

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## LEGAL NOTICE

December 8, 2023

The Board of Electrical Examiners of the State of Arkansas will hold a public hearing on **Tuesday January 23, 2024 at 1:00 at the Arkansas Department of Labor and Licensing, 900 West Capitol Avenue, suite 400, Little Rock, Arkansas 72201.** The public hearing will be conducted for the purpose of accepting public comment on proposed amendments to the administrative rules of the Board of Electrical Examiners of the State of Arkansas. Rule 010.13-009 of the Administrative Rules of the Board of Electrical Examiners is amended to reflect changes from Act 318 of 2023 which amended the definitions of “residential journeyman electrician” and “residential master electrician,” and added a definition of dwelling to expand the scope of work for residential electricians from two-family to four-family dwellings, not to include a mixed-use building or other structure that requires commercial grade electric conductors or equipment for any part of the building or other structure.

Written comment will be accepted through Tuesday January 23, 2024 at 1:00 p.m. by the Arkansas Department of Labor and Licensing at the above address or by email at [Lindsay.Moore@arkansas.gov](mailto:Lindsay.Moore@arkansas.gov). A copy of the proposed amendments may be obtained by calling the Code Enforcement Section at (501)-682-4547. A copy of the proposed amendments can also be accessed on the Department of Labor and Licensing’s website at:

<https://www.labor.arkansas.gov/news/proposed-rule-making/>

or the Secretary of State’s website at:

[http://www.sos.arkansas.gov/rules\\_and\\_regs/index.php/rules/search/new](http://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new)

Lindsay Moore, Director  
Code Enforcement Section  
Division of Labor  
Department of Labor and  
Licensing



# **SUMMARY OF PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES REGARDING THE BOARD OF ELECTRICAL EXAMINERS**

December 8, 2023

Rule 010.13-009 of the Administrative Rules of the Board of Electrical Examiners is amended to reflect changes from Act 318 of 2023 which amended the definitions of “residential journeyman electrician” and “residential master electrician,” and added a definition of dwelling to expand the scope of work for residential electricians from two-family to four-family dwellings, not to include a mixed-use building or other structure that requires commercial grade electric conductors or equipment for any part of the building or other structure.

construction, installation, and maintenance of electrical facilities and for the performance of electrical work.

E. The Board hereby adopts and incorporates herein the Standard Practices for Good Workmanship in Electrical Contracting, American National Standards Institute/National Electrical Contractors Association 1-2006, as the guide for the quality and the standard of workmanship in the installation of electrical equipment.

F. This rule does not include any later amendments or editions of the standards incorporated by reference.

G. Copies of these standards incorporated by reference can be viewed in the offices of the Electrical Division or can be obtained by contacting the following:

National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02169-7471  
1-800-344-3555  
[www.nfpa.org](http://www.nfpa.org)

#### **010.13-009 Definitions**

A. The various classes of licenses shall be defined as follows:

1. "Master electrician" shall mean an individual with an unlimited license classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment.

2. "Journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment. A journeyman electrician cannot contract with the general public to plan, lay out or supervise the installation, maintenance and extension of electrical conductors and equipment without employing at least one (1) full-time master electrician.

3. "Residential master electrician" shall mean an individual who is limited by license classification to performing electrical work for ~~one and two-family~~ single family dwellings, duplexes or two-family dwellings, triplexes or three-family dwellings, and quadruplexes or four-family dwellings, including planning and supervising the installation, maintenance and extension of electrical facilities. A residential master electrician may perform electrical work on a commercial or other project under the supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

4. "Residential journeyman electrician" shall mean an individual who is limited by license classification to install, alter, repair, maintain, or renovate electrical

facilities for ~~one and two family single family dwellings, duplexes or two-family dwellings, triplexes or three-family dwellings, and quadraplexes or four-family dwellings~~ under the general supervision of a residential master electrician or a master electrician. A residential journeyman may perform electrical work on a commercial or other project under the supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

5. "Air conditioning electrician" shall mean an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.

6. "Industrial maintenance electrician" shall mean an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. For employees of industrial facilities, it is not necessary to possess this or any other class of license. See Ark. Code Ann. § 17-28-102(a)(2) and Rule 010.13.010(A).

