

Brady Brammer proposes the following substitute bill:

Rulemaking Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor:

LONG TITLE

General Description:

This bill enacts provisions related to rules involving environmental health and waste management.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits certain rules related to environmental health and waste management from being more stringent or extensive in scope, coverage, or effect than any federal law or regulation; and
- requires an agency to ensure certain rules involving environmental health and waste management are supported by scientific evidence.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-3-102, as last amended by Laws of Utah 2025, Chapter 483

ENACTS:

63G-3-306, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-3-102** is amended to read:

63G-3-102 . Definitions.

As used in this chapter:

- (1) "Administrative record" means information an agency relies upon when making a rule

30 under this chapter including:

- 31 (a) the proposed rule, change in the proposed rule, and the rule analysis form;
- 32 (b) the public comment received and recorded by the agency during the public comment
- 33 period;
- 34 (c) the agency's response to the public comment;
- 35 (d) the agency's analysis of the public comment; and
- 36 (e) the agency's report of the agency's decision-making process.

37 (2)(a) "Agency" includes:

- 38 (i) each state board, authority, commission, institution, department, division, or
- 39 officer; or
- 40 (ii) any other state government entity that is authorized or required by law to make
- 41 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal
- 42 obligations, or perform other similar actions or duties delegated by law.

43 (b) "Agency" does not include:

- 44 (i) the Legislature;
- 45 (ii) the Legislature's committees;
- 46 (iii) the political subdivisions of the state; or
- 47 (iv) the courts.

48 (3) "Best available science" means science that:

- 49 (a) is reliable, unbiased, and subject to independent verification;
- 50 (b) maximizes the quality, objectivity, relevance, completeness, and integrity of
- 51 information, including:
 - 52 (i) statistical information;
 - 53 (ii) human, animal, and other relevant scientific studies; and
 - 54 (iii) if applicable, human health risk-based assessments; and
- 55 (c) involves the use of scientifically defensible and quality-assured supporting studies
- 56 that are conducted in accordance with generally accepted scientific or technical
- 57 practices utilizing data collected by generally accepted methods or best available
- 58 methods.

59 (4) "Bulletin" means the Utah State Bulletin.

60 [(4)] (5) "Catchline" means a short summary of each section, part, rule, or title of the code
61 that follows the section, part, rule, or title reference placed before the text of the rule and
62 serves the same function as boldface in legislation as described in Section 68-3-13.

63 [(5)] (6) "Code" means the body of all effective rules as compiled and organized by the

- 64 office and entitled "Utah Administrative Code."
- 65 [(6)] (7) "Department" means the Department of Government Operations created in Section
66 63A-1-104.
- 67 [(7)] (8) "Director" means the director of the office.
- 68 [(8)] (9) "Effective" means operative and enforceable.
- 69 [(9)] (10) "Executive director" means the executive director of the department.
- 70 [(10)] (11) "File" means to submit a document to the office as prescribed by the office.
- 71 [(11)] (12) "Filing date" means the day and time the document is recorded as received by the
72 office.
- 73 (13) "Generally accepted scientific or technical practices" means scientific methods,
74 principles, or protocols that:
- 75 (a) are broadly acknowledged and routinely applied by the relevant scientific
76 community; and
- 77 (b) have been tested for reliability and validity.
- 78 [(12)] (14) "Interested person" means any person affected by or interested in a proposed
79 rule, amendment to an existing rule, or a nonsubstantive change made under Section
80 63G-3-402.
- 81 (15) "Initiate rulemaking proceedings" means the agency's filing of a proposed rule for the
82 purposes of publication in accordance with Subsection 63G-3-301(4).
- 83 (16) "Manifest bodily harm" means a physical disease or injury that is:
- 84 (a) presently existing and diagnosable;
- 85 (b) not based solely on the presence or detection of a substance in the human body; and
- 86 (c) not based solely on an increased risk of disease.
- 87 [(13)] (17) "Office" means the Office of Administrative Rules created in Section 63G-3-401.
- 88 [(14)] (18) "Order" means an agency action that determines the legal rights, duties,
89 privileges, immunities, or other interests of one or more specific persons, but not a class
90 of persons.
- 91 [(15)] (19) "Person" means any individual, partnership, corporation, association,
92 governmental entity, or public or private organization of any character other than an
93 agency.
- 94 [(16)] (20) "Publication" or "publish" means making a rule available to the public by
95 including the rule or a summary of the rule in the bulletin.
- 96 [(17)] (21) "Publication date" means the inscribed date of the bulletin.
- 97 (22) "Refereed journal" means a publication that:

