

Office of Regulatory Reform: Period Four Regulatory Look Back Report

Report to Governor Lincoln D. Chafee
and the Rhode Island General Assembly
Submitted September 16, 2014

Rhode Island Office of Management and Budget

Department of Administration, One Capitol Hill, Providence, RI 02908

401-574-8430

www.omb.ri.gov

ABSTRACT

This report presents recommendations and findings as of Period Four of Rhode Island's accelerated regulatory reform initiative. It includes progress updates and an analysis of the state's regulatory environment. Note that a Final Report will follow, which will reinforce reform successes and provide an outline for ongoing reform.

TABLE OF CONTENTS

- EXECUTIVE SUMMARY 2
 - Key Figures for Period Four..... 3
 - Executive Summary of Recommendations 4
 - Reform Examples 6

- INTRODUCTION..... 8
 - Why Small Businesses? 8
 - Comparisons between State Regulatory Reform Efforts..... 9

- SMALL BUSINESS IMPACT 10
 - ORR’s Small Business Impact Model..... 10
 - Summary of Findings..... 11
 - Specific Types of Impact on Small Businesses 13

- FINDINGS AND RECOMMENDATION AREAS 14
 - Recommendation Area #1: Map the Regulatory Environment 14
 - Recommendation Area #2: Eliminate Statutory Exemptions 16
 - Recommendation Area #3: Improve Accessibility to Regulations 18
 - Recommendation Area #4: Remove Duplicative Regulations and “Non-Regulations” 19
 - Recommendation Area #5: Rejoin Separated Regulation 21
 - Recommendation Area #6: Reform the Audit, Inspection, and Enforcement Process 22
 - Recommendation Area #7: Promote Lawmaker and Small Business Participation in Reform..... 23
 - Recommendation Area #8: Support Improved Cost-Benefit Analysis..... 25
 - Recommendation Area #9: Promote Continuous Process Improvement 26
 - Recommendation Area #10: Push Reform Efforts beyond Current Performance Levels..... 28
 - Recommendation Areas #11 & 12: Adjust the Administrative Procedures Act 34
 - Recommendation Areas #13: Promote Performance-Based Regulatory Approaches 36

- NEXT STEPS 37

- APPENDICES
 - Appendix A: Office of Regulatory Reform Historic Timeline and Publications/Projects A-1
 - Appendix B: Regulations Identified by Small Businesses as Most Burdensome..... B-1 to B-2
 - Appendix C: Details of ORR’s Final Small Business Impact Model.....C-1
 - Appendix D: Detail of Top Five Agencies D-1 to D-53
 - Appendix E: Major Categories of the North American Industry Classification System (NAICS)E-1
 - Appendix F: Economic Impact Statement FormF-1 to F-3
 - Appendix G: Rhode Island Public Laws 2014, Chapters 099 and 123 G-1
 - Appendix H: Rhode Island Public Laws 2014, Chapters 098 and 127 H-1
 - Appendix I: Common Acronyms Used in this Report..... I-1

ENDNOTES

EXECUTIVE SUMMARY

In September 2012, Governor Lincoln D. Chafee challenged state agencies to move at the speed of business and complete the recently enacted four-year regulatory review in a year-and-a-half. He challenged them to think out of the box, to make government more efficient, to streamline processes, and most importantly to make Rhode Island more business friendly.

Agencies have responded in record time, reviewing more than 26,000 pages contained within the state's over 1,600 regulations in just under 17 months. Strengthening this initiative, twenty-one agencies with regulations exempt from the review process under the original law complied with the spirit of the effort and submitted 199 regulations for review.

Over the course of this review, agencies have identified over **250 changes** to improve the state's regulatory system. These changes include:

- 45 repeals of outdated, unnecessary, or obsolete regulations,
- 75 amendments, or modifications to improve the regulatory system, and
- 133 consolidations or joinings of rules and regulations.

Two-thirds (167 of 253, or 66.0 percent) of these changes are complete. The remaining third are in process. ORR will be receiving a timeline from agencies on the remaining regulations for Fall 2014. Please see the "Reform Examples" section on page 6 for examples of recent changes.

While coordinating a government-wide review, the Office of Regulatory Reform (ORR) issued 13 recommendations on improving the state's regulatory environment. ORR gladly reports that many of these recommendations are well underway. For example:

- ORR is partnering with the Office of Digital Excellence and the Rhode Island Public Expenditure Council to launch an interactive, web-based government business service map for 2015,
- ORR will soon release a Regulation Manual to guide agencies in promulgating regulations that are procedurally correct and easy-to-understand,
- ORR has revised its economic impact tool as a step toward improved cost-benefit analysis (to be released with the new Regulation Manual), and
- ORR has launched a web-based Small Business Suggestion Box, where businesses can easily suggest regulatory changes.

ORR commends agencies on their work to date and is encouraged from agency conversations that additional reforms are still on their way. Rhode Island has begun the difficult work of reform. However, we must remain diligent and focused, as there is still more work to be done. Many regulations with direct business impact come straight from state law. In order to achieve sustainable reform, a broader effort will be needed to review and modify existing laws. Some of the strongest examples of reform during this review came from instances where lawmakers and agencies worked together to repeal outdated laws and regulations. ORR will continue its work in conjunction with agencies, the General Assembly, and the business community to identify additional reforms.

Key Figures for Period Four

Reform

Repeals	45 identified (23 completed, or 51.1% of 45)
Amendments	75 identified (41 completed, or 54.7% of 75)
Consolidation/Joining	133 identified (103 completed, or 77.4% of 133)

To date, agencies have proposed 253 changes to Rhode Island’s regulatory system. One hundred sixty-seven (167, 66.0 percent) of these changes are complete, having gone through the state’s rulemaking process. Identified changes include 45 repeals and 75 amendments. In addition, agencies¹ have identified 133 regulations to consolidate or join into 15 regulations (see Recommendation #5).

Small Business Impact

Regulations with <i>Direct Impact</i> on small businesses	
• <i>Those that a small business must adhere to in order to operate</i>	635 (41.0%)
Regulations with <i>Decision-Based Impact</i> on small businesses	
• <i>Those triggered by a business decision</i>	200 (12.9%)
Regulations with <i>Indirect Impact</i> on small businesses	
• <i>Those whose impacts reach small business via another entity</i>	199 (12.9%)
Regulations with <i>No Impact</i> on small businesses	
• <i>Those with none of the above impacts</i>	513 (33.2%)

In Period Three, ORR deployed its enhanced small business impact model, reclassifying every regulation submitted to date. Period Four results were almost identical to those of Period Three, with about two-thirds of regulations (66.8 percent) having some type of impact on small businesses. Multiple stakeholders agree that the model and its results reflect their experiences. The idea of multi-layered impact is taking root as ORR continues to discuss impact with those who draft regulation.

Compliance and Review

Agencies compliant with the accelerated review	51/51 (100%)
Total regulations reviewed that remain in effect	1,547 ²
Total exempt regulations	313
Total regulations submitted though exempt	199

All fifty-one agencies subject to Governor Chafee’s accelerated review reached 100% compliance. In addition, 199 exempt regulations were submitted for review by 21 different agencies (note that some agencies have both exempt and non-exempt regulations).

¹ The term “agencies” refers to any state rulemaking body, including agencies, authorities, boards, commissions, committees, corporations, councils, divisions, departments, and offices (note that ORR previously used “entities”).

² Period Four data analyzes a single dataset of 1,547 regulations still in effect as of this report. Past reports contained multiple datasets to report on compliance. These 1,547 regulations represents the 1,588 regulations at the end of Period Three, less 41 regulations that have been repealed (10) or consolidated (31) since that time.

Executive Summary of Recommendations

#1 Map the Regulatory Environment: Small businesses' success – especially when starting or growing a business – is tied to their ability to navigate regulations. ORR has found no up-to-date map of state government. Maps provide direction to outside users on where to get information and best resolve concerns. Mapping also provides an opportunity to identify areas of duplication or conflict. ORR is developing an interactive, web-based system map.

#2 Eliminate Statutory Exemptions: The enabling statute for regulatory review excluded certain types of businesses (e.g. developers or nonprofits). These exemptions created a significant barrier to comprehensive review. Acting on ORR's recommendation, the General Assembly introduced companion bills to remove statutory exemptions. Governor Chafee signed these bills into law on June 16, 2014.

#3 Improve Accessibility to Regulations: Small businesses report a need for outside professional help to navigate and identify regulations. Many regulatory factors make Rhode Island regulations difficult for small businesses to access and understand. Factors include volume, reading level, copyrighted material, and lack of standardization. ORR is developing a "Regulation Manual" to guide agencies in promulgating regulations that are procedurally correct and easy-to-understand.

#4 Remove Duplicative Regulations and "Non-Regulations": The regulatory environment is cluttered with duplicative regulations and non-regulations (typically internal policies). Wherever possible, agencies must streamline duplicative regulations, and find alternative avenues for non-regulations. Yet, legal challenges are present, as the law – in some cases – can be interpreted to direct agencies to adopt certain policies as regulation. ORR and the Department of Administration's Legal Services are developing guidance for agencies in the regulatory manual and will also determine if statutory changes are necessary.

#5 Rejoin Separated Regulation: There are several instances of agencies dividing a lengthy regulation into many smaller regulations, possibly for technical reasons or to make rulemaking procedures easier. However, this creates challenges for small businesses that have to reconstruct the regulation. Agencies have begun to increase navigability by rejoining regulations, as well as consolidating small groups of related regulations. Agencies have identified 133 regulations to join or consolidate into 15 regulations; to date, 103 have been combined into 7 regulations.

#6 Reform the Audit, Inspection, and Enforcement Process: Small businesses report having their greatest difficulties with agency enforcement of regulation. ORR's vision for success calls for reforming the enforcement system to place a greater emphasis on providing advice, education, and training to secure compliance. Within this system, agencies would use risk assessment to direct enforcement to where it can have the most impact on outcomes.

#7 Promote Lawmaker and Small Business Participation in Reform: Regulations come from the laws that empower them. As the law is directly linked to regulatory content, lawmakers need to become involved in a broader effort to review and modify existing laws. Likewise, the perspective of the business community is invaluable. ORR recommends that legislators and agencies seek out small businesses for input. ORR has ramped up its own outreach efforts through the launch of a web-based suggestion box.

#8 Support Improved Cost-Benefit Analysis: Agencies are tasked with carrying out laws through the implementation of regulations. Regulatory agencies have had difficulty quantifying the number and types of businesses they regulate. Defining and analyzing both benefits and costs is challenging, but critical. As a step toward improved cost-benefit analysis, ORR will soon release a revised economic impact tool. ORR will also seek training opportunities in cost-benefit analysis.

#9 Promote Continuous Process Improvement: The regulatory system is subject to constant change. For this reason, reform cannot be a onetime event, but a continuous process of improvement. ORR promotes the use of quality improvement techniques in government. As a result, Lean consultation services are now available to state and local governments through a statewide Master Price Agreement. The Department of Environmental Management (DEM) and the Department of Administration (DOA) have led the way in using Lean techniques to improve services. ORR encourages lawmakers to promote and support these initiatives so that they can spread through government.

#10 Push Regulatory Reform Efforts beyond Current Performance Levels: ORR commends those agencies that are reforming their regulations. To date, agencies have identified 45 repeals and 75 amendments to make to Rhode Island's regulatory system. Sixty-four (64, 53.3 percent) of these reforms are complete. ORR will follow up with agencies to establish a timeline for identified reforms not yet completed, and work with agencies to identify additional reforms.

#11 & #12 Adjust the APA: Early in the process, ORR saw the need to strengthen the legislative foundation for ongoing reform. This foundation is contained in the state's Administrative Procedures Act (APA; RIGL § 42-35) and related statutes. The General Assembly introduced bills to support these recommendations. Governor Chafee signed two bills into law on June 16, 2014. These new laws synchronize the review processes and provide APA clarifications and adjustments. ORR continues to review the APA to identify other adjustments that would strengthen this critical foundation.

#13 Promote Performance-Based Regulatory Approaches: Regulation should focus on achieving results. Business leaders note that agencies, at times, seem more concerned with following specific rules, rather than achieving results. These leaders believe they can more effectively determine the best means to achieve state regulatory goals. ORR contends that Rhode Island needs to shift the balance from command-and-control approaches to performance-based regulation. DEM, in particular, has made a strong commitment to performance-based regulation and will be reviewing their regulations to promote this approach by May 1, 2015. ORR will further promote the use of performance-based regulation.

Reform Examples

Agencies are reforming their regulations. This report outlines their efforts to date (particularly with regard to Recommendations #5 and #10). While there is more work to do, provided below are some detailed examples illustrating agency reforms.

ORR has noticed a growing understanding in state government of the needs of small businesses. This work is not occurring in a vacuum, but spreading and taking root on many fronts. Governor Chafee's challenge to accelerate the review added vital urgency to this work. Agencies are not only looking at their regulations, but tackling other internal initiatives to make Rhode Island a better place for small businesses. The Department of Environmental Management's new customer service center provides a good example. Conversations on regulatory reform are leading to new and worthwhile directions. ORR promotes and praises all efforts to improve regulatory and other burdens on small businesses.

- The **Department of Health** (DOH) repealed two state regulations covered by federal rules: poison prevention regulations related to product packaging and quality assurance standards for mammograms. DOH adopted the federal Consumer Product Safety Commission standards for poison prevention, specifically citing an interest in not adopting a more stringent standard. The original quality standards for mammograms were adopted in 1990, when federal standards did not exist. (ERLIDs 7352 and 7477)³
- The **Department of Environmental Management** (DEM) amended its Air Pollution Control Regulation No. 11 to allow gas stations to decommission "Stage II vapor recovery systems" due to advances in vehicle technology. This "updat[ed] an environmentally beneficial program to reflect new conditions...in a way that relieve[d] Rhode island businesses of significant financial and operational requirements." (ERLID 7513)
- **DEM** also amended a regulation to allow electronic signatures from veterinarians regarding rabies certifications. Similarly, in response to the results from a recent DEM customer survey of IT needs, DEM is pursuing other opportunities to simplify and streamline other paper-based requirements online. (ERLID 7611)
- In 2013, the **Department of Children, Youth, and Families** (DCYF) drafted legislation that removed a redundant reporting requirement for hospitals, health care centers, emergency rooms and other health facilities. Previously, facilities had to report child abuse both at the time of discovery, and also in a quarterly statistics report. The General Assembly passed the bill and Governor Chafee signed it into law on July 15, 2013. Due to the statutory changes, DCYF was able to repeal the related regulation. DCYF will now track incidents through a database, with no need for additional quarterly reporting. (ERLID 6615)

³ ERLID (Electronic Regulation Locator Identification Number): Every Rhode Island regulation is assigned a unique ERLID by the Office of the Secretary of State.

- The **Department of Transportation** (DOT) is currently in the public comment period of an amendment to expand the reach of its federal Disadvantaged Business Enterprise Program, by including “very small businesses” of fewer than 15 employees with annual revenues under \$1.5 million. (ERLID 1289)
- The **Coastal Resources Management Council** (CRMC) amended its Red Book to “authorize existing hospitality industry businesses to restore views to tidal waters that have been lost over time by the growth of forested wetland vegetation.” Projects to restore lost views must meet certain parameters and would require a public access plan and a conservation easement. This amendment balances the economic importance of Rhode Island’s waterfront to its hospitality industry, with the need to preserve this asset for the future. (ERLID 7490)
- The **Division of Taxation** (Taxation) has the highest number of regulations overall, as well as the highest number with direct impact on small businesses. Given the nature of its enabling legislation, it is particularly difficult for Taxation to consider changes to benefit small business, except through legislative actions. However, Taxation is moving to improve the navigability of its regulations, by combining small groups of related regulations. Over the past year, it consolidated four regulations about commercial farming, and two regulations about food products. Taxation is in the process of combining two other sets of two regulations each, and will continue to explore other groups of related regulations to be consolidated. (ERLID 5995)
- The **Division of Motor Vehicles** (DMV) recently put forth legislation to create less stringent schedules for those with leasing, dealer, manufacturer, or rental licenses. These types of business licenses can now be renewed every three years instead of every year. Fees remain the same, but businesses can choose to pay every year or every three years (some may prefer building the fee into their annual budgets). These bills were signed into law in June 2014, and per statute will take effect in January 2015. (ERLIDs 4431 and 5732)
- **DMV** also plans to remove a requirement for inspection stations to use a dynamometer (“dyno”). The dyno is a large piece of equipment that is used to test emissions for vehicles made before 1996. This will free up bay areas at inspection stations and auto shops for other work (e.g. vehicle repairs or tire changes). Also, it will save businesses money on the cost of obtaining or maintaining this expensive equipment. This change will occur after the expiration of DMV’s current service contract. Massachusetts made a similar change a few years ago. (ERLID 5531)
- The **State Building Commissioner, State Fire Marshal, and the Department of Labor and Training** (DLT) worked together (through the Rhode Island Code Consistency Council) to resolve inconsistencies for required elevator emergency fire equipment. DLT’s Elevator Code, which had required equipment for elevators traveling more than 12 vertical feet, will be brought in line with the less restrictive RI Building and Fire Codes, which require equipment only for elevators with a “travel distance” of 25 feet. (ERLID 6713)

INTRODUCTION

In September 2012, Governor Lincoln D. Chafee announced his initiative to speed up the recently enacted four-year regulatory review. The Governor challenged each agency to streamline its processes and reduce the regulatory impact on small businesses.

The Office of Regulatory Reform (ORR) has coordinated the efforts of state agencies during this accelerated review. ORR's vision of success calls for the creation and refinement of a **clear, predictable, and reliable** regulatory system within the state of Rhode Island.

- Clear regulations are straightforward and easy to understand. They allow businesses to quickly identify if and how regulations apply to them, as well as what actions regulators expect of them.
- Predictable regulations are timely. Timeliness is the key to running and maintaining a successful business and is tied to great customer service.
- Reliable regulations do what they say they are going to do. They allow businesses to plan for the future because they are consistent in quality and performance.

This report presents a cumulative update at the conclusion of the fourth review period. It includes progress on reform recommendations and an analysis of regulatory impact on the state's small businesses.

This process has provided Rhode Island with a comprehensive picture of our regulatory landscape for the first time. More important, agencies have undertaken the task of identifying ways to improve the state's regulatory system. All agencies are in 100% compliance with the accelerated timeline. This report details their efforts.

This work will be ongoing. Identified changes to the regulatory system will need planning on execution, transparency, and time for the public comment process. ORR will continue to ensure that agencies realize identified reforms as quickly as possible.

A cumulative ORR Final Report will soon follow. That report will solidify recommendations, update achievements, and identify steps in supporting ongoing review.

Why Small Businesses?

Due to their size and scale, small businesses bear a disproportionate share of the costs and burdens of regulation.

Regulations can impose added costs and burdens on companies in several ways. Any new or amended regulation requires time for businesses to determine, first, if it applies to them. Any applicable regulations must be reviewed against current business practices for conflicts or noncompliance. Finally, any noncompliant practices must be changed to meet new requirements or standards. These activities

divert management resources from the work of running and growing a business. Compliance costs also arise in the areas of production, employee training, equipment, record keeping, and reporting.

Large companies can leverage a larger pool of resources and dedicated compliance managers to overcoming these regulatory and permitting obstacles. Smaller companies lacking these resources must shift energy from growing their businesses to complying with regulation. Owners of very small businesses have told ORR that every day they spend on compliance is a day they are not earning money.

Small companies have the advantages of flexibility, niche markets, and close customer interactions, and thus can be engines of growth and innovation. In Rhode Island, small businesses represent the majority of the state's commercial interests and employ over half of the private-sector labor force. For this reason, small businesses are critical to Rhode Island's economic prosperity.

Regulations play a key role in the health, safety, and quality of life of Rhode Islanders. Many aspects of regulation help businesses. Still, Rhode Island must continually evaluate rules to protect against unbalanced and undue burdens. We must seek to reduce the costs and improve the benefits of our laws and regulations. Otherwise, we risk adverse effects on competition, innovation, productivity, and ultimately the health of the Rhode Island economy.

Comparisons between State Regulatory Reform Efforts

In assessing the success of Rhode Island's regulatory reform effort, many individuals have looked to similar efforts in other states. For its regulatory reform, Michigan reports the repeal of over 1,500 regulations. Likewise, Florida has repealed over 1,000 regulations.

So why has Rhode Island only identified 45 regulations to repeal? One primary reason is the difference in state regulatory structures.

ORR notes that Rhode Island has just over 1,500 regulations (matching Michigan's total repeals). When Michigan started its regulatory review process, it had close to 19,000 regulations.

These differences are in large part due to how each state organizes its regulations. For states with a regulatory coding system, like Michigan and Florida, each specific subsection of a rule set is a regulation. For states without this system, like Rhode Island, each separate document, no matter how many specific rules or section it may contain, is considered a regulation.

As an analogy, imagine a book (entire regulatory system) where each chapter is broken into numbered paragraphs. Repeals in a state with a regulatory code represent the removal of a paragraph, while repeals in Rhode Island often represent the removal of an entire chapter.

SMALL BUSINESS IMPACT

ORR's Small Business Impact Model

ORR began its review by splitting regulations into two groups – those having “impact” or “no impact” on small businesses. ORR found that this model was too limited. At times, a simple yes or no did not reflect how regulations function. Some businesses decide to take part in a regulation that would otherwise not affect them. Some businesses are certainly impacted by a regulation, but only via another entity.

For these reasons, ORR added two key impact types – “Decision-Based” and “Indirect” – to its impact model (see Table 1). See Appendix C for further definitions, examples, and parameters of ORR's final small business impact (SBI) model.

Table 1: Summary of ORR's Small Business Impact Model

Direct	Regulations that a small business must adhere to operate
Decision-Based	Regulations that are triggered by a business decision
Indirect	Regulations whose impacts reach small businesses indirectly
None	Regulations with none of the above impacts on small business

These changes provided ORR with a better picture of the state's regulatory environment. They showed that regulatory impacts are not always straightforward. The new model highlights the need for those making legislation and drafting regulation to consider the multiple ways in which both law and rules impact the state's economy.

Throughout and since the end of agency review, ORR has had many conversations with agencies about how the ORR impact model plays out for specific regulations. Many agencies are beginning to think differently about how a regulation impacts not just the primary focus of the regulation, but also other types of businesses or individuals who must follow certain criteria to comply.

This is an important step on the road to better cost-benefit analysis. “Having impact” is not inherently a negative mark against an agency. Agencies are authorized to implement and enforce laws that by their nature must impact businesses, individuals, and the general public. However, in the cases where agencies have the discretion to choose among various regulatory approaches, a full understanding of the results of each approach is necessary to avoid unnecessary burdens that harm the state's economy. Similarly, when they create laws, legislators also should also keep in mind the many ways that legislation and regulation can impact small businesses and the overall economy.

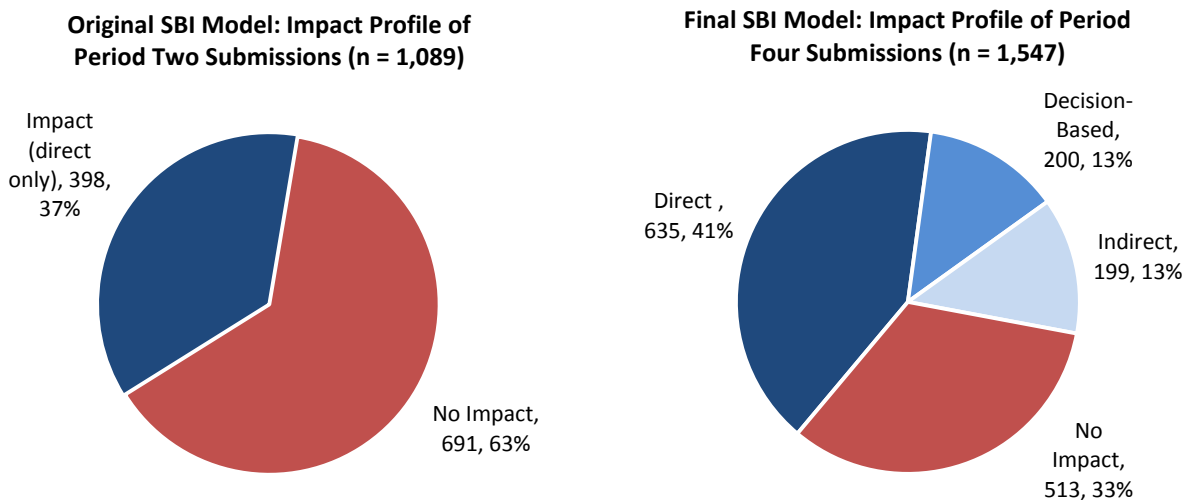
Agencies' increasing understanding of ORR's multifaceted impact model gives them a better idea of the full consequences of each approach – for both the state and the public, and for those regulated.

Summary of Findings

The Value of ORR’s Final Small Business Impact Model

Period Four results reinforce the quality of ORR’s final small business impact (SBI) model. Adding the categories of Decision-Based and Indirect Impact creates an impact profile that continues to reflect stakeholder experiences, with just over one quarter of all regulations falling outside the original “impact or no impact” model. Regulations with No Impact drop from 63.5 percent to 33.2 percent of the total.

Figure 1: Comparison of Original and Final SBI Models



Focus on Top Five Agencies

Period Four results also continue to support ORR’s initial decision to focus on the following “Top Five” agencies, which account for over a third of all regulations (38.4 percent, or 594 of 1,547): the Division of Taxation, the Department of Environmental Management, the Department of Health, the Department of Labor and Training, and the Coastal Resources Management Council.

These five agencies account for the lion’s share of concerns noted in the Small Business Surveys, small business obstacles, and volume of regulatory changes. In addition to their size, this high impact is also due to their statutory mandates, often leading to more small business interaction than other agencies. Many have high numbers of regulations regarding the Direct Impact areas of licensing and permitting.

However, while some impact may be necessary, these Top Five continue to merit closer analysis. Appendix D provides full detail of how all Top Five regulations impact businesses, including which sectors are impacted, and agency estimates of how many businesses are impacted. Preparing these tables has given ORR a much sharper understanding of impact at the level of a single regulation.

Figures 2 and 3 illustrate the impact profiles of Top Five agencies versus all others combined. Note that 77.4 percent of all Top Five regulations had Direct impact, as compared to 18.4 percent of all remaining agencies. Only 36 Top Five regulations have No Impact, versus 477 in all other agencies.

