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Proposed Regulation Agency Background Document

Agency name	Department of Forensic Science
Virginia Administrative Code (VAC) citation(s)	6VAC40-30
Regulation title(s)	Regulations for the Approval of Field Tests for Detection of Drugs
Action title	Amendments to Permit Consideration and Approval of Presumptive Mobile Instruments
Date this document prepared	November 30, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory change involves proposed amendments to 6VAC40-30, the Regulations for the Approval of Field Tests for Detection of Drugs. Virginia Code § 19.2-188.1(A) permits any law enforcement officer to testify in any preliminary hearing as to the results of any field tests that have been approved by the Department of Forensic Science (DFS or the Department) pursuant to 6VAC40-30. "Field test" is not defined in the statute. 6VAC40-30-10 currently defines "field test" to include "any presumptive chemical test unit used outside of a chemical laboratory environment to detect the presence of a drug." The purpose of the proposed amendments is to expand the definition of "field test" to include presumptive mobile instruments, in addition to presumptive chemical tests. As a result of the expanded definition, the regulations will need to be amended to set forth a process for the evaluation, approval, and reevaluation of presumptive mobile instruments, as well as a fee schedule.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

There are no acronyms used in this document. A “presumptive chemical test” permits law enforcement officers to test a small portion of a suspected controlled substance utilizing a chemical reagent that may indicate the presence or absence of that substance, typically through a color change. Confirmatory testing must be conducted by a forensic laboratory. A “presumptive mobile instrument” permits law enforcement to either scan the suspected controlled substance or test a small portion of the suspected controlled substance, depending on the type of technology. The presumptive mobile instrument then provides law enforcement with a digital indicator of whether a controlled substance may be present. As with the presumptive chemical tests, confirmatory testing must be conducted by a forensic laboratory.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

There was no mandate for this regulatory change. The Board had previously considered whether a process to approve presumptive mobile instruments should be added to the regulation, but had declined to act without a specific request for such a change from law enforcement. As law enforcement began to encounter increasingly lethal opioids, the Drug Enforcement Administration (DEA) advised law enforcement agencies of the dangers associated with presumptive chemical testing of suspected controlled substances. As a result, most law enforcement agencies no longer use the presumptive chemical field tests currently authorized under 6VAC40-30. In October 2017, a local law enforcement agency advised the Department that it had ceased to use the presumptive chemical field tests due to safety concerns for their officers. A representative of that agency specifically requested that DFS consider approving a presumptive mobile instrument that the agency had obtained for use. Because of the current language of the regulation that is limited to presumptive chemical tests, the Department was unable to consider the approval of that presumptive mobile instrument. Accordingly, the Department requested that the Forensic Science Board consider amending the regulations to permit the approval of presumptive mobile instruments as field tests.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity’s overall regulatory authority.

Virginia Code § 19.2-188.1(A) provides that the Department of Forensic Science shall approve field tests for use by law enforcement officers to enable them to testify to the results obtained in any preliminary hearing regarding whether any substance, the identity of which is at issue in such hearing, is a controlled substance, imitation controlled substance, or marijuana, as defined in Virginia Code §18.2-247. The Forensic Science Board is granted the power to adopt regulations, pursuant to the Administrative Process

Act, for the administration of (i) Chapter 11 of Title 9.1 of the Code of Virginia or (ii) §§ 18.2-268.6, 18.2-268.9, 19.2-188.1, and 19.2-310.5 and for any provisions of the Code as they relate to the responsibilities of the Department.

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The Forensic Science Board is aware of the significant concerns for the safety of law enforcement officers as they handle unknown substances which may contain extremely lethal synthetic opioids. As the Drug Enforcement Administration (DEA) advised, the use of presumptive chemical tests on suspected controlled substances creates a risk of potential lethal exposure to law enforcement. This risk has become so significant that many law enforcement agencies have decided to forego the use of the presumptive chemical tests by their officers.

