



Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
R. Michael Gill | Secretary of Commerce
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November 17, 2017

The Honorable Thomas V. Mike Miller, Jr.
President, Maryland Senate
State House, H-107
Annapolis, Maryland 21401-1991

The Honorable Michael E. Busch
Speaker, Maryland House of Delegates
State House, H-101
Annapolis, Maryland 21401-1991

**RE: The Advisory Council on the Impact of Regulations on Small Businesses –
Annual Report**

Dear President Miller and Speaker Busch:

Pursuant to Economic Development Article § 3-508, I am pleased to submit the 2017 Annual Report of the Advisory Council on the Impact of Regulations on Small Businesses.

I look forward to your review of this information and will be available to furnish any additional information that is needed. If my staff or I can be of further assistance, or if you have any questions regarding this report, please contact me at 410-767-6301.

Sincerely,

R. Michael Gill
Secretary

Enclosure



2017 ANNUAL REPORT
OF THE
ADVISORY COUNCIL ON THE IMPACT OF
REGULATIONS ON SMALL BUSINESSES
As required by the Maryland Code of Laws, Economic Development Article,
Section 3-508

Respectfully submitted to the General Assembly of Maryland by

Secretary R. Michael Gill, Chairman

401 East Pratt Street

Baltimore, MD 21202

November 2017



Maryland

Larry Hogan, Governor | Boyd Rutherford, Lt. Governor

OPEN *for* **Business**

**The Advisory Council on the Impact of Regulations
on Small Businesses**

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Executive Summary

Advisory Council Meetings

The Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council) held three meetings in 2017.

February – The Advisory Council reviewed the State’s existing regulatory process, and decided to focus its work in 2017 on developing recommendations for improving the consideration of the impact regulations have on small businesses in the State’s regulatory process. The decision to focus on potential reforms for the State’s regulatory process was based on: (1) the need to understand what State agencies are doing for estimating small business economic impact, and how well they are doing it; (2) a concern of being able to review all proposed State regulations, given 2,252 regulatory changes were adopted in 2016; and (3) the review of responsibilities of the Advisory Council appeared to duplicate the review responsibilities of the Department of Legislative Services.

May – The Advisory Council reviewed best practices of state and federal governments for estimating the impact of regulations on small businesses, and considering ways to minimize those impacts.

September – The Advisory Council adopted *Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses*, and recommendations to improve the State’s regulatory process for the benefit of small businesses.

Recommendations

The Advisory Council is making eleven recommendations to the Governor and General Assembly intended to reduce or minimize the economic and administrative burden regulations have on small businesses. These recommendations include seven changes to State law; two studies; implementing the use of the Advisory Council’s guidelines; and providing training to State employees.

The recommendations of the Advisory Council are commonsense solutions that create a practical promulgation process aimed at minimizing regulatory burdens on small businesses. These recommendations lay the foundation for a making a cultural shift in the State’s regulatory process by transforming an economic impact analysis from an administrative task required by State law into a meaningful tool for State agencies to consider less costly and burdensome regulations for small businesses.

The recommendations are grouped into primary and secondary recommendations, with the primary recommendations being the five actions the State can take that present the greatest opportunity to reduce regulatory burdens on small businesses in Maryland.

Primary Recommendations

Recommendation 1: Amend the Administrative Procedures Act (APA) to require State agencies to post changes to regulations to their websites for at least 15-days prior to submitting regulations to the Joint Committee on Administrative, Executive and Legislative Review (AELR). When agencies post regulations to their websites, they should also be required to provide a text or email notification to any interested party that registers to receive such notifications, and allow for the electronic submission of comments to the proposed regulations. This requirement should not apply to any proposed regulation that makes a technical change or affects the internal administrative process of an agency.

Currently, State agencies are required to solicit public comment on proposed regulations after AELR review and right before they are adopted. Requiring agencies to solicit input earlier in the regulatory process increases the likelihood concerns raised by small businesses will be addressed. It also provides the opportunity for State agencies to learn from interested parties if a regulation may duplicate existing State requirements, and the opportunity to request data for estimating the economic impact of a proposed regulation if necessary.

Recommendation 2: The Advisory Council adopted *Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses* to assist State agencies. These guidelines provide direction on estimating the cost of compliance and estimating the economic impact of regulations on small businesses. They also provide direction on considering ways to reduce the burdens and effects of regulations on small businesses, which currently does not exist.

The law governing the Advisory Council authorizes it to adopt guidelines for assisting State agencies with estimating the small business impact of proposed regulations. However, the law is silent on how the Advisory Council should promulgate the guidelines, and State agencies are not required to follow the guidelines. An Executive Order directing State agencies to use the guidelines would address both of these issues.

Recommendation 3: Provide training to State employees who draft regulations and estimate their small business economic impact. State agencies hire personnel with skillsets that support the mission of an agency, which means employees often do not have the quantitative and qualitative skillsets necessary to estimate economic impact. For example, the Maryland Department of the Environment relies on employees with expertise in earth science, biology, and other scientific disciplines to write regulations. While these employees have the expertise to draft regulations, they do not necessarily have the expertise to estimate their economic impact.

