

# THE GOVERNOR

## GOVERNOR'S OFFICE

[ EXECUTIVE ORDER NO. 2021-03 ]

### Sustaining Regulatory Relief Outside the Covid-19 Emergency

April 7, 2021

*Whereas*, in response to the 2019 novel coronavirus (COVID-19), on March 6, 2020, I declared the existence of a disaster emergency throughout the Commonwealth pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., which was extended by amendments dated June 3, 2020, August 31, 2020, November 24, 2020, and February 19, 2021; and

*Whereas*, pursuant to the March 6, 2020 disaster emergency declaration and amendments thereto and the authority under 35 Pa.C.S. § 7301(f), I suspended the provisions of various regulatory statutes prescribing the procedures for conduct of Commonwealth business and the orders, rules, or regulations of Commonwealth agencies, if strict compliance with the provisions would in any way prevent, hinder, or delay necessary action in coping with this emergency; and

*Whereas*, throughout the COVID-19 disaster emergency, all departments, offices, boards, commissions, and councils under my jurisdiction (hereinafter, "Agencies") were directed to identify opportunities to assist in the COVID-19 response in order to maintain public health and safety and remove any barriers in responding to the emergency; and

*Whereas*, Pennsylvania's Agencies rose to this challenge, suspending regulations and regulatory statutory provisions to more quickly, efficiently, and safely respond to the declared emergency, providing continuity and accessibility of government services in a remote environment to ensure the health and safety of the public and Commonwealth employees. These suspensions focused on reducing barriers to health care access, safeguarding the public from unnecessary public health risks, increasing telehealth access, augmenting healthcare capacity and services, and extending critical professional licensing; and

*Whereas*, if temporarily suspending these regulations was deemed necessary to improve public health and welfare during the declared emergency, those regulatory statutes and regulations may also be unnecessary or counterproductive outside of the disaster emergency.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:

1. *Purpose*: To assist the Commonwealth, its economy and the lives of Pennsylvanians in moving forward as the Commonwealth plans to transition from the current COVID-19 disaster emergency, Agencies are to recommend action to reduce or eliminate regulatory impediments to economic, health and safety, and employment recovery.

2. *Applicable Agency Actions*:

a. This Executive Order applies to the following:

(1) All regulatory statutes or parts thereof temporarily suspended under 35 Pa.C.S. § 7301(f) from March 6, 2020 to present;

(2) All regulations or parts thereof temporarily suspended under 35 Pa.C.S. § 7301(f) from March 6, 2020 to present;

b. This Executive Order does not apply to regulatory statutes or regulations, or parts thereof, that were suspended to extend a deadline that occurred during the declared emergency, such as an extension to a license renewal deadline, or those that have an adverse fiscal impact on the Commonwealth's General Fund or other funds.

3. *Agency Responsibilities:* All departments, offices, boards, commissions, and councils under my jurisdiction that suspended a regulatory statute or regulation shall:

a. Review all suspensions of regulatory statutes and regulations as described in Section 2 and evaluate the legal, administrative, public health and safety, and fiscal impacts of maintaining the suspensions outside of the COVID-19 disaster emergency;

b. Based on the review and evaluation in subsection 3(a), recommend, with rationale, whether such suspensions should be made permanent; to remove unnecessary barriers to the public's interaction with government (i.e., through new legislation or regulatory action), and which suspensions should be allowed to lapse after the end of the COVID-19 disaster emergency;

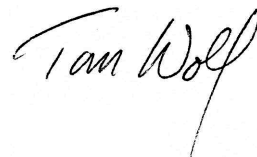
c. Outline the action necessary to make permanent any recommended changes resulting from the current suspension of regulatory statutes and regulations.

d. By the close of business on May 4, 2021, submit to the General Counsel and the Secretary of Policy and Planning a report containing the information in Section 3(a)—(c).

4. Recommendations from the reports submitted under Section 3(d) will be provided to the relevant legislative oversight chairs within the General Assembly by the Office of the Governor.

5. *Implementation.* All departments, offices, boards, commissions, and councils under the Governor's jurisdiction are directed to take all steps necessary to implement this Executive Order. Independent agencies are also strongly encouraged to review any suspensions of regulatory statutes and regulations during the disaster emergency consistent with this Executive Order.

6. *Effective Date.* This Executive Order shall take effect immediately and shall remain in effect until July 7, 2021, unless earlier rescinded.



Governor

**Fiscal Note:** GOV-2021-03. No fiscal impact; (8) recommends adoption.

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