

RULE IMPACT STATEMENT

TITLE 460: DEPARTMENT OF MINES CHAPTER 25. OKLAHOMA EXPLOSIVES AND BLASTING RULES AND REGULATIONS

Subchapter 1. General Standards

460:25-1-9. Availability of records [REVOKED]

Subchapter 7. Permit Information

460:25-7-2. Public notices of filing of permit application [AMENDED]

Subchapter 13. Performance Standards

460:25-13-5. General requirements [AMENDED]

460:25-13-19 Blasting standards [AMENDED]

Subchapter 15. State Inspection

460:25-15. Availability of records [REVOKED]

Appendix A.

Table to be Used for Determining Weight of Explosives to be Used on a Single Delay
[REVOKED]

A. Purpose of the Proposed Rule(s)

Executive Order (EO) 2020-03, issued on February 3, 2020, requires state agencies to identify at least two (2) existing regulatory restrictions, as defined in EO 2020-03, to be revoked whenever they propose one (1) new regulatory restriction through the permanent rulemaking process. Because the agency recently adopted eight restrictions and revoked three obsolete restrictions, the agency determined that it must propose an additional thirteen (13) regulatory restrictions to be revoked. Among the rules proposed to be revoked in accordance with EO 2020-03 are certain provisions in Chapter 25 of Title 460 of the Oklahoma Administrative Code (OAC). These provisions are duplicative of the agency's other statutory requirements and thus no longer necessary.

Section 460:25-1-9 was determined by the agency to be outdated and unnecessary because the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*, already provides for the public inspection of all agency records described by the rule.

Section 460:25-7-2 was determined to be ineffective as it lists a specific address for review of blasting permit applications, when it would be more effective to state that such applications will be posted and may be reviewed at the principal office of the Department of Mines. In this way, the public notice procedure will not be interrupted by the relocation of the agency's principal office.

Subsection (u) of Section 460:25-13-5 was determined to be obsolete as it contains requirements for buildings used in the mixing of blasting agents, a practice no longer utilized by industry and no longer allowed by law. Subsection (u) and its requirements will be removed.

Section 460:25-15-5 was determined by the agency to be outdated and unnecessary because the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*, already provides for the public inspection or confidentiality of certain agency records described by the rule.

Appendix A was determined to be duplicative with the scale distance formula described in Section 460:25-13-19. References to Appendix A in Section 460:25-13-19 will also be removed.

B. Description of the Classes of Persons Most Likely Affected by the Proposed Rule(s) and Cost Impacts on Affected Classes

No classes of persons are likely to be affected by the proposed rule changes. The rules that are proposed to be revoked have been determined to be obsolete, ineffective, and/or inconsistent with current agency procedure.

C. Description of the Classes of Persons Who Will Benefit from the Proposed Rule(s)

No classes of persons will benefit from the proposed rule changes.

D. Description of the Probable Impact of Proposed Rule(s) on Affected Classes of Persons or Political Subdivisions and List of Fee Changes

Because no classes of persons or political subdivisions are affected by the proposed rule changes, there is no probable impact to any persons from the proposed rule changes. No fee changes are being proposed.

E. Probable Costs and Benefits to the Agency and to any other Agency of the Implementation and Enforcement of the Proposed Rule(s), and Anticipated Effect on State Revenues, Included Projected Net Loss or Gain of Such Revenues

The primary benefit to the agency is that the proposed rule removals will help the agency comply with Executive Order 2020-03. Because the rules that are proposed to be revoked have been determined to be obsolete, ineffective, and/or inconsistent with current agency procedure, there are no other probable costs or benefits to the Agency. There is no anticipated effect on state revenues.

F. Determination of whether Implementation of the Proposed Rule(s) Will Have an Economic Impact on any Political Subdivisions or Require their Cooperation in Implementing or Enforcing the Rule(s)

Because no political subdivisions are affected by the proposed rule changes, no political subdivisions will experience an economic impact. Because rules are being removed rather than adopted, the proposed rule changes do not require cooperation or enforcement by any political subdivisions.

G. Determination of whether Implementation of the Proposed Rule(s) May Have an Adverse Economic Effect on Small Business as provided by the Oklahoma Small Business Regulatory Flexibility Act

Because no classes of persons are likely to be affected by the proposed rule changes, no adverse economic effect on small businesses (as defined in 75 O.S. § 502) is anticipated as a result of the proposed rule changes.

H. Explanation of Measures the Agency Has Taken to Minimize Compliance Costs and a Determination of whether There Are Less Costly or Nonregulatory Methods or Less Intrusive Methods for Achieving the Purpose of the Proposed Rule(s)

The agency has taken no measures to minimize compliance costs because there are no compliance costs associated with the proposed rule changes. There is no less costly or less intrusive method for achieving the purpose of the proposed rule changes because the purpose of the proposed rule changes is to remove obsolete rules and regulatory requirements.

I. Determination of the Effect of the Proposed Rule(s) on the Public Health, Safety and Environment and Description of the Nature of the Risk the Rule(s) are Designed to Reduce and to what Extent the Proposed Rule(s) Will Reduce the Risk

The proposed rule changes will have no effect on public health, safety or the environment and are not designed to reduce any risk to public health, safety or the environment.

J. Determination of any Detrimental Effect on the Public Health, Safety and Environment if the Proposed Rule(s) is Not Implemented

No detrimental effect on public health, safety, and the environment will result if the proposed rule changes are not implemented.

K. Date the Rule Impact Statement Was Prepared and/or Modified

This Rule Impact Statement was prepared on May 14, 2021.