

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 130 ]

### Consumer Products

The Environmental Quality Board (Board) is amending its proposed rulemaking published at 37 Pa.B. 5117 (September 15, 2007) to revise dates for the public comment period and public hearings for the Chapter 130, Subchapter B (relating to consumer products).

The proposed rulemaking will amend the Table of Standards to add volatile organic compound (VOC) content limits for an additional 11 categories of consumer products and amend the VOC content limits for one category of consumer products currently regulated. The proposed rulemaking also adds definitions for approximately 30 new terms, including those that relate to the new product categories that will be regulated, and amends definitions for approximately 110 existing terms to provide clarity. The proposed rulemaking, if adopted, will be submitted to the Environmental Protection Agency as a revision to the State Implementation Plan.

#### Public Comments

*Written Comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 7, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 7, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments.* Comments may be submitted electronically to the Board at RegComments@state.pa.us and must be received by the Board by December 7, 2007. A subject heading of the proposal and a return name and address must be included in each transmission.

#### Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on the proposed rulemaking to amend Chapter 130, Subchapter B. The hearings will be held as follows:

November 7, Department of Environmental Protection  
2007 Rachel Carson State Office Building  
1 p.m. Room 105  
400 Market Street  
Harrisburg, PA 17105

November 7, Department of Environmental Protection  
2007 Southwest Regional Office  
1 p.m. Waterfront A and B Conference Room  
400 Waterfront Drive  
Pittsburgh, PA 15222

November 7, Department of Environmental Protection  
2007 Southeast Regional Office  
1 p.m. Delaware River Conference Room  
2 East Main Street  
Norristown, PA 19401

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 07-1834. Filed for public inspection October 5, 2007, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

[ 58 PA. CODE CH. 21 ]

### Communicable Disease Testing

The State Athletic Commission (Commission) proposes to amend § 21.8 (relating to boxers) as it pertains to the testing of professional boxers for communicable diseases, to read as set forth in Annex A.

#### A. Effective Date

The amendment would be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

The amendment is authorized under 5 Pa.C.S. § 103(b)(1) (relating to duties of commission), which authorizes the Commission to establish policy and promulgate rules and regulations regarding professional boxing contests and exhibitions and all matters pertaining thereto. The amendment is further authorized by 5 Pa.C.S. § 501 (relating to Medical Advisory Board), which permits the Medical Advisory Board (Board) to recommend changes or additions to the health and safety rules and regulations of the Commission.

#### C. Background and Purpose

The Commission's present regulations require testing of professional boxers and kickboxers for human immunodeficiency virus and communicable diseases, including Hepatitis B and Hepatitis C. The current regulation requires that the testing have been initiated no more than 60 days prior to the date of an annual license

application. The proposed amendment would permit testing to be done up to 6 months prior to the date of an annual license application.

The change is based on the recommendation of the Board of the Commission, made in the fall of 2006, to change the time frame from 60 days to 6 months. The Commission adopts this recommendation and has determined that the current time period of 60 days is overly burdensome and unnecessary. Most Pennsylvania boxers compete in several of the surrounding states, many of which have testing requirements similar to those in this Commonwealth. Thus, boxers who regularly compete are tested often, with a cost of approximately \$50 to \$70 for the panel of tests including HIV, Hepatitis B and Hepatitis C. This proposed change is also in conformance with the Association of Boxing Commissions (ABC), which recommends that each boxer provide a negative test result for HIV and Hepatitis B and C to the regulating commission, with tests no older than 6 months from the date the blood was tested. The ABC states that most boxing commissions which are member states currently use the 6-month time frame for testing.

#### D. Description of the Proposed Amendments

As a condition for initial licensure or annual renewal of a license as a professional boxer, an applicant is required to be tested for human immunodeficiency virus and communicable diseases as defined in § 1.1 (relating to definitions), which currently includes testing for Hepatitis B and Hepatitis C. The Commission is proposing that the time period for the initiation of testing be extended from no more than 60 days prior to the date of an annual license application to no more than 6 months prior to the date of an annual license application. The Commission does not intend to eliminate the requirement for testing as a condition of licensure, but simply to extend the period of time for which the completed tests may be utilized for licensure purposes. Under § 25.1 (relating to general provisions), this rulemaking would apply to professional kickboxers as well.

As part of its review, the Commission also afforded the opportunity for a 30-day predraft comment by forwarding an exposure draft of Annex A to a random selection of individuals from the following categories of individuals: all five physicians who are members of the Board and five additional physicians who are presently licensed as ring-side physicians by the Commission; eight professional boxing promoters; seven professional boxing managers; eight professional boxers; and four boxing seconds or trainers. The Commission also forwarded an exposure draft to the ABC. Only the ABC and one promoter commented on the draft. The Commission considered the two comments in drafting the proposed amendment.

#### E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Department of State or the Commission. The proposed amendment will also have no adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose any additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector. The proposed amendment will have no adverse fiscal impact on the professional boxers the Commission regulates.

#### F. Sunset Date

The Commission and the Department monitor the regulations of the Commission on a continuing basis. Therefore, no sunset date has been assigned.

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of this proposed amendment on September 26, 2007, to the Independent Regulatory Review Commission (IRRC), the Senate State Government Committee and the House State Government Committee. In addition to submitting the proposed rulemaking, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)), if IRRC has comments, recommendations or objections regarding any portion of the proposed rulemaking, it will notify the Commission within 30 days of the close of the public comment period. The notification will specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Commission, the General Assembly, and the Governor prior to publication of the regulations.

#### H. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Gregory P. Sirb, Executive Director or the State Athletic Commission, 2601 North 3rd Street, Harrisburg, PA 17110, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16-37 (Communicable Disease Testing), when submitting comments.

CHARLES BEDNARIK,  
Chairperson

**Fiscal Note:** 16-37. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART I. STATE ATHLETIC COMMISSION

#### Subpart B. BOXING

### CHAPTER 21. PROFESSIONAL BOXING

#### § 21.8. Boxers.

(a) Professional boxers shall be licensed by the Commission. The Commission will not license or renew the license of a professional boxer unless the license application is accompanied by a report from a Department of Health facility, a laboratory possessing a permit from the Department of Health under 28 Pa. Code § 5.11 (relating to permit, requirements, application and conditions) or a report from a laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under 28 Pa. Code § 5.11, and is acceptable to the Commission, which indicates that the applicant has been tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus and any other communicable disease and the results of those tests were negative. The tests shall have been initiated no more than **[ 60 days ] 6 months** prior to the date of filing the application. A boxer whose application for license has been denied has the right to a hearing before the Commission under 2

Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies). The applicant shall apply, in writing, to the Commission requesting a hearing. The Commission will conduct a hearing within 10 business days from the receipt of the written request.

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[Pa.B. Doc. No. 07-1835. Filed for public inspection October 5, 2007, 9:00 a.m.]

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