Figure 2: Comparison of Impact Type Totals (Top Five versus All Other Agencies)

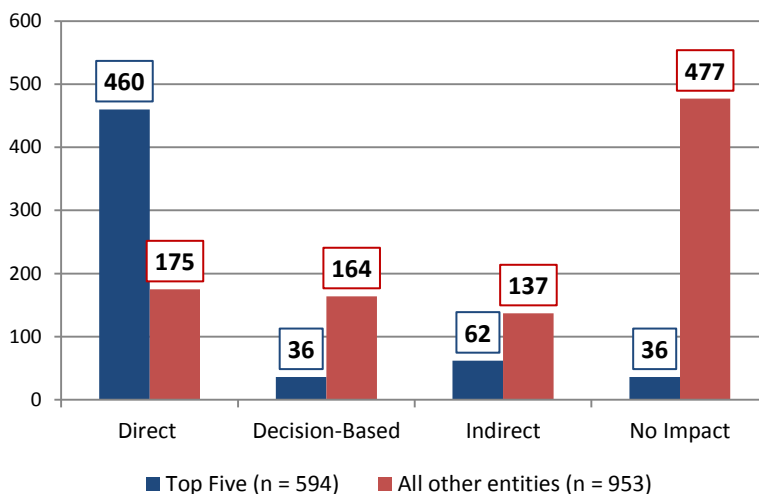
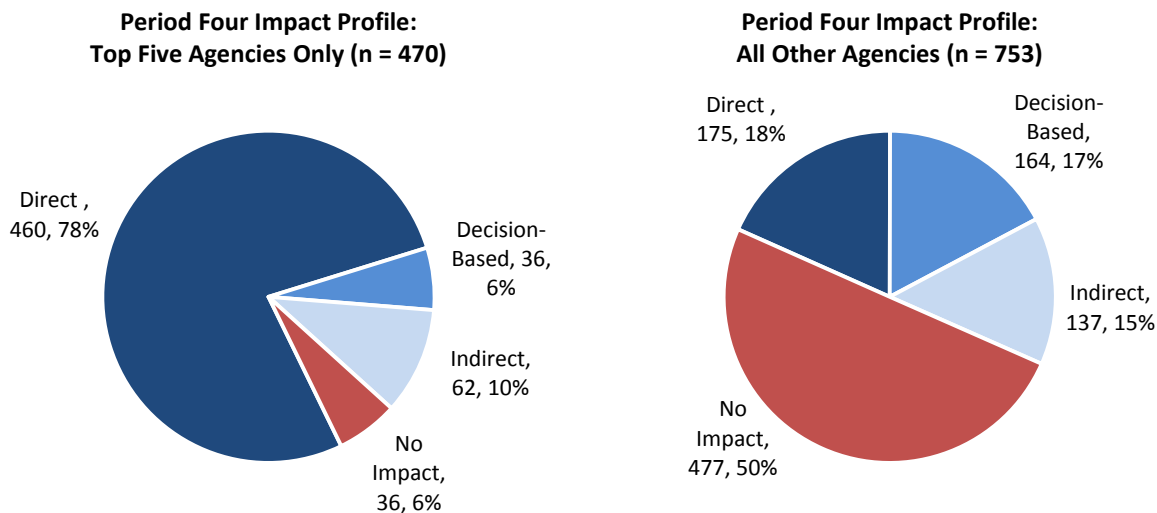


Figure 3: Comparison of Impact Type Proportions (Top Five versus All Other Agencies)



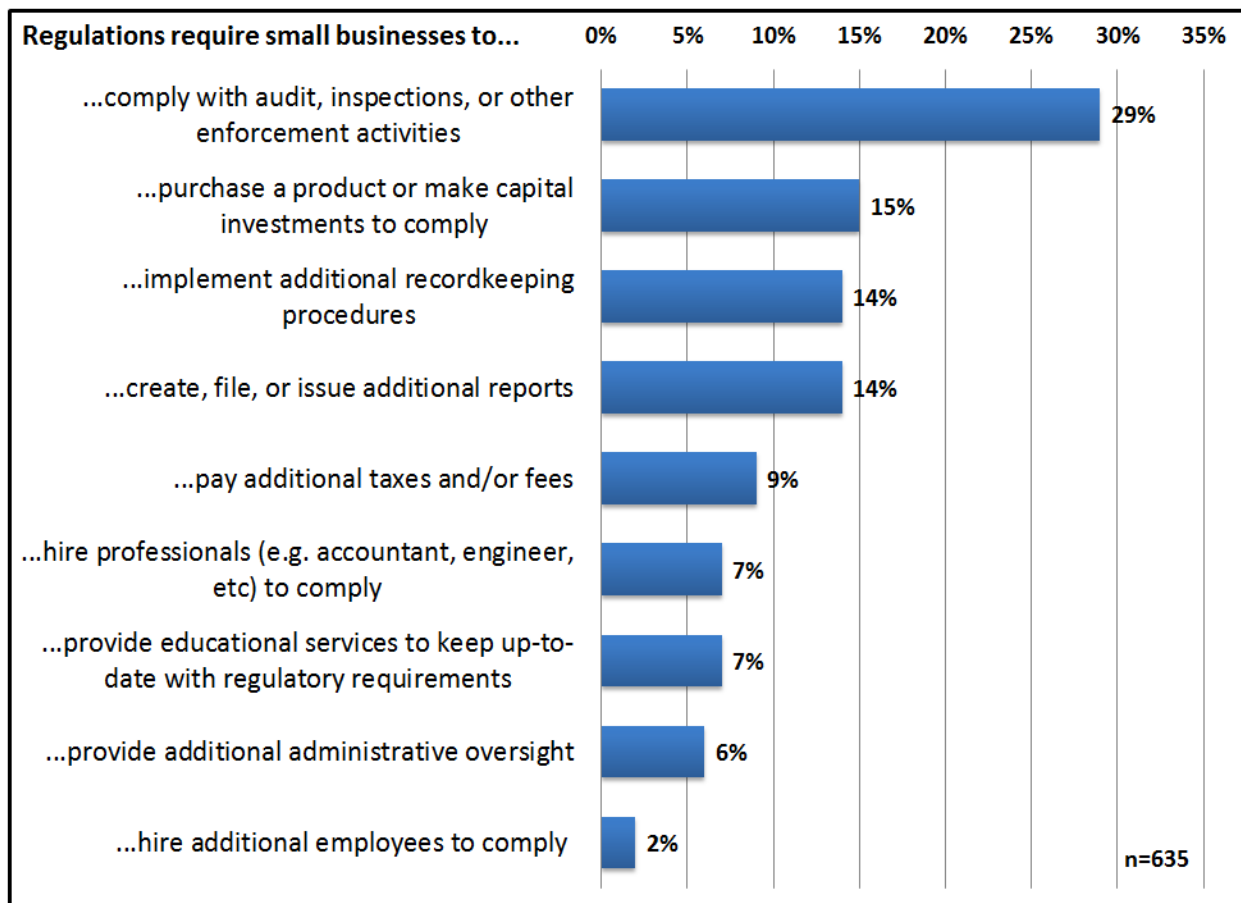
Throughout the review, ORR has worked closely with these Top Five agencies to explore how their regulations interact with state and federal laws, and how their regulations function in practice. As ORR moves into the next phase of regulatory reform, it will inherently continue to work closely with these Top Five agencies. ORR will also use lessons learned through Top Five analysis as it expands its focus to include any regulation prioritized by small businesses, agencies, or other stakeholders.

Specific Types of Impact on Small Businesses

As part of its economic impact statement, ORR included 18 closed-ended questions to determine the types of impact that regulation may have on small businesses. For consistency with previous reports, the following figure presents data only from regulations with a Direct small business impact (635 as of Period Four). Please note these findings represent the views self-reported by agencies.

For each period, the top impact type – complying with enforcement activities – has remained consistently high in comparison to the others.

Figure 4: Small Business Direct Impacts by Percentage of Regulations Submitted



FINDINGS AND RECOMMENDATION AREAS

ORR developed the following thirteen Recommendation Areas over the course of its review. Each proposes a best course of action in resolving identified issues. This report provides a summary for each, along with progress to date and current status. ORR encourages the reader to refer to previous reports for greater discussion of identified issues, which can be found at www.omb.ri.gov/reform.

Recommendation Area #1: Map the Regulatory Environment

Background: Small businesses often express difficulty in navigating the state’s regulatory environment. Tied to their success – especially when starting or growing a business – is the ability to identify and navigate through all applicable regulators and regulations.

Rhode Island lacks a comprehensive, up-to-date map of government organization. Maps and other tools provide businesses with the first step toward answering questions of “where should I go” and “who should I talk to.” Maps provide direction to outside users on where to best get information and resolve concerns in a format that is readily available to the public.

Government organization is complex. In Rhode Island, even the most seasoned state employees would have difficulty navigating the system as a whole. Government creates new agencies over time, while older agencies fluctuate in the services they provide, as well as in their areas of authority. Small businesses are often confused on how many different agencies relate to each other under the same service umbrella (e.g. health and human services, education, natural resources, or transportation).

System mapping provides the opportunity to create a tool that will help users – both internal and external – navigate and access government. Additionally, it provides an opportunity to identify areas of systemic duplication, conflict, or overlap.

Recommendation/Goal: ORR will develop an interactive, web-based system map to help business navigate state government.

Progress to Date:

- ORR has researched government mapping practices in other states and at the federal level. An interactive map would give Rhode Island a unique tool to aid its businesses.
- ORR has gathered tools to support the project, including: organizational charts from 34 state agencies, state directories, historic statewide organization charts, and organizational legislation.
- ORR has developed a Project Scope that outlines products and deliverables, along with a timeline.
- ORR has met with the Office of Digital Excellence (ODE) to discuss information technology options that would support its vision. ODE will be providing ongoing support in launching and managing the chosen solution.

- ORR has consulted with the Rhode Island Public Expenditure Council (RIPEC). RIPEC will be providing support to the project through its work with the Business Coalition and through public policy research and analysis.

Status: After examining the Project Scope and meeting with ODE and RIPEC, ORR has revised its original target date for completion from Fall 2014 to Spring 2015.

Recommendation Area #2: Eliminate Statutory Exemptions

Background: ORR's enabling legislation excluded certain business types from its review. Examples of these exemptions include developers, architects, building designers, entertainers, and nonprofit institutions.

The exemptions created a barrier to comprehensive review. For example, there is a natural overlap between exempt and non-exempt entities (e.g. developers and construction companies, or non-profit and for-profit entities in the same industry).

Of the 1,547 regulations currently in effect, 190 (12.3 percent) were exempt from ORR review because they only affected an exempt business industry. An additional 123 (8.0 percent) were exempt due to separation of powers considerations. While agencies can choose to submit exempt regulations, removing this barrier strengthens ORR's ability to achieve reform goals by providing a better picture of Rhode Island's regulatory environment.

Recommendation/Goal: ORR will work to reduce the impact of statutory exemptions on its regulatory review.

Progress to Date:

- Thirty-one agencies had at least one exempt regulation (nine agencies were exempt due to the separation of powers; twenty-two due to the definition of small business). The following twenty-one agencies submitted a total of 199 exempt regulations for review.
 - Behavioral Healthcare, Developmental Disabilities and Hospitals, Department of
 - Business Regulation, Department of
 - Coastal Resources Management Council
 - Energy Resources, Office of
 - Environmental Management, Department of
 - Ethics Commission
 - Executive Office of Health of Human Services
 - General Treasurer, Office of
 - Health Insurance Commissioner, Office of
 - Health, Department of
 - Housing and Mortgage Finance Corporation
 - Labor and Training, Department of
 - Legislative Services, Joint Committee on
 - Motor Vehicles, Division of
 - Public Safety, Department of
 - Public Utilities Commission
 - Public Utilities and Carriers, Division of
 - Secretary of State, Office of
 - Taxation, Division of
 - Transportation, Department of
 - Water Resources Board
- The Department of Business Regulation (DBR), with a majority of regulations exempt due to its focus on banking, insurance, and securities, responded to the spirit of the review by conducting a concurrent internal review, on the original timeline. They are on schedule, having reviewed just over half of their regulations.
- ORR drafted legislation targeted at removing statutory exemptions. In 2014, the Rhode Island General Assembly introduced companion bills to remove almost all statutory exemptions from

ORR review. Governor Chafee signed these bills into law on June 16, 2014 (see Appendix G Rhode Island Public Laws 2014, Chapters 099 and 123).

- Public utilities (as defined in RIGL § 39-1-2(20)) and certain financial and insurance companies (as defined in RIGL § 19-1-1(1), § 7-11-101(1), § 27-1, and §27-2) have strict regulatory requirements in state and federal law that make these firms subject to significant capital requirements and other standards. For these reasons, these agencies will remain excluded from review.

Status: The only industries now statutorily excluded from the definition of small business are those listed in the previous bullet. Regulations affecting any other industry must be evaluated for potential small business impact, during both regular rulemaking (regulatory flexibility) and the next review cycle beginning in 2017.

Recommendation Area #3: Improve Accessibility to Regulations

Background: In ORR’s small business surveys, about one-third of businesses reported the need to hire consultants to help identify which regulations applied to their business and how to comply. Even lawyers have reported to ORR that the state regulations are difficult to navigate, especially since the state lacks an organized regulatory code.

There are many factors that make Rhode Island regulations difficult to access.

- The first is volume. In Period One, ORR found over 26,000 pages of regulation (there are an equal number of pages in about 10 copies of *War and Peace*).
- Second, the readability of a sample of regulations suggests that many are written at a level much higher than the average reader can comprehend.
- Third, public access is limited when agencies adopt copyrighted material, or material with restrictions on duplication and printing (e.g. fire and building codes).
- Fourth, agencies use different templates and there is no standardized format for regulations from agency to agency.

Recommendation/Goal: ORR will develop a “Regulation Manual” as a tool to standardize regulatory elements. The manual will assist agency personnel with drafting, proposing, and filing regulations that are easy to understand, and correctly promulgated under the Administrative Procedures Act (APA). ORR will continue to research methods to remove accessibility barriers. This manual will be released in Fall of 2014.

Progress to Date:

- ORR researched best practices in writing regulations as presented by other states and at the federal level. Through this work, ORR has identified practices that Rhode Island can use as a model.
- ORR is finalizing its Regulation Manual, incorporating these best practices for clear, correctly promulgated regulation. ORR is currently collecting stakeholder feedback to ensure that the manual is clear and addresses the needs of agency regulators.

Status: ORR will continue to update and improve on the Regulation Manual as it receives more stakeholder feedback. ORR will continue to research best practices toward removing accessibility barriers, and will include recommendations in its annual reports.

Recommendation Area #4: Remove Duplicative Regulations and “Non-Regulations”

Background: Rhode Island’s regulatory environment is cluttered with duplicative regulations and non-regulations. This clutter contributes to greater regulatory volume and complexity. This in turn makes Rhode Island regulations more difficult to navigate.

- *Duplicative regulations* are near-identical regulations promulgated in multiple agencies. One example is that of regulations related to the Access to Public Records Act (APRA); nineteen different APRA regulations exist in various agencies. In other cases, there are duplications when two agencies have overlapping or concurrent jurisdiction. Duplicative regulations often cover the same subject matter, yet the minor differences in their administration and processes create the potential for confusion and compliance issues.
- *Non-regulations* are regulations that typically only regulate or affect the agency itself. Agency employee handbooks often provide a good example of these internal policies.

ORR believes that these two types of regulation complicate the regulatory landscape. Duplicative regulations should be streamlined, while alternative and transparent public avenues should be sought for non-regulation. However, legal challenges are present, as the law – in some cases – appears to direct or allow agencies to adopt these kinds of regulation. One issue is that the foundations of the state’s rulemaking legislation have not been updated since 1962, and thus do not consider sweeping changes in technology and communication.

Recommendation/Goal: ORR will work to reduce duplicative and non-regulations in the regulatory environment where possible, either through streamlining or helping agencies find alternative and transparent forums. ORR will explore updating relevant rulemaking legislation.

Progress to Date:

- Agencies identified 36 regulations (of those still remaining on file) as having potential duplicates or conflicts. ORR has met with many agencies to discuss the reasons for duplication or conflict, brainstorming ways to reduce these issues where appropriate. From these meetings, agencies have identified a number of changes to make to the regulatory environment to reduce duplication and conflict (for example, combining duplicative sections into one section and removing unnecessary language).
- ORR has met with the Department of Administration (DOA)’s Legal Services to discuss the legal challenges present above.
- In the case of “non-regulations,” ORR has developed a rule of thumb in the absence of a definitive standard: that regulations typically should either regulate others, affect the private rights of the public, or be promulgated because the agency wishes them to have the force of law. ORR will continue to work with DOA Legal Services to determine next steps and possible revision of rulemaking legislation.

Status: ORR will continue to work with agencies on removing regulatory clutter. As legal challenges are present, ORR will continue to consult with DOA Legal Services with the target of providing suggested revisions of law for the upcoming legislative sessions.

Recommendation Area #5: Rejoin Separated Regulation

Background: During its review, ORR discovered several instances of a regulation being separated into many smaller regulations. Any amendments or revisions to these separate regulations disrupt the chronological and numeric order in the Secretary of State’s Rules and Regulations Database.

A few agencies justified separating regulations, noting that it simplified the amendment process. Others did so out of concern regarding electronic file size limitations. However, separated regulations create challenges for small businesses that have to seek out and reconstruct these separate, disorganized pieces into a logical whole. This adds to regulatory confusion and decreases system navigability.

Recommendation/Goal: ORR discourages the practice of promulgating regulations that do not stand on their own, encouraging agencies to rejoin separated and interdependent regulation.

Progress to Date:

- A number of agencies took this recommendation a step further by consolidating related regulations that were able to stand alone, but made more sense joined together. This represents a considerable step toward improving system navigability.
- Agencies have identified 133 regulations to reduce down to 15; 103 of these have already been combined into 7. This includes both joining previously separated regulations that did not stand alone, as well as consolidating related regulations. Agencies joining or consolidating 4 or more regulations are:
 - Board of Accountancy (all 8 of its regulations, which license accountancy),
 - Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (6 *Rules and Regulations for the Licensing of Developmental Disability Organizations*),
 - Department of Children, Youth and Families (6 confidentiality regulations),
 - Coastal Resource Management Council (63 regulations making up the *Rhode Island Coastal Resources Management Program*, or “Red Book”),
 - Department of Environmental Management (6 *Marine Fisheries Regulations – Shellfish* regulations),
 - Department of Human Services (23 *Supplemental Nutrition Assistance Program* regulations), and
 - Division of Taxation (4 *Commercial Farming and Related Items* regulations).
- ORR met with the Office of Digital Excellence (ODE) on strategies to overcome the technical issues presented by agencies. ORR will include recommendations in its Regulation Manual. ORR will continue to offer its assistance to agencies to resolve technical issues related to filing lengthy or graphic-heavy regulation as one document.

Status: Some agencies have committed to this recommendation. Since a few plan to revise other elements contained within the regulations proposed for rejoining, they will undertake one process to address both goals. ORR anticipates that all identified changes will be complete in upcoming months.

Recommendation Area #6: Reform the Audit, Inspection, and Enforcement Process

Background: When asked to identify the specific regulations that are most burdensome, the majority of small businesses cited poor customer service from agencies. These complaints include reported incidents of unreturned phone calls, long waits for permits or other documents, inconsistent inspection processes, and general disagreeable attitudes from state employees. ORR has found that business owners often remember these negative interactions with government for years, noting accounts that occurred 10 to over 20 years ago.

The impressions of Rhode Island government from the small businesses community coalesce around audits, inspections, and enforcement processes. Here government has a potential for an adversarial relationship with the business community as it uses its power to enforce rules and regulations. In expressing his thoughts on how to improve this system, one business leader suggested to ORR a desire for enforcement agencies to “light the way,” rather than “trip you up.”

Recommendation/Goal: ORR’s vision for success calls for reforming the enforcement system to place a greater emphasis on providing advice, education, and training to secure small business compliance. Within this system, a regulatory agency would use risk assessment to direct enforcement to where it can have the most impact on outcomes – freeing up resources for enforcement agencies to act more in an advisory model.

Progress to Date:

- In its research, ORR encountered a report from the United Kingdom business community on best practices related to enforcement, *Reducing Administrative Burdens – Effective Inspection and Enforcement*.⁴ This report sets out principles that may serve as a guide for enforcement reform in Rhode Island, including:
 - Risk assessment should be central to enforcement programs,
 - No inspection should occur without reason,
 - Data requirements should be reduced for less risky businesses,
 - Resources from unnecessary inspections should be guided toward compliance advice,
 - Forms should be few and simple and form data should be coordinated across agencies,
 - When new regulation is designed, plans for ease of enforcement should be built in, and
 - Regulators should be streamlined according to theme (e.g. health or environment).

Status: Reforming the state’s enforcement practices is a sizable task, comparable even to current agency efforts toward regulatory reform. While ORR has addressed enforcement-related items through its regulatory review, this approach has been ad hoc. A project of this size would require not only dedicated resources, but also the legislative and executive leadership support necessary to achieve success.

⁴ <http://www.berr.gov.uk/files/file22988.pdf>

Recommendation Area #7: Promote Lawmaker and Small Business Participation in Reform

Background: State regulations are based in law. Agencies are making progress in reforming elements of regulation – however, many regulations contain rules directed by law. For these, reform must involve legislative changes.

Regulations identified by businesses as most burdensome often contain elements directly from the law. Examples from ORR’s surveys include: taxes (e.g. corporate or sales taxes), unemployment and temporary disability insurance, and apprenticeship programs (see Appendix B for full list).

These identified topics represent major policy decisions, which have been shaped over time and with the input of many interested parties. Improving the state’s small business climate will require the ongoing work of Rhode Island’s leaders to address business issues of this magnitude. Lawmakers need to become involved in a broader effort to review and modify existing laws.

As the engine of Rhode Island’s economy, small businesses must continue to do their part to join reform efforts. Their voices will continue to be instrumental in understanding where the state should focus reform efforts. ORR has recommended that agencies seek out trade association and similar groups to act in an advisory capacity on regulatory policy.

Recommendation/Goal: ORR will promote the voice of small businesses in identifying where regulatory issues exist through its reports, surveys, business meeting, and online tools.

Progress to Date:

- During the 2014 legislative session, the General Assembly passed and Governor Chafee signed into law measures to reduce the corporate and estate taxes (Rhode Island Public Laws 2014, Chapter 145). Small businesses have reported to ORR that these two taxes were among the most burdensome regulations in the state.
- ORR has administered two annual surveys as part of its ongoing engagement with the small business community. In the last two years, between 700 and 1,000⁵ Rhode Island businesses have provided feedback to ORR on which regulations they consider to be most burdensome.
- In summer 2014, ORR launched its online Small Business Suggestion Box which allows members of the business community the ability to provide feedback on specific regulations – as well as other topics – at their convenience. ORR will be publicizing the Suggestion Box during fall business events and via other forums.
- Agencies have been reaching out to business and trade associations to seek input on regulatory policy. For example, the Department of Environmental Management regularly receives advice from the Rhode Island Marine Fisheries Council. The Coastal Resources Management Council

⁵ A more definitive number cannot be established, as the surveys allow for anonymous responses and the same small business may participate annually.

meets with the Rhode Island Builders Association and the Rhode Island Marine Trades Association.

Status: ORR has met its short-term goals of launching an online business suggestion tool and institutionalizing an annual small business survey. Its ongoing reform efforts will involve continuing to identify possible areas for legislative intervention and methods to promote the voice of small businesses.

Recommendation Area #8: Support Improved Cost-Benefit Analysis

Background: Agencies have had difficulty in quantifying the number and types of businesses they regulate, as well as the costs and benefits of their regulations.

Regulatory costs come from a number of places, including the compliance costs to regulated parties; implementation, enforcement, and other administrative costs to government agencies; and general costs borne by society. These costs contain quantifiable and non-quantifiable or difficult-to-quantify elements. Likewise, while agencies tend to be more familiar with the general benefits of their regulations, they have a harder time quantifying them. It is difficult to put a dollar amount on items like a healthy human life, a well-educated child, and a pollution-free environment.

Defining what “cost” and “benefit” means to Rhode Island is challenging. However, analyzing the value of state rules is a necessary step. State agencies must continue to appraise how suitable regulations are at producing the outcomes that Rhode Island wants as a society. Furthermore, agencies must be able to quantify who is being regulated, and what are their costs for compliance.

During the review process, ORR found that agencies who sought small business input for their analysis had a better sense of regulatory costs and benefits, which produced a better cost-benefit evaluation.

Recommendation/Goal: ORR will work to improve the state’s ability to evaluate the value of its rules and regulations. ORR will revise its economic impact tool to support improved cost-benefit analysis, particularly in helping agencies identify costs.

Progress to Date:

- Feedback from agencies during the review has given ORR a sense in where their difficulties lie in quantifying costs and benefits. From this feedback, ORR has developed and shared some short-term data strategies (e.g. using historic data or identifying the anticipated impact of difficult-to-quantify items).
- Additionally, agencies have reported the limitations of the economic assessment tool modeled after that used in Massachusetts. ORR is finalizing a revised economic impact tool, developed with the support and input of agency rules coordinators. This revision represents a step forward in improving the assessments of Rhode Island regulations.
- ORR has begun research on possible cost-benefit analysis development and training opportunities, with the target of providing training to prepare agencies for the next statutorily scheduled regulatory review.

Status: ORR has developed a revised economic impact tool. This tool will be released with the Regulation Manual. ORR will identify ways to improve the state’s evaluative capacity, and will continue to revise this economic tool as mechanisms for defining costs and benefits in Rhode Island become clearer. ORR will also support rulemakers through training and educational opportunities.

Recommendation Area #9: Promote Continuous Process Improvement

Background: Improving Rhode Island’s regulatory environment requires an ongoing commitment. In its review, ORR found that the regulatory system constantly fluctuates and evolves. Since the review began, there have been over 600 changes to the system, and approximately 30 new regulations have been promulgated. This fluctuation is logical. Over time, new issues arise, legislation creates new mandates, technology advances, and new solutions are developed. All of these changes lead to new or amended regulations. For this reason, reform cannot be a one-time review. Reform must be a continual process of improvement.

In Period One, ORR introduced the “Plan – Do – Check – Act” (PDCA) model as a means to frame its own work in the reform process. In Period Two, ORR recommended the “Lean” model as a practice for regulatory agencies looking to streamline their processes. Lean reduces non-value-added activities to create greater efficiency. These models represent best practices in the field of quality improvement. Businesses use quality improvement systems to boost performance, increase efficiency, and streamline processes for greater ease of use. Rhode Island government could benefit from systemic continual quality improvement. ORR encourages lawmakers to promote and support these initiatives.

Recommendation/Goal: ORR will promote continuous process improvement within its own work and within Rhode Island government.

Progress to Date:

- Lean consultation services are now available for state agencies and municipalities through the state’s Master Price Agreement (MPA), developed by the DOA Division of Purchases and OMB. ORR encourages agencies to consider hiring a Lean consultant if they have not already done so.
- The Department of Environment Management (DEM) has been a leader in the use of Lean to improve its own performance. It initially focused efforts on site remediation, wetland, air resource permits, and underground storage tank processes, and recently reviewed the Bureau of Natural Resources warehouse and the Marine Fisheries rules promulgation process. To date, DEM continues its work toward ongoing quality improvement.
- The Department of Administration (DOA) has undertaken several internal Lean initiatives. In conjunction with the Office of Management and Budget (OMB), the Divisions of Human Resources and Purchases are actively improving internal processes. The Division of Human Resources reviewed and simplified the hiring process in advance of establishing an online job application system. In July 2014, the State of Rhode Island launched ApplyRI, a web-based employment system that provides a streamlined process for job seekers searching for employment with the state. The Division of Purchases is applying Lean improvements to improve the timeliness and quality of the Request for Proposals (RFP) process, thereby providing greater service to departments and enhanced value to the Rhode Island taxpayer.