Employees of all the State agencies interviewed for this report indicated they had never received training on how to estimate economic impact, and a desire to receive training on conducting the analyses required by State law was the most frequently cited request by agency personnel.

Recommendation 4: Require State agencies to provide a compliance guide, written in plain language, to assist small businesses with complying with any regulation that is determined to

impact small businesses. Providing clear direction on how to comply with regulations will help to reduce the amount of time small businesses spend on regulatory compliance.

Recommendation 5: Require the Department of Legislative Services' Office of Legislative Audits to conduct a sample review of economic impact analyses as part of the State's compliance auditing requirements. This will provide additional oversight to ensure agencies are fulfilling statutory requirements for estimating economic impacts on small businesses, and taking steps to minimize the impact of regulations when appropriate. It also provides a means for evaluating the effectiveness of State policy aimed at minimizing regulatory impacts on small businesses.

The Office of Legislative Audits is being recommended because in the current structure of Maryland's state government it is the organization with responsibilities that most closely align with evaluating performance. Creating an evaluation component to the State's regulatory process, whether in the Office of Legislative Audits or elsewhere, will most likely require additional positions. As the promulgation of regulations is an Executive Branch function, it may be appropriate to identify an appropriate Executive Branch agency in which a unit dedicated to this function can be created.

Secondary Recommendations

Recommendation 6: Increase the amount of time the Joint Committee on Administrative, Executive, and Legislative Review (AELR) has to review proposed regulations from 15 days to 30 days. Increasing the review period for AELR can improve accountability and makes its review consistent with the Advisory Council's potential review period.

Recommendation 7: Amend the Administrative Procedures Act (APA) to allow all State agencies greater flexibility in assessing regulatory fines on small businesses. Greater flexibility includes: reducing or waving fines, considering the ability of a small business to pay when assessing a fine; providing a small business 30 days to correct a violation before assessing a fine; and crediting any costs incurred by a small business to correct a violation towards the amount of a fine or penalty. The ability of agencies to use discretion when assessing a fine is currently contingent on specific statutes that authorize the imposition of a fine. This proposed amendment to the APA will universally ensure State agencies have the discretion to assess less onerous fines on small businesses.

Recommendation 8: Allow State agencies to exempt small businesses from a regulation if an agency certifies that the local jurisdiction in which a small business is located has a comparable regulation at least as stringent as the proposed State regulations. This recommendation provides the opportunity to reduce the duplication of State and local regulations to which small businesses are subject.

Recommendation 9: Revise State law requiring economic impact analyses, including small business impact analyses, to eliminate duplicative and conflicting requirements for State agencies. Currently, four separate sections in two articles of State law require some form of

analysis for proposed regulations. These requirements have been added to statute at different times over the last three decades. Revising and consolidating these requirements will provide clarification to State agencies for estimating the economic impact of proposed regulations.

Recommendation 10: Review barriers in State government for agencies to collect, access, and share data that can be used for estimating economic impact. Identifying reliable data is one of the greatest obstacles to estimating the economic impact of regulations on small businesses, and ensuring State agencies are able to collect and share aggregate data will improve access to reliable data.

Recommendation 11: Study the possibility, including any associated costs, of requiring State agencies to allow for the electronic submission of all forms, reports, payments, and documentation required to comply with a regulation. Electronic submission could help to reduce paperwork and the administrative burden of regulation for small businesses, and make it easier to comply with regulations.

Introduction

The Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council) was created by Chapter 137, Acts of 2015. The Advisory Council stems from a recommendation made to the Maryland Economic Development and Business Climate Commission, more commonly known as the Augustine Commission. In its final report, the Augustine Commission recommended to “authorize a member of the Joint Committee on Administrative, Executive and Legislative Review to hold a hearing on a proposed regulation if the State’s analysis of the proposed regulation notes a meaningful adverse, small business impact.” This recommendation was made in response to comments received by the Augustine Commission that sufficient attention is not paid to the small business economic impact analysis required for proposed regulations.

The statutory responsibilities of the Advisory Council are to:

- (1) review each proposed regulation required to be submitted to the Advisory Council under Section 10-110(c) of the State Government Article;
- (2) determine whether the proposed regulation poses a significant small business impact;
- (3) provide an estimated range of costs for small businesses affected by the proposed regulation; and
- (4) identify whether a proposed regulation is necessary to comply with federal law.

If a proposed State regulation establishes a more restrictive or stringent standard than the standard established under federal law or regulation, then the Advisory Council is to:

- (1) identify the specific manner in which the proposed regulation is more restrictive than the applicable federal standard;
- (2) estimate the range of additional costs that small businesses may incur from compliance with the more restrictive standard, as compared with the cost of compliance with a less stringent standard that complies with federal law;
- (3) identify alternative standards that are adopted by one or more states, or other potential standards, that are less restrictive but comply with federal law; and
- (4) identify the potential benefit to the public health, safety or welfare, or the environment, expected from adopting the proposed regulation with a more restrictive standard.

In addition to its statutory responsibilities, the Advisory Council is authorized to: (1) review existing regulations and any matter related to the effect of a regulation or the regulatory process on small businesses in Maryland; and (2) adopt guidelines to assist State agencies with considering the impact of regulations on small businesses, and writing small business impact statements for proposed regulations.