Presumptive mobile instruments are an alternative to presumptive chemical tests. Some presumptive mobile instruments can test through clear plastic and glass packaging, which greatly reduces the risk of exposure to law enforcement. As with chemical field tests, these presumptive mobile instruments could produce false positives and false negatives, and should only be utilized by law enforcement officers for the limited purpose outlined in Virginia Code § 19.2-188.1(A). Law enforcement agencies would not be required to purchase these instruments, but once approved by the Department, they would be an additional option available for law enforcement.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The purpose of the proposed amendments is to expand the definition of "field test" to include presumptive mobile instruments, in addition to presumptive chemical tests. As a result of the expanded definition, the regulations will need to be amended to set forth a process for the evaluation, approval, and reevaluation of presumptive mobile instruments, as well as a fee schedule. The proposed changes include:

- amendments to 6VAC40-30-10 to the definition of "field test" to include presumptive mobile instruments and the elimination of the term "field test kit,"
- amendments to 6VAC40-30-30 to establish two different procedures for evaluations and requirements for approval of presumptive chemical tests and presumptive mobile instruments,
- amendments to 6VAC40-30-40 to insert the term "field" before "test" as it occurs,
- amendments to 6VAC40-30-50 to establish a separate set of requirements for maintenance of approved status for presumptive mobile instruments,
- amendments to 6VAC40-30-70 to amend the term "presumptive chemical tests" to the broader term "field tests," and

- amendments to 6VAC40-30-80 to establish a separate fee schedule for approval of presumptive mobile instruments.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

- 1) The advantage to the public of this proposed regulatory change is that law enforcement has an increased ability to test suspected controlled substances in the field with a greatly reduced risk of exposure as compared to the currently approved presumptive chemical tests. This supports the goal of public safety. There are no disadvantages.
- 2) There are no advantages or disadvantages to DFS. As with the currently approved presumptive chemical tests, law enforcement officers would still be required to submit the suspected controlled substances to the Department of Forensic Science for laboratory analysis so that those confirmed results may be utilized at trial.

As for the Commonwealth, in addition to reducing the risk of exposure for law enforcement officers, the results obtained can be utilized by law enforcement officers for the purpose of obtaining criminal charges, and Virginia Code § 19.2-188.1(A) permits law enforcement officers to testify to those results at the preliminary hearing stage. With the confirmation of the presumptive results by the Department through laboratory analysis, there are no disadvantages to the Commonwealth.

- 3) As with the presumptive chemical tests, there can be false positives and false negatives. Law enforcement officers and other officials have been and will continue to be advised of this potential. The Department will continue to provide laboratory analysis for these substances so that only confirmed results are utilized at trial.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

This proposal does not have any requirements that are more restrictive than federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

Virginia State Police
 Other State Law Enforcement Agencies
 Indigent Defense Commission

Localities Particularly Affected

Local Law Enforcement Agencies
 Local Commonwealth's Attorneys' Offices

Other Entities Particularly Affected

Criminal Defense Bar

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources 	<p>DFS would not need any funding to support the approval process for presumptive mobile instruments because of this regulatory change. The regulatory amendments include a fee of \$2500 charged to the manufacturer for the evaluation process by the Department. This fee would cover the costs of time spent by laboratory staff in reviewing the instructions, training materials, the instrument's library and any foundational validation studies provided by the manufacturer as part of the evaluation process. The staff time would be needed for the testing and evaluation of the instruments and determination of the performance of the instrument in accordance with the manufacturer's instructions and advertised claims and the convenience and efficiency of the operation of the instrument. The Department would also charge the manufacturer the actual cost of any</p>
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	street drug preparations utilized in the evaluation process.
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	The Virginia State Police, or any state funded law enforcement agency, could incur costs associated with the purchase of these instrument if the agencies chose to utilize the instruments.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	This regulatory change would provide law enforcement officers with the option to test suspected controlled substances in the field using presumptive mobile instruments, which greatly reduce the risk of exposure as compared to the currently approved presumptive chemical tests.

