

# DELAWARE ECONOMIC DEVELOPMENT OFFICE

## PUBLIC NOTICE

### Availability of the Draft State of Delaware Comprehensive Economic Development Strategy (CEDS) for Review and Comment

The Delaware Economic Development Office ("DEDO"), pursuant to 13 C.F.R § 303.7, seeks public review and comment on the draft State of Delaware Comprehensive Economic Development Strategy (CEDS). CEDS are designed to bring together the public and private sectors in the creation of an economic roadmap to diversify and strengthen Regional economies. The CED analyzes the Regional economy and serves as a guide for establishing Regional goals and objectives, developing and implementing a Regional plan of action, forging public and private partnerships and identifying investment priorities and funding sources. As a performance-based plan, the CEDS will serve a critical role in a Region's efforts to defend against economic dislocations due to global trade, competition and other events resulting in the loss of jobs and private investment. A copy of the draft CEDS document is available only on the Delaware Economic Development Office web site at <http://de.gov/50c>. The public is invited to review this document and provide any written comments no later than January 30, 2015 to Jeffrey Stone at [Jeff.Stone@state.de.us](mailto:Jeff.Stone@state.de.us) or by hard copy to Jeff Stone, Director of Infrastructure and Intergovernmental Relations, Delaware Economic Development Office, 99 Kings Highway, Dover, Delaware 19901.

## DEPARTMENT OF AGRICULTURE

### HARNESS RACING COMMISSION

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 Del.C. §10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the striking or whipping rule to maintain the integrity of racing 7.6.13.14.1.3 and 7.6.13.14.1.4.

The DHRC proposes this rule amendment to ensure adherence to appropriate animal welfare standards and fair racing standards. Subsequent to a 30-day comment period from January 1 to 30, 2015 and notice in the *Register of Regulations*, the DHRC will finalize the regulations on February 10, 2015 during its regularly scheduled monthly meeting. The DHRC February 2015 monthly meeting is public and is noticed on the state meeting notice website. Those meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB February 9, 2015. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

### HARNESS RACING COMMISSION

#### PUBLIC NOTICE

#### 501 Harness Racing Rules and Regulations

The Delaware Harness Racing Commission (DHRC) pursuant to 3 Del.C. §10005, proposes to amend its rules and regulations. The proposed regulation changes address needed amendments to the Uniform Classification Guidelines of Foreign Substances, reference 8.3 and 8.3.1.

The DHRC voted to approve this rule amendment on December 2, 2014 at its regular monthly meeting. The monthly meetings are noticed public meetings. Subsequent to this public notice in the *Register of Regulations*, the DHRC will leave the public comment period open until February 10, 2015 when the DHRC will hold its regularly scheduled monthly meeting. The DHRC February 2015 monthly meeting is public and is noticed on the state meeting notice website. Those meetings are held at the Delaware Department of Agriculture, 2320 South DuPont Highway Dover, DE at 10:00am. Written comments must be received by COB February 9, 2015. Those comments should be sent to the same address listed above for meeting location, attention Mr. Mark Davis.

### HARNESS RACING COMMISSION

### DELAWARE STANDARDBRED BREEDERS' FUND

#### PUBLIC NOTICE

#### 502 Delaware Standardbred Breeders' Fund Regulations

The State of Delaware, Department of Agriculture's Standardbred Breeders' Fund ("the Fund") hereby gives notice of

its intention to adopt an amended regulation pursuant to the General Assembly's delegation of authority to do so found at 29 **Del.C.** §4815(b)(3)b.2.D and in compliance with Delaware's Administrative Procedures Act at 29 **Del.C.** §10115. The proposed amended regulation under 9.2 expands the current bonus payments to include consolation races.

The Fund solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The deadline for the filing of such written comments will be thirty days (30) after these proposed amended regulations are promulgated in the Delaware *Register of Regulations*. Any such submissions should be mailed or hand-delivered to Ms. Judy Davis-Wilson, Administrator, Delaware Standardbred Breeders' Fund Program whose address is State of Delaware, Department of Agriculture, 2320 South duPont Highway, Dover, Delaware 19901 by February 1, 2015.