Status: The nature of continuous process improvement is ongoing. ORR will continue to provide updates on quality improvement efforts in its annual reporting.

Recommendation Area #10: Push Reform Efforts beyond Current Performance Levels

Background: At the start, Governor Chafee challenged agencies to make Rhode Island more business friendly and to make government more efficient. Each agency had to provide its recommendations to amend, repeal, or maintain regulations based on its review.

Initially, the work of reviewing every regulation took a great deal of time. The number of reforms identified in early reports did not satisfy the demand for change. As the review unfolded, agencies were able to spend less time on the procedure (e.g. paperwork) and more time on substantive changes (e.g. considering ORR's recommendations or initiating reforms).

Identified reform efforts need planning on execution, transparency, and time for the public comment process. That said, ORR believes that Rhode Island can increase, improve upon, and speed up its reform efforts. ORR commends agencies on their work-to-date and is encouraged by agency discussions of potential additional reforms on the way.

Rhode Island must stay the reform course, and not lose sight of the vital goal of achieving real and sustainable regulatory reform.

Recommendation/Goal: ORR will work with agencies to establish a timeline for identified reforms that are still in process, and to identify additional opportunities for reform.

Progress to Date:

- As of this report, agencies have identified 120 modifications to make to Rhode Island's regulations (45 repeals and 75 amendments).⁶ Twenty-three (23) repeals and 41 amendments have been completed, for a total of 64 completed modifications (53.3 percent). Tables 2 through 4 detail these modifications.

Status: ORR will follow up with agencies to establish a timeline for identified reforms not yet completed, and work with agencies to identify additional reforms. The identified changes include ways to make Rhode Island more business friendly, to make government more efficient, and to ensure that regulations reflect current statute and practice. In considering the challenge of determining specific impacts on Rhode Island's business climate, ORR notes that business owners often talk about regulatory burdens as cumulative – or in their words “death by a thousand paper cuts.”

The below changes both make specific improvements, and reduce cumulative burdens. Note that these lists include all changes identified to ORR during the review, via impact statements or in review communications. ORR will continue to work with agencies to quantify and identify specific impacts, and to consider the overall burden of numerous regulations on a particular industry.

⁶ In previous reports, ORR identified another category of action called “small business accommodations,” which were based on questions separate from the “repeal, amend, or maintain” question. In its follow up with agencies, many of these items became amendments. Likewise, there was some reclassification of previous action items (i.e. some repeals were changed to amendments, while some amendments were changed to repeals).

Table 2: Regulations Identified by Agencies for Repeal, as of Period Four

Agency	Regulation (with ERLID #)
Administration, Department of	Handbook on Local Comprehensive Plan Update 2003 (3059)
Administration, Department of	Rules and Regulations for Non-Utility Scale Renewable Energy Projects (6091)
Business Regulation, Department of	Insurance Regulation 62 – Plan of Automobile Insurance Rating Territories (3816) REPEALED
Children, Youth, and Families, Department of	Quarterly Statistical Reporting by Health Care Facilities (1048) REPEALED
Clean Water Finance Agency	FY2009 Intended Use Plan for the Clean Water State Revolving Fund Program (5487)
Commerce Corporation	Rules and Regulations for the Renewable Energy Development Fund Including Municipal Renewable Energy Investment Program and the Non-Profit Affordable Housing Renewal Energy Investment Program (5470) REPEALED
Commerce Corporation	RI Renewable Energy Development Fund 5-Year Strategic Plan (5556) REPEALED
Commerce Corporation	Rules and Regulations for the Job Creation Guaranty Program (6460) REPEALED
Energy Resources, Office of	Plan for the Allocation and Distribution of Regional Greenhouse Gas Initiative Auction Proceeds (5617) REPEALED
Environmental Management, Department of	Administrative Rules of Practice and Procedure for the Department of Environmental Management (708)
Environmental Management, Department of	Rhode Island Aqua Fund Rules and Regulations (940)
Environmental Management, Department of	Rules and Regulations for Non-Governmental Water Pollution Control Facilities Fund of the Rhode Island Clean Water Act Environmental Trust Fund (944) REPEALED
Environmental Management, Department of	Pawtuxet River Water Quality Fund: Rules and Regulations for the Grant Program for Municipalities Within the Pawtuxet River Watershed for Planning, Engineering and Construction of Facilities and Activities to Upgrade the Water Quality of the Pawtuxet River Ten Million Dollar Bond (948) REPEALED
Environmental Management, Department of	Pawtuxet River Authority Bond Fund Nine Million Dollar Bond Issue, Rules and Regulations for the Grant Program for Municipalities within the Pawtuxet River Watershed for the Planning, Engineering and Construction of Facilities and Activities to Upgrade the Water Quality of the Pawtuxet River Nine Million Dollar Bond (949) REPEALED
Environmental Management, Department of	Amended Rules and Regulations Pertaining to a User Fee System for Point Source Dischargers that Discharge Pollutants into the Waters of the State (960) REPEALED
Environmental Management, Department of	Rules and Regulations Governing the Enforcement of Chapter 46-13.2 Relating to the Drilling of Drinking Water Wells (968)

Table 2: Regulations Identified by Agencies for Repeal, as of Period Four (continued)

Agency	Regulation (with ERLID #)
Environmental Management, Department of	Rules and Regulations for Open Space and Recreational Area Bonds (1042)
Environmental Management, Department of	Air Pollution Control Regulation No. 41- NOx Budget Trading Program (4530) REPEALED
Environmental Management, Department of	Air Pollution Control Regulation No. 42- Heavy-Duty Diesel Engine Standards (4532) REPEALED
Executive Office of Health and Human Services	0316: Medical Assistance for Aliens (6913) REPEALED
Health, Department of	Rules and Regulations Relating to Quality Assurance Standards for Mammograms (201) REPEALED
Health, Department of	Poison Prevention Packaging Act Regulations (312) REPEALED
Health, Department of	Rules and Regulations Pertaining to the Utilization of Unused Prescription Drugs (3731) REPEALED
Housing, Rhode Island	Rules and Regulations of the Corporation Governing Capital Fund Grants For Emergency Shelters (1090)
Housing, Rhode Island	Rules and Regulations of the Corporation Applicable to the Cooperative Housing Demonstration Program (1093)
Human Services, Department of	Rules, Regulations and Standards Governing Specialized Transportation for Elders & Persons with Disabilities Provided Through the RIDE Program and Managed by the Rhode Island Department of Elderly Affairs (5376) REPEALED
Labor and Training, Department of	Bureau of Pipefitters, Refrigeration Technicians, Sprinkler fitters, Sheet Metal Workers and Oil Heat Contractors (755)
Motor Vehicles, Division of	Regulations Regarding Foreign Language Driver License Examinations (4427)
Motor Vehicles, Division of	Compliance with the Requirement that the Owner of a Vehicle Notify the Registry of a Lease Agreement of Six Months or Longer (4432)
Public Safety, Department of	Rules and Regulations Governing the Sale of Fireworks and Pyrotechnics (6584) REPEALED
Public Transit Authority, Rhode Island	Bus Card and Bus Card Fee Policy for Seniors and Individuals with Disabilities (5597)
Public Utilities Commission	New England Telephone Collections Procedures (1013)
Public Utilities Commission	Regulations Regarding Perfection of Security Interest in Intangible Transition Property (6371)
Resource Recovery Corporation	House Moving and Selling Rules (1395) REPEALED
Resource Recovery Corporation	The Rhode Island Solid Waste Management Corporation's Amended Rules Regarding The Acquisition Of Residentially Zoned Property Within One Thousand Feet Of The Entire Operational Area Of The Central Landfill And All Residential Real Property In The Town Of Johnston Located On Simmons Lake Drive Pursuant To Chapter 277 Of The 1989 Rhode Island Public Laws (Eminent Domain) (4484) REPEALED

Table 2: Regulations Identified by Agencies for Repeal, as of Period Four (continued)

Agency	Regulation (with ERLID #)
Resource Recovery Corporation	The Rhode Island Solid Waste Management Corporation Rules Regarding The Acquisition Of Residential Real Property Located Not Less Than One Thousand (1,000) Feet And Not Greater Than Two Thousand (2,000) Feet From The Entire Operational Portion Of The Central Landfill, Which Real Property Is Not Subject To Acquisition Pursuant To Rhode Island General Laws Section 23-19-34 (1989 Reenactment) (4485) REPEALED
Resource Recovery Corporation	Rules for the Selection of Construction Managers (4486)
Resource Recovery Corporation	Rules for the Selection of Architects, Engineers and Consultants (4487)
Resource Recovery Corporation	Rules for the Procurement of Supplies, Services, Construction, Bond Counsel and Legal Counsel (4488)
Taxation, Division of	Business Corporation Tax / Net Worth Tax (519)
Taxation, Division of	ISO Certification Credit (1678) REPEALED
Taxation, Division of	Electronic Funds Transfer (4120) REPEALED
Transportation, Department of	Rules And Regulations Of The Rhode Island Department Of Transportation Regarding Contractor And Subcontractor, Debarment, Suspension And Sanctions (1273)
Transportation, Department of	Rhode Island Department Of Transportation Rules And Regulations For Debarment Of Contractors On Construction Projects (1274)
Transportation, Department of	Rules And Regulations Regarding The Pavement Management Program (1298)

Table 3: All Completed Amendments Identified by Agencies During Review

Agency	Completed Amendment (with ERLID #)
Administration, Department of	Minimum Standards for Rhode Island Public Libraries (462)
Administration, Department of	State Planning Council Rules of Procedure (5205)
Airport Corporation	Ground Transportation Regulations (4136)
Airport Corporation	Aeronautics Regulations (6597)
Building Code Standards Committee	RISBC-1 Rhode Island State Building Code (5976)
Building Code Standards Committee	RISBC-3 Rhode Island Plumbing Code (5978)
Building Code Standards Committee	RISBC-4 Rhode Island Mechanical Code (5979)
Building Code Standards Committee	RISBC-6 Rhode Island Property Maintenance Code (5980)
Building Code Standards Committee	RISBC-8 State of Rhode Island Energy Conservation Code (5981)
Building Code Standards Committee	RISBC-19 Rhode Island State Fuel Gas Code (5984)
Building Code Standards Committee	RISBC-2 Rhode Island State One and Two Family Dwelling (6050)
Building Code Standards Committee	RISBC-11 Rhode Island Certification of Building Officials, Building, Electrical, Plumbing, and Mechanical (6418)

Table 3: All Completed Amendments Identified by Agencies During Review (continued)

Agency	Completed Amendment (with ERLID #)
Building Code Standards Committee	RISBC-5 Rhode Island Electrical Code (6515)
Business Regulation, Department of	Commercial Licensing Regulation 10 Real Estate Appraisers (6458)
Business Regulation, Department of	Commercial Licensing Regulation Number 4 – Motor Vehicle Body Repair (6779)
Children, Youth and Families, Department of	Authorization for Routine/Emergency Medical Care for the Child in Placement (1079)
Economic Development Corporation	Rules and Regulations for Certification as a "Qualified Business Entity" or "Certified Venture Capital Partnership" (1427)
Economic Development Corporation	2013 Rules and Regulations for the Renewable Energy Development Fund Programs (7144)
Education, Board of	Regulations Governing the Certification of Educators in Rhode Island (6577)
Education, Board of	Regulations Governing the Education of Children with Disabilities (6746)
Environmental Management, Department of	Air Pollution Control Regulation No. 46, entitled "CO2 Budget Trading Program" (5195)
Environmental Management, Department of	Air Pollution Control Regulation No. 47, entitled "CO2 Budget Trading Program Allowance Distribution" (5196)
Environmental Management, Department of	Air Pollution Control Regulation No. 11 - Petroleum Liquids Marketing and Storage (5313)
Environmental Management, Department of	Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies within the State of Rhode Island (5997)
Environmental Management, Department of	Administrative Rules of Practice and Procedure of the Administrative Adjudication Division for Environmental Matters (6587)
Environmental Management, Department of	RI Freshwater and Anadromous Fishing Regulations & Season (6875)
Environmental Management, Department of	RI Falconry Regulations for the 2012 - 2013 Season (6980)
Environmental Management, Department of	RI Hunting Regulations for the Waterfowl Season 2012 - 2013 (6981)
Environmental Management, Department of	Commercial and Recreational Saltwater Fishing Licensing Regulations (7037)
Environmental Management, Department of	2013 Management Plan for the Shellfish Fishery Sector (7038)
Environmental Management, Department of	2013 Management Plan for the Finfish Fishery Sector (7039)
Environmental Management, Department of	2013 Management Plan for the Crustacean Sector (7040)
Environmental Management, Department of	Hunting Regulations for the 2012-2013 Season (7182)

Table 3: All Completed Amendments Identified by Agencies During Review (continued)

Agency	Completed Amendment (with ERLID #)
Environmental Management, Department of	Air Pollution Control Regulation No. 37- Rhode Island's Low Emissions Vehicle Program (7185)
Environmental Management, Department of	RI Marine Fisheries Statutes and Regulations - Part III - Marine Fisheries Council (7351)
Fire Safety Code Board of Appeal and Review	Rhode Island Fire Safety Code Effective 01-01-2013 (7138)
Narragansett Bay Commission	Rules and Regulations for Public Access to Files and Records (967)
Resource Recovery Corporation	By-Laws of the Rhode Island Resource Recovery Corporation (6638)
Revenue, Department of	Rule 2011 - Methodology for determining the presumptive value of motor vehicles subject to the excise tax as of December 31, 2011 (6588)
Taxation, Division of	Tax Credits/Deductions - Historic Preservation Tax Credits 2013 (7392)
Transportation, Department of	Rhode Island Department of Transportation Outdoor Advertising Rules and Regulations (4557)

Table 4: Number of Amendments Identified During Review Still In Process, by Agency

Agency	# Regulations
Administration, Department of	2
Airport Corporation	2
Business Regulation, Department of	4
Children, Youth and Families, Department of	5
Clean Water Finance Agency	2
Education, Board of	4
Environmental Management, Department of	5
Health Insurance Commissioner, Office of	1
Health, Department of	1
Housing and Mortgage Finance Corporation	1
Motor Vehicles, Division of	3
Public Utilities Commission	2
Transportation, Department of	1
Water Resources Board Corporate	1
Grand Total	34

Recommendation Areas #11 & 12: Adjust the Administrative Procedures Act

Background: Early in its review, ORR identified the need to strengthen the legislative foundation for regulatory reform. The state's Administrative Procedures Act (APA, RIGL § 42-35) and related statutes form this foundation. The APA governs how agencies make regulation, seek public input, and settle disagreements. Evaluating how agencies develop regulation is a key step toward advancing reform efforts.

This is an important policy issue. For this reason, ORR focused its Period Two report on the APA. ORR issued two recommendations on clarifying and synchronizing APA processes.

Suggested APA clarifications and adjustments included:

- Identifying oversight entities,
- Providing an explanation on the fiscal note process (RIGL § 22-12),
- Posting economic impact statements online, along with proposed regulatory changes, and
- Removing statutory exemptions (see Recommendation #2).

ORR's next recommendation was to synchronize two separate, yet complementary review processes. Each process is as follows:

The Secretary of State Five-Year Refiling of Rules and Regulations process:

- Is on a five-year cycle (next cycles end January 2017 and January 2022),
- Removes clearly obsolete regulations, and
- Occurs over two to three months, every five years.

The ORR Five-Year Periodic Review process:

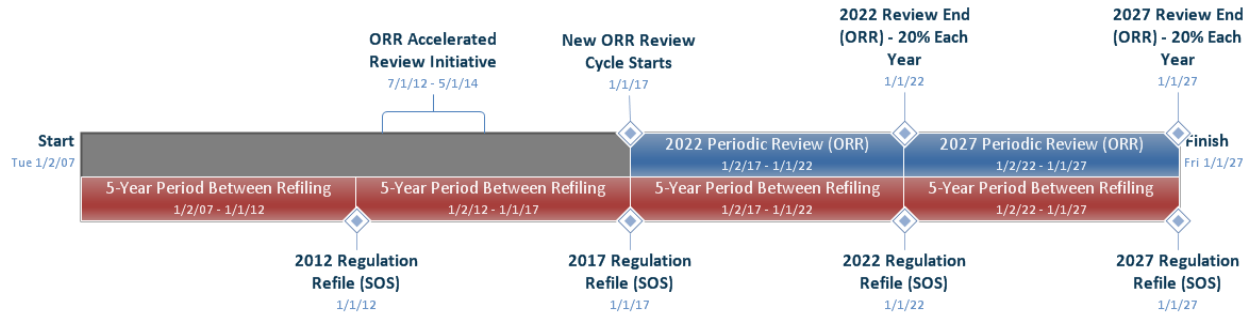
- Is on a different five-year cycle (next cycles end December 2021 and December 2026),
- Addresses small business impact and encourages meaningful reform, and
- Ranges over a five-year period.

Recommendation/Goal: ORR will examine the APA to identify areas to clarify or restructure as appropriate.

Progress to Date:

- ORR drafted legislation targeted at clarifying and synchronizing the APA processes. In 2014, the Rhode Island General Assembly introduced three bills in support of the recommendations outlined above. Governor Chafee signed two of these bills into law on June 16, 2014 (see Appendices D and E). These new laws synchronize review processes and provided some APA clarifications and adjustments (see Figure 5 for synchronized timeline).

Figure 5: Synchronized APA Review and Refiling Processes



Status: As mentioned, the bills from the 2014 legislative session addressed many of the items identified by ORR. ORR will continue to evaluate the APA, and will draft any appropriate statutory language for consideration in upcoming sessions. ORR will compare Rhode Island’s Administrative Procedure Act against the latest revision of its original source material, the *Model State Administrative Procedure Act* (drafted by the National Conference of Commissioners on Uniform State Laws). This comparison will help ORR identify potential areas for improvement.

Recommendation Areas #13: Promote Performance-Based Regulatory Approaches

Background: Regulation should focus on achieving results.

Small businesses tell ORR that they can more effectively and efficiently achieve regulatory goals. However, specific regulatory mandates weaken their ability to do so. At times, they feel that agencies focus more on specific rules, rather than the end goals of regulation.

Businesses are looking for more performance-based regulation. This approach holds businesses accountable for results, without being too prescriptive on the methods to achieve these results. Pollution regulations that allow a business to use different (even new) technologies to reduce pollution provide a good example.

ORR understands that regulators need to balance discretion for flexibility and innovation with prescriptive controls for health and safety. Yet, this office contends that Rhode Island's regulatory environment is oriented toward more control and less discretion.

Recommendation/Goal: ORR will continue to promote the use of performance-based regulation, as a regulatory system that promotes flexibility and innovation will naturally cater to the strengths of the small business community.

Progress to Date:

- The Department of Environment Management (DEM), in particular, has made a strong commitment to performance-based regulation. Many of their current air pollution regulations provide a good example of blending flexibility with prescriptive controls. Additionally, DEM has made a commitment to evaluate the potential for more regulations to adopt performance-based approaches by May 1, 2015.

Status: ORR issued this recommendation during Period Three. ORR will continue to build upon its opening efforts to promote performance-based regulation.

NEXT STEPS

Regulatory reform is about making changes to improve the state’s rules and directives.

ORR has achieved the task set out by Governor Chafee – to coordinate an accelerated review of all regulations, so that agencies can identify places to make government more efficient, to streamline processes, and to make Rhode Island more business friendly.

As ORR moves from this accelerated review to other reform efforts, it will use the ongoing feedback received from small businesses for targeted review on specific regulations. Additionally, ORR’s recommendations provide the Office with projects and ongoing work.

The following table outlines the major projects described in this report, providing a timeline for each.

Table 5: Upcoming ORR Projects

PROJECT	TIMELINE
Agencies’ Timelines for Completing Remaining Reforms	Fall 2014
Publish a Final Report Reviewing Successes and Outlining Next Steps	Fall 2014
Publish a Regulation Manual with a Revised Economic Impact Statement	Fall 2014
Launch an Interactive, Web-Based System Map	Spring 2015
APA & Related Legislative Amendments	2015-2016
Cost-Benefit Analysis Training	2015-2016

In addition to the above projects, ORR will continue its ongoing work of promoting:

- The removal of duplicative and non-regulations from the regulatory environment,
- The consolidation and joining of related regulation,
- The Small Business Suggestion Box,
- Quality improvement initiatives, especially agency use of Lean, and
- The use of performance-based regulatory approaches.

ORR is ready and able to continue its leadership of this work. It stands committed to Rhode Island’s small businesses. If we maintain our commitment and focus, the state can continue to realize its vision of a clear, predictable, and reliable regulatory system.

APPENDICES

Appendix A: Office of Regulatory Reform Historic Timeline and Publications/Projects

MONTH	LEGISLATIVE OR OTHER NOTES
July 2004	<ul style="list-style-type: none"> The Administrative Procedures Act (APA) is amended with a requirement that the Governor's Office and Economic Development Corporation (EDC) review all regulatory proposals for small business impact. An agency five-year periodic review of all regulations is instituted (Rhode Island Public Laws 2004, Chapters 335 and 400).
July 2008	<ul style="list-style-type: none"> The periodic review is amended with the requirement that agencies submit a review report to the legislature by December 2010 (Rhode Island Public Laws 2008, Chapter 456).
July 2009	<ul style="list-style-type: none"> The Small Business Regulatory Fairness in Administrative Procedures Act is passed. The act requires that agencies prepare an economic impact statement and regulatory flexibility analysis prior to the adoption of any proposed regulation. A small business enforcement ombudsman position is established within the EDC (Rhode Island Public Laws 2009, Chapters 229 and 230).
May 2010	<ul style="list-style-type: none"> Governor Carcieri issues Executive Order 10-13, creating an Office of Regulatory Reform within EDC. ORR is tasked with improving state permitting and regulatory processes, as well as intervening in regulatory matters as necessary.
June 2010	<ul style="list-style-type: none"> The Regulatory Reform Act is passed. This act formally institutionalizes ORR in statute (Rhode Island Public Laws 2010, Chapters 079 and 259).
November 2011	<ul style="list-style-type: none"> The EDC hires its first Director of Regulatory Reform, Leslie Taito.
May 2012	<ul style="list-style-type: none"> Regulatory reform language in the Administrative Procedures Act is reorganized and moved to the Small Business Regulatory Fairness in Administrative Procedures Act (Rhode Island Public Laws 2012, Chapters 089 and 120).
June 2012	<ul style="list-style-type: none"> ORR is relocated to the Office of Management and Budget within the Department of Administration. ORR is given the following statutory responsibilities: <ul style="list-style-type: none"> Assisting agencies with economic impact statements, and Coordinating a statewide electronic permitting system with the State Building Commissioner and Fire Marshal. Agencies are required to complete their periodic review by July 2016 (Rhode Island Public Laws 2012, Chapters 241 and 445).
September 2012	<ul style="list-style-type: none"> Governor Chafee issues a letter to agencies directing them to accelerate their periodic review with a new completion date of December 2013. ORR is directed to oversee the initiative.
January 2013	<ul style="list-style-type: none"> ORR, in conjunction with the Governor's Office, launches an annual Small Business Survey.
June 2013	<ul style="list-style-type: none"> ORR is assigned to the legislative task force for developing statewide standards for wetlands and septic disposal (Rhode Island Public Laws 2013, 136 and 162). ORR hires a new Small Business Ombudsman, who also coordinates the Regulatory Flexibility review required by the Small Business Regulatory Fairness in the APA.
July 2013	<ul style="list-style-type: none"> Legislation is enacted to assign ORR to two additional committees: <ul style="list-style-type: none"> The Code Consistency Council to assist in resolving inconsistencies between construction codes (e.g. building, fire) (Rhode Island Public Laws 2013, Chapters 154 and 195). The Municipal Advisory Council on statewide e-permitting to develop implementation strategies with localities (Rhode Island Public Laws 2013, Chapters 496 and 506). ORR is statutorily directed to provide quarterly updates to the legislature on the accelerated regulatory review (Rhode Island Public Laws 2013, Chapters 252 and 438).

	<ul style="list-style-type: none"> • ORR is moved back from the Office of Management and Budget to the newly created Executive Office of Commerce, effective February 2015 (Rhode Island Public Laws 2013, Chapters 489 and 492).
June 2014	<ul style="list-style-type: none"> • Legislation is enacted to support report recommendations from ORR, namely: <ul style="list-style-type: none"> ○ Business review exemptions are removed from law, ○ The Governor’s Office is added back to the review process, and ○ The ongoing periodic review is synchronized with the Secretary of State’s refiling process (next cycle January 2017 to January 2022) (Rhode Island Public Laws 2014, Chapters 098, 099, 123, 127). • The FY 2015 Budget is passed, which retains ORR within the Office of Management and Budget (Rhode Island General Law 2014, Chapter 145).

ORR PUBLICATIONS/PROJECTS WITHIN THE OMB

MONTH	PROJECT
March 2013	<ul style="list-style-type: none"> • ORR publishes its 2012 Annual Report.
April 2013	<ul style="list-style-type: none"> • ORR publishes its 2013 Small Business Survey Results. • ORR publishes its Annual E-Permitting Status Report.
August 2013	<ul style="list-style-type: none"> • ORR publishes its Period One Regulatory Review Report, using a basic impact model to analyze the regulations submitted in the first quarter.
October 2013	<ul style="list-style-type: none"> • ORR publishes its Period Two Regulatory Review Report, introducing a more comprehensive model incorporating feedback from both agencies and small businesses.
January 2014	<ul style="list-style-type: none"> • ORR assists regulatory agencies in achieving 100% compliance with Governor Chafee’s Accelerated Review.
February 2014	<ul style="list-style-type: none"> • ORR issues a Request for Proposal for a Statewide E-Permitting Software System.
March 2014	<ul style="list-style-type: none"> • ORR publishes its Period Three Regulatory Review Report, reclassifying all regulations submitted to date. • ORR publishes its Annual E-Permitting Status Report.
May 2014	<ul style="list-style-type: none"> • ORR publishes its 2013 Annual Report. • ORR publishes its 2014 Small Business Survey Results.
June 2014	<ul style="list-style-type: none"> • ORR launches an online Small Business Suggestion Box.
September 2014	<ul style="list-style-type: none"> • ORR publishes its Period Four Regulatory Review Report, providing a comprehensive baseline analysis of regulatory impact on small business, as well as reform results to date.

Appendix B: Regulations Identified by Small Businesses as Most Burdensome

The table lists individual regulations identified by Rhode Island’s small business community as most burdensome, followed by two burdensome regulatory groups (page B-2). ORR draws this data from its annual Small Business Surveys. These surveys also allow businesses to provide broad comments on general concerns. In 2014, small business consistently listed **taxes and fees** as a primary broad concern.