At its February meeting, the Advisory Council decided to focus its work in 2017 on its authority to review Maryland’s regulatory process as it relates to small businesses, and develop guidelines

to assist State agencies, rather than beginning the review of proposed regulations to determine if they had a small business impact. This decision was made for several reasons: (1) it was reasonable to gain an understanding of how well agencies estimate small business economic impact before reviewing their analyses; (2) there may be best practices for estimating and minimizing the impact of regulations on small businesses not used in the State's promulgation process; and (3) members were daunted by the task of reviewing all non-emergency regulations. The Advisory Council felt it could be most productive by developing recommendations to make systematic improvements to the State's regulatory process for the benefit of small businesses.

Methodology

The Advisory Council's recommendations are based on:

- A comparative analysis of the regulatory requirements for twelve states and the federal government that identified best practices;
- Staff interviews with the Congressional Government Accountability Office and the federal Small Business Administration, and a review of their reports;
- Staff interviews with Maryland regulatory agencies on how agencies develop regulations and consider their impact on small businesses, including: the Department of Transportation, the Maryland Insurance Administration, the Department of Health, the Department of Natural Resources, the Department of the Environment, the Department of Labor, Licensing and Regulation, and the Department of Agriculture; and
- Numerous interviews with individuals and organizations, including economists, the Maryland Chamber of Commerce, AELR staff, and DLS Fiscal Note Writers.

Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses for assisting State agencies were developed from a literature survey of best practices, and input from the Department of Legislative Services.

Discussion of Recommendations

PRIMARY RECOMMENDATIONS

Recommendation 1

The Advisory Council recommends requiring State agencies to:

- (1) Post any changes to regulations on their website prior to submitting regulations for review to the Administrative, Executive and Legislative Review Committee (AELR);
- (2) Make it possible for any interested person or group to register to receive an email notification when changes to regulations are posted on an agency's website;

- (3) Allow stakeholders to provide feedback electronically to the regulations that are posted on agency websites.
- (4) Request small businesses to identify existing State regulations to which they are subject that may conflict or duplicate the requirements of the regulation being proposed; and
- (5) Make an information request for data to assist with estimating economic impact if necessary.

This requirement should not apply to proposed regulations that make changes to an agency's internal administrative procedures or make technical changes.

Discussion

Several states (CA, FL, and TX) require agencies to mail a copy of proposed regulations to any person or group who has made a timely written request to receive an agency's proposed regulations. Maryland does not have this requirement. California also requires mailing changes to regulations to a representative number of small business that are likely to be affected by the proposed action. A small business representative may include a trade association, industry association, professional association, or any other business group or association that represents a business enterprise or employees of a business enterprise.

While Maryland does not require mailing proposed regulatory changes to interested parties, State agencies have adopted internal procedures to that effect. The Maryland Insurance Administration (MIA) posts changes to regulations on its website, and allows interested stakeholders to register to receive an email notification when regulations are posted. Also, certain draft regulations that represent a significant policy change are posted to its website prior to submitting the regulations to AELR. Stakeholder feedback from these postings may raise substantive or technical concerns with the proposed regulation, which allows MIA the opportunity to modify, if appropriate, a proposed regulation prior to AELR review.

The Fisheries Services within the Maryland Department of Natural Resources seeks input before drafting regulations through a process it calls scoping. The concept of a proposed regulation is posted on its website prior to drafting a new regulation in order to get stakeholder feedback. The Fisheries Services allows stakeholders to register in five regulatory areas to receive email or text notification of regulatory changes. In January of 2017, the number of individuals registered to receive notification for the five regulatory areas ranged from 1,981 to 16,371.

State agencies indicated during interviews that they reach out to stakeholders while developing regulations in order to get their input. A common sentiment expressed by agencies is that it is in their best interest to get input from stakeholders when they begin developing new regulations. Waiting for input until the required 30-day public comment period, which is towards the end of the regulatory adoption process, is too late. By the time of the required public comment period, agencies have spent several months to several years developing regulations. Having to change regulations as result of public comment results in delays and additional work for agencies.

Subsequently, agencies solicit input when developing regulations in an attempt to avoid having to modify regulations as a result of public comment received in one of the last steps of the process for adopting regulations.

While State agencies make a concerted effort to solicit input from stakeholders when developing regulations, outreach to small businesses is inconsistent. This is in part because agencies identify stakeholders based upon their prior interactions with a stakeholder in the regulatory or legislative process. If an agency does not frequently interact with small businesses, then it is less likely to identify small businesses as a stakeholder.

The inconsistency in soliciting input from small businesses is also due in part to the mission of an agency. The Maryland Department of Agriculture (MDA) simultaneously regulates farmers to ensure consumer safety, and promotes the economic wellbeing of farmers. When developing regulations affecting farmers MDA will solicit input from the Maryland Farm Bureau, which represents farmers, who are small businesses. The Office of Health Care Quality (OHCQ) within the Maryland Department of Health (MDH) has a similar charge. It regulates nursing home providers, but it also support's MDH's mission of ensuring adequate access to health care by preserving a network of healthcare providers. In fulfilling its regulatory responsibilities, OHCQ does not want to introduce requirements that may threaten the economic viability of nursing home providers, which often are small businesses. As result, OHCQ actively engages nursing home providers when developing regulations. Agencies that do not have frequent interactions with small businesses like MDA and OHCQ are less likely to reach out to small businesses although they may be affected by a proposed regulation.