**DEPARTMENT OF EDUCATION**  
**PUBLIC NOTICE**

The State Board of Education will hold its monthly meeting on Thursday, January 15, 2015 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF LONG TERM CARE RESIDENTS PROTECTION**  
**PUBLIC NOTICE**  
**3325 Financial Capability Reporting**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 29 of the Delaware Code, Section 7903(10), Delaware Health and Social Services (DHSS) / Division of Long Term Care Residents Protection is proposing to create Regulation 3325, Financial Capability Reporting.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Thomas Murray, Deputy Director, Division of Long Term Care Resident Protection, 3 Mill Road, Suite 308, Wilmington, Delaware 19806 by January 31, 2015.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

For some time there have existed various interpretations of the requirement for facilities to submit financial documents to allow staff to effectively assess the financial capability of the facilities. This regulation details the information that must be submitted and the circumstances under which it must be submitted. It will establish consistency in the application of 16 **Del.C.** §§1104(b)(2) and 1104(e).

This regulation details the level of information that must be provided by the facility under various circumstances. It also details when and in what form the department will require the submission of audited financial statements.

**DIVISION OF MANAGEMENT SERVICES**  
**PUBLIC NOTICE**  
**Birth To Three Early Intervention System**

The Birth to Three Early Intervention System, Division of Management Services, Department of Health and Social Services, is seeking public comment on five sets of policies. The purpose of the policies is to ensure compliance under Part C of the Individuals with Disabilities Education Improvement Act of 2004. On January 1, 2015, the Birth to Three Early Intervention System plans to publish the proposed policies specified below, and hold them out for public comment per Delaware law.

The Birth to Three Early Intervention System will hold public hearings to discuss the following policies:

Title
General Education Provisions Act (GEPA)
Public Participation
Eligibility Policy and Definition of Eligible Infants and Toddlers
Statewide System of Early Intervention Services

Early Childhood Transition

Public hearings will be held:

February 26, 2015 at  
6:00 pm

Room 198, Main Administration Building on  
the Herman Holloway Campus, 1901 N.  
Dupont Highway Street, New Castle,  
Delaware 19720

March 2, 2015 at  
10:00 am

Conference Room, Second Floor, 18 North  
Walnut Street, Milford, Delaware 19963

Copies of the proposed regulations are available for review in the January 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling Inita Joyner at (302) 255-9134.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Susan Campbell by Wednesday, March 25, 2015 at:

Susan Campbell  
Birth to Three Early Intervention System  
1901 N Dupont Hwy  
New Castle, DE 19720  
Email: [susan.campbell@state.de.us](mailto:susan.campbell@state.de.us)  
Fax: 302-255-4407

**Please Note: Links to the five proposed policies are provided below:**

DE Part C Public Participation Policies:

<http://regulations.delaware.gov/register/january2015/calendar/policy1.pdf>

DE Statewide System of Early Intervention Services:

<http://regulations.delaware.gov/register/january2015/calendar/policy2.pdf>

DE Transition Operations Agreement:

<http://regulations.delaware.gov/register/january2015/calendar/policy3.pdf>

Eligibility Policy:

<http://regulations.delaware.gov/register/january2015/calendar/policy4.pdf>

General Education Provisions Act (GEPA):

<http://regulations.delaware.gov/register/january2015/calendar/policy5.pdf>

**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE  
PUBLIC NOTICE**

**70000 Certification and Regulation of Medicaid Managed Care Organizations**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Solvency Standards for Managed Care Organizations Participating in Medicaid, specifically, *Certification and Regulation of Medicaid Managed Care Organizations*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning, Policy Development and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by January 31, 2015.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE  
PUBLIC NOTICE**

**Inpatient Hospital Services  
Freestanding Inpatient Rehabilitation Hospital Services**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42

CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Delaware Title XIX Medicaid State Plan regarding Inpatient Hospital Services, specifically, *Freestanding Inpatient Rehabilitation Hospital Services*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Planning, Policy Development and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to 302-255-4425 by January 31, 2015.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DIVISION OF PUBLIC HEALTH  
PUBLIC NOTICE  
4453 Regulations Governing Cosmetology and Barbering**

The Health Systems Protection Section, under the Division of Public Health, Department of Health and Social Services (the Department), is proposing revisions to the State of Delaware Regulations Governing Cosmetology and Barbering. Amendments have been made to the existing regulation to add requirements and definitions for mobile units; clarify ventilation and hand wash sink requirements, and to whom may remove hair; prohibits use of razor blades and animals such as fish for removing calluses during pedicures, laser technology and threading to remove hair; and the application of permanent makeup unless it is separately permitted by the Department. On January 1, 2015, the Division plans to publish as proposed the amended regulations and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the January 1, 2015 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4705

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by January 31, 2015 at:

