



LUKE FARLEY
COMMISSIONER

ASHLEY SNYDER
GENERAL COUNSEL

April 21, 2025

Seth Ascher
Commission Counsel
Rules Review Commission
Via email only: Seth.Ascher@oah.nc.gov

Dear Mr. Ascher:

The Department of Labor is committed to a substantive review of its existing rules during the decennial review process. As a result, the Department is submitting an overall regulatory reform plan for consideration by the Rules Review Commission. The Department of Labor intends to use the periodic review process as an opportunity to modernize outdated rules and establish balanced, common-sense solutions to any regulations that are unduly burdensome on businesses operating in this State.

To ensure the Department reviews its most important rules in a timely manner, the Department asks the Commission to consider the plan for regulatory reform in its entirety. This plan identifies rules by three “groups” based on the Commission’s schedule of reports but re-arranges the order in which those groups will be readopted.

The Department is requesting the following readoption deadlines:

13 NCAC 15 and 20 (“Group 2”)	January 1, 2027
13 NCAC 07 and 12 (“Group 3”)	June 1, 2028
13 NCAC 01, 04, 06, 13, 16, 17, and 19 (“Group 1”)	April 1, 2030

The Commissioner of Labor approved the attached timelines showing the Department’s plan for regulatory reform on April 14, 2025. Thank you for your consideration.

Sincerely,

Ashley Snyder
General Counsel

Burgos, Alexander N

Subject: FW: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

From: Snyder, Ashley B <ashley.snyder@labor.nc.gov>

Sent: Monday, April 21, 2025 2:59 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>

Subject: RE: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Yes, that is fine if RRC considers the readoption deadline at its April meeting. I understand RRC is only considering Group 1 at this time, but I have to present the other timelines for the Group 1 timeline to make sense.

We have all the reports at this time, thanks. "Group 2" is currently out for public comment. We recently received the third report. It has not been posted yet.

Ashley Snyder
General Counsel
NC Department of Labor

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Direct: 919-707-7715

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Monday, April 21, 2025 2:53 PM

To: Snyder, Ashley B <ashley.snyder@labor.nc.gov>

Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>

Subject: Re: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Thanks.

The dates you memorialized in the letter seem reasonable to me. I believe that only Group 1 is ripe for the RRC to consider at this time (meaning the report is finalized and the time for legislative review is passed). Is that your understanding as well?

Given the date you are requesting for group 1 (April 1, 2030), I can go ahead and put that date before the Commission at the April meeting (April 24th at 10:00 AM, webex participation available).

Do you have the reports for the remaining groups already? I can ask Alex to get those to you if you want to go ahead and start on those. Or you can wait until the normal timing.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Snyder, Ashley B <ashley.snyder@labor.nc.gov>
Sent: Monday, April 21, 2025 1:14 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>
Subject: RE: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Hi Seth,

Thanks for catching that. I've attached an updated timeline for Group 1 cover letter.

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, April 21, 2025 12:46 PM
To: Snyder, Ashley B <ashley.snyder@labor.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>
Subject: Re: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Ashley,

DEPARTMENT OF LABOR

REGULATORY REFORM PLAN – PERIODIC REVIEW “GROUP 1”

Department, Conciliation and Arbitration, and Boiler – 13 NCAC 01, 04, and 13 (74 rules)

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

August 2025 – March 2026 – Focus on Group 2

April 2026 – September 2027 – Focus on Group 3

October – December 2027

- Draft updates to rules

January 2028

- Staff feedback rule drafts
- Edit rules

February 2028

- Commissioner review rule drafts
- Edit rules

March – April 2028

- Draft fiscal notes
- AG review of 13 NCAC 04 rules pursuant to G.S. 95-36.3

April – June 2028

- OSBM Review of Fiscal Notes

Mine and Quarry and Migrant Housing – 13 NCAC 06 and 16 (41 rules)

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

April – June 2028

- Draft updates to rules

July 2028

- Staff feedback on rule drafts

- Edit rules

August 2028

- Commissioner review
- Edit rules

September-November 2028

- Draft fiscal notes

December 2028 – March 2028

- OSBM Review of Fiscal Notes

Private Personnel Services and REDA – 13 NCAC 17 and 19 (32 rules)

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

January – March 2029

- Draft updates to rules

April 2029

- Staff feedback on rule drafts
- Edit rules

May 2029

- Commissioner review
- Edit rules

June – July 2029

- Draft fiscal notes

August – October 2029

- OSBM Review of Fiscal Notes

Permanent Rulemaking

November 2029

- File for Register

December 2029 – January 2030

- Public Comment Period

February 2030

- Review Public Comments

March 2030

- Adopt and file for RRC review

DEPARTMENT OF LABOR

REGULATORY REFORM PLAN – PERIODIC REVIEW “GROUP 2”

