

BOE - P- 01 - Developing Policy - 112717
Developing Policy or Guidance Documents

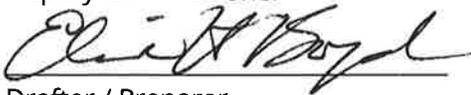
DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: NOVEMBER 27, 2017

SIGNATURES:



Deputy Commissioner



Drafter / Preparer

PURPOSE

The purpose of this policy is to provide guidelines for TDEC Bureau of Environment staff on the development and revision of policy and/or guidance. Policies which have no direct impact on external customers are excluded (i.e. policies that direct TDEC staff on administrative duties and processes).

DEFINITIONS

Policy, guidance and rules are defined by TDEC's Bureau of Environment as follows:

- "Policy" means a set of decisions, procedures and practices pertaining to the internal operation or actions of an agency. These include: Standard Operating Procedures (SOPs), Good Practice Guidelines (GxP), Checklists, Memoranda of Understanding or Memoranda of Agreement between Divisions, etc.

BOE – P- 01 – Developing Policy - 112717

Developing Policy or Guidance Documents

- “Rule” means each agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of any agency. “Rule” includes the amendment or repeal of a prior rule, but does *not* include:
 - Statements concerning only the internal management of state government and not affecting private rights, privileges or procedures available to the public;
 - Declaratory orders issued pursuant to § 4-5-223;
 - Intra-agency memoranda; and
 - General policy statements that are substantially repetitious of existing law;
- “Guidance” means a non-binding agency statement that explains the objective of rules or regulatory requirements and provides advice on compliance with the rule. These include: Compliance Guides, Regulatory Interpretive Memorandum, etc.

DIVISIONAL STRUCTURE

Each division should have a person or person(s) designated to maintain policy and guidance documents.

DETERMINING THE NEED FOR POLICY OR GUIDANCE

The following are situations or factors that may indicate a need for the development or revision of policy or guidance:

- Interpretation of a rule;
- Documentation of a process to support the training of new employees;
- Establishing consistency and/or clarity for staff;
- Addressing which Division has primary authority (in the case of Memoranda of Understanding or Agreement);
- Knowledge management and capture; and
- Introduction of new technology.

BOE – P- 01 – Developing Policy - 112717

Developing Policy or Guidance Documents

DEVELOPMENT OF POLICY OR GUIDANCE

1. The idea for proposed guidance or policy should be raised to Division leadership or Division policy coordinator.
2. Division leadership will determine whether or not the development of the proposed guidance or policy is necessary. If they decide it is necessary, they will assign staff, determine the timeline and the necessity of external stakeholder involvement.
3. Division leadership will develop a communications plan to ensure appropriate staff is made aware of, and trained on, the new policy or guidance. Division leadership will develop a communications plan to ensure impacted external stakeholders are made aware of, allowed to comment on (as appropriate), and trained on new guidance.

POLICY OR GUIDANCE DOCUMENT FORMAT

All policy and guidance documents should adhere to the template provided on the TDEC intranet site.

STAKEHOLDER ENGAGEMENT

Divisions (or the Bureau of Environment for Bureau-wide policy and guidance documents) should determine whether or not stakeholder engagement is appropriate. Not all policy or guidance documents warrant stakeholder engagement prior to issuance or revision. If the Division or Bureau determines that stakeholder engagement is appropriate in the development or revision of a specific technical policy or guidance document, then the following factors should be considered to determine the appropriate level of stakeholder engagement:

- Impact on public health or natural resources;
- Level of interest;
- Specific audience or general audience;

BOE – P- 01 – Developing Policy - 112717

Developing Policy or Guidance Documents

- Degree of change from the status quo; and
- Need for external input.

The following are some of the options for stakeholder engagement once the appropriate level has been determined:

- Posting on the internet for comment;
- Conducting webinars or conference calls;
- Convening stakeholder meetings; or
- Holding focus group discussions.

POSTING OF POLICY AND GUIDANCE DOCUMENTS

- All policy or guidance documents that impact external customers should be posted to the associated division webpage and the TDEC landing webpages for policy and guidance documents. Any draft policy or guidance documents which are posted for external review and comment should be posted to the webpage designated for draft policy or guidance documents.

POLICY AND GUIDANCE DOCUMENT UPDATES

- Policy and guidance documents should be reviewed every five (5) years or as needed. Each Division (or the Bureau, as appropriate) should determine the prioritization of the review / revision of existing policy and guidance documents. That prioritization may consider the impact of the content on external customers.
- The steps outlined to develop policy or guidance should be followed when revising either document.

BOE - P- 01 - Developing Policy - 112717
Developing Policy or Guidance Documents

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	08/03/17	Original document
1	11/27/17	Removal of template from policy