

**Zero-Based Regulation
Prospective Analysis**

- **Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5**

Agency Name:

Rule Docket Number: 58-0121-2101, Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Section 39-105, Idaho Code – Powers and Duties of the Director	Discretionary
Section 39-107, Idaho Code – Board-Composition – Officers – Compensation – Powers – Subpoena – Depositions – Review - Rules	Discretionary
Section 74-114(8), Idaho Code – Access to Air Quality, Water Quality and Hazardous Waste Records – Protection of Trade Secrets	Mandatory

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

In [Executive Order 2020-01](#), Zero-Based Regulation, Governor Little directed agencies to conduct a 5-year review of each rule chapter effective on June 30, 2020. DEQ initiated this rulemaking in compliance with EO 2020-01.

This problem cannot be addressed by non-regulatory measures.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Washington	Washington Administrative Code	
Oregon	Oregon Administrative Rules	
Nevada	Nevada Administrative Code	
Utah	Utah Administrative Code	
Wyoming	Wyoming Administrative Code	
Montana	Administrative Rules of Montana	
Alaska	Alaska Administrative Code	
South Dakota	South Dakota Administrative Rules	

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

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4. What evidence is there that the rule, as proposed, will solve the problem?

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5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	None anticipated.
Impact to Idaho businesses, with special consideration for small businesses	None anticipated.
Impact to any local government in Idaho	None anticipated.
<p>DEQ will involve stakeholders by 1) announcing initiation of the negotiated rulemaking on DEQ's website and sending email notification to identified stakeholders, and 2) providing opportunities to review rule drafts, attend meetings, and submit comments.</p>	

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count	