Staff of the Government Accountability Office (GAO) indicated that early input on regulations from small businesses is necessary to make consideration of the impact of regulations on small businesses meaningful. However, they cautioned that soliciting early input may not apply to all regulations, and consideration should be given to what activity is being regulated.

While getting early input from small businesses on proposed regulations can help to reduce regulatory burdens, it is important for agencies to have a clearly defined concept for the regulation it is developing. Failing to clearly define a regulatory concept can create a “chicken and egg” dynamic. GAO anecdotally referenced instances of federal agencies requesting input on general ideas for a regulation hoping to use stakeholder input to shape the regulation. However, in order to provide the information being requested by an agency, stakeholders indicated they needed a clearer understanding of what the federal agency was trying to do.

Soliciting input from small businesses earlier in the regulatory process may also help to reduce the number of duplicative or conflicting regulations. In its Regulatory Flexibility Analysis guide for federal agencies, the Small Business Administration encourages agencies to solicit input from small businesses as to whether a proposed regulation may duplicate an existing federal regulation. Although federal agencies are required to make a good faith effort to determine if a proposed regulation is duplicative, the sheer number of regulations makes a comprehensive review of existing regulations to avoid duplication difficult. Allowing small businesses the

opportunity to provide information about existing regulations with which they must comply provides an opportunity for small businesses to inform an agency that its proposed regulation may be duplicative.

Another potential benefit of earlier input for small businesses in Maryland's regulatory process is that it can help to address a common problem with estimating the economic impact of proposed regulations: the availability of good data. The issue of reliable data will be discussed in more detail in the discussion of Recommendation 10. If an agency is having difficulty estimating the economic impact of a proposed regulation because of a lack of data, then it can make an information request for data when posting proposed regulations to its website.

This recommendation also allows for small businesses to self-identify as a stakeholder by giving them the opportunity to register with State agencies that regulate their particular industry, and improving the transparency of the State's regulatory process. However, for this to be optimally effective, the State will need to actively promote this practice if adopted.

Recommendation 2

Implement the use of the guidelines adopted by the Advisory Council for estimating the small business economic impact of proposed regulations, and considering flexible alternatives for small businesses for proposed regulations that are determined to have an adverse impact on small businesses.

Discussion

Pursuant to Section 3-507 of the Economic Development Article, the Advisory Council adopted guidelines for assisting State agencies with considering the economic impact of proposed regulations on small businesses entitled *Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses*.

The guidelines are intended to assist regulatory agencies with estimating the impact of regulations on small businesses, and considering alternatives for minimizing their impact. Direction and assistance is provided to regulatory agencies on considering the impact of a proposed regulation on small businesses in seven separate steps: (1) Initial Assessment; (2) Identifying Data; (3) Analyzing the Need to Regulate Small Businesses; (4) Estimating Small Business Economic Impact; (5) Soliciting Input and Feedback from Small Businesses; (6) Considering Alternatives and Flexibility for Small Businesses; and, (7) Assisting Small Businesses with Regulatory Compliance.

The guidelines provide an improved standardized framework that will assist State agencies with estimating the small business economic impact of proposed regulations. They also provide direction that currently does not exist for agencies on conducting a regulatory flexibility analysis for small businesses

In 1980, the federal government enacted the Regulatory Flexibility Act (RFA), which was augmented by the Small Business Regulatory Enforcement Fairness Act (SBREFA) in 1996. The purpose of these acts is to minimize the economic impact and burden of federal regulations on small businesses by requiring federal agencies to consider the effect of their regulations on small businesses, and to minimize those effects when appropriate. Minimizing the effects of regulations on small businesses can include:

- The establishment of less stringent reporting requirements.
- The establishment of less stringent schedules or deadlines for compliance or reporting requirements.
- The consolidation or simplification of compliance or reporting requirements.
- The establishment of performance standards rather than design standards or operational standards required in a proposed regulation.
- The exemption of certain individuals or small businesses from all or part of the requirements contained in a proposed regulations.
- Alternative regulatory methods that will accomplish the objectives of the proposed regulation while minimizing the adverse impact upon small businesses.

In recent years, state governments have increasingly adopted laws requiring a flexibility analysis patterned after federal law. Maryland law does not specifically require a small business flexibility analysis; however, the Administrative Procedures Act requires an evaluation that appears to have been influenced by the federal Regulatory Flexibility Analysis passed in 1980. A law requiring State agencies to evaluate the effect regulations have on different sizes of businesses, and authorizing agencies to adopt different regulations for different sizes of businesses was passed in 1983. Although this law is not as prescriptive as most regulatory flexibility analysis laws, it does provide State agencies with the same authority to adopt different regulations for small businesses that are less burdensome.

