

**PROPOSED RULES OR REGULATIONS**  
**EO 05-04 and Act 143 of 2007: Regulatory Flexibility**

Department: Arkansas Department of Environmental Quality  
Division: Air Division  
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Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation No. 21

**Benefits of the Proposed Rule or Regulation**

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints.

*The Department proposes this rulemaking to incorporate stakeholders' input in order to clarify Regulation No. 21. The Department proposes some additional language that will clarify requirements for record keeping, training provider licenses, documents required for certifications or renewal of licenses and a correction to the Occupational Safety and Health Administration ("OSHA") Asbestos Construction standard citation. Other proposed changes include additional language to clarify and update Regulation No. 21 as well as to correct typographical errors.*

2. What are the top three benefits of the proposed rule or regulation?

- (i) The substantive proposed changes to Regulation No. 21 will allow the Department to incorporate stakeholders' input into the Regulation.*
- (ii) The substantive proposed changes will clarify requirements found on Regulation No. 21 related to record keeping, training provider licenses, documents required for certifications or renewal of licenses.*
- (iii) The substantive proposed changes will help the Department to offer a more time-effective response to the daily flow of asbestos-related requests for certifications or licenses, renewals, and related inquiries since it has added language that provides clear requirements that are consistent with stakeholders' input.*

3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?

*By taking no action, stakeholders' input will not be incorporated and clarification on documentation related to record keeping, training provider licenses, certifications or renewal of licenses may cause continuing confusion and delays of asbestos-related activities.*

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting those alternatives.

*There are no known market-based alternatives or voluntary standards that can be considered in place of the proposed amendments to Regulation No. 21.*

## Impact of Proposed Rule or Regulation

5. Estimate the cost to state government of collecting information, completing paperwork, filing recordkeeping, auditing and inspecting associated with this new rule or regulation.

*The costs of the proposed amendments to Regulation No. 21 to the state government are presumed to be minimal.*

6. What types of small businesses will be required to comply with the proposed rule or regulation? Please estimate the number of small businesses affected.

*The proposed amendments will not create any new compliance requirements for small businesses. The Department estimates that no small businesses will be adversely affected by the proposed changes.*

7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.

*The proposed amendments will not create any barriers to entry.*

8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.

*The proposed amendments will not create any new compliance requirements for small businesses.*

9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary.

*The proposed amendments apply to asbestos regulation practices and will not contain different requirements for different sized entities.*

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation.

*The proposed amendments do not create any new compliance requirements for small businesses. Accordingly, there are no changes that small businesses will need to implement.*

11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?

*The proposed changes to Regulation No. 21 are based on the regulation of asbestos abatement found in 40 C.F.R. Part 61, Subpart M.*

12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.

*The Department has received input from small businesses or small business advocates during the meetings held with stakeholders.*