- 98 (a) uses an editorial board or critical review panel of subject matter experts in the
99 relevant scientific or technical disciplines who critically and objectively assess the
100 methodology and analysis of submitted scientific studies in a nonpartisan fashion and
101 provide editorial services before publication; and
- 102 (b) takes meaningful steps to avoid biases in the journal's scientific review process.
- 103 [(18)] (23) "Register" may include an electronic database.
- 104 (24) "Regulated material" means an individual chemical substance, mixture, contaminant,
105 pollutant, hazardous substance, solid waste, hazardous constituent, or hazardous waste.
- 106 [(19)] (25)(a) "Rule" means an agency's written statement that:
- 107 (i) is explicitly or implicitly required by state or federal statute or other applicable
108 law;
- 109 (ii) implements or interprets a state or federal legal mandate; and
- 110 (iii) applies to a class of persons or another agency.
- 111 (b) "Rule" includes the amendment or repeal of an existing rule.
- 112 (c) "Rule" does not mean:
- 113 (i) orders;
- 114 (ii) an agency's written statement that applies only to internal management and that
115 does not restrict the legal rights of a public class of persons or another agency;
- 116 (iii) the governor's executive orders or proclamations;
- 117 (iv) opinions issued by the attorney general's office;
- 118 (v) declaratory rulings issued by the agency according to Section 63G-4-503 except
119 as required by Section 63G-3-201;
- 120 (vi) rulings by an agency in adjudicative proceedings, except as required by
121 Subsection 63G-3-201(6); or
- 122 (vii) an agency written statement that is in violation of any state or federal law.
- 123 [(20)] (26) "Rule analysis" means the format prescribed by the office to summarize and
124 analyze rules.
- 125 (27) "Rule involving environmental health and waste management" means a rule that
126 relates to drinking water, water pollution control, hazardous substances, contaminated
127 site remediation, air quality, solid waste handling, or hazardous waste handling.
- 128 [(21)] (28) "Small business" means a business employing fewer than 50 persons.
- 129 [(22)] (29) "Substantial fiscal impact" means an anticipated fiscal impact of a proposed rule
130 of at least \$2,000,000 over a five-year period.
- 131 [(23)] (30) "Substantive change" means a change in a rule that affects the application or

132 results of agency actions.

133 (31) "Weight of scientific evidence" means an approach to scientific evaluation in which
134 each piece of relevant information:

135 (a) is considered based on the evidence's quality and relevance, including the
136 consideration of study design, fitness for purpose, replicability, peer review, and
137 transparency and reliability of data; and

138 (b) is transparently integrated with other relevant information to inform the scientific
139 evaluation before making a judgment about the scientific evaluation.

140 Section 2. Section **63G-3-306** is enacted to read:

141 **63G-3-306 . Sound science requirement.**

142 (1) For a rule involving environmental health and waste management:

143 (a) an agency may not initiate rulemaking proceedings to establish new or change
144 existing numeric criteria or numeric limitations applicable to a regulated material if
145 the new rule or amendment would result in criteria or limitations that are more
146 stringent or extensive in scope, coverage, or effect than any federal law or regulation
147 setting a standard regarding the same or a substantially similar topic; and

148 (b) in the absence of any federal law or regulation setting a standard regarding the same
149 or a substantially similar topic, an agency may not initiate rulemaking proceedings
150 that establish new or change existing numeric criteria or numeric limitations unless,
151 for each regulated material to which the rule applies, all scientific and technical
152 information relied on to support the rule is based upon the best available science and
153 the weight of scientific evidence.

154 (2)(a) For a rule described in Subsection (1)(b) intended to protect human health, safety,
155 or welfare:

156 (i) the best available science and the weight of scientific evidence shall establish a
157 direct causal link between exposure at or above the numeric criteria or numeric
158 limitations provided by the rule and manifest bodily harm in humans, based on
159 generally accepted scientific or technical practices; and

160 (ii) in the absence of data from voluntary scientific studies on humans, the best
161 available science and the weight of scientific evidence may be based on tests
162 performed on experimental animal species or human and animal cells establishing
163 a direct causal link, based on generally accepted scientific or technical practices,
164 between exposure at or above any numeric criteria or numeric limitations
165 provided by the rule and manifest bodily harm in humans, if the harm may be

166 extrapolated to humans based on the best available science and the weight of
167 scientific evidence.

168 (3) This section does not apply to:

169 (a) a rule, including a rule made under Title 19, Environmental Quality Code, that is
170 required by:

171 (i) federal law or regulation to comply with and in furtherance of federal agency
172 authorization or a primacy requirement; or

173 (ii) state law and applied on a site-specific basis.

174 (b) a rule that is less stringent or extensive in scope, coverage, or effect than any federal
175 law or regulation setting a standard regarding the same or a substantially similar topic
176 or that is substantively equivalent to a federal law or regulation;

177 (c) a rule that would repeal or amend an existing rule to be less stringent or extensive in
178 scope, coverage, or effect; or

179 (d) an emergency rule made under Section 63G-3-304.

180 Section 3. **Effective Date.**

181 This bill takes effect on May 6, 2026.