

Rules Advisory Team (RAT)

Mini-Orientation

DEPARTMENT OF ENVIRONMENTAL QUALITY

Marine Fisheries

Catherine Blum | Rulemaking Coordinator | November-December 2021



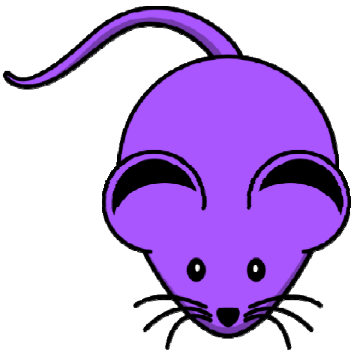
RAT Mini-Orientation: 5Ws and 1H of Rulemaking

- **What** the RAT is and its purpose
- **Why** we are holding this orientation now
- **How** the RAT operates
- **Who** is involved in rulemaking
- **When** rulemaking occurs
- **Where** rulemaking resources are housed



What: Rules Advisory Team (RAT): Purpose

- Division of Marine Fisheries rules team
- Manages activities for Marine Fisheries Commission rulemaking
- Assists with implementing rules
- Reviews legislative items
- Develops issue papers
- Many reasons to propose rule changes
- Rules proposed for “amendment”, “adoption”, or “repeal”



Why: RAT Mini-Orientation: Timing

- 2017: Periodic Review and Expiration of Existing Rules:
 1. Report (complete)
 2. Readoption (full rulemaking process)
- 2017-2021:
 - About 300 rules addressed
 - Only 80 rules remaining
- Dec. 8, 2021: Resume regular RAT activities



How: RAT Operation

- Membership updated
- Microsoft Teams meetings (usually first Wednesdays at 9 a.m.)
 - Participation by members
 - Camera etiquette
 - Team-building break



Who: RAT and other Rulemaking Entities

- North Carolina General Assembly (NCGA)
 - ✓ Enacts laws
- Marine Fisheries Commission (MFC)
 - ✓ Adopts rules
- Division of Marine Fisheries (DMF)
 - ✓ Rules Advisory Team (RAT) develops and implements rules

