

## **Rule 902. Interpretive Opinions of Agreement**

**A. Request for Interpretive Opinions of the Agreement.** Pursuant to Section 902 of the Agreement, any Member State or person may request an interpretive opinion of the Agreement by submitting the request, in writing, to the Executive Director.

### **B. Compliance Review and Interpretations Committee**

1. **Initial Evaluation.** The Executive Director shall forward the request to the Compliance Review and Interpretations Committee for an initial evaluation. The Compliance Review and Interpretations Committee shall review the request to determine if further action is warranted.
2. **Determination as Unnecessary.** If the Compliance Review and Interpretations Committee determines that the request is inappropriate, unwarranted, or unnecessary for any reason, it shall notify the Executive Director who shall notify the requestor that the Governing Board declines to act on the request. The action shall be reported to the Executive Committee and the Governing Board. If the requestor disagrees with the initial evaluation, the requestor may invoke the dispute resolution process provided for in Article X of the Agreement.
3. **Formal Interpretive Opinions.** If the Compliance Review and Interpretations Committee determines that the request should be granted and an interpretive opinion should be issued, the Committee shall inform the Executive Director who shall publish the request for an interpretive opinion on the Website and solicit comments. The Compliance Review and Interpretations Committee shall consult with the State and Local Advisory Council and the business advisory council and shall formulate a recommendation to the Governing Board.
4. **Recommendation.** The Compliance Review and Interpretations Committee may request that the State and Local Advisory Council provide input on the interpretive opinion request. If additional input from the State and Local Advisory Council is requested, the Compliance Review and Interpretations Committee shall formulate a recommendation to the Governing Board within 120 days following the date the request for input is forwarded to the State and Local Advisory Council. If a request for input from the State and Local Advisory Council is not made, the Compliance Review and Interpretations Committee shall formulate a recommendation to the

Governing Board within 60 days following the expiration of the period after which the Compliance Review and Interpretations Committee can meet to consider an interpretive opinion request as provided under sections D and H of this rule. The committee members may, by majority vote, extend the period to formulate a recommendation upon finding of good cause. Good cause includes, but is not limited to, the complexity of an issue under review and the ability of the State and Local Advisory Council to act on a request for input that has been made to them.

**C. Public Notice.** The Executive Director shall provide a copy of the request for an interpretive opinion to and shall solicit comment from the following parties:

- (a) the authorized representative of each Member State;
- (b) the Chair of the State and Local Advisory Council;
- (c) the Chair of the business advisory council; and
- (d) the general public as provided in Rule 806.2.

**D. Public Meeting.** No sooner than 60 days after the solicitation of comment, the Compliance Review and Interpretations Committee shall meet in a public meeting convened in accordance with Rule 807 to consider the request and shall issue a written recommendation. The recommendation may be in the form of (1) an interpretive opinion of the Agreement or (2) a determination that an interpretive opinion should not be issued. The recommendation shall be in writing and shall provide the Committee's rationale for its recommended action. A copy of the recommendation shall be sent to the requesting party, the Executive Committee, and the Governing Board. It shall be at the discretion of the committee members, by majority vote, whether the Compliance Review and Interpretations Committee shall consider written public comment received following the expiration of the period after which the Compliance Review and Interpretations Committee can meet to consider an interpretive opinion request as provided in this section and section H of this rule.

**E. Agenda.** Actions recommended by the Compliance Review and Interpretations Committee shall be placed on the agenda of the Governing Board for either a regular or a special meeting.

**F. Appeal.** If the requestor disagrees with the decision, the requestor may invoke the appeals process provided for in Article X of the Agreement.

**G. Publication of Decision.** Once the decision of the Governing Board becomes final, either because no appeal is filed or because the appeal procedures have been exhausted, the decision shall be sent to the requesting party and a copy of the decision shall be posted on the Website.

**H. Expedited Process.** The time limits in this rule may be shortened if the requestor asks for expedited consideration in its request. In that case, the notice to interested parties shall request written comment within 10 days. The Compliance Review and Interpretations Committee may meet any time after that 10-day period has expired.