Table 6: Regulations Identified by Small Business as Most Burdensome from ORR’s 2014 Survey

Agency & Subunit (if any)	Online ID # (ERLID)	Title & Description	Included in 2013 List?
INDIVIDUALLY IDENTIFIED REGULATIONS			
Taxation, Division of	7300 6855	Business Corporation Tax: Limited Liability Companies Business Corporation Tax: Limited Liability Partnerships/Limited Partnerships Sets forth annual filing requirements on LLCs, LLPs, and LPs.	Yes (7300 only)
Labor and Training, Department of Board of Review	7527	Unemployment Insurance (UI) and Temporary Disability Insurance Rules (TDI) Clarifies RI Employment Security law and Temporary Disability Insurance law, and requirements placed on workers and employers to conform to the law which governs UI and TDI benefits.	Yes
Fire Safety Code Board of Appeal and Review	7138	Rhode Island Fire Safety Code 2013 Fire Code Safety Regulations. Consolidation of National NFPA codes and standards with Rhode Island amendments.	Yes
Labor and Training, Department of Labor Standards	7541	Rules And Regulations Relating To Employer Exemptions From Weekly Pay Requirements Interprets the amendments which allow employers to petition for permission to pay wages less frequently than weekly.	No (adopted Dec. 2013)
Taxation, Division of	5853	Local Meals and Beverage Tax Implements a local meals and beverage tax to be administered and collected in conjunction with the state sales and use tax. (ORR lists it separately, as it is not included under the Sales & Use Tax category within Taxation.)	No
Children, Youth and Families, Department of	7585; 7363	Child Day Care Center; School Age Child Day Care Program Sets forth licensing requirements for child day care center to safeguard the well-being of the children served.	Yes (7585 only)
Labor and Training, Department of Professional Regulation	6212	Apprenticeship Programs in Trade and Industry Sets forth labor standards to safeguard the welfare of apprentices, and to prescribe rules about acceptable apprenticeship programs.	Yes
Taxation, Division of	5859	Computation of Estate Tax Provides for estate/transfer tax liability and computation and estate and transfer tax enforcement and collection in regard to the calculation of the estate tax.	No
Administration, Department of Central Services	617	Administrative Regulations and Construction Standards of the Contractors' Registration Board Explains the process of registering contractors, grounds for discipline, assessment of fines, and Board and Commission activity and resolution process. Also establishes construction standards necessary to conform with industry standards.	Yes

Administration, Department of	716	Regulations Governing Participation by Minority Business Enterprises in State Funded and Directed Public Construction Projects, Construction Contracts, and Procurement Contracts for Goods and Services	Yes
Minority Business Enterprise	6294	Rules Governing Certification and Decertification of MBE/WBE/DBE Enterprises by the State of RI Sets forth state’s policy of supporting the fullest participation of firms owned and controlled by minorities/women in state-funded and -directed projects and in state purchases of goods and services.	Yes
Health, Department of	6992	Food Code Establishes minimum standards for food safety and sanitation in food businesses and food establishments.	Yes
Human Services, Department of	7730	Child Care Assistance Program (CCAP) Section 0850 Starting Right Child Care Program Establishes the regulations for certification of clients and providers within CCAP, which ensures access to affordable, developmentally appropriate, early childhood education and support services for young children and their families.	No
Labor and Training, Department of	7248	Division of Professional Regulation, Rules and Regulations Relating to Prevailing Wages Clarification of the Prevailing Wage Law. Specifies work performed on construction projects that are subject to being paid at prevailing wage rate.	Yes
Professional Regulation			
Motor Vehicles, Division of	5105	Official Manual for Vehicle Inspection Sets forth all requirements for state inspection stations and inspectors, including how inspections are performed.	No
CLEARLY DEFINED REGULATORY GROUPS			
SALES & USE TAX			
Most comments discussed “sales tax” without referring to a specific subject or exemption. There is no core sales tax regulation; Taxation’s website lists over 120 that address which purchases and purchasers are exempt, as well as retailer responsibilities and general policies. The following specific sales tax regulations were cited in at least one comment.			
Included in 2013 list only: ERLID 4317, Interstate Sales			
Taxation, Division of	212	Beer, Wine, and Liquor Dealers	
	6971	Clothing, Clothing Accessories, Sports or Recreational Equipment, and Protective Equipment	
	6973	Pet Care Services (Except Veterinary/Testing Lab Services)	
	387	Reports, Payments and Penalties	
	231	Wholesalers and Distributors – Sales Made By	
PURCHASING/PROCUREMENT			
Comments discussed “purchasing” or “bidding on state contracts.” Almost all purchasing regulations fall under DOA or quasi-public agencies, and other than two comments specifically referencing DOA, comments could not be linked to specific state regulations. In addition, comments may refer to the individual entities working with DOA to request bids or award contracts.			
Administration, Department of	6648	State of Rhode Island Procurement Regulations	
Division of Purchases	et al.	Provides centralized regulations for state procurement, with fairness and competition as the primary objectives. ERLIDs: 6648, 6650-52, 6654-55, 6657-61, 6678-9, and 6684.	
Various quasi-public entities		These include: Airport Corporation (4912), Capital Center Commission (242-3), Clean Water Finance (609), Quonset Development/EDC (7435), Health and Educational Building Corporation (2239), Higher Education Assistance Authority (729), Narragansett Bay Commission (3241), RIPTA (1309), Student Loan Authority (1905), and Turnpike & Bridge Authority (1526).	

Appendix C: Details of ORR’s Final Small Business Impact Model

Improved Small Business Impact Model: Definitions of Four Impact Types	
Direct	Regulations that a small business must adhere to in order to operate
Decision-Based	Regulations that are triggered by a business decision
Indirect	Regulations whose impacts reach small businesses indirectly
None	Regulations with none of the above impacts on small business

Classifying each Regulation into the Four Impact Types			
Question 1: “Does the regulation have an economic impact on any identifiable small business?”			
If YES, Question 2:	“Is it possible for the business to operate without triggering the regulation?”	If NO, Question 3:	“Does the regulation impact another individual or unit, which in turn has an economic impact on small business?”
	<ul style="list-style-type: none"> • NO = <i>Direct</i> • YES = <i>Decision-Based</i> 		<ul style="list-style-type: none"> • YES = <i>Indirect</i> • NO = <i>No Impact</i>

Regulations That Typically Fall into the Four Impact Types	
Direct	<ul style="list-style-type: none"> • Those requiring that small business do or not do something • Those requiring small business to be held accountable for understanding something
Decision-Based	<ul style="list-style-type: none"> • Those addressing incentive programs (e.g. grants; tax credits) • Those governing legal proceedings (e.g. hearings; petitions; appeals; penalties) • Those where small business chooses to interact with the state (e.g. bidding for state contracts; participating in state-funded programs; requesting public records)
Indirect	<ul style="list-style-type: none"> • Those that impact small business via municipalities or other government agencies • Those that impact small business via individuals • Those that impact small business via industries statutorily not considered small business
No Impact	<ul style="list-style-type: none"> • Those that do not have direct, decision-based, or indirect impact on small business

In classifying submissions, ORR made several determinations in applying its impact model.

- *Progressive Impact Types.* In the case of multiple types of impact (e.g. both direct and indirect), Direct impacts “trump” Decision-Based Impacts, which then “trump” Indirect impacts.
- *Adverse Impact.* ORR’s overall charge is to identify and reduce “adverse” economic impact. However, the first step in doing so is to define all impact. Moreover, what is adverse for one small business sector may be positive for another. There are other definitional issues as well. Thus, for this overall review, ORR focused on identifying and defining impact of any kind.
- *No Relative Weighting or Ranking.* ORR decided not to weigh or rank regulations by total impact. The office made this decision based on volume, timing, and data quality. Therefore, one regulation may have a quantifiable impact equal to many other regulations.
- *Indirect Impact No More Than One Step from Direct Impact.* Indirect impacts flow from the regulator, through an entity that is not a small business, to a small business. ORR classified impacts that flow through multiple agencies before reaching a small business as “No Impact.” Otherwise, all regulations would indirectly impact small businesses (as taxpayers funding state activities, if in no other way).

Appendix D: Detail of Top Five Agencies

The bulk of small business owner concerns, Small Business Survey comments, and sheer number of regulations and regulatory changes are located in the five agencies ORR has focused on throughout this review: (in order by number of regulations): Division of Taxation (Taxation), Department of Environmental Management (DEM), Department of Health (DOH), Department of Labor and Training (DLT), and Coastal Resources Management Council (CRMC).

As noted in the Small Business Impact (SBI) section, the impact profile of these collective five agencies, versus all other agencies, continues to highlight their disproportionately high levels of Direct impact on small business.

High interaction with small business is often directly related to an entity's mandate, as noted in earlier reports. However, the continued high impact of these same "Top Five" agencies warrants a detailed look at the impact of their regulations.

Key entity data given in the following tables include:

- Summary data: description, supervising entity if any, and other agencies it may affect;
- Compliance status and progress in reviewing entity's total regulations;
- Measures of impact the entity has on small business (under the final SBI model);
- Summary of entity's impact on small business; and
- Full tables detailing the entity's impact on small business.

Notes and Clarifications on the "Entity Impact on Small Business – Detail" Tables

These tables list each regulation in these Top Five agencies that has any of the three impact types on small business in the enhanced small business impact model (Direct, Decision-Based, or Indirect).

In Periods One and Two, these tables primarily reflected back the data exactly as provided by agencies. However, ORR's understanding of the many varieties and levels of impact has evolved. This is reflected in its Period Three model, which identifies impact in many regulations that seemed at first – both to ORR and to many agencies – to have no impact. Most submissions were completed prior to this model's release, and data consistency required that all reviews use the same impact form. Agencies thus typically did not provide any data on regulations that they felt had no impact.

Thus, ORR provided much of the information for all regulations with *Indirect* impact below, as well as for several newly identified types of *Direct* and *Decision-Based* impacts. In these cases, a caret (^) is used to indicate an ORR-identified type of impact on a particular sector.

When reporting entity-provided data, ORR employed the following terminology for consistency:

- “Entity could not quantify” indicates that the entity described impacted business types, but noted that an exact figure could not be obtained through existing resources.
- “Entity could not say how many of these may be small businesses” and/or “how many may be nonprofits and thus exempt” similarly indicates that the entity provided an industry total, but similarly felt the number of small businesses could not easily be obtained.
- “Entity did not quantify” indicates that this section had no figures or other information.
- “Currently no small businesses” indicates that the entity listed a figure for impacted businesses, but none were small businesses (either larger businesses, or out-of state).
- “Currently none” indicates either that there are no such businesses currently in Rhode Island, or that the program is not currently in existence. Typically, agencies provided justification for maintaining these regulations at the present time.
- Anything in quotation marks is phrasing taken directly from the entity’s impact statement.

Other Notes:

- NAICS (North American Industry Classification System): Codes used by businesses and government to classify businesses according to type of economic activity. See Appendix E for full NAICS definitions.
- ERLID (Electronic Regulation Locator Identification Number): Every Rhode Island regulation is assigned a unique ERLID by the Office of the Secretary of State.
- For reference, in 2010, there were 95,471 small businesses in Rhode Island (most recent data publicly available through the U.S. Small Business Administration).

Division of Taxation (Taxation)

Description: Taxation is charged with the collection and assessment of all state taxes.	Supervising Entity	Department of Revenue (DOR)
	Other Agencies Affected	Department of Business Regulation (DBR) Commerce Corporation (Commerce) Department of Motor Vehicles (DMV)

TAXATION COMPLIANCE STATUS: PERIOD FOUR



MEASURES OF IMPACT AND INFLUENCE: PERIOD FOUR

Small Business Impact	HIGH	170 of 213 regulations (79.8 percent) have <i>Direct</i> impact
		7 of 213 regulations (3.3 percent) have <i>Decision-Based</i> impact
		31 of 213 regulations (14.6 percent) have <i>Indirect</i> impact
		5 of 213 regulations (2.3 percent) have <i>No Impact</i>
IMPACT/INFLUENCE KEY:		
	<u>HIGH</u> : > 75% regulations	<u>MODERATE</u> : 25% to 75% regulations
	<u>LOW</u> : < 25 % regulations	<u>NONE</u> : No regulations

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, SUMMARY

As of Period Four, Taxation submitted 208 regulations in which ORR found either Direct, Decision-Based, or Indirect impact, listed in these 3 groups in the "Detail" section. In summary:

- **Direct:** These 170 regulations primarily mandate various industries to pay certain taxes, and/or other industries to assess and remit taxes. Note again that even regulations identifying sales tax exemptions still have Direct impact on the retailer who must accurately grant and report these exemptions.
- **Decision-Based:** These 7 regulations cover incentive programs; businesses seeking filing extensions; and businesses seeking declaratory rulings, public records, or hearings.
- **Indirect:** These 31 regulations primarily have Indirect impact via individual taxpayers or exempt financial institutions or utilities, because tax preparers with these individuals or institutions as clients need to understand these regulations in order to fulfill their professional mandates (further discussion in the "Small Business Impact: An Improved Model" section of this report).

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts		
135	Retail Trade (Optional Service, Maintenance and Extended Warranty Contracts)	Any retailer (e.g. electronic stores, automobile dealers, department stores, etc.) who provide these types of optional services and contracts (entity could not quantify)
189	Retail Trade; any other applicable business (Organized Nonprofit Golden Age and Senior Citizens Clubs)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses) and any others assessing and remitting sales tax ^
196	Retail Trade (Flea Markets)	Flea market vendors and flea market promoters (entity did not quantify) ^
205	Agriculture, Forestry, Fishing and Hunting; Retail Trade (Feeds, Fertilizer, Plants and Seeds, Cattle Bedding, Chicken Litter)	Approximately 90 family farms; any additional businesses that board horses
208	Retail Trade (Advertising Materials)	Any of the 30,000 retailers filing sales and use tax returns that use advertising materials in the course of business (entity could not say how many may be small businesses)
211	Retail Trade (Bad Debts)	Any of the 30,000 retailers filing sales and use tax returns that report taxable sales and write-off uncollectible amounts (entity could not say how many may be small businesses)
212	Retail Trade (Beer, Wine and Liquor)	1,400 liquor licenses ("vast majority are small businesses")
214	Retail Trade (Application of Tax at Time of Billing)	Any of the 30,000 retailers filing sales and use tax returns that report and collect tax on installment sales (entity could not say how many may be small businesses)
215	Manufacturing (Sterilizing Agents)	Over 2,154 manufacturers may purchase sterilizing agents (entity could not say how many may be small businesses)
216	Manufacturing (Stonecutters and Monument Workers)	24 manufacturers
220	Retail Trade (Tax-Paid Purchases Resold)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
221	Retail Trade (Tire Recapping)	29 tire recapping companies
226	Retail Trade (Use Tax on Items Purchased from Out-of-State Suppliers)	"All small businesses may be affected"
227	Wholesale Trade; Retail Trade (Use Tax - Statute of Limitations)	Any of the 30,000 retailers filing sales and use tax returns, as well as any other small businesses not required to register as retailers (entity could not quantify)
228	Retail Trade (Vending Machine Operators)	86 vending machine operators
229	Retail Trade (Vending Machine Operators)	86 vending machine operators

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
230	Retail Trade; any other applicable business (Volunteer Fire Companies)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses) and any others assessing and remitting sales tax ^
231	Wholesale Trade (Wholesalers and Distributors)	Any wholesaler or distributor (entity could not quantify)
233	Retail Trade (Food Stamp Purchases)	1,010 food markets and convenience stores
235	Manufacturing; Retail Trade (Bottles and Other Returnable Containers)	3 bottling companies; "numerous retailers and manufacturers of beverages"
237	Retail Trade (Cancellation and Amendment of Sales Tax Permit or of a Certificate of Authority to Collect the Use Tax)	Any of the 30,000 retailers filing sales and use tax returns, as well as those which possess a certificate of authority (entity could not say how many may be small businesses)
238	Health Care and Social Assistance (Medical Laboratories)	214 medical laboratories (entity could not say how many may be small businesses)
240	Transportation and Warehousing (Commercial Ships, Barges or Other Vessels over 50 Tons)	7 commercial ships, barges or vessels over 50 tons
241	Retail Trade (Containers and Labels)	Any of the 30,000 retailers filing sales and use tax returns that sell containers and labels (entity could not say how many may be small businesses)
244	Construction (Conveyor Systems and Elevator Installations)	4 elevator contractors; "the vast majority are small businesses"
245	Any applicable business (Credit Against RI Use Tax for Sales/Use Tax Paid in Another Jurisdiction)	Any business purchasing tangible property outside of RI ("all may be affected")
247	Retail Trade (Damaged Goods)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
248	Any applicable business (Deadlines/Weekends and Holidays)	Any business required to file a tax return by mail (entity could not quantify)
249	Retail Trade (Demonstration and Display)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
250	Manufacturing (Display Containers)	43 manufacturers
251	Educational Services (Educational Institutions - Taxability of Textbooks/Supplies)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses) and any others assessing and remitting sales tax ^
252	Manufacturing (Engravers)	Entity could not quantify
254	Retail Trade (Sales or Use of Tangible Personal Property Upon Federal Areas)	Any business making purchases in federal areas (entity could not say how many of these may be small businesses)

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
257	Retail Trade (Films – Processing)	Any business that processes film (entity could not say how many of these may be small businesses)
258	Any applicable business (Finance Charges)	Any business charging a finance, interest, insurance, or other charge (entity could not quantify)
261	Any applicable business (Gift Certificates)	Any retailer, service provider, contractor, or other business issuing gift certificates (entity could not quantify)
262	Any applicable business (Gifts or Premiums)	Any retailer, service provider, contractor, or other business issuing gifts or premiums (entity could not quantify)
263	Arts, Entertainment, and Recreation (Golf and Country Clubs)	59 golf and country clubs, with one-third of them private country clubs (entity could not say how many may be small businesses)
264	Retail Trade; any other applicable business (Employees and Representatives of Exempt Organizations, or Federal, State or Local Governments-Sales and Rentals to)	Any business that charges and remits sales tax ^
268	Professional, Scientific, and Technical Services (Motor Vehicles - Bequests of)	Lawyers or other estate representatives ^
270	Any applicable business (Motor Vehicles/Merging Corporations)	Any of the 10,000 to 25,000 small businesses that own motor vehicles in RI and are involved in a merger (entity could not quantify)
272	Any applicable business (Motor Vehicles/Due Date of Tax)	Any of the 10,000 to 25,000 small businesses that owe tax on purchased motor vehicles (entity could not quantify)
274	Any applicable business (Purchase of a Repossessed Vehicle)	Any of the 10,000 to 25,000 small businesses that purchase a repossessed vehicle (entity could not quantify)
278	Administrative and Support and Waste Management and Remediation Services (Hazardous Waste Recycling, Reuse, and Treatment)	7 hazardous waste recyclers and oil recyclers are registered with DEM (entity could not say how many may be small businesses)
288	Retail Trade; Transportation and Warehousing; Wholesale Trade (Packers, Loaders, Shippers)	Any in the business of packing, loading, or shipping commodities, e.g. wholesalers, retailers, transportation or moving companies (entity could not quantify)
299	Any applicable business (Partnership Dissolution and Distribution of Assets)	Any of the 2,487 business partnerships that dissolve (entity could not say how many may be small businesses)

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
307	Arts, Entertainment, and Recreation; Health Care and Social Assistance; Professional, Scientific, and Technical Services (Photographers and Photostat Producers, Photo Finishers and Retouchers, X-Rays)	432 photographers, photo finishers and retouchers
311	Manufacturing (Producing, Fabricating and Processing Property Furnished by Consumers)	Over 500 companies involved in producing, fabricating, processing, printing, or imprinting tangible personal property (entity could not say how many may be small businesses)
316	Retail Trade (Replacement Parts)	All retailers furnishing warranty replacement parts (entity could not quantify)
317	Retail Trade (Returned Merchandise)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
319	Finance and Insurance (Safe Deposit Box Rentals by Banking Institutions)	Any business renting a safe deposit box (entity could not say how many may be small businesses)
320	Retail Trade (Social and Fraternal Organizations)	Any of the 30,000 retailers filing sales and use tax returns that make sales to social and fraternal organizations (entity could not say how many may be small businesses)
321	Administrative and Support and Waste Management and Remediation Services; any other applicable business (Auctioneers)	All businesses affected by sales made by auctioneers, including auctioneers, auction houses, executors, administrators, trustees, receivers or other court officers; 125 auctioneers are licensed by DBR (entity did not provide any additional figures)
322	Retail Trade (Tax Collections/Trust Funds)	Any of the 30,000 retailers filing sales and use tax returns that are involved with tax as property held in trust for the State (entity could not say how many may be small businesses)
324	Any applicable business (Sales and Use Tax/Notice to Administrator of Sale of Assets)	Any business entity with properly recorded assets: 30,000 retailers filing sales and use tax returns; "there are also undeterminable amounts of service providers, contractors, and hybrid industries which do not require a sales tax permit"
328	Manufacturing; Health Care and Social Assistance (Dentists and Dental Laboratories)	1,165 dentists, oral surgeons, dental laboratories, orthodontists, and periodontists (entity could not say how many may be small businesses)
329	Retail Trade (Television Sets and Attachments)	300 television retailers (entity could not say how many may be small businesses)
349	Other Services (Automobile Repairers)	715 automobile repairers

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
356	Retail Trade (Refundable Deposit for Disposal of Used Batteries)	Battery retailers (entity could not quantify)
359	Retail Trade (Promoters/Promotion of Shows)	Any of the 300 to 400 vendors who set up at a RI show, who make the sale of tangible personal property (entity could not say how many may be small businesses)
384	Retail Trade (Nonresidents - Purchases by for Use in Rhode Island)	Any business that previously made purchases in another state and paid that state's use tax at time of purchase, and has now moved and is using those purchases in Rhode Island (entity could not quantify)
387	Any applicable business (Reports, Payments and Penalties)	Any business collecting and remitting sales tax: 30,000 retailers filing sales and use tax returns; "there are also undeterminable amounts of service providers, contractors, and hybrid industries that may also be impacted by reports, payments and penalties"
388	Information (Newspapers and Periodicals)	52 publishers (entity could not say how many may be small businesses)
403	Retail Trade (Bibles and other Canonized Scriptures)	Book stores (entity could not quantify); 17 religious stores ("vast majority are small businesses")
405	Administrative and Support and Waste Management and Remediation Services (Pollution Control Facilities)	7 pollution control facilities are registered with DEM
410	Retail Trade (Cellular Telephones/Bundled Transactions/Promotional Use)	159 retail businesses selling cellular telephone stores and retail electronic stores
413	Utilities; Retail Sales (Television Service, Telegraph, Water, Gas, Electricity, and Steam)	Any business using utilities (entity could not say how many of these may be small businesses)
416	Other Services; Retail Trade (New Motor Vehicle Purchased by Used Car Dealers or Auto Body Mechanics)	290 auto body shops and 425 used car dealers
433	Retail Trade (Sales Made By Blind Persons)	18 retail business locations operating under the Division of Services for the Blind and Visually Impaired ("vast majority are small businesses")
437	Construction; Real Estate and Rental and Leasing (Mobile and Manufactured Homes)	57 mobile and manufactured home dealers, mobile and manufactured home communities, and home construction companies
438	Professional, Scientific, and Technical Services; Manufacturing (Qualifying Research and Development Firms' Equipment)	118 companies are directly engaged in R&D

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
441	Transportation and Warehousing (Trucks, Trailers and Buses – Interstate Carriers)	1,400 common carriers within the trucking and busing industry used exclusively in interstate commerce
442	Arts, Entertainment, and Recreation (Tax Exemption of Sales by Writers, Composers and Artists)	187 writers, composers or artists residing in an economic development zone (“vast majority are small businesses”)
449	Manufacturing; Retail Trade; Wholesale Trade (Cigarette Tax/Dealers’ and Distributors’ Reports and Records)	1,200 cigarette dealers and distributors
450	Manufacturing; Retail Trade; Wholesale Trade (Cigarette Tax/Licenses)	1,200-1,400 cigarette dealers and distributors
451	Retail Trade; Wholesale Trade (Cigarette Tax/Purchasing and Applying Indicia)	Potentially up to 1,400 cigarette distributors who may use indicia
452	Retail Trade; Wholesale Trade (Cigarette Tax/Redemptions and Refunds)	Potentially up to 1,400 cigarette distributors who may have unused, mutilated, or torn stamps
453	Retail Trade; Wholesale Trade (Cigarette Tax/Physical Inventories of Cigarettes and Indicia)	Potentially up to 1,400 cigarette distributors who may be impacted by Taxation’s authority to take inventory of cigarettes and indicia
455	Manufacturing; Retail Trade; Wholesale Trade (Cigarette Tax/Reports and Records of Carriers, Bailers and Warehousemen)	Potentially up to 1,400 cigarette dealers and distributors who may use common carriers to transport cigarettes into the state (entity did not note how many of these may be small businesses; entity did not provide specific numbers of carriers, bailers and warehousemen)
456	Retail Trade; Wholesale Trade (Distribution of Sample Packages)	Potentially up to 1,400 cigarette distributors who may affix stamps to sample packages
457	Manufacturing; Retail Trade; Wholesale Trade (Tax Exempt Cigarette Sales)	Potentially up to 1,400 cigarette distributors who may be impacted by exemptions for certain instrumentalities
458	Manufacturing; Retail Trade; Wholesale Trade (Minimum Pricing of Cigarettes)	1,200 cigarette dealers and distributors
460	Manufacturing; Retail Trade; Wholesale Trade (Cigarette Tax/Vending Machines)	6 cigarette vending machine dealers
467	Manufacturing; Professional, Scientific, and Technical Services (Tax Credits/Deductions - Elective Deduction for New Research and Development Facilities)	Any of the 293 research and manufacturing small businesses who take this deduction (0 did so in 2010)
471	Manufacturing; Professional, Scientific, and Technical Services (Tax Credits/Deductions - Research and Development Property Credit)	Any of the 293 research and manufacturing small businesses who take this deduction (5 did so in 2010)

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
482	Any applicable business (Tax Credit/Deductions - Tax Incentives for Employers)	Any business with employees in the state (entity could not say how many of these may be small businesses)
485	Any applicable business (Tax Credits/Deductions Disabled Access Credit for Small Businesses)	Any business with less than \$1 million in gross receipts and 30 or less full-time employees (entity could not quantify)
505	Any applicable business which amends a tax return (Amended Corporate Tax Returns)	Any incorporated business which amends a tax return ("all small businesses may be affected")
508	Any applicable business (Ability to Apportion Net Income)	Any incorporated business ("all small businesses may be affected")
515	Any applicable business (Business Corporation Tax - Consolidated Returns)	Any business filing as a consolidated return (entity could not say how many of these may be small businesses)
519	Any applicable business (Business Corporation Tax / Net Worth Tax)	Left blank with note "scheduled to be repealed" [REPEAL IDENTIFIED]
521	Any applicable business (Business Corporation Tax / Net Operating Loss Deductions)	Any business with a net operating loss (entity could not say how many of these may be small businesses)
523	Any applicable business (Business Corporation Tax / Nexus for Business Corporation Tax)	Any business deriving income in the state (entity could not say how many of these may be small businesses)
526	Any applicable business (Business Corporation Tax / Qualified Sub Chapter S Subsidiary Corporations)	42,000 S-Corporations filed in 2011
570	Accommodation and Food Services (Litter Control/Participation Permit)	5,500 to 6,000 businesses selling taxable food or beverages
572	Retail Trade; Other Services (Litter Control/Hard-to-Dispose Materials)	200 to 300 automotive-related businesses selling lubricating oil, tires, antifreeze, or organic solvents
573	Retail Trade (Motor Fuel Tax - Exporters)	50-60 motor fuel distributors
574	Retail Trade (Motor Fuel Tax - Taxability of Special Fuels)	50-60 motor fuel distributors
575	Retail Trade (Motor Fuel Tax - Taxability of Consignments, Loans and Transfers of Fuels)	50-60 motor fuel distributors
576	Retail Trade (Motor Fuel Tax - Gallonage Adjustment to 60 Degrees Temperature)	50-60 motor fuel distributors
607	Retail Trade (Motor Fuel Tax - Purchases of Motor Fuels in Rhode Island by Nonregistered Distributors or Exporters)	60-85 motor fuel distributors
610	Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Management of Companies and Enterprises (Withholding on Sale of Real Property by Nonresidents)	Approximately 6,000 nonresident real estate forms (entity could not say how many of these were small businesses)