7. "Specialist Sign Electrician" means any individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for installing, maintaining and repairing electrically illuminated or operated signs and gaseous tubing for illumination, making all connection to an approved outlet of sufficient capacity within twenty-five (25) feet of the sign to be connected. A specialist sign electrician may also maintain and repair parking lot lights with a special endorsement to his or her license..

**B. "Board"** shall mean the Board of Electrical Examiners of the State of Arkansas.

**C. "Director"** shall mean the Director of the Division of Labor, Arkansas Department of Labor and Licensing.

**D. "Electrical Apprentice"** means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the supervision of a journeyman electrician or master electrician.

**E. "Electrical work"** means:

1. As defined by Ark. Code Ann. §§ 17-28-101(4) and 20-31-102(5):

a. Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking and other lots, and industrial substations;

b. Installations of conductors that connect to the supply of electricity;

and

- c. Installations of other outside conductors on the premises.

**~~C.F.~~** "HVACR" shall mean heating, ventilation, air conditioning and refrigeration.

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**G.** "Manager" shall mean any employee:

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1. whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and
2. who customarily and regularly directs the work of one or more other employees therein; and
3. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
4. who customarily and regularly exercises discretion and independent judgment; and
5. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and
6. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

**H.** "Superintendent" shall mean any employee:

1. whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed; and
2. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
3. who customarily and regularly directs the work of one or more other employees therein; and
4. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and



5. who customarily and regularly exercises discretion and independent judgment; and
6. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

**I. "Dwelling":**

1. means a building or other structure designed and constructed for residential purposes;
2. includes a building or other structure that houses a home office or other business activity if the business activity does not require commercial-grade electric conductors or equipment; and
3. does not include a mixed-use building or other structure that requires commercial-grade electric conductors or equipment for any part of the building or other structure.

**010.13-010 Construction and Exemptions**

A. The licensing requirements of Ark. Code Ann. § 17-28-101 *et seq.* shall not apply to the following:

1. The construction, installation, maintenance, repair, or renovation by any public utility, as that term is defined by Ark. Code Ann. § 23-1-101(4)(A), by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally owned utility;
2. The construction, installation, maintenance, repair, or renovation by any industry of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee of such industry;
3. The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes; including fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system;
4. The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure;



An applicant for an electrical contractor's license shall submit to the Board the following:

1. an application on a form approved by the Board; and
2. proof that the applicant is a licensed master electrician or employs a licensed master electrician; and
3. if the applicant is not a master electrician, a statement from the master electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.

## **H. Apprentices**

1. Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall within thirty (30) days register such apprentice with the Board, the Arkansas Office of Skills Development, Department of Commerce, and the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OAT). The apprentice must begin school no later than the first full semester following the date of hire. In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the U. S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OAT).

2. An applicant for registration as an electrical apprentice shall submit the following:

- a. an application on a form approved by the Board;
- b. a registration fee of ten dollars (\$10.00);
- c. satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the OAT.

3. Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.

4. Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in and attendance of a training program approved by the OAT.

5. An apprentice who has successfully completed a certified school or training program and has been released for testing may continue to renew his or her apprentice registration card, if otherwise qualified, without enrolling in a school or

training program. Such an apprentice may work as a fourth year apprentice for the purpose of Rule 010.13-013(H)(6) for a period of six (6) months. If an apprentice has not passed the journeyman electrician examination within six (6) months of completing apprenticeship school, the apprentice shall be subject to the same supervision as a third year apprentice pursuant to Rule 010.13-013(H)(6).

6. Ratios and Supervision

a. No journeyman or master electrician shall employ or supervise electrical apprentices at a ratio greater than three (3) apprentices to one (1) journeyman or one (1) master electrician on a single electrical job.

b. An apprentice electrician shall not engage in electrical work unless he or she is supervised by a master electrician or a journeyman electrician.

c. Observation of apprentices' work. The supervising electrician shall observe the work of an apprentice electrician in person at regular and reasonable intervals. "Regular and reasonable intervals" shall mean a minimum of the following:

i. For work on 1-~~24~~ family dwellings:

A. an apprentice in the first 90 days of employment shall be under the direct, immediate, and continuous supervision of the supervising master or journeyman; and