The guidelines, along with the recommendations for training State employees, seek to provide agencies with the tools and resources necessary for fulfilling their statutory responsibilities. While State agencies have the authority to adopt regulations aimed at being less burdensome for small businesses, there currently is no direction for agencies on how to utilize that authority. Subsequently, considering regulatory alternatives specifically for small businesses intended to make regulations less burdensome is not emphasized in the development of regulations. Providing direction and emphasis on regulatory alternatives for small businesses enhances the value of economic impact estimates, and addresses the current apparent disconnect between a small business economic impact analysis and minimizing the impact of regulations on small businesses. The guidelines address this disconnect by stressing the importance of identifying proposed regulations determined to have a significant impact on small businesses for the purpose of considering ways to reduce that impact.

Along with the guidelines, regulatory agencies are also provided with an informational resource to assist with soliciting input from small businesses. The guidelines include a list of over 500

organizations from which agencies may solicit input. The organizations include: economic development organizations; Chambers of Commerce; and professional, industry, and trade associations. The majority of the organizations on the list were identified from the State Ethics' Commission most recent lobbying activity report. This report was used to identify organizations because it suggests organizations are actively engaged in the State's policy development processes.

The statute authorizing the Advisory Council to adopt guidelines is silent on how to promulgate the guidelines, and agencies are not required to follow them. An Executive Order that requires Executive Branch agencies to follow the guidelines will increase their benefit.

Recommendation 3

Provide training for estimating the economic impact of regulations on small businesses to State employees.

Discussion

State agencies indicated that they do not have a training program for estimating the economic impact of proposed regulations, and the State does not offer a centralized training program. All State agency personnel interviewed for this report stated they had never received training on estimating the economic impact of regulations on small businesses, although State law requires several analyses for estimating economic impact.

The Advisory Council's guidelines provide a standardized framework for estimating the economic impact of proposed regulations on small businesses. However, achieving the goal of the guidelines of improving agencies' consideration of the impact of regulations on small businesses cannot be fully realized without proper training.

The number of employees who work on economic impact analyses varies among State agencies, ranging from a few employees to a few hundred employees. The Advisory Council does not have the resources necessary to provide training, given the number of State employees who will require it.

The Schaefer Center at the University of Baltimore has the experience and resources necessary to provide training to a large number of employees. It provided Managing for Results (MFR) training to 4,600 State employees, and trains 3,000 election judges in six weeks for every election in Baltimore City. These are only two of a number of examples provided by the Schaefer Center's Director when Advisory Council staff was researching training alternatives.

Given its experience and capacity to provide training to a large number of State employees, the Schaefer Center is a natural choice for providing training. The Department of Budget and Management, or other appropriate control agency, should enter into an intergovernmental agreement with the Schaefer Center to provide training. The cost of training can be assessed to

agencies based on the number of employees an agency sends to training, which will allow the cost of training to be paid with funds that are already budgeted.

Recommendation 4

Require State agencies to provide compliance guide, written in plain language, for regulations determined to have a significant small business impact to assist small businesses with complying with regulations.

Discussion

A frequently cited complaint from small businesses is not knowing what constitutes compliance, or how to comply with a regulation. This recommendation is patterned after a requirement in the federal Small Business Enforcement Fairness Act, which requires federal agencies to provide direction on how to comply with a regulation by providing a compliance guide. Providing clear direction on how to comply with regulations will help to minimize regulatory burden by reducing the amount of time small businesses spend figuring out how to comply with a regulation.

Recommendation 5

Require the Office of Legislative Audits to conduct a sample review of economic impact analyses as part of the State's compliance audit process.

Discussion

Protecting the public's safety, health, and welfare, as well as the environment with regulation while limiting undue regulatory burdens on small businesses is a difficult balance to strike. Regulatory reform efforts to find a way to better strike that balance offer mixed results.

From the comparative analysis and review of individual states' requirements for developing and adopting regulations, three common themes for regulatory reform emerged: (1) there is a periodic effort, typically every five to ten years, to reduce the burden regulations have on small businesses; (2) these periodic efforts are often duplicative, redundant, or a variation of previous or current reform efforts; and (3) these efforts focus on the front-end of the regulatory process, and do not focus on the administration or a retrospective examination of regulations.

These themes illustrate a cycle that has developed with regulatory reform as it relates to small businesses. States seek to reduce the regulatory burden on small businesses through an Executive Order or by the passage of legislation. These efforts focus on creating new requirements for regulatory agencies in developing regulations. However, these regulatory reform efforts do not include analyzing the administration of the new requirements, or a retrospective look at the effectiveness of reforms after they are implemented. The result is that the regulatory reform effort fails or is not as effective as intended, which eventually leads to another periodic reform effort.

Periodic review of regulatory requirements are not just warranted, they are essential in maintaining an adequate balance between properly regulating and minimizing regulatory burdens on small businesses. Yet if reform efforts are to be successful, the adoption of new agency requirements for developing regulations must be seen only as the beginning of reform. The implementation of reform requirements by agencies, as well as the effectiveness of those reform requirements in reducing the regulatory burden on small businesses need to be analyzed. Approaching regulatory reform incrementally, instead of comprehensively, provides the opportunity to analyze what works and learn from the lessons taught by experience with reform efforts.

To improve the likelihood of success of regulatory reform intended to offer relief to small businesses, Maryland needs to implement the best practice of evaluating how well State agencies are estimating the economic impact of regulations on small businesses, and considering alternatives to minimize those impacts. The State agency currently best suited for such an evaluation is the Department of Legislative Services' Office of Legislative Audits, which is required to conduct performance audits of State agencies.

