

Information Sheet – Rule Factors
FACTORS STAFF AND MANAGERS SHOULD WEIGH WHEN EVALUATING
NEED FOR AND/OR EFFECTS OF A RULE.

*This does not replace the Start Rulemaking Proposal (SRP) or other applicable forms. This is not a checklist and does not require written answers. **This is what the Director thinks about in reviewing staff reports and rules.***

Rulemaking Need (See also *SRP*)

- Is there an alternative to adopting a rule to accomplish the same thing?
- Will the Department be able to explain and defend the rule to DEQ's harshest critics in one of three ways: directly addresses an environmental problem; keeps delegation of federal programs; makes it easier to do business with DEQ?
- Is the rule going to solve or prevent a known environmental problem, or are we just speculating that it will?
- Does the proposed rule further one or more of our four strategic directions?
- Have we consulted with affected groups, to get their ideas and to confirm that the change will indeed make it easier to do business with DEQ?
- Will the rule make it easier for DEQ to do business internally? What are the quantifiable (not just speculative) resource savings from the process improvement or streamlining?

Federal Consistency

- If the purpose of the rule making is to make state rules consistent with federal rules, to whom does it matter that we do so? EPA? DEQ? Regulated community? What problem(s) has the lack of consistency caused, or is it likely to cause?
- If the purpose of the rule making is to maintain federal delegation, do we really think we will lose delegation from EPA if we don't adopt the rule? Have we examined the issue with EPA? Does the rule fulfill a commitment in the PPA? Does the proposed rule just make language consistent, or does it adopt new federal requirements?
- Is there a related federal requirement? If so, is the rule more stringent than federal requirements? What is the justification/need for more stringency? (see also *SRP & Federal Requirements Form*)

Resource Availability (See also *SRP* and *Implementation Plan*)

- If the rule will not be accompanied by new resources, have we defined quantitatively what other work will not get done if we adopt the rule? Are we prepared to drop that work? Have we communicated internally and externally with stakeholders?
- Do we have a well-defined internal and external communication strategy to ensure that both DEQ staff and the regulated community are prepared for the effects of the rule? Is this strategy for both rule making and rule implementation?
- Given resource constraints, will we be able to implement the rule, or will it be a rule on the books with no “teeth” in it? Can we effectively enforce the rule? If not, have we considered another approach to compliance?

Communities and Small Businesses (See also *SRP*)

- Does the rule affect individuals, small businesses or small communities? If so, have alternatives to regulation been fully explored? If rules are necessary, are the requirements designed to minimize cost? Have we evaluated the cumulative effect of DEQ requirements on the affected individuals, small business and small communities, and considered existing requirements that could be repealed or modified as this new requirement is adopted?