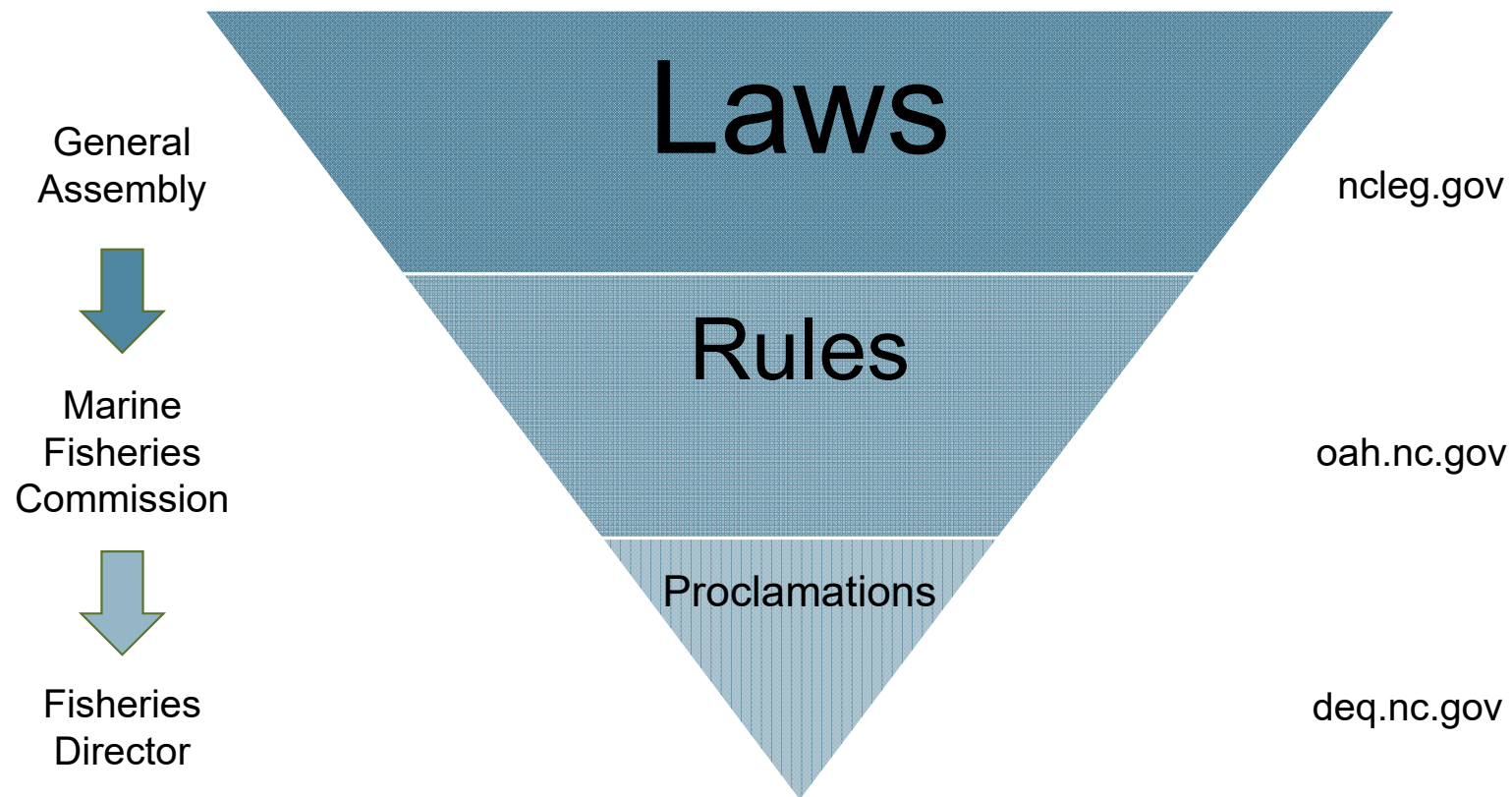


Who: RAT and other Rulemaking Entities

- Office of State Budget and Management (OSBM)
 - ✓ Fiscal analysis of rules
- Office of Administrative Hearings (OAH)
 - ✓ Maintains N.C. Administrative Code (NCAC)
- Rules Review Commission (RRC)
 - ✓ Final approval of rules



Who: RAT and other Rulemaking Entities



Who: RAT and other Rulemaking Entities: NCAC Example

15A NCAC 18A .0302	
Title 15A	Environmental Quality
NCAC	North Carolina Administrative Code
Chapter 18	Environmental Health
Subchapter A	Sanitation
Section .0300	Sanitation of Shellfish - General
Rule .0302	Permits

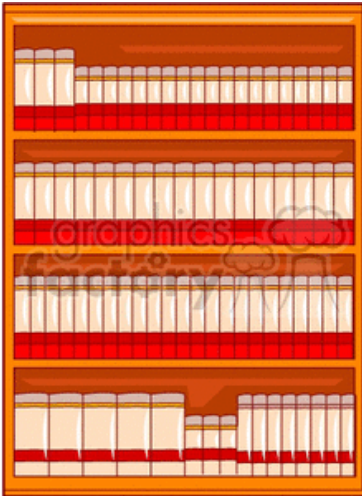


When: Rulemaking Cycles and Time Tables

- Annual rulemaking cycle
- Start: May Marine Fisheries Commission meeting
- End: April 1 intended effective date
- Prepare issue papers the year before the start
- One to three years for a rule to become effective
- Rulebook or supplement published with new rules



Where: Rulemaking Resources



- Division shared drive > Rules Advisory Team
 - Current rulebook (April 1, 2020)
 - Current supplement (May 1, 2021)
 - Issue paper template
 - Guides with rulemaking standards
- NCGA (laws) > ncleg.gov
- NCAC (rules) > oah.nc.gov
- DMF (proclamations) > deq.nc.gov



Where: Rulemaking Resources

Catherine Blum

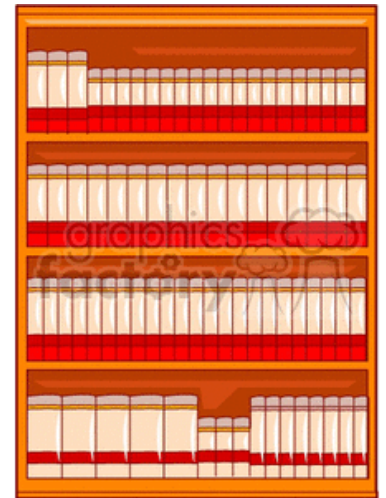
Division of Marine Fisheries

Rulemaking Coordinator

catherine.blum@ncdenr.gov

Sign up for the MFC Rules Interested Parties list at:

<https://deq.nc.gov/mfc-proposed-rules>



RAT Mini-Orientation

Questions and Discussion