The Office of Legislative Audits is being recommended because in the current structure of Maryland's state government it is the organization with responsibilities that most closely align with evaluating performance. Creating an evaluation component to the State's regulatory process, whether in the Office of Legislative or elsewhere, will most likely require additional positions. As the promulgation of regulations is an Executive Branch function, it may be more appropriate to identify an Executive Branch agency in which a unit dedicated to this function can be created.

SECONDARY RECOMMEDATIONS

Recommendation 6

Increase the amount of time the Joint Committee on Administrative, Executive and Legislative Review (AELR) has to review recommendations from 15 to 30 days.

Discussion

Increasing AELR's review period will: (1) improve oversight by providing AELR and the Department of Legislative Services more time to review proposed regulations, including the more rigorous estimate of economic impact provided by the Advisory Council's guidelines; and (2) resolve the current timing issue in statute that allows the Advisory Council up to 30 days to review a proposed regulation while AELR has only 15 days.

The Advisory Council's guidelines provide a detailed sequence of steps for estimating the economic impact of proposed regulations, and variables agencies should consider to minimize regulatory impacts on small businesses. The increased attention to estimating and minimizing the economic impact of regulations on small businesses provided by the guidelines will be

augmented by providing additional time to AELR to thoroughly review what hopefully will be more detailed submissions by agencies. It will also reduce strain on the Department of Legislative Service's (DLS) Fiscal Notes staff, who are responsible for reviewing economic impact analyses, during the legislative session. By custom, the processing of regulations is suspended from mid-December to the beginning of February. This is to allow DLS lawyers, who review proposed regulations for legal sufficiency, to draft legislation for the annual legislative session. However, the resumption of promulgating regulations in February places a strain on DLS Fiscal Note writers whose primary responsibility in February and March is preparing fiscal notes for legislation.

Increasing the AELR review period to 30 days will also resolve a potential unintended timing issue. Currently, statute requires proposed regulations to be submitted to the Advisory Council at the same time they are submitted to AELR. The Advisory Council then has 15 days to provide initial notice to AELR if it determines that a regulation poses an adverse impact on small businesses. Once the Advisory Council notifies AELR of such a finding, it then has up to an additional 15 days to submit a written statement of its findings to AELR. This means the Advisory Council potentially has 30 days to review a regulation while AELR only has 15 days. Increasing AELR's review period to 30 days will resolve this problem.

Recommendation 7

Amend the Administrative Procedures Act to provide potential relief from regulatory fines and penalties for small businesses.

Discussion

For regulations that impose a penalty for a violation, New York requires agencies to include a time period to allow small businesses to correct a violation, and upon successful correction prevent the imposition of a penalty; or include in a flexibility analysis why no corrective time period was included in a regulation. This requirement applies only to regulations that require a flexibility analysis under New York law.

The federal Small Business Regulatory Enforcement Fairness Act requires federal agencies that regulate small businesses to provide for the reduction, and under appropriate circumstances the waiver, of civil penalties for violations of statutory or regulatory requirements by a small business. Under appropriate circumstances, an agency may consider a business' ability to pay in determining penalty assessments on small businesses. This federal law excludes small businesses that have been subject to multiple enforcement actions by an agency, and violations that involve willful or criminal conduct or pose serious health, safety or environmental threats.

Maryland agencies may have discretion when assessing fines and penalties; however, an agency's discretion on assessing a lesser fine is contingent on the agency being provided that authority in the statute authorizing the assessment of a fine. Amending the APA to universally allow agencies to assess lesser fines for small businesses ensures that all regulatory agencies

have the authority to offer relief to small businesses when assessing fines.

Specifically, regulatory agencies should be authorized to: (1) waive a fine if a small business corrects a violation within 30 days; (2) consider a small business' ability to pay when assessing a fine, and be able to assess a lesser fine; and (3) credit the cost incurred by a small business to correct a violation towards the amount of a fine.

Recommendation 8

Allow State agencies to exempt small businesses from a regulation if an agency certifies that the local jurisdiction in which a small business is located has a comparable regulation at least as stringent as the proposed State regulations.

Discussion

The premise of this recommendation is patterned after practices of federal law. The federal government will allow states to assume certain responsibilities as long as their requirements are as stringent as the federal requirement. For example, worker safety is regulated by the federal Occupational Safety and Health Administration (OSHA). However, the federal government allows states the ability to regulate worker safety as long as a state's program is at least as stringent as OSHA's program, which Maryland does with its Maryland Occupational Safety and Health program.

If a State agency learns that a regulation is duplicative of a local regulation, then a State agency can exempt small businesses in that locality as long as the local regulation is as stringent as the State's requirements. Similar to the federal process, State agencies would be responsible for certifying that a local regulation is as stringent as a State regulations. Allowing State agencies to exempt small businesses in local jurisdictions from a regulation makes it possible to reduce regulatory duplication on an inter-governmental level. This allows for a reduction in regulatory burdens for small businesses while preserving the public benefit through local regulation.

Recommendation 9

Revise State law requiring economic impact analyses, including small business impact analyses, to eliminate duplicative and conflicting requirements for State agencies.