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
611	Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services (Withholding/Sale of Real Property by Non-Residents)	Real estate agents, attorneys, accountants, and title search, mortgage, and other related professionals (entity could not quantify)
624	Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services (Withholding/Sale of Real Property by Non-Residents/LLCs)	Real estate agents, attorneys, accountants, and title search, mortgage, and other related professionals (entity could not quantify)
625	Any applicable business (Offers in Compromise)	Any business with outstanding liabilities or delinquent returns (entity could not say how many of these may be small businesses)
735	Any applicable business (Personal Income Tax - W-2 Information Returns)	All businesses with employees (entity did not quantify)
736	(Any applicable business (Personal Income Tax/Employers' Withholding)	Any business that must withhold wages ("all employers")
986	Any applicable business (Contractors and Subcontractors)	11,267 licensed contractors
987	Any applicable business (Occupational and Professional Services)	All occupational and professional services, such as physicians, oculists, veterinarians, barbers, lawyers, painters, hospitals, schools, laundries (entity could not quantify)
988	Transportation and Warehousing (Moving Companies - Crating Materials)	Approximately 41 licensed moving companies
1243	Retail Trade (Receipts for Use Tax Paid to Retailers)	All retailers that are either required or authorized to collect use tax from a purchaser (entity could not quantify)
1244	All Rhode Island businesses (Taxpayer Rights and Responsibilities)	"All small businesses may be affected"
1275	Retail Trade (Use of Motor Vehicles by Dealers)	550 new and used motor vehicle dealers
1674	Construction; Retail Trade (Materialmen/Pay When Paid Remittance)	15 lumber retailers and building suppliers
1675	Health Care and Social Assistance (Nursing, Convalescent, and Homes for Elderly)	100 nursing, convalescent, and homes for elderly (entity could not say how many of these may be nonprofits and thus exempt, or note how many may be small businesses)
1676	Construction; Manufacturing; Professional, Scientific, and Technical Services; Retail Trade (Billboards and Signs)	1,200 sign companies, painters, subcontractors, graphic designers, advertisers, and their customers
1871	Accommodation and Food Services (Room Rentals by Hotels, Rooming Houses, and Tourist Camps)	Approximately 400 hotels, motels, inns, apartment hotels, rooming houses, lodging houses, tourist houses or campus, summer camps, resort lodges, and cabins ("exact amount is difficult to determine because of the wide variety of applicable businesses"; entity did not note how many of these may be small businesses)

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
2336	Agriculture, Forestry, Fishing, and Hunting (Commercial Fishermen)	3,000 licensed commercial fishermen; industries providing goods to commercial fishermen (entity could not quantify)
2338	Any applicable business (Tax Credits / Deductions)	Any of the 293 applicable small businesses that take this credit (202 did so in 2010)
2340	Manufacturing; Professional, Scientific, and Technical Services (Research and Development Expenses Credit)	Any of the 293 applicable small businesses that take this credit (75 did so in 2010)
2343	Manufacturing; Retail Trade; Information; Professional, Scientific, and Technical Services; Administrative and Support and Waste Management and Remediation Services; (Forms Reproduction)	Any business using tax forms not provided by Taxation (entity could not quantify)
2345	Retail Trade (Reports and Payments by Motor Fuel Distributors)	50-60 motor fuel distributors
2351	Agriculture, Forestry, Fishing, and Hunting (Commercial Fishing Vessels in Excess of Five Net Tons)	Any of the 3,000 licensed commercial fishermen with vessels in excess of five net tons (entity could not say how many may be small businesses); industries providing goods to commercial fishermen (entity could not quantify)
2352	Any applicable business (Motor Vehicles/Payment of Tax as Prerequisite to Registration)	Any of the 10,000 to 25,000 small businesses that purchase vehicles to be registered in RI (entity could not quantify)
2353	Any applicable business (Motor Vehicles/Trade-In Allowance)	Any of the 10,000 to 25,000 small businesses that purchase and register vehicles, that trade in vehicles for the purchase of a new vehicle (entity could not quantify)
2429	Any applicable business (Net Operating Loss Limitation)	Any business seeking a net operating cost deduction (entity could not quantify)
2812	Retail Sales (Non-Motorized Vehicles-Trailers)	Any retailer of trailers including temporary dwelling trailers (entity could not quantify)
2813	Retail Trade (Motor Vehicles Sold to Nonresidents)	550 new and used motor vehicle dealers
2875	All Rhode Island businesses (Corporation Tax/Allocation of Income and Net Worth)	"All small businesses may be affected"
4307	Other Services (Repairers and Reconditioners)	Entity could not quantify
4312	Health Care and Social Assistance; Wholesale Trade; Retail Trade (Medical Equipment and Supplies)	189 retailers of medical equipment; wholesalers of medical supplies (entity did not quantify)
4313	Retail Trade (Delivery Charges)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
4314	Any applicable business (Taxes Imposed on Consumer)	Any business that imposes tax on consumers ("potentially any and all businesses")

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
4315	Retail Trade; Wholesale Trade; any other applicable business (Sales and Use Tax - Exempt Agencies, Organizations and Institutions)	Any retailer or other business that charges and remits sales tax ^
4316	Wholesale Trade; Retail Trade (Sales and Use Tax - Florists)	218 florists; "the vast majority are small businesses"
4317	Any applicable business (Interstate Sales)	Any business involved in the trucking of goods: 1,015 in interstate commerce (entity could not say how many may be small businesses)
4318	Manufacturing (Sales and Use Tax - Manufacturing, Property and Public Utilities Service Used In)	190 manufacturers
4320	Health Care and Social Assistance (Oculists, Optometrists, Opticians and Ophthalmologists)	"101 registered eye doctors" (entity did not provide figures for additional eye professionals)
4321	Manufacturing, Wholesale Trade (Printing and Related Industries)	Over 500 direct mail, printers (of all types), and other related industries (entity could not say how many may be small businesses)
4322	Retail Trade (Resale Certificate)	Any of the 30,000 retailers remitting sales tax that issue resale certificates (entity could not say how many may be small businesses)
4324	Retail Trade (Coupons – Discounted Selling Price – Buydowns)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
4449	Retail Trade (Motor Fuel Tax Marine Diesel)	100-150 motor fuel distributors and marinas
5404	Construction; Retail Trade; Transportation and Warehousing; Real Estate and Rental and Leasing; (Historic Tax Credit)	Any business applying for tax credits (84 active projects; entity could not say how many of these may be small businesses)
5455	Professional, Scientific, and Technical Services (Electronic Filing – Preparer Mandate)	Any paid tax preparer who filed more than 100 RI returns during the previous calendar year (entity could not quantify)
5457	Professional, Scientific, and Technical Services (Advertising Agencies)	23 advertising agencies
5461	Any applicable business (Apportionment of Franchise Tax)	Any franchised business (entity could not quantify)
5853	Accommodation and Food Services (Local Meals and Beverage Tax)	Approximately 4,200 eating/drinking establishments
5857	Retail Trade; Information (Telecommunications Service)	50 providers of telecommunications services
5860	Any applicable business (Payment of Taxes by Electronic Funds Transfer)	All businesses a) remitting \$200/month or more in sales tax, or b) remitting withholding tax and having 10 or more employees (entity did not quantify)
5861	Retail Trade (Biodiesel Fuel)	50-60 motor fuel distributors

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
5995	Accommodation and Food Services (Food and Food Ingredients, Prepared Food/Meals, Candy, Soft Drinks, Dietary Supplements, and Alcoholic Beverages)	6,000 businesses selling taxable food/beverages
6045	Any applicable business (Access to Public Records Regulation)	Any business that needs to access public records (entity could not say how many of these may be small businesses)
6528	Retail Trade (Computers and Related Systems)	Any of the 30,000 retailers filing sales and use tax returns that sell computers, related components and software (entity could not say how many may be small businesses)
6529	Retail Trade (Drugs, Medicines and Health Care Products)	Any of the 30,000 retailers filing sales and use tax returns that sell drugs, medicines and health care products (entity could not say how many may be small businesses)
6530	Health Care and Social Assistance; Other Services (Compassion Center Surcharge)	3 compassion centers have been authorized by the General Assembly
6545	Retail Trade (Trade-in Deduction)	73 motor vehicle dealerships; "the vast majority are small businesses"
6628	Retail Trade (Out of State Retailers - Registration)	Over 30,000 retailers holding permits to make sales at retail (entity could not say how many of these may be small businesses)
6629	Retail Trade (Records)	30,000 retailers filing sales and use tax returns (entity could not say how many may be small businesses)
6632	Any applicable business (Use Tax - Payment of by Purchasers)	Any applicable business of the 30,000 retailers filing sales and use tax returns; also any business not required to register as a retailer
6850	Any applicable business (Rental and Leases of Tangible Personal Property)	Any retailer or company that rents or leases tangible personal property, including car dealers, car or truck rental companies, commercial real estate companies, and electronics, furniture, or hardware retailers or rental companies (entity could not quantify)
6853	Any applicable business (Corporation Tax/Notice to Administrator of Sale of Assets)	Any corporation selling a major portion of RI assets ("all small businesses may be affected")
6855	Any applicable business (Business Corporation Tax / Limited Liability Partnerships and Limited Partnerships)	Approximately 7,000 filers
6856	Any applicable business (Corporation Tax/Estimated Tax Payments)	Any business that estimates tax payments ("all small businesses may be affected")

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
6969	Any applicable business (Combined Reporting-pro forma)	Approximately 10,000 unitary businesses which are part of a controlled group
6971	Retail Trade (Sales Tax Exemption/Clothing and Footwear)	1,874 clothing retailers remitting sales tax (entity could not say how many may be small businesses)
6972	Transportation and Warehousing (Taxicab, Limousine, Charter Bus, and Other Ground Passenger Transportation Services)	320 taxicab, limo and charter bus companies ("majority are small businesses")
6973	Professional, Scientific, and Technical Services (Pet Care Services)	Any of the 500 pet care services, veterinarians, pet hospitals, boarders, groomers, stores, or kennels that provide non-medical services (entity could not say how many may be small businesses)
7235	Retail Sales (Streamlined Sales and Use Tax Agreement)	Fewer than 500 retailers to whom this applies
7300	Any applicable business (Limited Liability Companies)	Approximately 15,000 limited liability companies
7392	Construction; Retail Trade; Transportation and Warehousing; Real Estate and Rental and Leasing; (Tax Credits/Deductions - Historic Preservation Tax Credits 2013)	49 active projects
Decision-Based Impacts		
445	Any applicable business (Litigation Expenses - Administrative Hearings)	Any business that could request litigation expenses for prevailing in adjudication conducted by Taxation ^
466	Any applicable business (Tax Credits/Deductions – Small Business Capital Development Tax Credit)	Any business invested in a certified venture capital partnership (entity could not quantify)
469	Any applicable business (Daycare Assistance and Development Tax Credit)	Any employer providing daycare assistant ("all are eligible")
632	Any applicable business (Personal Income Tax/Extension of Time to File)	Any business that seeks an extension (entity could not quantify)
752	Any applicable business (Administrative Hearing Procedures)	Any business that takes part in administrative hearings ^
2337	Any applicable business (Procedures in Handling Requests for Issuance of Declaratory Rulings)	Any business that is involved in a declaratory ruling ^
5858	Any applicable business (Jobs Development Act)	Any business that creates new employment in the state ("all small businesses are eligible")
Indirect Impacts		
267	Professional, Scientific, and Technical Services (Motor Vehicles - Awarded as Prizes)	Tax preparers, via individual taxpayers ^
269	Professional, Scientific, and Technical Services (Motor Vehicles - Gifts of)	Tax preparers, via individual taxpayers ^

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Indirect Impacts (continued)		
271	Professional, Scientific, and Technical Services (Sale of a Motor Vehicle by an Administrator, Executor, Guardian, etc.)	Tax preparers, via individual taxpayers ^
273	Professional, Scientific, and Technical Services (Motor Vehicles- Registration of Motor Vehicles Obtained through Property Settlement in Divorce Cases)	Tax preparers, via individual taxpayers ^
275	Professional, Scientific, and Technical Services (Motor Vehicles- Transfer by Conditional Vendee)	Tax preparers, via individual taxpayers ^
301	Professional, Scientific, and Technical Services (Pawnbrokers, Sales and Use Tax)	Tax preparers, via pawnbrokers ^
434	Professional, Scientific, and Technical Services (Sales of Rhode Island Nonprofit Eleemosynary Organizations and Schools)	Tax preparers, via individual taxpayers ^
447	Professional, Scientific, and Technical Services (Bank Deposit Tax)	Tax preparers, via financial institutions ^
448	Professional, Scientific, and Technical Services (Bank Excise Tax Apportionment Of Net Income Or Loss For Banks Not Org Or Incorporated Under The Laws Of The State)	Tax preparers, via financial institutions ^
472	Professional, Scientific, and Technical Services (Tax Credits/ Deductions - Residential Lead Hazard Removal)	Lead hazard remediation professionals and tax preparers, via individual taxpayers ^
628	Professional, Scientific, and Technical Services (Underpayment of Estimated Personal Income Tax Charges)	Tax preparers, via individual taxpayers ^
630	Any applicable business (Personal Income Tax - Estimated Payments)	Any business owned by an individual needing to make estimated tax payments (entity could not say how many of these may be small businesses)
635	Finance and Insurance; Professional, Scientific, and Technical Services (Personal Income Tax - Family Education Accounts- Taxpayers)	Tax preparers, via individual taxpayers ^
636	Finance and Insurance; Professional, Scientific, and Technical Services (Personal Income Tax - Family Education Accounts - Qualified Depositories)	Tax preparers, via individual taxpayers ^
638	Professional, Scientific, and Technical Services (Personal Income Tax - Rhode Island Filing States - Nonresident Military Personnel and His/Her Spouse)	Tax preparers, via individual taxpayers ^
646	Finance and Insurance; Professional, Scientific, and Technical Services (Personal Income Tax - Tax Liability Computed by Internal Revenue Service)	Tax preparers, via individual taxpayers ^

TAXATION'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Indirect Impacts (continued)		
650	Professional, Scientific, and Technical Services (Personal Income Tax - Filing Status of Husband and Wife Where One is a Partial - Year Resident)	Tax preparers, via individual taxpayers ^
652	Finance and Insurance; Professional, Scientific, and Technical Services (Personal Income Tax - Fiscal Year Taxpayers' Method of Computing Rhode Island Tax)	Tax preparers, via individual taxpayers ^
657	Finance and Insurance; Professional, Scientific, and Technical Services (Personal Income Tax - Trust Distributions)	Tax preparers, via individual taxpayers ^
658	Professional, Scientific, and Technical Services (Personal Income Tax - Lottery and Pari- Mutual Winnings and Prizes)	Tax preparers, via individual taxpayers ^
714	Finance and Insurance; Professional, Scientific, and Technical Services (Personal Income Tax - Beneficiaries' Treatment of Accumulation Distribution by Trust)	Tax preparers, via individual taxpayers ^
730	Professional, Scientific, And Technical Services (Personal Income Tax - Use of Substitute Rhode Island Blank Income Tax Forms)	Tax preparers, via individual taxpayers ^
737	Finance and Insurance; Professional, Scientific, and Technical Services; (Personal Income Tax - Taxation of Nonresident Professional Athletes)	Tax preparers, via individual taxpayers (entity could not quantify)
738	Professional, Scientific, and Technical Services (Personal Income Tax - Filing Deadlines: Weekends, Holidays and Mailings)	Tax preparers, via individual taxpayers ^
739	Professional, Scientific, and Technical Services (Personal Income Tax - Credit for Income Taxes of Other States)	Tax preparers, via individual taxpayers ^
744	(Personal Income Tax - Modification of Certain Income of Writers, Composers and Artists)	Tax preparers, via individual taxpayers (entity could not quantify)
749	Any applicable business; Utilities; Transportation and Warehousing (Public Service Corporation Tax)	Tax preparers, via exempt utilities and public service companies (entity could not quantify)
2347	Professional, Scientific, and Technical Services (Out of State Credit - Double Resident)	Tax preparers, via individual taxpayers ^
5859	Professional, Scientific, and Technical Services (Computation Of Estate Tax)	Tax preparers, via individual taxpayers ^
6278	Utilities; Information; Transportation and Warehousing; Public Administration (Business Corporation Tax/ Exclusion of Distributive Share of Public Service Income)	Tax preparers, via exempt utilities and public service companies (entity could not quantify)
7491	Any applicable business (Motion Picture Production Tax Credits)	Any business affected by exempt motion pictures production companies

Department of Environmental Management (DEM)

Description: DEM is charged with the protection, restoration and management of the State’s natural resources. This includes more than 14,000 acres of state park and management areas.	Supervising Entity	None
	Other Agencies Affected	Department of Administration (DOA) Coastal Resources Management Council (CRMC) Commerce Corporation (Commerce) Office of Energy Resources (OER) Department of Health (DOH) Department of Motor Vehicles (DMV) Department of Transportation (DOT) Public Transit Authority (RIPTA)

DEM COMPLIANCE STATUS: PERIOD FOUR

Percentage of Total DEM Regulations Reviewed as of Period Four



MEASURES OF IMPACT AND INFLUENCE: PERIOD FOUR

Small Business Impact	HIGH	137 of 179 regulations (76.5 percent) have <i>Direct</i> impact
		18 of 179 regulations (10.1 percent) have <i>Decision-Based</i> impact
		14 of 179 regulations (7.8 percent) have <i>Indirect</i> impact
		10 of 179 regulations (5.6 percent) have <i>No Impact</i>
IMPACT/INFLUENCE KEY:		HIGH: > 75% regulations LOW: < 25 % regulations
		MODERATE: 25% to 75% regulations NONE: No regulations

DEM’S IMPACT ON SMALL BUSINESS: PERIOD FOUR, SUMMARY

As of Period Four, DEM submitted 169 regulations in which ORR found either Direct, Decision-Based, or Indirect impact, listed in these 3 groups in the “Detail” section. In summary:

- **Direct:** These 137 regulations primarily mandate particular DEM-housed industries such as agriculture, waste management, or commercial fishing; industries that touch on DEM-related concerns, such as retail (pet shops) or recreation (boating); or any business surpassing certain environmental thresholds (such as pollutant emissions or groundwater contaminants). DEM also houses a number of licensing regulations.
- **Decision-Based:** These 18 regulations cover a range of incentive programs, administrative penalties and suspension/revocation of licenses, and one regulation regarding DEM administrative adjudication.
- **Indirect:** These 14 regulations primarily impact construction via a range of municipal grant, incentive, or bond-funded programs, as well as any business using electricity, via the exempt utilities industry.

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts		
330	Retail Trade; Agriculture, Forestry, Fishing and Hunting (Rhode Island Trout Conservation Stamp)	74 vendors that sell trout stamps
501	Any applicable business (Oil Pollution Control Regulations)	Petroleum terminals; any small business employing an above ground storage tank for petroleum products greater than 500 gallons (1,800 registered aboveground storage tank facilities; entity could not say how many may be small businesses)
584	Arts, Entertainment, and Recreation; Retail Trade; Manufacturing (Boats and Associated Equipment)	Manufacturers of boats and associated equipment ^
588	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade (Taking, Possession, Holding, Bartering, & Trading of Shellfish - Shellfish Buyer Regulations)	108 licensed shellfish dealers and 1362 licensed shell fishermen
591	Arts, Entertainment, and Recreation; Retail Trade (Registration and Control of Snowmobiles and Recreational Vehicles)	Manufacturers of snowmobiles and recreational vehicles ^
615	Arts, Entertainment, and Recreation; Other Services (Beach Rules and Regulations)	110 public campgrounds, beaches and swimming pools
715	Retail Trade (RI Ferret Regulations)	200 distribution and pet stores
727	Arts, Entertainment, and Recreation (RI Clean Vessel Act Pumpout Grant Program)	Any boating club with a marina (entity could not say how many of these may be small businesses)
761	Arborists (Arborists)	800 licensed arborists (entity could not say how many of these may be small businesses)
763	Agriculture, Forestry, Fishing and Hunting (Assessment of Fees for Forestry Services)	Logging (entity did not quantify)
828	Any applicable business (Reduction and Recycling of Commercial and Non-Municipal Residential Solid Waste)	Approximately 20,000 small businesses in 2012
853	Agriculture, Forestry, Fishing and Hunting (Commercial Feed)	Approximately 10 in-state commercial farmers and ultimately producers of agricultural feed and pet food products (entity could not say how many of these may be small businesses)
904	Agriculture, Forestry, Fishing and Hunting (Importation of Equines from Contagious Equine Metritis Affected Countries)	2 dedicated quarantine facilities
906	Agriculture, Forestry, Fishing and Hunting (Infectious Diseases of Swine)	103 hog farms
913	Agriculture, Forestry, Fishing and Hunting (Swine Garbage Feeding Permit Requirement Regulations)	7 hog farms in Rhode Island are licensed as garbage feeders
925	Arts, Entertainment, and Recreation; Retail Trade (Marine Antifoulant Paints Containing Tributyltin)	Marinas and sporting goods stores
926	Agriculture, Forestry, Fishing and Hunting (Agricultural Composting)	10 agricultural composters

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
927	Agriculture, Forestry, Fishing and Hunting (Fertilizers)	100 farming fertilizer producers
928	Agriculture, Forestry, Fishing and Hunting; Retail Trade (Agricultural Liming Materials Rules and Regulations)	40 agricultural lime producers
994	Agriculture, Forestry, Fishing and Hunting (Rhode Island Seed Law)	Any business that grows, sells, or distributes seed (entity could not quantify)
996	Agriculture, Forestry, Fishing and Hunting (Shell Egg)	4 producers of egg shell products
998	Agriculture, Forestry, Fishing and Hunting (Grading of Honey)	30 commercial beekeepers and producers of honey products
999	Agriculture, Forestry, Fishing and Hunting; Transportation and Warehousing; Retail Trade (Out of State Honey Bee Quarantine to Prevent Entry of Varroa Mite into Rhode Island)	30 commercial beekeepers
1001	Agriculture, Forestry, Fishing and Hunting (Regulations for the Production and Distribution of Nursery Stock)	Entity estimates 83 based on the number of licensed nursery workers
1005	Retail Trade; Administration and Support and Waste Management and Remediation Services (Solid Waste Regulation No.5 Waste Tire Storage and Recycling Facility)	60 auto salvage yards and 60 used tire dealers
1006	Administrative and Support and Waste Management and Remediation Services (Solid Waste Regulation No. 4 Incinerators and Resource Recovery Facilities)	Incinerators or resource recovery facilities that have the ability to produce material or energy to be used in manufacturing, agriculture or other processes (currently none)
1007	Administrative and Support and Waste Management and Remediation Services (Solid Waste Regulation No.3 Transfer Stations and Collection Stations)	3 businesses that own or operate transfer stations
1014	Administrative and Support and Waste Management and Remediation Services (Solid Waste Regulations No.2 Solid Waste Landfills)	Any landfills (currently no small businesses)
1016	Administrative and Support and Waste Management and Remediation Services (Solid Waste Regulation No.7 Facilities Processing Construction and Demolition Debris)	1 small construction and demolition business
1042	Any applicable business (Open Space and Recreational Area Bonds)	Any business impacted by the Open Space Bonds of 1987 (currently none) [REPEAL IDENTIFIED]
1047	Agriculture, Forestry, Fishing and Hunting (Rhode Island Natural Heritage Preservation Commission)	1,219 dairy farms, poultry farms, and vegetable and fruit farms
1849	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part XIII - Gill Net Regulations)	3,000 commercial fishermen and seafood dealers

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
2009	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade (Fish and Wildlife Vendor Agents)	75 vendors that sell hunting and fishing licenses
2058	Agriculture, Forestry, Fishing and Hunting; Manufacturing (Aquaculture of Marine Species in Rhode Island Waters)	3,000 commercial fishermen and seafood dealers
2163	Manufacturing; Health Care and Social Assistance (Wastewater Treatment Operators)	1 nursing home and 1 fabric dyeing company
2182	Wholesale Trade; Retail Trade; Transportation and Warehousing (Underground Storage Tank Review Board)	Approximately 600 active federally-regulated underground storage tank facilities and 720 active state-regulated facilities
2402	Any applicable business (Administrative Inspection Guidelines)	Any business affected by DEM Administrative Inspections (entity could not quantify)
2435	Any applicable business (Pollutant Discharge Elimination System RIPDES Regulations)	Any applicable business; "the total number of small businesses is in the hundreds"
2455	Retail Trade (Destruction of Animals by Carbon Monoxide Poisoning)	Approximately 20 pet shop operators
2546	Agriculture, Forestry, Fishing and Hunting (Newport Fishing Port Operations Regulations)	400 commercial fishermen utilizing state docking facilities
2846	Agriculture, Forestry, Fishing and Hunting (Galilee Port Operations Regulations and Berthing Management System)	400 commercial fishermen utilizing state dockage facilities
3158	Agriculture, Forestry, Fishing and Hunting; Retail Trade (Woods Operators Registration Fee and Intent to Cut Fee Woods Operators Regulations)	40-75 landowners, wood operators, truckers
3159	Any applicable business (Forest Fire Personnel and Forest Fires and Prevention Forest Fire)	Any business that conducts attended open air fires ^
3266	Agriculture, Forestry, Fishing and Hunting (Suppression of White Pine Blister Rust Suppression of White Pine Blister Rust)	Entity estimates 83 based on the number of licensed nursery workers
3556	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part X - Equipment Restrictions)	3,000 commercial finfish and shellfish fishermen
3572	Agriculture, Forestry, Fishing and Hunting (Importation, Feeding, and Baiting of Cervids in Rhode Island)	Any business that imports deer, elk, caribou, or parts thereof for any use, including taxidermy, laboratory research, or sale ^
3636	Agriculture, Forestry, Fishing and Hunting (Pesticides)	Approximately 2,088 pesticide relief providers, farmers, pest control and lawn care contractors, lawn care providers, and anti-fouling boat painting contractors (entity could not say how many may be small businesses)