Deborah Harvey  
Division of Public Health  
417 Federal Street  
Dover, DE 19901  
Email: [Deborah.Harvey@state.de.us](mailto:Deborah.Harvey@state.de.us)  
Phone: (302) 744-4700

**DIVISION OF SOCIAL SERVICES  
PUBLIC NOTICE  
Child Care Subsidy Program, Child Support Policies and Procedures**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Child Support Policies and Procedures*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by January 31, 2015.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**DEPARTMENT OF INSURANCE  
OFFICE OF THE COMMISSIONER  
PUBLIC NOTICE**

## 607 Defensive Driving Course Discount (Automobiles and Motorcycles) [Formerly Regulation 37]

INSURANCE COMMISSIONER KAREN WELDIN STEWART hereby gives notice of proposed amended Department of Insurance Regulation 607 relating to Defensive Driving Course Discount (Automobiles and Motorcycles) [Formerly Regulation 37]. The docket number for this proposed AMENDED regulation is 2428.

Senate Bill 178 with Senate Amendment 1 of the 147<sup>th</sup> General Assembly transfers the authority to regulate Delaware's state-approved motor vehicle accident prevention (defensive driving) courses from the Department of Insurance to the Division of Motor Vehicles, except for the regulatory authority over the insurance discount as required by the program, which will remain under the Department of Insurance. The Delaware Code authority for the change is 18 **Del.C.** §§311 and 2503; and 29 **Del.C.**, Ch. 101.

The Department of Insurance does not plan to hold a public hearing on the proposed amended regulation. The proposed amended regulation appears below and can also be viewed at the Delaware Insurance Commissioner's website at:

[www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml](http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml)

Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendment. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EST, Friday, January 30, 2015. Any such requests should be directed to:

Regulatory Specialist Rhonda West  
Delaware Department of Insurance  
841 Silver Lake Boulevard  
Dover, DE 19904  
Phone: (302) 674-7379  
Fax: (302) 739-5566  
Email: [rhonda.west@state.de.us](mailto:rhonda.west@state.de.us)

## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF FISH AND WILDLIFE PUBLIC NOTICE 3541 Atlantic Sharks

The purpose of this action is to adopt provisions consistent with Addenda II and III to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Atlantic Coastal Sharks. The proposed action will maintain consistency between the federal (2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan as amended) and ASMFC management plans, preserve the historical distribution of smoothhound (*Mustelus canis* and *Mustelis norrisi*) landings, and protect hammerhead shark to maturity.

This action defines a smoothhound (colloquially referred to as smooth dogfish or sand sharks) complex. Although the smoothhound complex has not been assessed, NOAA Fisheries is developing a coastwide smoothhound quota. In anticipation of a coastwide quota, the ASMFC developed state allocations under Addendum II to preserve the historical distribution of smoothhound. The proposed action will also implement shark finning limits consistent with the Shark Conservation Act of 2010 and 7 **Del.C.** §928A.

Consistent with Addendum III, the proposed action adjusts the shark species groupings for management purposes. Most significantly, the proposed action groups scalloped (*Sphyrna lewini*), great (*S. mokarran*) and smooth (*S. zygaena*) hammerhead sharks into a single complex, as it is difficult to differentiate the species. A recent assessment of scalloped hammerhead sharks indicated that the species is overfished and overfishing is occurring. It was also determined that female scalloped hammerhead sharks reach maturity at 78 inches fork length (Hazin et al. 2001, NOAA Fisheries FEIS for Amendment 5a, pp. 2-19). Therefore, NOAA Fisheries changed the recreational size limit for all hammerhead sharks to 78 inches. The proposed action also separates the blacknose shark (*Carcharhinus acronotus*) from the small coastal shark complex.

Finally, the action proposes changes to the regulation that improve readability, but do not change regulatory intent.

The hearing record on the proposed changes to 3541 Atlantic Sharks will be open January 1, 2015. Individuals may submit written comments regarding the proposed changes via e-mail to [Lisa.Vest@state.de.us](mailto:Lisa.Vest@state.de.us) or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on January 22, 2015 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**DIVISION OF WASTE AND HAZARDOUS SUBSTANCES  
PUBLIC NOTICE  
1301 Regulations Governing Solid Waste**

To provide greater environmental protection and to reduce human health risks, the Solid and Hazardous Waste Management Section (SHWMS) proposes to add scrap tire facility management provisions to DRGSW. This amendment will enable the SHWMS to have oversight on the management of scrap tires, including limiting the amount of tires allowed to be accumulated in one area, providing environmental and human health protection via siting restrictions and mosquito control, and providing a mechanism for enforcement if the need arises.

