

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Wednesday, May 27, 2026 10:53 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bailey, Tony W <Tony.Bailey@ncdoi.gov>; svc_OSFM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Subject: RE: State Fire Marshal: Rules for RRC Review

Good morning, Chris,

After further internal discussion and review of the concerns raised regarding Paragraph (b) in Rule 11 NCAC 05A .0906, OSFM has decided to withdraw Rule .0906 from consideration at this time. While the agency continues to believe there are strong arguments that the amendment would not affect local governments within the meaning of the APA, we recognize the concerns regarding the potential operational and fiscal implications of the amendment and believe the better course is to withdraw the rule and evaluate whether additional fiscal analysis and stakeholder consultation would be appropriate before resubmission.

Additionally, because of interconnectivity issues between Rules .0906 and .0909, the agency has also decided to withdraw Rule 11 NCAC 05A .0909 from consideration at this time.

The agency intends to proceed with the remaining rules in the package at Thursday's meeting.

Thank you again for your time, assistance, and thoughtful review throughout this process. Please let me know if there is anything further you need from OSFM in advance of the meeting.

Best regards,
Kyle

Kyle Heuser
Assistant General Counsel

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