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	These instruments are currently quite expensive (ranging from \$15,000 to \$20,000), but DFS anticipates that, as the technology improves, the costs will decrease. Although any law enforcement agency desiring to use this technology would incur the cost to purchase a presumptive mobile instrument, the regulatory change provides for their use as an option and does not mandate it. As with the currently approved presumptive chemical tests, law enforcement officers would still submit all suspected controlled substances to the Department of Forensic Science for laboratory analysis so that those confirmed results may be utilized at trial, whether the substance was field tested or not.
Benefits the regulatory change is designed to produce.	This regulatory change provides law enforcement agencies with the option of presumptive field testing of suspected controlled substances with a greatly reduced risk of exposure.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	As a result of this regulatory change, manufacturers of presumptive mobile instruments would have a procedure for the approval of those instruments for use by law enforcement agencies under Virginia Code § 19.2-188.1(A).
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	In the Landscape Study of Field Portable Devices for Presumptive Drug Testing, published by the Forensic Technology Center of Excellence and the National Institute of Justice in May 2018, the authors identified fourteen manufacturers that offer portable devices for presumptive field testing applications (https://forensiccoe.org/landscape-study-of-field-portable-devices-for-presumptive-drug-testing/). The total number of businesses that

	<p>manufacturer these types of devices is unknown, and the Board cannot estimate which of those manufacturers would be deemed small businesses under the established criteria.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.</p>	<p>Any manufacturer that chose to submit its presumptive mobile instrument for the approval process under this regulatory change would incur the \$2,500 fee per model of the presumptive mobile instrument, as well as the actual cost of each street drug preparation used by DFS during the evaluation process. Two non-sequentially manufactured instruments and supporting materials would be submitted by the manufacturer as part of the approval process. The two instruments would be returned to the manufacturer upon completion of the evaluation process by DFS. A manufacturer would only need to submit its instrument for approval if it desired to have its instrument considered by law enforcement agencies for use as a field test under Virginia Code § 19.2-188.1(A).</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>A process would be established for the Department's approval of presumptive mobile instruments as field tests under Virginia Code § 19.2-188.1(A). The amendments as drafted would permit the Department to consider various forms of presumptive mobile instruments as the technology evolves and improves without further amendments to the regulations.</p>

Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The only viable alternative to this proposed regulatory change is to leave the regulations as is and allow the use of currently approved presumptive chemical tests only. The proposed amendments to the regulations permit the approval of presumptive mobile instruments in addition to the presumptive chemical tests. This proposal gives law enforcement agencies the option to utilize other available technology for the detection of drugs, but does not mandate their use. The fee charged for the approval process has the manufacturer seeking approval of an instrument reimburse the Commonwealth for the staff time incurred in reviewing the submitted materials and evaluating the instruments. Because there is no mandate involved, manufacturers, whether large or small businesses, need only incur the fee if approval is sought so that the instruments can be utilized for field tests under Virginia Code § 19.2-188.1(A). Presumptive mobile instruments submitted for the Department's approval are returned at the end of the evaluation process.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The proposed regulatory change is the least stringent method of providing for the approval of presumptive mobile instruments under Virginia Code § 19.2-188.1(A), without mandating their use by law enforcement agencies in the Commonwealth. A manufacturer is not required to submit its presumptive mobile instrument for approval by DFS under the proposed regulatory amendments unless it seeks to have the instrument approved for use by law enforcement under 6VAC40-30.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This regulatory change is not the result of a periodic review/small business impact review.

Public Comment

Please summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Marilyn N. Durham, Powhatan	These amendments will increase the safety of deputies and all law enforcement officers in the state of	This comment was in support of the regulatory change and was submitted to the Forensic Science Board.

<p>County Sheriff's Office</p>	<p>Virginia who regularly come into contact with drugs/narcotics.</p>	
<p>Pat L. Gallagher, Deputy Chief, Virginia Beach Police Department</p>	<p>The use of any new instrument/equipment/technology that can legally aid law enforcement's ability to quickly and reliably test any contraband, specifically illegal drugs, would be an added layer of safety for our staff (officers and detectives) and could streamline the prosecution of any defendant would be welcomed and appreciated. In the midst of all of the opioid derivatives that are being misused, it would be critically important that any device selected should be designed to protect staff from accidental exposure. Our interpretation of the information provided that the new instrument could test substances through clear plastic and glass packaging, limiting exposure is very promising and we would support the implementation of this new technology.</p> <p>Initial purchasing and subsequent maintenance costs along with training requirements are factors; however, this would not adversely impact our support. We would suggest that the Virginia Attorney General weigh in on the impact any new device would have on the admissibility of evidence. In addition, if this equipment is approved, it would be important to forecast what, if any, impact agencies would face if staff did not utilize the equipment in future prosecutions.</p>	<p>This comment was submitted to the Forensic Science Board. The Attorney General's Office will be reviewing the regulatory change as part of the approval process. The regulatory change does not require that any law enforcement agency purchase and utilize an approved presumptive mobile instrument, as they are not required to utilize the currently-approved presumptive chemical tests.</p>
<p>Anton Karpov, Esquire Senior Assistant Public Defender, Public Defender's Office for the City of Virginia Beach</p>	<p>While understanding the rationale behind the proposed change, an inquiry was made regarding any data about the accuracy of the field testing kits.</p>	<p>DFS generates no data regarding the accuracy of the currently approved chemical tests. A number of studies were reviewed by the Forensic Science Board regarding the accuracy of the presumptive mobile instruments. Those studies were made available to the commenter/requester.</p>