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
659	Administrative and Support and Waste Management and Remediation Services; (Solid Waste Regulation No. 8- Solid Waste Composting Facilities)	5 solid waste composting facilities
3660	Administrative and Support and Waste Management and Remediation Services (Solid Waste Regulation No. 1)	Approximately 10 small businesses; 1 quasi-public entity that owns and operates a solid waste landfill, composting facility, and recycling facility
4229	Agriculture, Forestry, Fishing and Hunting; Arts, Entertainment, and Recreation; Other Services (Importation and Possession of Native Wildlife)	7 permits issues to import and possess native wildlife
4480	Retail Trade; Transportation and Warehousing (Air Pollution Control Regulation No. 34 "Rhode Island Motor Vehicle Inspection/Maintenance Program)	285 authorized auto inspection and repair facilities
4497	Any applicable business (Air Pollution Control Regulation No. 1- Visible Emissions)	Any of the "potentially hundreds" of businesses that operate fuel burning equipment and/or generate visible air contaminant emissions (entity could not quantify)
4498	Manufacturing; Transportation and Warehousing; Retail Trade; Wholesale Trade (Air Pollution Control Regulation No. 3- Particulate Emissions from Industrial Processes)	Any of the "hundreds" of businesses that operate equipment that may generate particulate emissions (entity could not quantify)
4499	Agriculture, Forestry, Fishing and Hunting I331(Air Pollution Control Regulation No. 4- Open Fires)	Any business that conducts or intends to conduct open burning at a solid waste management facility and/or hazardous waste disposal facility or in connection with any salvage, industrial, commercial or institutional operation, with certain exemptions (entity could not quantify)
4500	Manufacturing; Mining, Quarrying, and Oil and Gas Extraction; Retail Trade; Agriculture, Forestry, Fishing and Hunting; Construction (Air Pollution Control Regulation No. 5- Fugitive Dust)	Any business industry which handles, transports, mines, quarries, stores, or otherwise utilizes any materials that could become airborne fugitive dust and/or particulate matter, e.g. sand, gravel, soil, aggregate, etc. (entity could not quantify)
4501	Utilities; Manufacturing (Air Pollution Control Regulation No. 6- Continuous Emissions Monitors)	Any business with hot water or steam-generating units burning No. 6 residual oil or solid fuel, or units burning all other liquid fuels and having a heat input capacity of five million Btu per hour or more (fewer than 200 currently have monitors; entity could not say how many may be small businesses)

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
4502	Manufacturing; Mining, Quarrying, and Oil and Gas Extraction; Agriculture, Forestry, Fishing and Hunting; Transportation and Warehousing; Construction; Utilities; any other applicable sector (Air Pollution Control Regulation No. 7- Emission of Air Contaminants Detrimental to Person or Property)	Any of the "hundreds" of businesses that operate equipment that may generate emissions (entity could not quantify)
4503	Manufacturing; Transportation and Warehousing; Retail Trade; Wholesale Trade (Air Pollution Control Regulation No. 8- Sulfur Content of Fuels)	Any business that triggers criteria based on limits of sulfur content of fuel oil (entity could not quantify)
4507	Manufacturing; Administrative and Support and Waste Management and Remediation Services; Retail Trade (Air Pollution Control Regulation No. 12- Incinerators)	57-59 businesses with incinerators located at sewage treatment plants, metals reclamation facilities, and crematories both animal and human
4508	Any applicable business (Air Pollution Control Regulation No. 13- Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units)	Any business which combusts fuels which generate a maximum capacity of one million BTU/hour or more (entity could not quantify)
4509	Manufacturing; Transportation and Warehousing; Administrative and Support and Waste Management and Remediation Services; Health Care and Social Assistance; Utilities; (Air Pollution Control Regulation No. 14- Record Keeping and Reporting)	Any business that emits air contaminants could potentially be subject; approximately 500 small businesses are inventoried annually; in 2011 approximately 300 auto body shops surveyed
4510	Manufacturing (Air Pollution Control Regulation No. 15- Control of Organic Solvent Emissions)	1 manufacturer of fiberglass boats and plastic composites
4511	Manufacturing; Transportation and Warehousing; Retail Trade; Wholesale Trade (Air Pollution Control Regulation No. 16- Operation of Air Pollution Control Systems)	Any business that emits air pollution and operates an air pollution control system (entity could not quantify)
4512	Manufacturing; Retail Trade; Transportation and Warehousing; Construction (Air Pollution Control Regulation No. 19- Control of Volatile Organic Compounds from Surface Coating Operations)	Any of the "hundreds" of businesses that operate equipment that may generate objectionable odors (entity could not quantify)
4513	Manufacturing (Air Pollution Control Regulation No. 19- Control of Volatile Organic Compounds from Surface Coating Operations)	24 manufacturers with surface coating operations
4514	Any applicable business (Air Pollution Control Regulation No. 20- Burning of Alternative Fuels)	Any business that burns alternative fuels in fuel-burning equipment with a heat capacity of one million BTU per hour or greater (currently 1)
4515	Manufacturing; Administrative and Support and Waste Management and Remediation Services; (Air Pollution Control Regulation No. 21- Control of Volatile Organic Compound Emissions from Printing Operations)	3 printing facilities

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
4517	Other Services (Air Pollution Control Regulation No. 23- Control of Perchloroethylene Emissions from Dry Cleaning Operations)	55 perchloroethylene dry cleaners
4518	Construction; Administrative and Support and Waste Management and Remediation Services (Air Pollution Control Regulation No. 24- Removal of Lead Paint from Exterior Surfaces)	Any of the "potentially hundreds" of businesses that conduct lead paint removal (entity could not quantify)
4520	Manufacturing (Air Pollution Control Regulation No. 26- Control of Organic Solvent Emissions from Manufacturers of Synthesized Pharmaceutical Products)	Synthesized pharmaceutical production facilities (currently none)
4521	Any Business May Be Subject (Air Pollution Control Regulation No. 27- Control Of Nitrogen Oxide Emissions)	Any business that has the potential to emit 50 tons or more per year of nitrogen oxides; typically power plants and large boilers (entity could not quantify)
4524	Other Services (Air Pollution Control Regulation No. 30- Control of Volatile Organic Compounds from Automobile Refinishing Operations)	275 licensed auto refinishing operations and less than 10 suppliers of coatings and surface preparation products
4525	Wholesale Trade (Air Pollution Control Regulation No. 32- Control of Volatile Organic Compounds from Marine Vessel Loading Operations)	Currently no small businesses
4526	Manufacturing (Air Pollution Control Regulation No. 35- Control of Volatile Organic Compounds and Volatile Hazardous Air Pollutants from Wood Products Manufacturing Operations)	10 businesses that manufacture wood products and apply coatings to the surfaces of the wood products
4529	Health Care and Social Assistance (Air Pollution Control Regulation No. 39- Hospital/Medical/Infectious Waste Incinerators)	Currently none (would affect new projects only)
4604	Any applicable business (Mercury Education and Reduction Act)	Any business which manufactures or uses products with mercury (entity could not quantify)
4622	Any applicable business (Air Pollution Control Regulation No. 45 "Rhode Island Diesel Engine Anti-Idling Program")	Any of the "hundreds" of businesses that operate diesel equipment (entity could not quantify)
4695	Any participant in the following programs: Rhode Island Pollution Discharge Elimination System and Pretreatment, Wastewater Treatment Facilities Program, Groundwater Quality Certification Program, Water Quality Certification Program, Underground Injection Control Program, Office of Air Resources (Establishment of Various Fees)	Any business that requires new wastewater infrastructure or private drinking well variances, that discharges storm water into the ground, that disturbs greater than 5 acres of land, or that proposes discharge of air pollutants (entity could not quantify)
4724	Manufacturing (Dam Safety)	50 to 60 privately or company-owned dams
4729	Manufacturing; Health Care and Social Assistance; Utilities; Wholesale Trade (Operations and Maintenance of Wastewater Treatment Facilities)	1 nursing home; 2 fabric dyeing companies; 1 petro-chemical storage; 1 power plant; 1 fish processing facility

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
4755	Utilities; Manufacturing (Air Pollution Control Regulation No. 10, "Air Pollution Episodes")	Approximately 25-30 permits have been granted (entity could not say which of these may be small businesses)
4999	Any applicable business (Establishment of a Uniform Septage Disposal Fee)	Any business that disposes of its sanitary (human) sewage onsite (entity could not quantify)
5053	Agriculture, Forestry, Fishing and Hunting (Identification of Sheep and Goats)	96 goat herds; 107 sheep flocks; 1 livestock market; 1 slaughterhouse
5061	Agriculture, Forestry, Fishing and Hunting (Rules Related to Cultural Practices for Branding Products of the Farm)	21 farms and handlers certified as organic
5313	Transportation and Warehousing; Retail Trade; Wholesale Trade (Air Pollution Control Regulation No. 11 - Petroleum Liquids Marketing/Storage)	300 gasoline service stations
5314	Any applicable business (Air Pollution Control Regulation No. 22 - Air Toxics)	Any business that emits significant quantities of certain toxic air pollutants (currently 1 chemical manufacturer, 1 plastic manufacturer, 1 electro film manufacturer, 1 shipbuilder, 1 medical products manufacturer, and 2 hospitals)
5315	Agriculture, Forestry, Fishing and Hunting; Manufacturing; Professional, Scientific, and Technical Services; Administrative and Support and Waste Management and Remediation Services; Health Care and Social Assistance; Accommodation and Food Services (Air Pollution Control Regulation No. 36 - Control of Emissions from Organic Solvent Cleaning)	Any small business that cleans products and/or processes equipment using organic solvent cleaning equipment ("in the hundreds")
5538	Manufacturers; Retail Trade; Wholesale Trade (Air Pollution Control Regulation No. 31, 'Control of Volatile Organic Compounds from Consumer Products')	Retailers of applicable products (entity could not quantify); manufacturers of applicable products (entity estimates none)
5539	Manufacturers; Retail Trade; Wholesale Trade; Construction (Air Pollution Control Regulation No. 33, 'Control of VOC from Architectural Coatings and Industrial Maintenance Coatings')	Painting contractors and their employers, retailers of applicable products (entity could not quantify); RI manufacturers of applicable products (entity estimates none)
5540	Manufacturers; Retail Trade; Wholesale Trade; Construction (Air Pollution Control Regulation No. 44, 'Control of VOC from Adhesives and Sealants')	Roofers; retailers selling these products; industrial facilities using more than 200 lbs of these products/year and/or 55 gallons/year (to date, only 1 plastics manufacturer)
5541	Manufacturing; Retail Sales (Air Pollution Control Regulation No. 25, 'Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt')	Somewhere between 50 to 100 small businesses that apply, and/or municipalities that solicit the use of, asphalt for road work

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
5903	Health Care and Social Assistance; Other Services (Medical Waste)	Approximately 10,000 health care facilities, veterinarians, tattoo parlors, ear piercing operations, and pharmaceutical laboratories (entity could not say how many may be small businesses)
5940	Manufacturing; Retail Sales (Air Pollution Control Regulation No. 48 "Outdoor Wood Boilers")	Any small business that manufactures or sells outdoor wood stoves
5943	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations – Part XI - Commercial Fisheries)	3,000 commercial finfish and shellfish fishermen
5997	Professional, Scientific and Technical Services; Retail Trade (Prevention, Control, and Suppression of Rabies within the State of Rhode Island)	200 licensed veterinarians and 20 pet shops
5998	Retail Trade (Importation and Possession of Exotic Wild Animals)	20 pet shops
6033	Transportation and Warehousing (State Pilotage Commission)	11 licensed marine pilots
6069	Any applicable business (Groundwater Quality Rules)	Any business using road salt for de-icing; any private contractor choosing to provide road salting; owners of large parking areas; multiple industries who choose to store road salt in the de-icing of their property (entity could not quantify)
6179	Arts, Entertainment and Recreation (Dredging and the Management of Dredged Material)	80 marinas and ports
6204	Any applicable business (Rhode Island Air Pollution Control General Definitions)	Any business that needs to understand the terminology used in any Air Pollution Control regulations ^
6222	Any applicable business (Stormwater Design And Installation Standards Manual)	Any business meeting certain permitting thresholds based on project size, location, or impact (entity could not quantify)
6223	Any applicable business; Arts, Entertainment, and Recreation (Administration and Enforcement of the Fresh Water Wetlands Act)	Any business located in an area situated within the jurisdiction of any freshwater wetlands may be affected (entity could not quantify)
6224	Any applicable business (Water Quality)	Any business that can impact the water quality or uses of the waters of the state ("potentially all small businesses")
6258	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations – Part XIV - Fish Traps)	3,000 commercial fishermen

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
6297	Arts, Entertainment , and Recreation (Park and Management Area Regulations)	Any business conducting any regulated activity in any state park or body of water (holding sports or other events or tournaments, and/or any activities requiring permits or permission, including distributing information, or selling any products, food or beverages) ^
6306	Any applicable business (Air Pollution Control Regulation No. 9 - Air Pollution Control Permits)	Any business that has the potential to emit in quantities greater than the permitting thresholds or that install or operate a device that meets the applicability requirements of this regulation (entity could not quantify)
6307	Any applicable business (Air Pollution regulation number 29 (Air Pollution Control Regulation No. 28- Operating Permit Fees)	8 potential major sources of air pollution
6362	Any applicable business (Investigation and Remediation of Hazardous Material Releases)	Any property or business with contamination in soil or water above certain thresholds; most are industrial or former industrial properties (entity could not quantify)
6389	Utilities; Retail Trade; Wholesale Trade (Underground Storage Facilities Used for Petroleum Products and Hazardous Materials)	600 active federally-regulated and 720 active state-regulated UST facilities
6405	Agriculture, Forestry, Fishing and Hunting; Manufacturing (RI Marine Fisheries Statutes and Regulations – Part XVII - Maps)	3,000 commercial marine fishermen, shellfish buyers, lobster dealers, finfish dealers
6451	Arts, Entertainment, and Recreation (User Fees at State Beaches, Parks, and Recreational Areas)	Any business incurring any state park entrance, parking, camping, field, event, facility, or other fee in any state park ^
6513	Any applicable business (Air Pollution regulation number 29 (Air Pollution Control Regulation No. 29- Operating Permits)	8 potential major sources of air pollution
6543	Professional, Scientific and Technical Services (Wildlife Rehabilitation)	15 wildlife rehabilitators
6669	Health Care and Social Assistance (Sewage Sludge Management)	2 businesses that generate sewage sludge
6692	Any applicable business (Electronic Document Submissions)	Any business required to file documents with DEM that require an authorized signature (potentially all small businesses)
6698	Any applicable business (Air Pollution Control Regulation No. 43- General Permits for Smaller-Scale Electric Generation Facilities)	Any business that seeks to install an electrical generating unit either for emergency purposes or for electrical generation and heat recovery purposes (entity could not quantify)
6801	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part I - Legislative Findings)	3,000 commercial finfish and shellfish fishermen

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
6807	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade (Fisheries Statutes and Regulations - Part XVI - Menhaden Regulations)	Any of the 3,000 commercial fishermen and seafood dealers who continue to participate ("anticipated...only a few")
6839	Any applicable business (Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems)	Any structure not served by centralized systems and where sanitary wastewater is generated (potentially all industries); OWTS designers and installers; alternative or experimental technology vendors seeking approval (entity could not quantify)
6857	Any applicable business (Rules for the Discharge of Non-Sanitary Wastewater and Other Fluids To or Below the Ground Surface)	Any business that chooses to repair, maintain or service motor vehicles, and chooses to discharge to groundwater (entity could not quantify)
6875	Retail Trade (RI Freshwater and Anadromous Fishing Regulations & Season)	75 vendors that sell Rhode Island resident and non-resident fishing licenses
6980	Agriculture, Forestry, Fishing and Hunting (RI Falconry Regulations for the 2012 - 2013 Season)	5 falconers
6981	Retail Trade (RI Hunting Regulations for the Waterfowl Season 2012 – 2013)	75 vendors that sell Rhode Island resident and non-resident hunting licenses
6982	Retail Trade (Nuisance Wildlife Control Specialist)	51 pest control companies
7037	Agriculture, Forestry, Fishing and Hunting (Commercial and Recreational Saltwater Fishing Licensing Regulations)	3,000 commercial fishermen and seafood dealers
7105	Agriculture, Forestry, Fishing and Hunting (Importation of Animals)	276 cattle farms, 103 hog farms, 200 poultry farms, 366 horse farms, 107 sheep and lamb farms, 96 goat farms, 24 "other livestock" establishments, 20 pets shops, 4 agencies registered as commercial carriers, 1 slaughterhouse and 1 livestock market
7182	Retail Trade (Hunting Regulations for the 2012-2013 Season)	75 vendors sell Rhode Island resident and non-resident hunting licenses
7185	Manufacturing (Air Pollution Control Regulation No. 37- Rhode Island's Low Emissions Vehicle Program)	Auto manufacturers (currently none)
7210	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part XII - Striped Bass)	3,000 commercial fishermen and seafood dealers
7212	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs)	3,000 commercial fishermen and seafood dealers
7224	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part VII - Minimum Sizes for Fish/Shellfish)	3,000 commercial fishermen and seafood dealers

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7226	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part XIX - Fish/Shellfish Dealer Regulations)	3,000 commercial fishermen and seafood dealers
7351	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations - Part III - Marine Fisheries Council)	3,000 commercial fishermen and seafood dealers
7364	Manufacturing; Wholesale Trade; Administrative and Support and Waste Management and Remediation Services (Administration and Enforcement of the Electronic Waste Prevention, Reuse and Recycling Act)	Approximately 50 electronics manufacturers and an estimated 50 to 100 collectors/recyclers of electronic waste (entity could not say how many of these are small businesses)
7396	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade (Seafood Brand and the Mislabeling of Marine Species)	144 licensed seafood dealers, 2230 persons licensed to harvest seafood, and 125 persons who were licensed to land seafood products in 2012; in addition, restaurants and food stores are expected to seek out market products that are certified as having a local connection (entity could not say how many of these are small businesses)
7597	Construction; Real Estate and Rental and Leasing (Hazardous Waste Management)	Approximately 2,300-3,000 small businesses that general hazardous waste, primarily affecting those who generate paint waste
7835	Agriculture, Forestry, Fishing and Hunting (RI Marine Fisheries Statutes and Regulations – Shellfish)	3,000 commercial fishermen and seafood dealers
Decision-Based Impacts		
502	Any applicable business (Assessment of Administrative Penalties)	Any of the "potentially thousands" of businesses engaged in the following activities, who violate a regulation: emission of air pollutants; emission of water pollutants; generation of hazardous, solid or medical waste; storage of petroleum products; activities in freshwater wetlands; activities involving septic systems; and maintenance of dams (entity could not quantify)
597	Agriculture, Forestry, Fishing and Hunting; Manufacturing; Retail Trade; Wholesale Trade (Suspension and Revocation for Commercial Marine Fisheries, Shellfish Buyers, Lobster Dealer, Finfish Dealer Licenses)	Any of the 3,000 commercial marine fishermen, shellfish buyers, lobster dealers, and finfish dealers who incur license suspension/revocation (entity could not say how many may be small businesses)
598	Agriculture, Forestry, Fishing and Hunting; Manufacturing; Retail Trade; Wholesale Trade; (Suspension/Revocation of Licenses Issued Pursuant to Title 20 of R.I.G.L. "Fish and Wildlife " License)	Any of the 3,000 commercial marine fishermen, shellfish buyers, lobster dealers, and finfish dealers who incur license suspension/revocation (entity could not say how many may be small businesses)

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Decision-Based Impacts (continued)		
706	Any applicable business (Amendments to Regulations for the Rhode Island Department of Environmental Management Uniform Appeal Period)	Any small business involved in hearings or appeals before DEM (entity could not quantify)
707	Any applicable business (DEM Expedited Permit Process)	Any small business wishing to seek an expedited permit
708	Any applicable business (Administrative Rules of Practice and Procedure for the Department of Environmental Management)	Any party involved in adjudication with DEM (approximately 80 new proceedings annually, including individuals, municipalities, and small businesses) [REPEAL IDENTIFIED]
726	Agriculture, Forestry, Fishing and Hunting; Construction; Manufacturing (RI Boating Infrastructure Grant Program)	Any of the 3,000 boating infrastructure construction contractors, manufacturers, and commercial marine fishermen who participate in the grant program (entity could not say how many may be small businesses)
829	Administrative and Support and Waste Management and Remediation Services; Other Services (Recycling and Litter Control Grants)	Any of the 30 commercial recyclers and 60 waste disposal companies who participate in the grant program (currently none)
923	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade; Manufacturing (Pesticide Relief Fund)	Any of the approximately 2,088 pesticide relief providers, farmers, pest control and lawn care contractors, lawn care providers, and anti-fouling boat painting contractors who participate in the relief fund programs (entity could not say how many may be small businesses)
959	Agriculture, Forestry, Fishing and Hunting; Construction; Manufacturing; Wholesale Trade; Transportation and Warehousing; Professional, Scientific, and Technical Services; Administrative and Support and Waste Management and Remediation Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; Accommodation and Food Services; Other Services (Pretreatment Regulations)	Any entity having or proposing a discharge of pollutants from non-domestic sources covered by Pretreatment Standards (entity could not quantify)
993	Agriculture, Forestry, Fishing and Hunting; Retail Trade (Implementation of the Rhode Island Agricultural and Fisheries Products Identification Servicemark)	Any of the approximately 800 farmers and dealers who seek to use DEM's registered service mark (entity could not say how many may be small businesses)
1000	Agriculture, Forestry, Fishing and Hunting (Deer Damage)	50 farmers issued deer damage permits
1004	Construction; Manufacturing; Wholesale Trade (Solid Waste Regulation No.6 Petroleum Contaminated Soil Processing Facility)	Any of the approximately 12 asphalt, concrete, and cement producing companies who seek a license to process virgin contaminated soil (currently none)

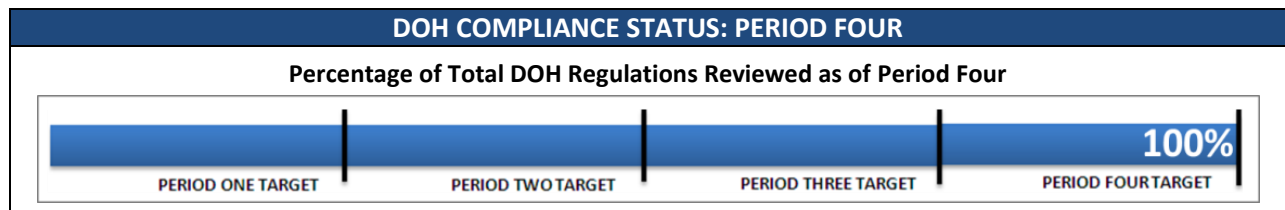
DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Decision-Based Impacts (continued)		
2135	Agriculture, Forestry, Fishing and Hunting (Enforcement of the Farm, Forest, and Open Space Act)	Any of the 800 farmers who wish their farm to be preserved under the Act
2763	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade (Guidelines for the Distribution of Alternative Forest Use Challenge Grants)	Any of the 20-30 grant recipients
5124	Agriculture, Forestry, Fishing and Hunting; Professional, Scientific, and Technical Services; Arts, Entertainment, and Recreation; Other Services (Narragansett Bay and Watershed Restoration Bond Fund)	Any for-profit recipients of the Narragansett Bay and Watershed Restoration Fund grant program (entity did not quantify) ^
6587	All applicable businesses (Administrative Adjudication Division for Environmental Matters)	Any business involved in DEM proceedings (entity could not quantify)
7481	Agriculture, Forestry, Fishing and Hunting; Retail Trade; Wholesale Trade (Administration of the Local Agriculture and Seafood Small Grants and Technical Program)	Any of the 1,220 farms and 2,500 commercial fishermen who participate in the grant program (entity could not say how many may be small businesses)
Indirect Impacts		
941	Professional, Scientific, and Technical Services (State Revolving Fund Program)	Municipal contracts for pollution abatement activities, via local government water pollution abatement activities ^
1043	Construction (1989 Open Space and Recreation Capital Development Program)	Contracted construction services, via public or nonprofit land trusts ^
1044	Construction (Open Space 2000 Bond Authorization)	Contracted construction services, via public or nonprofit land trusts ^
1046	Construction (Open Space Recreational Greenways Recreational Bikeways 1998 Bond Authorization).	Contracted construction services, via public or nonprofit land trusts ^
1964	Construction (Grant Program for the Interceptor Bond Fund of the Rhode Island Clean Water Act Environmental Trust Fund Interceptor Bond Fund)	Contracted construction services, via governmental agencies constructing interceptor sewers to areas that should no longer be served by septic systems ^
1965	Professional, Scientific, and Technical Services (Issuance of Certificates of Approval for Non-State Revolving Fund Program Loans)	Municipal contracts for pollution abatement activities, via local government water pollution abatement activities ^
5195	Any applicable business (Air Pollution Control Regulation No. 46, entitled "CO2 Budget Trading Program") (Generating Electric)	Any business using electric services, via electric generating utilities ^
5196	Any Applicable Business (Air Pollution Control Regulation No. 47, entitled "CO2 Budget Trading Program Allowance Distribution") (Generating Electric)	Any business using electric services, via electric generating utilities ^
5219	Professional, Scientific, and Technical Services (Priority Determination System for Federal and State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects)	Municipal contracts for pollution abatement activities, via local government water pollution abatement activities ^

DEM'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Indirect Impacts (continued)		
6526	Construction (Air Pollution Control Regulation No. 49, "Transportation Conformity")	Contracted construction services, via state inter-agency transportation project ^
7038	Agriculture, Forestry, Fishing and Hunting (2013 Management Plan for the Shellfish Fishery Sector)	Commercial fishermen and seafood dealers, via DEM director & RIMFC
7039	Agriculture, Forestry, Fishing and Hunting (2013 Management Plan for the Finfish Fishery Sector)	Commercial fishermen and seafood dealers, via DEM director & RIMFC
7040	Agriculture, Forestry, Fishing and Hunting (2013 Management Plan for the Crustacean Sector)	Commercial fishermen and seafood dealers, via DEM director & RIMFC
7080	Professional, Scientific, and Technical Services (FY 2013 Project Priority List)	Municipal contracts for pollution abatement activities, via local government water pollution abatement activities ^

Department of Health (DOH)

Description: DOH’s mission is to prevent disease and to protect and promote the health and safety of the people of Rhode Island.	Supervising Entity	Executive Office of Health and Human Services (EOHHS)
	Other Agencies Affected	Office of the Attorney General (AG) Department of Corrections (DOC) Department of Environmental Management (DEM) Higher Education Assistance Authority (RIHEAA) Housing Resources Committee (HRC) Department of Human Services (DHS) Department of Public Safety (DPS) Division of Taxation (Taxation)



MEASURES OF IMPACT AND INFLUENCE: PERIOD FOUR

Small Business Impact	HIGH	108 of 126 regulations (85.7 percent) have <i>Direct</i> impact
		5 of 126 regulations (4.0 percent) have <i>Decision-Based</i> impact
		0 of 126 regulations (0.0 percent) have <i>Indirect</i> impact
		13 of 126 regulations (10.3 percent) have <i>No Impact</i>
IMPACT/INFLUENCE KEY:		HIGH: > 75% regulations LOW: < 25% regulations
		MODERATE: 25% to 75% regulations NONE: No regulations

DOH’S IMPACT ON SMALL BUSINESS: PERIOD FOUR: DETAIL

As of Period Four, DOH submitted 113 regulations in which ORR found either Direct or Decision-Based impact, listed in these two groups in the “Detail” section. In summary:

- **Direct:** These 108 regulations primarily mandate industries related to DOH and food safety, including the Food Code; 50+ professional licensing regulations under DOH (see note below); and a range of other regulated industries (real estate regarding lead hazards, all businesses regarding smoke-free public places, various regulations impacting the retail trade).
- **Decision-Based:** Three of these 5 regulations cover administrative hearings, proceedings, or APRA; the other two govern nursing facility receivership and DNA collection.