The public hearing on the proposed amendments to DRGSW will be held on Monday, January 26, 2015 at 6:00 p.m. in the Richardson and Robbins Auditorium, 89 Kings Highway, Dover, DE.

**DEPARTMENT OF STATE  
DIVISION OF PROFESSIONAL REGULATION  
2000 BOARD OF OCCUPATIONAL THERAPY PRACTICE  
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §2006(a)(1), the Delaware Board of Occupational Therapy Practice has proposed revisions to its rules and regulations. The rules pertaining to continuing education are amended to clarify their application. Additionally rules of an administrative nature are changed to reflect current practices.

A public hearing will be held on March 4, 2015 at 4:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Occupational Therapy Practice, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION  
2500 BOARD OF PHARMACY  
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy has proposed revisions to its rules and regulations.

A public hearing will be held on January 21, 2015 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board liaison, Christine Mast, at the above address.

The proposed revisions consist of a new Rule 5.1.14.3 which specifies that disposal methods for dispensed medications must comply with State and Federal requirements. In addition, Rule 14.1.1 is amended to state that CPR certification must be obtained through hands-on education.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be February 5, 2015 which is 15 days following the public hearing. The Board will deliberate on all of the public comment at its regularly scheduled meeting on February 18, 2015, at which time it will determine whether to adopt the rules and regulations as proposed or make additional changes due to the public comment.

**DIVISION OF PROFESSIONAL REGULATION  
2930 COUNCIL ON REAL ESTATE APPRAISERS  
PUBLIC NOTICE**

Pursuant to 24 **Del.C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers has proposed revisions to its rules and regulations. The rules pertaining to continuing education and the responsibilities of state licensed supervisory appraisers and appraiser trainees are amended to conform to new Appraisal Qualifications Board criteria.

A public hearing will be held on February 17, 2015 at 9:30 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments on the

amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisal, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a).

**DIVISION OF PROFESSIONAL REGULATION  
4100 BOARD OF HOME INSPECTORS  
PUBLIC NOTICE**

The Delaware Board of Home Inspectors, pursuant to 24 **Del.C.** §4106(a)(1), proposes to amend its rules and regulations. The proposed regulation changes decrease the number of supervised inspections a trainee inspector must complete prior to being eligible for full licensure and decreases the number of inspections an experienced applicant must complete to be eligible for licensure. The changes are being proposed in light of a recent statutory change that decreased the number of inspections endorsement candidates are required to complete to be eligible for licensure. The changes also eliminate INTERNACHI membership as a qualification for licensure as an experience applicant as the Board believes that INTERNACHI membership is not as strong an indicator of an applicant's qualifications as ASHI and NAHI membership.

The Board will hold a public hearing on the proposed regulation change on February 10, 2015 at 9:00 a.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Amanda McAtee, Administrative Specialist of the Delaware Board of Home Inspectors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until February 25, 2015 pursuant to 29 **Del.C.** §10118(a).

**DEPARTMENT OF TRANSPORTATION  
DIVISION OF MOTOR VEHICLES  
PUBLIC NOTICE  
2224 Defensive Driving Course, Providers, and Instructors**

The Delaware Division of Motor Vehicles gives notice of intent to transfer a portion of regulatory authority for the Defensive Driving Course from Title 18 Insurance Regulation 607 to a new Title 2 Transportation Regulation 2224.

This proposal is pursuant to Senate Bill 178 with Senate Amendment 1 of the 147<sup>th</sup> General Assembly, which transfers the authority to regulate Delaware's state-approved defensive driving courses from the Department of Insurance to the Division of Motor Vehicles, except for the regulatory authority over the insurance discount, as required by the program, which will remain under the Department of Insurance.

Any person who wishes to make written suggestions, briefs or other written materials concerning this proposed new regulation must submit the same to Kami Beers, Chief of Driver Services, Delaware Division of Motor Vehicles, P.O. Box 698, Dover, Delaware 19903, or by fax to (302) 739-4750 Attn: Kami Beers by February 1, 2015.

**DIVISION OF TRANSPORTATION SOLUTIONS  
PUBLIC NOTICE  
2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property Interests**

The Delaware Department of Transportation is seeking public comment regarding an alternative dispute resolution procedure to assist in reaching or finally determine the amount of compensation to be paid for the acquisition of real property, when the Department has filed a condemnation action for that acquisition, in the manner otherwise prescribed by 10 **Del.C.** ch. 61.