Discussion

Currently, four different sections in two separate articles of State law establish the requirements for State agencies in estimating the economic impact of regulations on small businesses. These sections, along with a brief summary, are listed below.

Section 2-1505.2 of the State Government Article – requires State agencies to conduct an “economic impact analysis rating” for proposed regulations. Using this analysis, a regulation is

determined to have either “minimal or no economic impact” or a “meaningful economic impact.” If an agency, or the Department of Legislative Services, determines that a regulation will have a “meaningful economic impact” on small businesses, then the agency must complete a full written economic impact analysis for the proposed regulation.

Section 10-110(d)(3) of the State Government Article – requires State agencies that determine their proposed regulations will have a “significant small business impact” to identify the provisions that will have such an impact, quantify or describe the range of potential costs, identify how many businesses may be impacted, identify any alternative provisions the agency considered that may have a less significant impact, and identify beneficial impacts.

Section 10-124 of the State Government Article – requires an evaluation to determine if a regulation will have an impact on business prior to its adoption. As part of this evaluation, State agencies have to consider the impact of regulations on different sizes of businesses and are authorized to adopt different regulations for different sizes of businesses.

Section 3-502 of the Economic Development Article – establishes the Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council). With the assistance of State regulatory agencies, the Advisory Council is required to analyze proposed regulations and advise the Joint Committee on Administrative, Executive, and Legislative Review (AELR) if a regulation imposes a significant impact on small businesses.

These provisions were adopted into State law beginning in 1983, and have been added over time with the most recent provision creating the Advisory Council adopted in 2015. As a result of adopting these provisions over three decades, some of the requirements in the separate sections of statute duplicate or conflict with requirements in other sections. Also, some of the metrics required for estimating economic impact appear to be either obsolete or not particularly meaningful in estimating the economic impact of regulations on small businesses.

Revising and updating statutes that require some form of analysis for proposed regulations will provide clarification to State agencies by eliminating conflicting or duplicative requirements.

Recommendation 10

Review barriers in State government for agencies to collect, access, and share data that can be used for estimating economic impact.

Discussion

A frequently cited obstacle to estimating the economic impact of proposed regulations by State agencies is the availability of reliable data, or access to reliable data. Without basic underlying information, such as the number of small businesses in a specific industry subject to a regulation, it is not possible to accurately estimate the economic impact for the proposed regulation. State

agencies collect a considerable amount of information; however, the ability to access aggregate data is impeded by informational technology capabilities or statutory limitations.

In 2016, the Center for Regional Economic Competitiveness (CREC), an independent non-profit focusing on data-driven economic development, began a two-year project study on data sharing between state agencies. To date, its Data Sharing Initiative has collected information on data-sharing from over 40 states. In its Phase I Report, issued in January of 2017, CREC identified four barriers to secure intra-state data sharing: (1) data governance policy; (2) data sharing process management; (3) information technology requirements and limitations; and (4) user understanding and accessibility.

To overcome these barriers, CREC recommended: (1) State leaders need to be educated on the value of administrative data and how it can support more evidence-based policymaking while reducing government costs to evaluate programs; (2) Agency leaders and staff need help to understand that sharing data for appropriate purposes and maintaining the highest standards of confidentiality are not mutually exclusive; (3) States need to provide greater visibility to and more resources for agency efforts to streamline data sharing policies and processes; and (4) States need to establish more structured and transparent processes for reviewing data sharing requests.

While state laws and regulations may prevent state agencies sharing information, CREC found that more often barriers to sharing information are a result of longstanding state agency policies put into place to manage, share, or protect confidentiality that go beyond what state law requires. According to CREC's research, states that have vague laws about data-sharing are less likely to have agencies share data than states with detailed or prescriptive data-sharing laws. That is because interpreting who can access data, what data they can access, and for what purposes is straightforward with detailed data-sharing laws, and the sharing of data is not dependent on the interpretation of legal counsel or personnel in state agencies.

CREC recommends that to improve the ability for state agencies to share information with one another state law should incorporate language that: (1) establishes a foundation for the information that can be shared; (2) how data sharing agreements can be structured; and (3) what an acceptable baseline of security measures looks like.

A comprehensive review of the ability of State agencies to collect and share information should include:

- Assessing data currently collected by State agencies to determine if necessary and appropriate information is being collected;
- Analyzing the capabilities of informational technology systems to provide aggregate data;
- Reviewing State law and regulations to identify legal limitations that may prevent State agencies from sharing information with other State agencies, and when possible, revise

relevant statutes or regulations to enhance aggregate data sharing between State agencies; and

- Ensuring State law includes sufficient direction on the type of information that can be shared; how data sharing agreements can be structured; and what constitutes minimum security measures for sharing data.

Recommendation 11

Study the possibility, including any associated costs, of requiring State agencies to allow for the electronic submission of all forms, reports, payments, and documentation required to comply with a regulation.

Discussion

The Governor's Regulatory Reform Commission received a number of comments related to allowing for the electronic submission of documents and payments required by regulation. Of the state in the comparative analysis reviewed by the Advisory Council, only Virginia requires agencies to allow for electronic submission. Allowing small businesses to submit information or make payments required to comply with regulations will make compliance easier.

