

Regulatory Impact Assessment

(Please describe the analysis used in complying with E.O. 562.)

Evaluation of Alternative Approaches:

Deregulation	<p>Please explain why regulatory action is necessary:</p> <p>The Board of Registration of Hazardous Waste Site Cleanup Professionals (“the Board”) is proposing to amend its regulations at 309 CMR 1.00-9.00 to:</p> <ul style="list-style-type: none"> • Update the continuing education credit requirements for Hazardous Waste Site Cleanup Professionals (often referred to as “LSPs”) including lowering the total number of credits LSPs need to renew their licenses every three years from 48 to 36 and reducing the required number of credits in MassDEP courses from 12 to 9; simplifying the categories of credits needed to renew; and allowing credits earned outside a renewal period to count toward an LSP’s next renewal in some situations. The Board recognizes that that LSPs have found acquiring 48 total credits and 12 MassDEP credits every three years to be challenging and the Board believes the proposed 36 total credits and 9 MassDEP credits are sufficient to allow LSPs to stay current with technical and regulatory updates relevant to the LSP profession. The reducing of the total credits to 36 also brings the number of credits needed to renew (i.e., effectively 12 credits per year) in line with the amount needed for both the Connecticut Licensed Environmental Professional Program and the New Jersey Licensed Site Remedial Professional Program, the two state programs similar to the Massachusetts LSP program. The Board also believes simplifying the categories of needed credits to renew will make renewal easier without lessening the requirement for LSPs to stay current with technical and regulatory updates, and believes allowing some credits earned outside a renewal period to count toward an LSP’s next renewal will incentivize LSPs to take courses they find interesting when they are offered. • Update the requirements for continuing education courses to reflect that many courses are now offered online rather than in person and to formalize additional requirements for those courses such as requirements for attendees to answer polling questions or pass an assessment of learning to ensure LSPs are present and engaged when taking online courses; • Add a requirement that course providers maintain documents regarding course attendance for five years (course providers were already required to maintain attendance forms but the regulation had not previously stated a time period) and, for internet courses, also maintain records regarding whether attendees answered polling questions or passed an assessment of learning for five years. • Add a new regulation allowing the Board to audit whether course providers and sponsoring organizations are following Board standards; • Update the regulations to reflect that the Board now accepts electronic submissions and payments and issues many notices electronically; and • Make a number of other technical amendments.
	<p>Are there Federal Regulations that address the same activity? If yes, explain why additional state regulation is necessary:</p> <p>No, there are no federal regulations that address the same activity.</p>
Local Standards	<p>Are there local standards that address the same activity? If yes, explain why additional state regulation is necessary:</p> <p>No, there are no local standards that address the same activity.</p>
Sub-Regulations	<p>Is there a less formal rule making authority that would be a viable alternative to regulation? Please explain why or why not:</p>

	No, there is no less formal rule making authority that would be a viable alternative to regulation.
Community Impact:	
Regulated Party	<p>Please describe the businesses, industries and other organizations, including governmental units that will be affected by the regulation:</p> <p>The approximately 415 LSPs will benefit from the regulations by reducing the number of continuing education credits they need to acquire in order to renew their licenses every three years. The amendments also reflect that, with the recent introduction of an online portal, applicants and LSPs can submit documents and pay fees electronically and the Board can also issue notices to applicants and LSPs electronically, all of which has made the program run more smoothly.</p>
Citizens	<p>Please explain why the regulation does not unduly and adversely affect Massachusetts citizens and customers of the Commonwealth:</p> <p>The proposed amendments will have no impact on Massachusetts citizens or Commonwealth customers other than on LSPs or people seeking to become LSPs.</p>
Businesses	<p>Please explain the regulation's impact on the competitive environment in Massachusetts. This can include, but is not limited to, increasing job creation, reducing the cost of doing business or improving quality of life for residents:</p> <p>The regulations will reduce the cost of being an LSP because LSPs will need to pay for fewer continuing education courses to renew their licenses every three years and will also be required to spend less time attending continuing education courses.</p>
Public Engagement:	
Stakeholders	<p>Please list the stakeholders included by the Agency in the development of the regulation:</p> <p>The Board considered comments received from the LSP Professional Association as well as from individual LSPs.</p>
Implementation	<p>Please describe the Agency's plan for implementation of the regulation, including any measures to ensure awareness of the regulation among stakeholders; consistent application and predictability for the regulated community:</p> <p>The Board will work with the LSP Professional Association to ensure LSPs are informed regarding the amendments. The Board will also do outreach to continuing education course providers and organizations that sponsor courses to inform them about the new requirements for courses and course providers. As needed, the Board will also prepare guidance documents regarding the amendments for posting to the Board's Web site.</p>

Small Business Impact Statement
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No:

Estimate of the Number of Small Businesses Impacted by the Regulation: 200 (this number would include any LSPs that own or work for a small business as well as any continuing education course providers or sponsoring organizations offering Board-approved courses that might be small businesses)

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No X	Will small businesses have to create, file, or issue additional reports?
Yes X	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Any course providers or sponsoring organizations that offer Board-approved courses that are small businesses will now have to maintain some additional documentation regarding courses they offer.
Yes <input type="checkbox"/>	No X	Will small businesses have to provide additional administrative oversight?
Yes <input type="checkbox"/>	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation?
Yes <input type="checkbox"/>	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
Yes <input type="checkbox"/>	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
Yes <input type="checkbox"/>	No X	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)
Yes <input type="checkbox"/>	No X	Do any other regulations duplicate or conflict with the proposed regulation?
Yes X	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Any course providers or sponsoring organizations that offer Board-approved courses that are small businesses could be subject to audit.
Yes <input type="checkbox"/>	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?

Yes <input type="checkbox"/>	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
Yes <input type="checkbox"/>	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?