Public Participation

Please include a statement that in addition to any other comments on the regulatory change, the agency is seeking comments on the costs and benefits of the regulatory change and the impacts of the regulated community. Also, indicate whether a public hearing will be held to receive comments.

In addition to any other comments, the Forensic Science Board is seeking comments on the costs, benefits, and the potential impacts of this regulatory change. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Amy M. Curtis, Department Counsel, 700 N. 5th Street, Richmond, Virginia 23219, amy.curtis@dfs.virginia.gov, (804) 786-2281 (phone), (804) 786-6857 (facsimile). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.

If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
6VAC40-30-10		The definition of “field test” is limited to presumptive chemical tests.	The definition of “field test” is expanded to include presumptive mobile instruments and the term “field test kits” is removed.
6VAC40-30-30		The regulation currently sets out the approval process for presumptive chemical tests only.	A process is established for the initial approval of a presumptive mobile instrument. The process requires the submission of two non-sequentially manufactured instruments and supporting materials for each model for

			<p>which approval is sought. The instruments are returned to the manufacturer upon completion of the evaluation.</p> <p>To be approved, the instrument must perform in accordance with the manufacturer’s instructions and advertised claims and be convenient and efficient for the law enforcement officers utilizing it.</p>
6VAC40-30-40		The regulation establishes the process the Department utilizes for notifying a manufacturer of the approval or disapproval of a test.	The term “test” is changed to “field test” for the clarification of the regulation.
6VAC40-30-50		The current regulation permits the Department to require an annual reapproval process for presumptive chemical tests, whether routinely required or on discovery of an unreported modification.	The amendments set out the reevaluation requirements for both presumptive chemical tests and presumptive tests, whether routinely required by the Department or on discovery of any unreported modification. The amendments clarify that addition to the compounds in a presumptive mobile instruments library, which the Department anticipates would occur on a frequent basis, do not trigger the need for a reevaluation of a presumptive mobile instrument.
6VAC40-30-70		The Department assumes no liability for the safe use of any presumptive chemical test and assumes no liability for any incorrect result or interpretation of a presumptive chemical test.	The amendments include both presumptive chemical tests and presumptive mobile instruments by utilizing the term “field test,” which has been defined in 6VAC40-30-10 to include both.
6VAC40-30-80		The fees charged by the Department for the approval of presumptive chemical tests are established under this regulation.	The amendments establish that a manufacturer will be charged a fee of \$2,500, in addition to the actual cost of each street drug preparation utilized, for each model of the presumptive mobile instrument for which evaluation is requested.

If an existing regulation or regulations (or parts thereof) are being repealed and replaced by one or more new regulations, please use the following chart:

Current chapter-section number	New chapter-section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements

If a new regulation is being promulgated, that is not replacing an existing regulation, please use this chart:

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements

If the regulatory change is intended to replace an emergency regulation, and is identical to the emergency regulation, please choose and fill out the appropriate chart template from the choices above. In this case “current section number” or “current chapter-section number” would refer to the **pre-emergency** regulation.

If the regulatory change is intended to replace an emergency regulation, but includes changes made since the emergency regulation, please create two charts:

1. A chart describing changes from the **pre-emergency** regulation to the regulatory change, as described in the paragraph above; or if a new chapter is being promulgated, a chart describing the proposed new regulation.
2. A chart describing changes from the **emergency** regulation to the regulatory change. For the second chart please use the following title: “Changes from the Emergency Regulation.” In this case “current section number” or “current chapter-section number” would refer to the **emergency** regulation.