Members of the House Committee on State Government and Elections
The Honorable Arthur J. Corvese
Nicole McCarty, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, House Policy Director