

Agenda item 1. Update on request from Management Committee to the Rulemaking Committee on recommendation to develop written procedures to appeal product filing decisions

Jill Kruger described the development of written procedures to appeal a product filing. Guidance was received from the Management Committee which requested the Rulemaking Committee develop specific procedures for intermediate review of Compact Office decisions during the review of a product filing submission. A small drafting group was formed to initiate a draft of this procedure, which was the subject of today's call.

Agenda item 2. Overview of the initial draft of the Intermediate Review Process (Attachment One)

The Compact Office provided a detailed overview of the Intermediate Review Process

Agenda item 3. Provide input on the draft Intermediate Review Process (Attachment One) and Discussion Questions (Attachment Two)

General Questions:

- Will this proposed process be discussed during the upcoming Member State Call (November 20)? Yes.
- When the initial report is published by the Review Board, would member states who are not on the Review Board get an opportunity to comment on it? Yes.
- How will this process affect Expedited Filings? There will be no differentiation between expedited filings and regular filings.
- If the report from the Review Board includes a recommendation to revise an existing Uniform Standard or Operating Procedure, would this recommendation be forwarded to the PSC and given very high priority? The Compact Office made a note of this question and will respond quickly.
- A committee member commented that case law in their state might be problematic if this process results in an unpromulgated rule that has not gone through the proper PSC review process including public input. The Compact Office responded that the rules have already been promulgated. This process is about application and interpretation of existing standards and rules.
- If the Intermediate Review process results in a change to an interpretation of a standard, how would this affect previously approved forms? Does this create an unlevel playing field? The Compact Office responded that in the same way when a court case rearranges an interpretation of a statute or a regulation, other companies will become aware of the new information and will proceed to file revised forms accordingly. The Compact Office also stated that an informational notice would be sent to all filers.

Discussion Questions

- Is the recommendation/report of the Review Board binding? No, the recommendation/report will not be binding, but the Compact Office will embrace it.
- Will these decisions create conflict between the member states? Not if the decisions are non-binding. If the decisions were binding, this would affect a potential formal appeal and this is not what is intended.
- What happens if the Review Board makes a report/recommendation, but the Compact disagrees with it? One committee member felt that this process is binding in practice because the Compact will not disagree with the Review Board. The Compact Office responded that it is possible the Compact Office could decide to disagree. A formal appeal would likely ensue; but the requestor would have the Review Board's report/recommendation on their side.
- Will comments on the report be incorporated into the final version of the report? The Review Board will decide whether or not to add comments that are received.
- Will the composition of the Review Board be balanced between "file and use" states and other states that adhere to strict regulatory consumer protection? The Compact Office responded that the Annual Committee Process will apply.

Agenda item 4. Discuss next steps for the draft Intermediate Review Process

The committee agreed to expose the draft Intermediate Review Process for public input. A public call will take place early in 2026.

Agenda item 5. Any other matters

There were no other matters.

Agenda item 6. Adjourn