Note: DOH’s impact shifted greatly between the original and final SBI models, when ORR reclassified professional licensing as having Direct impact. While it did not consider licensees to be small businesses (and thus did not quantify small business figures), DOH provided an exact figure of licensees for almost all licensing regulations. ORR lists these figures below. DOH also determined No Impact for regulations only impacting some typically nonprofit industries: hospitals, schools, or colleges, and a range of DOH professions or facilities. Wherever ORR found even one nonprofit, or found that a for-profit model was possible in regulation, it included these as Direct impact.

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts		
132	Health Care and Social Assistance (Termination of Pregnancy)	20 ambulatory centers or physician's offices are licensed (entity could not say how many may be small businesses)
138	Agriculture, Forestry, Fishing and Hunting; Retail Trade; Educational Services; Health Care and Social Assistance; Accommodation and Food Services (Uniform Retail Meat Identity Standards)	5,000 food establishment licensees, of which 65-70% are likely to be a small business
140	Arts, Entertainment, and Recreation (Licensing of Recreational Facilities)	Approximately 220 recreational licensees, of which about 90% are likely to be a small business
141	Arts, Entertainment, and Recreation (Air Quality in Ice Arenas)	Entity estimates up to 2 small business ice arenas
145	Manufacturing (Sanitary Standards for Manufacture, Processing, Storage, and Transportation of Ice)	50 ice processor licensees, of which 50% are likely to be a small business
157	Agriculture, Forestry, Fishing and Hunting; Wholesale Trade; Retail Trade (Frozen Food Products)	1,200 frozen food processor licensees, of which 70% are likely to be a small business
158	Retail Trade (Pull Dates on Packaged Bakery Products)	1,000 food facility licensees that deal with packaged bakery items, of which 80% are likely to be a small business
162	Retail Trade (Primarily Pharmacies - Electronic Data Transfer of Controlled Substances in Schedules II and III)	225 pharmacy licensees (entity could not say how many may be small businesses)
163	Retail Trade (Primarily Pharmacies - Hypodermic Needles, Syringes, Instruments)	225 pharmacy licensees (entity could not say how many may be small businesses)
165	Health Care and Social Assistance (Disposal of Legend Drugs)	All health care facilities and providers who dispose of legend drugs (entity could not quantify)
166	Health Care and Social Assistance (Drug Product Selection)	All health care facilities and providers responsible for the selection and administration of prescription drugs (entity could not quantify)
168	Health Care and Social Assistance (Continuing Care Provider Registration and Disclosure)	Entity estimates none
172	Retail Trade (Sale of Food and Beverages Through Vending Machines)	Approximately 50 vending machine licensees, of which 60% are likely to be a small business
174	Wholesale Trade; Retail Trade; Accommodation and Food Services (Non-Alcoholic Beverages, Drinks and Juices)	Approximately 7,200 frozen food establishment licensees, of which 65-70% are likely to be a small business
200	Retail Trade; Accommodation and Food Services (Frozen Dairy Products)	486 frozen dessert purveyor licensees, of which 70% are likely to be a small business
309	Health Care and Social Assistance (Comprehensive Family Life Program)	Any healthcare facilities that have entered into a provider of services agreement with DOH (typically nonprofits, may include private providers; entity could not quantify)

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
2008	Health Care and Social Assistance (Use of Latex Gloves)	Any business using latex gloves (entity could not quantify)
2104	Health Care, and Social Assistance (Licensing of School-based Health Centers)	Entity estimates no small businesses
2531	Health Care and Social Assistance (Assessment of Pain)	All health care facilities and providers who assess pain (entity could not quantify)
3628	Any applicable business (Smoke-Free Public Places and Workplaces)	Any business not exempted: thus almost all small businesses except for retail tobacco stores, smoking bars, and casinos (entity could not quantify)
3745	Health Care and Social Assistance (Birth Defects Registry)	200 pediatric providers (entity could not say how many may be small businesses)
3825	Health Care and Social Assistance (Health Care Quality Program)	4,141 nursing homes, home health agencies, and licensed physicians (entity could not say how many of these are nonprofits and thus exempt, or how many of these are small businesses)
4607	Health Care and Social Assistance (Traumatic Brain Injury and Spinal Cord Injury Registry)	All hospitals; most are nonprofit and thus exempt ^
4823	Health Care and Social Assistance; Other Services (Governing Vital Statistics)	Any individual or entity involved in Rhode Island events related to vital statistics (birth, death, marriage, divorce)
5302	Construction; Retail Trade; Professional, Scientific, and Technical Services (Private Drinking Water Systems)	Any licensed water sampler, analytical laboratory, or interpreter, or any owner of a private water system (entity could not say how many of these may be small businesses)
5333	Health Care and Social Assistance (Licensing Adult Day Care Programs)	25 licensed adult day care programs ("typically nonprofits and thus exempt")
5335	Health Care and Social Assistance (Reporting of Communicable, Environmental, and Occupational Diseases)	Any healthcare provider practicing in Rhode Island (entity could not say how many of these may be small businesses)
5398	Health Care and Social Assistance (Certification of Patient Safety Organizations)	Patient safety organizations (entity estimates no small businesses)
6423	Health Care and Social Assistance; Agriculture, Forestry, Fishing and Hunting; Retail Trade (Special Supplemental Nutrition Program/WIC & Farmer's Market Nutrition Program)	Virtually every store that sells food and accepts food stamps (entity could not quantify)
6503	Health Care and Social Assistance (Cancer Registry)	90-95 nursing homes and 100-600 private physician offices
6514	Health Care and Social Assistance (Licensing Of Radiographers, Nuclear Medicine Technologists)	14 diagnostic computed tomography, 121 nuclear medicine technologist, 86 radiation therapist, 1,405 radiographer and 1 radiologist assistant licenses (entity could not say how many may be small businesses)

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
6810	Agriculture, Forestry, Fishing and Hunting; Manufacturing; Wholesale Trade; Retail Trade (Grade 'A' Pasteurized Milk Ordinance, 2011 Revision)	1 licensed milk hauler, 21 licensed milk distributors, 5 licensed in-state milk processors, 36 licensed out-of-state milk processors, and 15 licensed milk producers; "most licensees are probably a small business"
6956	Manufacturing; Wholesale Trade; Retail Trade (Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food [R21-27; 21-31; 23-1-GMP])	Approximately 455 licensed food manufacturers or food processors, of which about 65-70% are likely to be a small business
6984	Health Care and Social Assistance (Fee Structure For Licensing, Laboratory And Administrative Services Provided By The Department Of Health)	Any entity that holds any DOH license or uses other DOH services (entity could not quantify)
6992	Retail Trade (Food Code)	Entity estimates that 4,500-5,500 of all licensed food establishments are likely small businesses
6993	Accommodation and Food Services; Manufacturing (Educational and Experience Requirements for Registration as a Sanitarian)	5 sanitarian registrations (entity could not say how many may be small businesses)
6994	Real Estate and Rental and Leasing; Administrative and Support and Waste Management and Remediation Services (Asbestos Control)	Any owner of a building with asbestos (entity could not quantify); 979 or fewer asbestos-related service providers (entity could not say how many may be small businesses)
6995	Health Care and Social Services (Licensing Of Freestanding Ambulatory Surgical Centers)	6 freestanding ambulatory surgery centers (entity could not say how many may be small businesses)
6996	Professional, Scientific, and Technical Services; Other Services (Certifying Analytical Laboratories)	69 licensed in-state analytical laboratories and 206 licensed out-of-state analytical laboratories providing services to RI clients (entity could not say how many of these may be small businesses)
6998	Real Estate and Rental and Leasing; Administrative and Support and Waste Management and Remediation Services (Lead Poisoning Prevention)	Any owner of a building with lead hazards (entity could not quantify); 1,417 or fewer lead-hazard-related service providers (entity could not say how many may be small businesses)
6999	Health Care and Social Assistance (Licensing Assisted Living Residences)	244 licensing assisted living residences (entity could not say how many may be small businesses)
7000	Arts, Entertainment , and Recreation (Licensing Athletic Trainers)	166 athletic trainer licenses (entity could not say how many may be small businesses)
7001	Health Care and Social Assistance (Licensing Birth Centers)	Entity estimates none
7002	Health Care and Social Assistance (Licensing Chemical Dependence Professionals)	314 chemical dependence professional and 43 chemical dependency clinical supervisor licenses (entity could not say how many may be small businesses)

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7003	Health Care and Social Assistance (Licensing of Freestanding Emergency Care Facilities)	1 freestanding emergency care facility (entity did not note if this is a small business)
7004	Health Care and Social Assistance (Licensing Clinical Laboratories and Stations)	Entity estimates no small businesses
7005	Health Care and Social Assistance (Licensing Clinical Social Workers and Independent Clinical Social Workers)	527 clinical social worker and 1,655 independent clinical social worker licenses (entity could not say how many may be small businesses)
7006	Health Care and Social Assistance (Licensing of Nurses and Standards for a the Approval of Basic Nursing Education Programs)	18,438 registered nurse, 2,075 practical nurse, 126 psychiatric CNS, 765 nurse practitioner and 234 nurse anesthetist licenses (entity could not say how many may be small businesses)
7007	Health Care and Social Assistance (Licensing of Acupuncturists)	155 doctors of acupuncture and zero acupuncture assistants licenses (entity could not say how many may be small businesses)
7008	Health Care and Social Assistance (Licensing of Nursing Service Agencies)	22 nursing service agencies are licensed (entity could not say how many may be small businesses)
7010	Health Care and Social Assistance (Organized Ambulatory Care Facilities)	47 licensed ambulatory care facilities (entity could not say how many may be small businesses)
7011	Health Care and Social Assistance (Hospice Care)	16 licensed hospice care providers (entity could not say how many of these are nonprofit and thus exempt, or how many of these are small businesses)
7012	Health Care and Social Assistance (Licensing Podiatrists)	112 podiatrist licenses (entity could not say how many may be small businesses)
7013	Any applicable business (Licensing for Interpreters for the Deaf)	37 licensed interpreters for the deaf and 26 licensed transliterators for the deaf, or any businesses that employ them (entity could not say how many may be small businesses)
7014	Health Care and Social Assistance (Licensing Kidney Disease Treatment Centers)	Entity estimates no small businesses
7016	Health Care and Social Assistance (Licensing Massage Therapists)	1,022 massage therapist licenses (entity could not say how many may be small businesses)
7017	Health Care and Social Assistance (Licensing and Discipline of Physicians)	4,693 physician licenses (entity could not say how many may be small businesses)
7018	Health Care and Social Assistance (Licensing Mental Health Counselors/ Marriage and Family Therapists)	447 mental health counselors/ marriage and 94 family therapist licenses (entity could not say how many may be small businesses)

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7019	Other Services (Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors)	79 licensed barber shops, 58 licensed esthetics shops, 1,315 licensed hair design shops, 193 licensed manicuring shops, 550 licensed barbers, 912 licensed estheticians, 7,584 licensed hairdressers/cosmetologists and 1,648 licensed manicurists ("the majority of these licensees are likely to be a small business")
7020	Health Care and Social Assistance (Licensure of Clinical Laboratory Science Practitioners)	1,236 clinical laboratory science practitioners (entity could not say how many may be small businesses)
7021	Health Care and Social Assistance (Licensure of Occupational Therapists and Occupational Therapy Assistants)	1,006 licensed occupational therapists and OT assistants (entity could not say how many may be small businesses)
7022	Health Care and Social Assistance (Licensure of Hospitals)	14 licensed hospitals (entity could not say how many of these are nonprofit and thus exempt, and did not note how many may be small businesses)
7023	Health Care and Social Assistance (Licensing of Midwives)	71 midwife licenses (entity could not say how many may be small businesses)
7026	Health Care and Social Assistance (Licensing of Physical Therapists and Physical Therapist Assistants)	1,799 physical therapist and physical therapist assistant licenses (entity could not say how many may be small businesses)
7027	Health Care and Social Assistance (Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers)	11 licensed physician ambulatory surgery centers and zero podiatry ambulatory surgery centers (entity could not say how many may be small businesses)
7028	Health Care and Social Assistance (Licensure of Physician Assistants)	403 physician assistant licenses (entity could not say how many may be small businesses)
7029	Health Care and Social Assistance (Licensure of Veterinarians)	402 veterinarian licenses (entity could not say how many may be small businesses)
7030	Health Care and Social Assistance (Licensure of Psychologists)	758 psychologists and D27 psychologist trainee licenses (entity could not say how many may be small businesses)
7031	Other Services (Registration of Body Piercing Technicians and Body Piercing Establishments)	30 licensed body piercing establishments and 44 licensed body piercing technicians (most are likely small businesses)
7032	Retail Trade (Registration of Distributors of Controlled Substances in Rhode Island)	225 pharmacy licensees (entity could not say how many may be small businesses)
7033	Other Services (Registration of Tanning Facilities)	82 tanning facilities (most are likely small businesses)
7034	Other Services (Registration of Tattoo Artists and Tattoo Parlors)	82 parlors and 239 artists (most are likely small businesses)
7041	Health Care and Social Assistance (Licensing Rehabilitation Hospital Centers)	None (one licensed non-profit, which is thus exempt)

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7042	Health Care and Social Assistance (Licensing Respiratory Care Practitioners)	545 respiratory care practitioner licenses (entity could not say how many may be small businesses)
7043	Health Care and Social Assistance (Licensing Speech Pathologists and Audiologists)	91 audiologist, 575 speech language pathologist and 24 speech language pathologist licenses (entity could not say how many may be small businesses)
7044	Real Estate and Rental and Leasing; Arts, Entertainment, and Recreation; Accommodation and Food Services (Licensing Swimming and Wading Pools, Hot Tubs, and Spas)	118 licensed year-round and 230 licensed seasonal pool facilities not operated by non-profit or state entities (entity could not say how many of these may be small businesses)
7045	Health Care and Social Assistance (Licensure and Discipline of Chiropractic Physicians)	234 chiropractor/physiotherapy and 20 chiropractor licenses (entity could not say how many may be small businesses)
7046	Health Care and Social Assistance (Limited Medical Registration)	835 limited medical registrations (entity could not say how many may be small businesses)
7047	Construction; Professional, Scientific, and Technical Services (Radon Control)	60 radon-related service providers
7048	Health Care and Social Assistance (Certification of Administrators of Assisted Living Residences)	170 assisted living residence administrator licenses (entity could not say how many may be small businesses)
7050	Health Care and Social Assistance; Educational Services; Manufacturing; Transportation and Warehousing; Administrative and Support and Waste Management and Remediation Services; Any Person/Facility Utilizing Radioactive Material (Control of Radiation)	43 radioactive materials licensees and 1033 x-ray registrants (entity could not say how many may be small businesses)
7052	Retail Trade; Accommodation and Food Services (Certification of Managers in Food Safety)	Approximately 7,200 food establishments (retail food stores, restaurants, food services in institutions such as hospitals or schools) all of whom must use certified food managers, of which 65-70% are likely to be a small business
7053	Health Care and Social Assistance (Dentists, Dental Hygienists, and Dental Assistants)	687 licensed dentists and 995 licensed dental hygienists (entity could not say how many may be small businesses)
7055	Health Care and Social Assistance (Opticians)	176 optician licenses (entity could not say how many may be small businesses)
7056	Health Care and Social Assistance (Optometrists)	231 optometrist licenses (entity could not say how many may be small businesses)
7057	Health Care and Social Assistance (Permits for Screening Programs)	Entity estimates no small businesses

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7058	Manufacturing; Wholesale Trade; Retail Trade; Health Care and Social Assistance (Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors)	204 licensed retail pharmacies (entity could not say how many of these may be small businesses); any manufacturers, wholesalers, and distributors of pharmaceuticals (not typically a small business)
7059	Utilities; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services; Other Services (Public Drinking Water)	379 non-community public water sources (entity could not say which of these may be small businesses); note that water utilities are not included in this figure as they cannot be considered a small business
7060	Health Care and Social Assistance (Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs)	14,535 licensed nursing assistant and 1368 medication aides; 47 approved nursing assistant training programs; 2 medication aide training programs (entity could not say how many may be small businesses)
7065	Health Care and Social Assistance (Licensing of Dietitians/Nutritionists)	406 dietitian/nutritionist licenses (entity could not say how many may be small businesses)
7066	Health Care and Social Assistance (Medical Examiner System)	39 funeral homes
7067	Health Care and Social Assistance (Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program)	All hospitals; most are nonprofit and thus exempt ^
7068	Agriculture, Forestry, Fishing, and Hunting (Processing and Distribution of Shellfish)	54 processor/distributors and approximately 200 harvesters and 40 farmers (entity estimates most are small businesses)
7069	Agriculture, Forestry, Fishing and Hunting; Transportation and Warehousing; Wholesale Trade; Retail Trade (Processing, Storage and Transportation of Fish and Fishery Products)	Approximately 55 retail and wholesale fish processor, fish transporter and warehouse licensees, of which 90% are likely to be a small business
7070	Health Care and Social Assistance (Licensure of Hearing Aid Dealers and Fitters)	46 hearing aid dealer and fitter licenses (entity could not say how many may be small businesses)
7072	Other Services (Practice of Electrolysis)	101 licensed electrologist and 16 licensed electrologist instructors (entity could not say how many may be small businesses)
7073	Transportation and Warehousing; Health Care and Social Assistance (Emergency Medical Services)	11 for-profit small business firms providing emergency medical services
7074	Manufacturing; Wholesale Trade; Retail Trade (Bottled Water)	3 in-state water bottlers (entity could not say how many of these may be small businesses)
7083	Health Care and Social Assistance (Immunization, Testing, and Health Screening for Health Care Workers)	"Healthcare facilities licensed pursuant to RIGL §23-17" (entity did not quantify)

DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7089	Health Care and Social Assistance; Professional, Scientific, and Technical Services (Preliminary Breath Testing and Standards for the Determination of the Amount of Alcohol and/or Drugs in a Person's Blood by Chemical Analysis of the Breath, Blood and/or Urine or Other Bodily Substances [R31-27-ALCH])	Medical and legal professionals ^
7090	Health Care and Social Assistance (Licensing of Nursing Home Administrators [R5 45 NHA])	228 nursing home administrator licenses (entity could not say how many may be small businesses)
7117	Health Care and Social Assistance (Licensing of Home Nursing Care and Home Care Providers [R23-17-HNC/HC/PRO])	16 home care and 78 home nursing care licensees (entity could not say how many of these are nonprofit and thus exempt, and did not note how many may be small businesses)
7122	Health Care and Social Assistance (Need for New Health Care Equipment and New Institutional Health Care Services)	Any healthcare facilities and health care providers who propose new health care equipment and institutional health services (entity could not say how many of these may be small businesses)
7132	Health Care and Social Assistance (Counseling, Testing, Reporting and Confidentiality [R23•]6.3•]HIV)	Any healthcare provider with AIDS/HIV patients (entity could not say how many of these may be small businesses)
7287	Other Services (Except Public Administration) (Embalmers, Funeral Directors and Funeral Service Establishments [R5-33.2-EMB])	91 funeral establishments 13 crematories ("majority are likely to be a small business)
7291	Health Care and Social Assistance (Licensing of Nursing Facilities [R23-17-NF])	90 nursing care licensees (entity could not say how many of these are nonprofit and thus exempt, and did not note how many may be small businesses)
7387	Health Care and Social Assistance (Medical Orders for Life Sustaining Treatment [R23-4.11-MOLST])	Health care facilities and health care providers (entity could not say how many of these may be small businesses)
7602	Educational Service (Immunization and Communicable Disease Testing in Preschool, School, Colleges or Universities)	All K-12 schools; most are nonprofit and thus exempt ^
Decision-Based Impacts		
118	Any applicable business (Equal Access to Justice)	Any business that seeks reimbursement of legal fees via Equal Access to Justice, whose net worth is less than \$500,000 (entity could not quantify)
187	Health Care and Social Assistance; Professional, Scientific and Technical Services (State DNA Database and Databank Standards for DNA Samples)	Medical and legal professionals ^
2945	Any applicable business (Access to Public Records of the Department of Health)	Any business seeking access to DOH public records ^

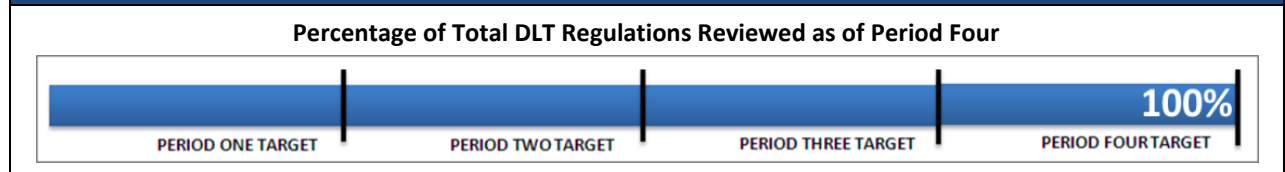
DOH'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Decision-Based Impacts (continued)		
4007	Health Care and Social Assistance (Nursing Facility Receivership)	Any of the 90 nursing care facilities that fall into receivership (entity could not say how many of these are nonprofits and thus exempt, or how many of these are small businesses)
7288	Any applicable business (Access to Public Records of the Rhode Island Department of Health [R38-2-APRA])	Any small business who are involved in administrative proceedings before the Department of Health or wish to obtain access to public records maintained by the Department

Department of Labor and Training (DLT)

Description: DLT provides workforce development, workforce security and workforce protection to the state’s workers, employers and citizens. Through federal and state funding, it offers employment services, educational services and economic opportunity to both individuals and employers. DLT also protects the workforce by enforcing labor laws, prevailing wage rates and workplace health and safety standards. And, the department provides temporary income support to unemployed and temporarily disabled workers.	Supervising Entity	None
	Other Agencies Affected	Department of Administration (DOA) Department of Revenue (DOR) Division of Taxation (Taxation)

DLT COMPLIANCE STATUS: PERIOD FOUR



MEASURES OF IMPACT AND INFLUENCE: PERIOD FOUR

Small Business Impact	HIGH	34 of 47 regulations (72.3 percent) have <i>Direct</i> impact
		6 of 47 regulations (12.8 percent) have <i>Decision-Based</i> impact
		0 of 47 regulations (0.0 percent) have <i>Indirect</i> impact
		7 of 47 regulations (14.9 percent) have <i>No Impact</i>
IMPACT/INFLUENCE KEY: <u>HIGH</u> : > 75% regulations <u>MODERATE</u> : 25% to 75% regulations <u>LOW</u> : < 25 % regulations <u>NONE</u> : No regulations		

DLT’S IMPACT ON SMALL BUSINESS: PERIOD FOUR, SUMMARY

As of Period Four, DLT submitted 40 regulations in which ORR found either Direct or Decision-Based impact, listed in these 2 groups in the “Detail” section. In summary:

- **Direct:** These 34 regulations primarily either mandate certain business and human resources practices that affect all employers (unemployment, workers’ compensation, safety, or other labor laws), or regulate specific industries, particularly where they grant professional licenses. Note that all professional licensing now has Direct impact.
- **Decision-Based:** These 6 regulations cover failure to obtain workers’ compensation insurance, hearings, mediation, prevailing wages, and the Jobs Training Tax Credit.