B. an apprentice employed from the 91st day of employment through 2 years shall have his or her work observed by the supervising master or journeyman every 2-3 hours and before the work is operational, before it is considered complete, and before it is covered.

ii. or work on all projects other than 1-~~24~~ family dwellings:

A. For a first year apprentice, the supervising electrician shall observe the apprentice's work on a direct and continuous basis;

B. For a second year apprentice, the supervising electrician shall observe the apprentice's work every 30 minutes to 1 hour and before the electrical work is operational, before it is considered complete, and before it is covered;

C. For a third year apprentice, the supervising electrician shall observe the apprentice's work every 2-3 hours and before the work is operational, before it is considered complete, and before it is covered; and

D. For a fourth year apprentice, the supervising electrician shall observe the apprentice's work before the work is operational, before it is considered complete, and before it is covered.

d. Proximity to apprentices. The supervising electrician shall remain within reasonable proximity to an apprentice electrician while electrical work is being performed. The proximity of the supervising electrician to the apprentice electrician is reasonable if:

i. The supervising electrician is:

A. within the line of sight of the apprentice electrician;  
or

B. at the same street address at which the apprentice electrician is working; or

ii. The job site is not a single-family residence, requires a contractor's license, and the supervising electrician is within the line of sight of the apprentice electrician.

e. The responsible master electrician is responsible for all the electrical work performed by an apprentice. This means that it is the supervising electrician's initial responsibility and ultimately the responsible master's obligation to ensure that all electrical work performed by the apprentice is performed in compliance with the standards adopted by these rules.

#### 7. Classroom Study

The Career Education and Workforce Development Board, through the Arkansas Office of Skills Development, shall oversee related classroom study of apprentices.

8. A certificate of registration may be revoked by the Board for cause. This includes, but is not limited to the following:

a. Expulsion from or dropping from the training program approved by the OAT.

b. Performing electrical work which is not performed under the supervision of a licensed master or journeyman electrician; or

c. Performing electrical work outside the employment of the apprentice's mentoring or sponsoring electrician or electrical contractor.

9. A licensed electrician shall verify the work hours of any apprentice who has been in his/her employ the previous four (4) years at the request of the Department of Labor and Licensing; the Arkansas Office of Skills Development, Department of Commerce;; the Office of Apprenticeship; and any local apprenticeship committee. Failure to comply with such a request may result in the assessment of civil money

penalties and the revocation or suspension of a license.

#### **I. Temporary licenses**

1. The Board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:

- a. A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;
- b. A completed application on a form provided by the Board; and
- c. Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in Rule 010.13-012(B) or (C).

2. A temporary license may be renewed one (1) time only for industrial projects, upon submission by the applicant of the items listed in Rule 010.13- 013(1)(a) above.

3. The Director of the Division of Occupational and Professional Licensing Boards and Commissions may renew a temporary license as a master electrician or journeyman electrician issued by the Board for more than one (1) additional period of six (6) months, if ;

- a. The renewal is for work to be performed on a specific industry project;
- b. The Director of the Division determines that the additional renewal is necessary because actual construction will exceed one (1) year and an insufficient number of licensed electricians is available to perform the necessary work;
- c. The temporary license is restricted to the industry projects for which it is issued; and
- d. A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician is paid.

4. The Board may issue and renew a temporary license as a master electrician or journeyman electrician for regularly scheduled or emergency maintenance work or shut-downs of not longer than six (6) weeks on industry projects as defined by Ark. Code Ann. § 17-28-102(f).

#### **010.13-014 Revocation, Suspension, Surrender and Denial of Licenses**

##### **A. Authority of Board**

The Board shall have the power to revoke or suspend any license or registration

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT \_\_\_\_\_  
BOARD/COMMISSION \_\_\_\_\_  
BOARD/COMMISSION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_  
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING \_\_\_\_\_  
PRESENTER EMAIL(S) \_\_\_\_\_

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

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1. What is the official title of this rule?  
\_\_\_\_\_
2. What is the subject of the proposed rule? \_\_\_\_\_
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes      No

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes      No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes      No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?



12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes      No

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. \_\_\_\_\_

15. What is the proposed effective date for this rule? \_\_\_\_\_

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes      No

If yes, please explain.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes                      No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes                      No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes                      No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:  
(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes      No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.