Elevator and Amusement Device – 13 NCAC 15, 60 rules

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

August – October 2025

- Draft updates to rules

November 2025

- Staff feedback on rule drafts
- Edit rules

December 2025

- Commissioner review
- Edit rules

January – March 2026

- Draft fiscal notes

March – June 2026

- OSBM Review of Fiscal Notes

Controlled Substance Examination – 13 NCAC 20, 15 rules

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

November - December 2025

- Draft updates to rules

January 2026

- Staff feedback on rule drafts
- Edit rules

February 2026

- Commissioner review

- Edit rules

March 2026

- Draft fiscal notes

April – July 2026

- OSBM Review of Fiscal Notes

Permanent Rulemaking

August 2026

- File for Register

September – October 2026

- Public Comment Period

November 2026

- Review Public Comments

December 2026

- Readopt by end of month

DEPARTMENT OF LABOR

REGULATORY REFORM PLAN – PERIODIC REVIEW “GROUP 3”

OSH – 13 NCAC 07, 86 rules

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

August 2025 – March 2026 – Focus on Group 2

April – June 2026

- Draft updates to 07A rules

July 2026

- Staff feedback on 07A rule drafts
- Edit rules

August – September 2026

- Commissioner review of 07A rule drafts
- Draft updates to 07F, 07G rules

October 2026

- Staff feedback on 07F, 07G rules
- Edit rules

November 2026

- Commissioner review of 07F, 07G rule drafts
- Edit rules

December 2026 – March 2027

- Draft fiscal notes

April – August 2027

- OSBM Review of Fiscal Notes

Wage and Hour – 13 NCAC 12, 41 rules

May – July 2025

- Staff review existing rules and provide feedback to Rulemaking Coordinator

April – June 2027

- Draft updates to rules

July 2027

- Staff feedback on rule drafts
- Edit rules

August 2027

- Commissioner review
- Edit rules

September 2027

- Draft fiscal notes

October - December 2027

- OSBM Review of Fiscal Notes

Permanent Rulemaking

January 2028

- File for Register

February – March 2028

- Public Comment Period

April 2028

- Review Public Comments

May 2028

- Readopt by end of month

In principle, I think this timeline is fine.

I did have a question:

For group 1, it looks like you've got a typo. As written, your filing for the register in November 2029 then adopting and filing for RRC review in March 2029. That won't work. However, I am not sure if you meant to file for register in November 2028 with final adoption in March 2029 or file for the register in November 2029 with final adoption in March 2030. I think either is reasonable, but please update your timeline and letter to make sure they match your request.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

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From: Snyder, Ashley B <ashley.snyder@labor.nc.gov>
Sent: Thursday, April 17, 2025 4:07 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>
Subject: Re: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Great. Thanks, Seth! Have a great Easter weekend!

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, April 17, 2025 3:27:33 PM
To: Snyder, Ashley B <ashley.snyder@labor.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>
Subject: Re: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Ashley,

I should be able to review these on Monday and get back to you with any questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

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From: Snyder, Ashley B <ashley.snyder@labor.nc.gov>

Sent: Thursday, April 17, 2025 1:26 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>

Subject: RE: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Hi Seth,

Hope you're doing well. Please see attached cover letter and detailed timelines supporting the Department of Labor's proposed readoption timelines.

Please note I will be going out on maternity leave soon. My due date is May 17. If you anticipate any questions, it would be easier for me to answer them directly before I go on leave. I also understand questions may come up as RRC's meeting approaches. Please continue to copy Sophie (our Deputy General Counsel) and Carla (our Paralegal) on all emails to ensure there is no gap in communication.

Thanks,

Ashley Snyder

General Counsel

NC Department of Labor

Legal Affairs: 919-707-7713

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From: Snyder, Ashley B
Sent: Monday, February 24, 2025 4:37 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>
Subject: RE: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Thanks, Seth. Hope you're doing well. I'll get back to you before the deadline.

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, February 24, 2025 4:06 PM
To: Snyder, Ashley B <ashley.snyder@labor.nc.gov>
Subject: Re: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Ashley,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is April 25, 2025. As a starting point, I would recommend an April 1, 2027 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

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Sent: Thursday, February 20, 2025 2:31 PM
To: Snyder, Ashley B <ashley.snyder@labor.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review - 13 NCAC 01, 04, 06, 13, 16, 17, and 19

Good afternoon, Ashley,

The determinations in the attached periodic review report for 13 NCAC 01, 04, 06, 13, 16, 17, and 19 were effective January 26, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date for the rules in the report.

Let me know if you have any questions.

Dana McGhee
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