DLT'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts		
750	Any business which hires leased employees from employment agencies or temporary employment companies (Emergency Workers Compensation Regarding Employee Leasing and Workers Compensation Insurance)	489 employment/ temporary employment firms; 4,668 small businesses that lease employees each year (based upon DLT estimate of 15% of small businesses that lease employees)
755	Construction; Manufacturing (Bureau of Pipefitters, Refrigeration Technicians, Sprinkler Fitters, Sheet Metal Workers and Oil Heat Contractors)	2,387 general contractors and pipefitters, refrigeration sprinkler fitters, and sheet metal, gas station and decorative heating appliance contractors [REPEAL IDENTIFIED]
758	Construction (Board of Safety Awareness)	3,675 contractors that bid or work on municipal and state contracts where the project cost is \$100,000 or more
1650	Retail Trade; Transportation and Warehousing (Weights and Measures Rules and Regulations)	319 gasoline stations and 305 grocery stores
1658	Health Care and Social Assistance; Educational Services (Board of Policeman's Relief)	Medical providers; post-secondary institutions ^
1660	Manufacturing (Industrial Homework)	267 jewelry, tools and goods manufacturing businesses
1661	All businesses with >50 employees (Parental and Family Medical Leave Act)	2,958
1662	All Rhode Island businesses that pay employee wages (Payment of Wages)	32,742 in all industries
1663	All Rhode Island businesses with employees who work on Sundays or holidays (Work Permit Law)	32,742 in all industries
2586	Construction; Retail Trade (Division of Professional Regulation/Mechanical)	1099 general contractors; 446 in the following businesses: piping installation, refrigeration and air condition installation and repair, fire sprinkler fitter, and decorative heating appliance contractors; 523 sheet metal work installation and handling; and 319 gas stations
2808	Construction (Board of Examination of Telecommunication Systems Contractors, Technicians, and Installers)	1,099 general contractors and 391 telecommunications and electrical contractors
2916	Construction (Division of Professional Regulations – Rules and Regulations)	3,675 in all construction trades
2919	Construction (Rules and Regulations for Plumbers and Irrigators)	1,633 contractors that bid or work on municipal and state contracts where the project cost is \$100,000 or more
2950	Transportation and Warehouse; Mining, Quarrying and Oil and Gas Extraction (Rules and Regulations Pertaining to the Testing and Sealing of Oil Delivery Trucks)	124 oil and fuel delivery and dealer companies and oil and fuel tank repair companies
2966	Health Care and Social Assistance (Rules and Regulations for Certification of Rehabilitation Counselors)	2,310 health care businesses and firms offering vocational rehabilitative services

DLT'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
3725	Any business which has an employee who retires and is receiving pension benefits who is also entitled to workers' compensation indemnity benefits (Rules and Regulations for Coordination of Benefits)	31,067 (however, only 6,000 individuals can be eligible for Workers' Compensation indemnity benefits each year)
3726	Health Care and Social Assistance (Rules and Regulations for Palliative Care)	2,270 health care industry medical doctors, physical therapists, chiropractors, and other professionals who receive or provide medical care to injured employees
3730	Construction (Notice of Designation as Independent Contractor)	3,675 construction and building industries (builders, contractors, carpenters, all other home improvement industry personnel)
3811	Health Care and Social Assistance; Educational Services (Board of Firefighters' Relief)	Medical providers; post-secondary institutions ^
3994	Manufacturing; Wholesale Trade; Information, Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Other Services (RI 10% Investment Tax Credit Certification)	Manufacturing (1720) Wholesale Trade (2430) Information (431) Real Estate and Rental and Leasing (851) Professional, Scientific and Technical Services (4,046) Management of Companies and Enterprises (229) Administrative and Support and Waste Management and Remediation Services (2271) Educational Services (449) Health Care and Social Assistance (2260) Other Services (945)
5178	Construction (Board of Examiners Electricians)	1,000 general and electrical contractors
5338	Health Care and Social Assistance (Healthcare Facilities Staffing)	3 Private Hospitals
5444	Construction (Alarm Agents and Alarm Businesses)	18 burglar alarm sales combined with installation, repair, or monitoring services
5528	Construction (Examining and Licensing of Hoisting Engineers)	1,281 building and residential construction; heavy and highway construction
5714	Health Care and Social Assistance (2011 Rhode Island Workers' Compensation Medical Fee Schedule)	2,270 in the healthcare industry: physicians, hospitals, chiropractors, physical therapists, nurses, anesthesiologists
5767	Health Care and Social Assistance (Physicians Notice of Release to Work DWC-27/28)	1,398 in the healthcare industry: physicians, chiropractors, osteopaths

DLT'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
5775	Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction; Manufacturing; Wholesale Trade; Retail Trade; Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services; (Employer's First Report of Alleged Occupational Injury or Disease DWC-01)	31,607 businesses which employ one or more employee
6034	All businesses except for accounting, dentist, attorneys, fueling operators service T.F. Green, manufacturers of monoclonal antibodies, car rental services serving T.F. Green, limousine and taxi-cab companies that operate 7/24, agriculture, maritime, health care, retail, restaurants, hotels, motels, summer camp resorts, recreational facilities, pharmacies, and offshore petroleum exploration and extraction, extraction companies, and telemarketing companies (Exemptions for Work on Holidays and Sundays)	21,374 (all small businesses except for accounting, dentists, attorneys, fueling operators serving T.F. Green, manufacturers of monoclonal antibodies, car rental services serving T.F. Green, limousine and taxi-cab companies that operate 7 days per week and 24 hours per day, agriculture, maritime, health care, retail, restaurants, hotel, motels, summer camp resorts, recreational facilities, pharmacies, and offshore petroleum exploration and extraction companies, and telemarketing companies)
6212	Construction; Information (Rules and regulations for the Registration of Apprenticeship Programs)	3,675 in construction and 958 in information technology
6664	Agriculture, Forestry, Fishing & Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction; Manufacturing; Wholesale Trade,; Retail Trade, Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services (Boiler and Pressure Vessel Inspection)	31,067 in all industries
6713	All businesses and building owners that are responsible for the operation and inspection of their elevator device (Elevator Safety Code)	3,056 elevator service companies and businesses that own elevators

DLT'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
6952	Any applicable business (Employer Certificate of Dependency Status)	31,607 businesses that have employees
6974	Agriculture, Forestry, Fishing & Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction; Manufacturing; Wholesale Trade; Retail Trade; Transportation and Warehousing; Information; Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Accommodation and Food Services; Other Services (Unemployment and Temporary Disability Insurance Rules)	Agriculture, Forestry, Fishing & Hunting (165) Mining, Quarrying, and Oil and Gas Extraction (18) Utilities (1) Construction (3,675), Manufacturing (1,716) Wholesale Trade (2,949) Retail Trade (3,803) Transportation and Warehousing (678) Information (734) Real Estate and Rental and Leasing (1,055) Professional, Scientific and Technical Services (4,058) Management of Companies and Enterprises (229) Administrative and Support and Waste Management and Remediation Services (2,416) Educational Services (459) Health Care and Social Assistance (2,823) Accommodation and Food Services (2,928) Other Services (3,734) Unclassified (165)
7541	Any applicable business (Employer Exemptions from Weekly Pay Requirements Under R.I. Gen. Laws § 28-14-2.2)	31,607 businesses that have employees
Decision-Based Impacts		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
1664	Professional, Scientific and Technical Services (Mediation for Labor-Management Issues)	Mediators ^
2858	Any business not obtaining workers' compensation insurance (Workers Compensation Rules Pursuant to 28-36-15 - Lack of Insurance)	Any of the 31,607 businesses who fail to obtain Workers' Compensation Insurance

DLT'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Decision-Based Impacts (continued)		
4003	<p>Agriculture, Forestry, Fishing & Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction; Manufacturing; Wholesale Trade; Retail Trade; Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services</p> <p>(Regulations for the Application and Administration of Certification for Jobs Training Tax Credits)</p>	<p>Agriculture, Forestry, Fishing & Hunting (165) Mining, Quarrying, and Oil and Gas Extraction (18) Utilities (34) Construction (3,675) Manufacturing (1,721) Wholesale Trade (2,949) Retail Trade (3,805) Transportation and Warehousing (682) Information (738) Finance and Insurance (1,514) Real Estate and Rental and Leasing (1,059) Professional, Scientific and Technical Services (4,178) Mgmt of Companies and Enterprises (244) Administrative and Support and Waste Mgmt and Remediation Services (2,417) Educational Services (539) Health Care and Social Assistance (3,140) Arts, Entertainment and Recreation (539) Accommodation and Food Services (2,933) Other Services(3,739) Unclassified (166)</p>
5355	<p>Agriculture, Forestry, Fishing & Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction; Manufacturing; Wholesale Trade; Retail Trade; Transportation and Warehousing; Information; Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Accommodation and Food Services; Other Services</p> <p>(Rules of Procedure – Board of Review)</p>	<p>Agriculture, Forestry, Fishing & Hunting (165), Mining, Quarrying, and Oil and Gas Extraction (18) Utilities (1) Construction (3,675) Manufacturing (1,716) Wholesale Trade (2,949) Retail Trade (3,803) Transportation and Warehousing (678) Information (734) Real Estate and Rental and Leasing (1,055) Professional, Scientific and Technical Services (4,058) Mgmt of Companies and Enterprises (229) Administrative and Support and Waste Mgmt and Remediation Services (2,416) Educational Services (459) Health Care and Social Assistance (2,823) Accommodation and Food Services (2,928) Other Services (3,734)</p>

DLT'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Decision-Based Impacts (continued)		
5874	Professional, Scientific, and Technical Services (RI State Labor Relations Board General Rules and Regulations)	Legal representatives involved in these disputes ^
7107	Construction (Rules and Regulations Pertaining to Prevailing Wages)	3,675 construction contractors and subcontractors working on public works contracts for \$1,000 or more

Coastal Resources Management Council (CRMC)

Description: CRMC’s primary responsibility is to preserve, protect, develop, and where possible to restore the coastal areas of the state via the issuance of permits for work with the coastal zone of the state.	Supervising Entity	Council
	Other Agencies Affected	Department of Environmental Management

CRMC COMPLIANCE STATUS: PERIOD FOUR

Percentage of Total CRMC Regulations Reviewed as of Period Four



MEASURES OF IMPACT AND INFLUENCE: PERIOD FOUR

Small Business Impact	HIGH	11 of 29 regulations (37.9 percent) have <i>Direct</i> impact
		0 of 29 regulations (0.0 percent) have <i>Decision-Based</i> impact
		17 of 29 regulations (58.6 percent) have <i>Indirect</i> impact
		1 of 29 regulations (3.5 percent) have <i>No Impact</i>
IMPACT/INFLUENCE KEY:		
	<u>HIGH</u> : > 75% regulations	<u>MODERATE</u> : 25% to 75% regulations
	<u>LOW</u> : < 25 % regulations	<u>NONE</u> : No regulations

CRMC’S IMPACT ON SMALL BUSINESS: PERIOD FOUR, SUMMARY

As of Period Four, CRMC submitted 28 regulations in which ORR found either Direct or Indirect impact, listed in these 2 groups in the “Detail” section. In summary:

- **Direct:** These 11 regulations include the “Red Book” (Coastal Resources Management Program), 7 Special Area Management Plans (SAMPs), and 3 others primarily impacting construction as well as other sectors.
 - The Red Book was initially submitted via dozens of impact statements for the original 63 separate regulations, which were rejoined midway through the ORR review. Thus, more detail is available for the final comprehensive entry for ERLID 7490 (submitted as one Period Four regulation and via followup clarification provided by CRMC) to explain the Red Book’s overall impact.
 - In summary, the Red Book has Direct impact on those who apply for assents (permits), and Indirect impact on those affected by assent applicants. The Red Book’s impact is project-dependent, as it “does not regulate the day-to-day activity of any existing small businesses” and instead impacts businesses only when they need an assent for new construction, additions, or land-disturbing activities such as grading or excavation. See further detail on page D-52.
- **Indirect:** These 17 regulations either impact small business via utilities, including the 12 sections of the Ocean SAMP (Deep Water Wind), or via federal or municipal government entities.

CRMC'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL

Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts		
1283	Any applicable business; Construction; Real Estate and Rental and Leasing; Professional, Scientific, and Technical Services (Stormwater Manual)	Project-dependent, within CRMC jurisdiction (entity could not quantify)
2771	Any applicable business (Providence Harbor: A Special Area Management Plan or SAMP)	Project-dependent, within the CRMC Providence Harbor SAMP (Port of Providence and the Providence River) (entity could not quantify)
5555	Any applicable business; Construction; Real Estate and Rental and Leasing (Greenwich Bay Special Area Management Plan or SAMP)	Project-dependent, within the CRMC Greenwich Bay SAMP (entity could not quantify)
5588	Construction; any business seeking CRMC assent (Coastal Resources Management Program – Aquidneck Island Special Area Management Program)	Project-dependent, within the Aquidneck Island SAMP; new projects only (51 or fewer)
5718	Construction; any business requiring a CRMC assent (Coastal Resources Management Program – Salt Pond Regions Special Area Management Plan or SAMP – Section 920)	Project-dependent (minimal; “few applications over the years within the SAMP boundary that are triggered by the 40,000 square foot threshold”)
5766	Construction; any business requiring a CRMC assent (Coastal Resources Management Program – Metro Bay/Providence Harbor Special Area Management Plan or SAMP – Hazards Chapter)	Any applicable business ^
6300	Any applicable business(Protection and Management of Freshwater Wetlands in the Vicinity of the Coast)	Project-dependent, within the Freshwater Wetlands in the Vicinity of the Coast (entity could not quantify)
6403	Construction (MetroBay Special Area Management Program – Urban Coastal Greenways)	Project-dependent; new projects only (51 or fewer)
6820	(Coastal Resources Management Program – Narrow River Special Area Management Plan or SAMP)	Project-dependent (minimal; “few applications over the years within the SAMP boundary that are triggered by the 40,000 square foot threshold”)
6925	Construction; any business requiring a CRMC assent (Coastal Resources Management Program – Management Procedures)	Any applicable business ^

CRMC'S IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Direct Impacts (continued)		
7490	<p>Note: The Red Book's 63 regulations were joined mid-review, after CRMC had submitted many impact statements for individual sections. These were previously tracked in a separate "Collective Impact of the Red Book" table. In Period Four, CRMC provided a single impact statement for the finalized Red Book as one document, reflected below.</p> <p>(Coastal Resources Management Program - Red Book)</p> <p>Direct impacts are on <i>assent applicants</i>. These include any small business property owner needing an assent, but per CRMC the "vast majority" are residential. Impacted sectors include:</p> <ul style="list-style-type: none"> •Agriculture, Forestry, Fishing and Hunting (aquaculture operations); •Transportation and Warehousing (ferry transportation, port/harbor operations, marine cargo handling); and •Arts, Entertainment and Recreation (marinas). <p>Indirect impacts are on <i>those affected by assent applicants</i>, including:</p> <ul style="list-style-type: none"> •Construction (particularly dock and marine construction); •Manufacturing (typically related to seafood products, or boat building and repair); •Wholesale Trade (typically commercial fishing equipment and supplies, as well as scrap metal operations); •Retail Trade (seafood and fish markets; marine supplies and boat dealers); •Transportation and Warehousing (barge and freight transportation); •Arts, Entertainment, and Recreation (golf courses); and •Accommodation and Food Service (hotels and restaurants). 	<p>The "Red Book" impacts "any business seeking an assent [permit] for activities in specific areas of tidal waters, coastal features, and contiguous areas," due to the impact of the assent process. Below information is taken from a clarifying CRMC statement regarding the impact of the Red Book.</p> <p>Assents are sought for "new activities in all tidal waters of the state, on a shoreline feature or the 200-foot contiguous area, as well as several defined activities for inland areas...The CRMP covers activities ranging from the construction of docks in tidal waters, aquaculture, new buildings or additions (expansion of building footprint) to existing buildings, and all land disturbing activities (grading, excavation and filling) within the jurisdictional area."</p> <p>The CRMC "does not regulate the day-to-day activity of any existing small businesses. Nor does [it] regulate interior renovations to existing buildings."</p> <p>Finally, "once the permit is issued and the project constructed in accordance with the permit there are no further requirements of a small business."</p> <p>Entity could not quantify, due to project-dependent nature of impacts. However, "the vast majority of permits are for residential projects."</p>
Indirect Impacts		
1059	Any applicable business (Federal Consistency Manual)	Any business affected by the federal actions, activities, and permits that are subject to consistency review, via federal entities ^
1060	Any applicable business (Energy Amendments)	Any applicable business, via utility and electric power general companies ^

CRMCS IMPACT ON SMALL BUSINESS: PERIOD FOUR, DETAIL (CONTINUED)		
Impacting Regulation's ERLID #	NAICS Small Business Sector(s) Impacted (title of regulation in parentheses)	Entity Estimate of Number of Rhode Island Small Businesses
Indirect Impacts (continued)		
1063	Any applicable business (Pawcatuck River and Estuary and Little Narragansett Bay: An Interstate Management Plan)	Any business affected by the activities of the bi-state (RI/CT) plan to manage the Pawcatuck River watershed ^
3492	Any applicable business (Coastal Resources Management Program – Coastal and Estuarine Land Conservation Program or CELCP)	Any applicable business (including but not limited to applicants for CELCP funding) ^
5719	Construction; any business requiring a CRMC assent (Coastal Resources Management Program – Guidelines for the Development of Municipal Harbor Management Plans)	Any applicable business ^
6888	Construction; any other applicable business (Coastal Resources Management Program, or CRMP: Ocean Special Area Management Plan, or SAMP - Cover, Acknowledgements and Executive Summary)	Contracted construction services and any other business affected by the Deep Water Wind project, via that utility as well as any applicants for renewable energy projects ^
6889	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 1 – Introduction)	
6890	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 2 – Ecology)	
6891	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 3 - Global Climate Change)	
6892	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 4 - Cultural and Historic Resources)	
6893	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 5 - Commercial and Recreational Fisheries)	
6894	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 6 - Recreation and Tourism)	
6895	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 7 - Marine Transportation, Navigation and Infrastructure)	
6896	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 8 - Renewable Energy)	
6897	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 9 - Other Future Uses)	
6898	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 10 - Existing Statutes, Regulations and Policies)	
6899	Construction; any other applicable business (CRMP: Ocean SAMP - Chapter 11 - Policies of the Ocean SAMP)	

Appendix E: Major Categories of the North American Industry Classification System (NAICS)

NAICS codes are used throughout the ORR review process, as they are the industry standard for classifying “revenue-producing business activity.” Below are the primary categories, along with certain subcategories that may not be self-explanatory, or categories that include several disparate subgroups. See www.naics.com for more information.

- **Agriculture, Forestry, Fishing and Hunting**
- **Mining, Quarrying, and Oil and Gas Extraction**
- **Utilities**
- **Construction**
- **Manufacturing:** includes food, beverage, and tobacco product manufacturing
- **Wholesale Trade**
- **Retail Trade**
- **Transportation and Warehousing**
- **Information:** includes publishing, film/video/broadcast production and distribution, telecommunications, data processing, libraries, and internet publishing/search portals
- **Finance and Insurance**
- **Real Estate and Rental and Leasing:** includes other types of rentals, such as cars, consumer goods, and machinery
- **Professional, Scientific, and Technical Services:** includes legal, accounting, architectural, engineering, design, computer systems, management consulting, research and development, advertising and public relations, photography, veterinary, and similar professional services
- **Management of Companies and Enterprises:** includes management, holding companies, and corporate, subsidiary, and regional managing offices
- **Administrative and Support and Waste Management and Remediation Services:** includes office administration, employment agencies, business support, collection agencies, credit bureaus, travel agencies, investigation and security services, exterminators, landscaping, waste collection, waste treatment and disposal, remediation, and other waste management services
- **Educational Services:** includes all K-12 and post-secondary schools and colleges, technical and trade schools, driving schools, and exam preparation and tutoring
- **Health Care and Social Assistance:** includes day care services
- **Arts, Entertainment, and Recreation:** includes performing arts, spectator sports, museums, amusement parks, gambling, golf courses, and similar recreational facilities
- **Accommodation and Food Services**
- **Other Services (except Public Administration):** includes automotive and equipment repair and maintenance, hair and barber salons, funeral homes, laundry, non-veterinary pet care, photofinishing, parking garages, and religious, civic, advocacy, and professional associations
- **Public Administration**

Appendix F: Economic Impact Statement Form

Economic Impact Statement Template Used in ORR's Accelerated Regulatory Review

Guidance for Determining How Many Small Businesses will be Impacted by the Proposed Regulation

The U.S. Small Business Administration (SBA) defines small businesses according to size standards which are matched to the North American Industry Classification Systems (NAICS). The SBA table of small business size standards can be found at the following URL: <http://www.sba.gov/content/table-small-business-size-standards>. The SBA defines a small business differently depending on the industrial classification using either employee number or annual revenue. Because staff will most likely not have access to annual revenue data, small businesses should be considered to have an employee size of NO MORE THAN:

- 100 for Wholesale Trade (Sector 42);
 - 200 for Retail Trade (Sector 44-45); and
 - A small business is defined as one with fewer than 500 employees
- **Step 1: Identify Business Sectors to be Impacted:** Staff developing the regulation should generate a list of the business sectors (using the 6-digit NAICS codes) which their program thinks will be impacted by the regulation.
 - For the most current list of NAICS codes with definitions:
http://www.census.gov/eos/www/naics/2007NAICS/2007_Definition_File.pdf
 - **Step 2: Determine the Number of Small Businesses in Each Sector:** Once there is a list of 6-digit NAICS codes that are expected to be impacted by the regulation, determine the *number* of small businesses in Rhode Island with those NAICS codes by going to the SBA's online searchable database of self-certified small businesses: http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm

Once at the SBA "Dynamic Small Business Search" page:

- i) In the first section ("Location of Firm"), scroll down to highlight Rhode Island. (Leave all other selections [congressional district, county, etc.] blank.)
- ii) Leave the "Government Certifications" selections as "Not Required" (this should be the default setting).
- iii) Leave the "Ownership and Self-Certifications" selections blank.
- iv) In "Specific Nature of Business," enter the 6-digit NAICS code(s) from step one above.
- v) Leave the next four sections blank (General Nature of Business; Profile Last Updated; Maximum Acceptable Bonding Levels; and Quality Assurance Standards).
- vi) In the "Size" section, select "No More Than" and enter 500 employees (leave "Annual Revenue" blank).
- vii) Do not make any entries under "Capabilities" or "Searching for a Specific Profile."
- viii) Under "Search Results Display Options" select the number of results you want to be shown (e.g. 500), and leave the columns to be displayed and tabular format at the default setting.
- ix) At the bottom of the screen, click on "Search Using These Criteria."
- x) The number of firms displayed in your results table is the number of small businesses to be impacted by this regulation for the NAICS codes selected.

Note: In some cases, staff will already have a list of businesses in RI that are projected to be impacted because the industry is currently regulated by an existing regulatory program and the information is collected in an existing database. Staff should determine whether this method will yield a more accurate list of small businesses to be impacted as opposed to searching the SBA database by NAICS code.

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation:

Subject matter of regulation:

ERLID Number:

Statutory authority:

Other agencies affected:

Other regulations that may duplicate or conflict with the regulation:

Describe the scope and objectives of the regulation:

What was the rationale for establishing this regulation?

Does the rationale still exist?

Is the rationale still relevant?

Business industry(ies) affected by the regulation:

Types of businesses included in the industry(ies):

Total number of small businesses included in the regulated industry(ies) *Please see the attached guidance documents for assistance determining the total number of small businesses:*

Number of small businesses potentially subject to the proposed regulation:

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

What is the cost to your agency of establishing and enforcing this regulation?

What would the consequences be if the regulation did not exist?

Effective date used in cost estimate:

	Yes	No	<i>*Note: For each question, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.</i>
1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do small businesses have to create, file, or issue additional reports?
2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do small businesses have to implement additional recordkeeping procedures?
3.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do small businesses have to provide additional administrative oversight?
4.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do small businesses have to hire additional employees in order to comply with the proposed regulation?
5.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
6.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
7.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are performance standards more appropriate than design standards?
8.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?
9.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the regulation have the effect of creating additional taxes and/or fees for small businesses?
10.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
11.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in RI?
12.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?
13.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Can the regulation provide for less stringent compliance or reporting requirements for small businesses?
14.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
15.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
16.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Can performance standards for small businesses replace design or operational standards?
17.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
18.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.

Appendix G: Rhode Island Public Laws 2014, Chapters 099 and 123

42-35.1-3. Economic Impact statements. -- (a) Prior to the adoption of any proposed regulation that may have an adverse impact on small businesses, with the exception of emergency regulations adopted in accordance with subsection §42-35-3(b) and excluding those businesses defined in subsection (c) of this section, each agency shall prepare and submit, in conjunction with assistance and oversight from the office of regulatory reform, the proposed regulations to both the governor's office and the office of regulatory reform at least fifteen (15) days in advance of the commencement of the formal rulemaking process, and in congruence with the analysis required in subsection (b) of this section, an economic impact statement that includes the following:

- (1) An identification and estimate of the number of the small businesses subject to the proposed regulation;
- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record;
- (3) A statement of the effect or probable effect on impacted small businesses;
- (4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

(b) The economic impact statement required herein shall be published in guide form as well as posted on the department of administration and the office of management and budget websites. The guide should be published and/or posted on or around the same date as the regulation change and shall include a description of actions ~~need~~ needed by the small business to meet the requirement of the regulation. The office of regulatory reform shall develop criteria for the economic impact statement.

(c) ~~The following professional and business activities shall not be considered a small business for purposes of this section:~~

- ~~(1) Financial institutions including banks, trusts, savings and loan associations, thrift institutions, consumer and industrial finance companies, credit unions, mortgage and investment bankers and stock and bond brokers;~~
- ~~(2) Insurance companies, both stock and mutual;~~
- ~~(3) Mineral, oil and gas brokers;~~
- ~~(4) Subdividers and developers;~~
- ~~(5) Landscape architects, architects and building designers;~~
- ~~(6) Entities organized as nonprofit institutions;~~
- ~~(7) Entertainment activities and productions including motion pictures, stage performances, television and radio stations and production companies;~~
- ~~(8) All utilities, water companies and power transmission companies, except electrical power generating transmission companies providing less than four and one half (4.5) kilowatts; and~~
- ~~(9) All petroleum and natural gas producers, refiners and pipelines.~~

The following professional and business activities, extensively regulated pursuant to state and federal law and subject to significant capital requirements and other regulatory standards, shall be excluded from this section:

- (1) All public utilities, as defined in § 39-1-2(20), whose rates are subject to approval by the public utilities commission; and
- (2) All regulated institutions as defined in § 19-1-1(10); broker dealers as defined in § 7-11-101(1); and insurance companies chartered or licensed pursuant to chapters 1 and 2 of title 27.

Appendix H: Rhode Island Public Laws 2014, Chapters 098 and 127

42-35-3.4. Periodic review of rules. -- (a) ~~Within two (2) years after December 31, 2008, each~~ Each agency shall review all agency rules existing at the time of enactment to determine whether such rules should be continued without change, or should be amended or rescinded, by examining whether the rules are consistent with the stated objectives of applicable statutes and are authorized by, and conform with, those statutes. The review must include, but need not be limited to, minimizing the economic impact of the rules on small businesses in a manner consistent with the objectives of applicable statutes and ensuring consistency with and conformance with those statutes. ~~If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the agency shall publish a statement certifying that determination and shall provide a copy of that statement and determination to the speaker of the house, the senate president, the house fiscal advisor, and the senate fiscal advisor. The statement shall include the number of rules that have thus far been reviewed by the agency in accordance with this section, and the number still to be reviewed. The agency may extend the completion date by one year at a time for a total of not more than five (5) years.~~

(b) In reviewing rules, the agency shall consider the following factors:

(1) The continued need for the rules;

(2) The nature of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state, and local government rules;

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule;

(6) Whether the rules are consistent with current agency practices and procedures; and

(7) Whether the rules are consistent with and authorized by applicable statutes.

(c) All rules reviewed in accordance with this section, shall be reviewed every five (5) years ~~thereafter~~.

(d) In addition to the review required in this section, within four (4) years of enactment of this act, each agency shall review all agency rules existing at the time of enactment to determine whether such rules should be continued without change, or should be amended or rescinded, to minimize economic impact of the rules on small businesses in a manner consistent with the state objective of applicable statutes pursuant to this section. Beginning on July 1, 2012, each agency shall review twenty-five percent (25%) of its regulations each year for four (4) years until all existing regulations have been evaluated for any adverse impacts on small businesses and economic impact statements have been prepared, with the exception of emergency regulations adopted in accordance with ~~subsection~~ §42-35-3(b);

The office of regulatory reform shall assist and coordinate with all agencies during the periodic review of rules.

(e) Beginning January 1, 2017, this periodic review timeline will align with the required refiling of rules and regulations process with the Rhode Island secretary of state's office pursuant to § 42-35-4.1.

Appendix I: Common Acronyms Used in this Report

General Acronyms

APA - Rhode Island Administrative Procedures Act
APRA – Rhode Island Access to Public Records Act
ERLID – Electronic Record Locator Identification Number
FY – Fiscal Year
ISO - International Organization for Standardization
MPA – Rhode Island Master Pricing Agreement
NAICS – North American Industry Classification System
PDCA – Plan–Do–Check–Act Model
RIGL – Rhode Island General Law
RIPEC – Rhode Island Public Expenditure Council
RISBC – Rhode Island State Building Code
SBI – Small Business Impact

RI Governmental Entity Acronyms

DBR – Rhode Island Department of Business Regulation
DCYF – Rhode Island Department of Children, Youth, and Families
DEM – Rhode Island Department of Environmental Management
DOA – Rhode Island Department of Administration
DMV – Rhode Island Division of Motor Vehicles
DOH – Rhode Island Department of Health
ODE – Rhode Island Office of Digital Excellence
OMB – Rhode Island Office of Management and Budget
ORR – Rhode Island Office of Regulatory Reform
RIDE – Rhode Island Department of Education

ENDNOTES

WEB LINKS

Office of Management and Budget Website – www.omb.ri.gov

Periodic Reports

- Period One Report: http://www.omb.ri.gov/documents/reform/regulatory-review/Period%20One_2013.pdf
- Period Two Report: http://www.omb.ri.gov/documents/reform/regulatory-review/Period%20Two_2013.pdf
- Period Three Report: http://www.omb.ri.gov/documents/reform/regulatory-review/Period%20Two_2013.pdf

Small Business Surveys

- 2013 Small Business Survey: <http://www.omb.ri.gov/documents/reform/regulatory-review/SmallBusinessSurvey.pdf>
- 2014 Small Business Survey: <http://www.omb.ri.gov/documents/reform/regulatory-review/SmallBusinessSurvey2014.pdf>

Online Small Business Suggestion Box - <http://www.omb.ri.gov/reform/suggestion-box.php>