In some instances, the parties involved may find it useful to engage in either a binding or non-binding review of their respective property valuations, using a panel of qualified appraisers for the purpose. The protocols for this alternative dispute resolution mechanism are outlined in the draft regulations.

The Department will take written comments on the proposed Regulation for this Alternative Dispute Resolution Protocol for Acquisition of Certain Real Property Interests from January 1, 2015 through January 31, 2015.

Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Robert Cunningham  
Chief of Right of Way  
Division of Transportation Solutions  
Delaware Department of Transportation  
P.O. Box 778

Dover, DE 19903  
(302) 760-2303 (telephone)  
(302) 739-2895 (fax)  
robert.cunningham3@state.de.us

**OFFICE OF MANAGEMENT AND BUDGET**  
**DIVISION OF FACILITIES MANAGEMENT**  
**PUBLIC NOTICE**

**4103 Regulation Governing the State of Delaware Asbestos Certification and Training Program**

The Office of Management and Budget, Division of Facilities Management has proposed amendments to the State of Delaware 4103 Regulation Governing the State of Delaware Asbestos Certification and Training Program. The presently existing regulation can be found at:

<http://dfm.delaware.gov/docs/regulations.pdf>

The proposed amendment updates training requirements and adds cash as a payment option for various fees related to certification of employees and professionals affected by this regulation.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed amended regulation must submit same to Robert Scoglietti by 4:30 p.m. on Wednesday, February 4, 2015. Any such requests should be directed to:

Robert Scoglietti  
Delaware Office of Management and Budget  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901  
Email: [robert.scoglietti@state.de.us](mailto:robert.scoglietti@state.de.us)

**DIVISION OF FACILITIES MANAGEMENT**  
**PUBLIC NOTICE**

**Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects**

The proposed regulation is intended to safeguard the public by establishing the mechanism, standards and requirements of a Mandatory Drug Testing Program for Contractors and Subcontractors that will be incorporated by reference into all Large Public Works Contracts awarded pursuant to 29 **Del.C.** §6962.

The key components of the Drug Testing Regulation include the following:

- Applicability for all public works projects bid under 29 **Del.C.** §6962.
- A requirement that all Large Public Works RFP's require each Contractor and Subcontractor to have a program of drug testing.
- Conformance to federal (SAMHSA) standards for collection, chain of custody procedures, laboratory testing, and Medical Officer review.
- Requirements for Initial Testing, Random Testing, Reasonable Suspicion Testing, Return to Duty Testing, and Accident Triggered Testing.
- Consequences of a positive test result by an Employee of a Contractor or Subcontractor.
- Penalties for non-compliance with this regulation.

On January 1, 2014 (Volume 17, Issue 7), OMB published in the Delaware *Register of Regulations* its notice of proposed regulations, pursuant to 29 **Del.C.** §10115. It was requested that written materials and suggestions from the public concerning the proposed regulations be delivered to OMB by February 4, 2014 or be presented at a public hearing on February 5, 2014, after which time OMB would review information, factual evidence and public comment to the proposed regulations. Considerable public comment was received by the following organizations:

- Associated Builders and Contractors of Delaware
- Delaware Contractors Association
- Richard Johnson and Sons Inc.
- Wohlsen Construction
- EDIS Company
- Delaware Army National Guard
- Diamond Materials LLC

- Ventresca Brothers Construction
- Wayman Fire Protection Inc.
- Marijuana Policy Project

The comments that were received have been considered and resulted in substantive changes to the form and content of the initially proposed regulation. In accordance with 29 **Del.C.** §10118(c), the amended regulation is hereby proposed as a newly proposed regulation.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed amended regulation must submit same to Robert Scoglietti by 4:30 p.m. on Friday, March 6, 2015. Any such requests should be directed to:

Robert Scoglietti  
Delaware Office of Management and Budget  
122 Martin Luther King Jr. Blvd. South  
Dover, DE 19901  
Email: [robert.scoglietti@state.de.us](mailto:robert.scoglietti@state.de.us)

The Director of the Office of Management and Budget, or an employee of the Office of Management and Budget designated by the Director, will hold a public hearing at which members of the public may present comments on the proposed regulation on Wednesday, February 11, 2015 in Room 219 of the Haslet Armory, 122 Martin Luther King Jr. Blvd South, Dover DE at 2:00 PM.