The recommendation to study, rather than statutorily require, electronic submission is based upon: (1) some State agencies may already allow for the electronic submission of paperwork and could provide a template for State-wide implementation; and (2) State agencies may need to upgrade their computer systems, which could present a substantial cost the State may not currently be able to afford.

Conclusion

The Advisory Council was created to address the concern heard by the Augustine Commission that not enough attention was paid to the potential economic impact of proposed regulations on a small businesses. To address this concern, the Advisory Council focused its work in 2017 on examining Maryland's regulatory process to identify potential reforms that will benefit small businesses. This examination included looking at the statutory requirements of twelve state governments as well as the federal government to identify current best practices for mitigating the burden of regulations on small businesses.

If implemented, the recommendations of the Advisory Council will not only address the concern heard by the Augustine Commission, they will create a more a practical promulgation process for small businesses, and provide the tools and resources for agencies to minimize regulatory impacts on small business. A practical promulgation process includes:

- Requiring agencies to provide the opportunity for small businesses to provide input earlier in the adoption process, which increases the likelihood that the concerns of small businesses will be addressed;

- Providing State agencies with better instruction and training on estimating the economic impact of proposed regulations on small businesses, which will improve the quality of estimates and analyses;
- Using estimates to identify regulations that will impact small businesses, and then considering regulatory alternatives for small businesses that are more flexible and less burdensome;
- Providing compliance guides that will make it easier for small businesses to comply with regulations;
- Offering relief from regulatory fines and penalties will make regulations less burdensome for small businesses;
- Allowing agencies to exempt small businesses from regulations in local jurisdictions that have a comparable regulation offers the opportunity to reduce the duplication of regulations on an inter-governmental basis;
- Increasing the amount of time AELR has to review regulations, and requiring the Office of Legislative Audits, or another entity, to periodically review analyses prepared by agencies will improve oversight and accountability; and
- Studying the possibility of requiring the electronic submission of documents and payments required by a regulation, and the ability of State agencies to share data for estimating economic impact provide the possibility of further improvements for the consideration of the effects of regulations on small businesses.

The most important improvement offered by the Advisory Council's recommendations is creating a link between quality economic impact estimates and considering less burdensome and more flexible regulatory alternatives for small businesses. If successful, this improvement will result in a cultural shift in the State's regulatory process centered on the purpose of small business economic impact estimates. These estimates need to be viewed by agencies as more than an academic exercise, or "checking a box" for promulgating a regulation. They need to be seen as a valuable analytical tool, and the first step in a two-step process. The purpose of the estimate is to identify regulations that may negatively affect small businesses, and the all-important second step is actively consider ways to minimize any negative effects on small businesses.

Appendix A-1

What is a regulation?

A regulation is a rule issued by a local, regional, state, or federal agency that applies to a group of people, industries, activities, or circumstances. Although regulations are not laws, they may have the force and effect of law because they are adopted under authority granted by statutes, and may include penalties for violations. A regulation is adopted by a government agency; a statute is a law passed by a legislature or legislative body (i.e. County Council, General Assembly, Congress).

Why are agencies given the authority to adopt regulations?

When a legislature passes a law that requires expertise, or the development of administrative procedures, it will often delegate the responsibility of providing the details, or “filling in the gaps,” of the law by allowing, or requiring, an agency to adopt regulations. A law often identifies a public policy goal, and regulations adopted under that law provide the mechanics of how to achieve the public policy goal.

For example, the General Assembly has passed laws that seek to improve the water quality of the Chesapeake Bay. However, lacking the necessary expertise, it has delegated the responsibility of adopting regulations to agencies to achieve that goal. The Maryland Department of Agriculture (MDA) regulates how farmers manage animal waste, and the Maryland Department of the Environment (MDE) regulates the discharge of storm water, to improve the Chesapeake Bay’s water quality by reducing nitrogen levels. In this instance, MDA and MDE have the subject matter and scientific expertise of the activities affecting water quality, and their regulations support the legislative intent to improve water quality in the Chesapeake Bay.

Are regulations ever adopted without a new law passed by the General Assembly requiring them?

Yes. The legal authority to adopt a regulation can come from the General Assembly, Congress, or the courts.

In Maryland, most regulations are adopted as a result of laws passed by the General Assembly. Agencies may also amend existing regulations based upon better information, or feedback from regulated parties. When agencies amend a regulation, they do so under the authority given to them by the law which originally required the adoption of regulations. Any changes to State regulations, whether it is adopting new regulations or amending or repealing existing regulations, must go through Maryland’s process for promulgating and adopting regulations.

State agencies may also be required to adopt regulations when Congress passes a federal law, or a federal agency adopts new regulations or amends existing regulations. In 2016, less than 2% of the regulations adopted in Maryland were a result of a federal requirement.

State and federal court decisions may also require an agency to adopt, amend or repeal a regulation. Court decisions establish case law, which although different than statutory law passed by a legislature, is still law.

Who ultimately decides if a regulation is adopted?

Under Maryland's separation of powers, the General Assembly ultimately decides which laws are passed and the Governor ultimately decides what regulations are adopted. The General Assembly can override the Governor's veto of law, but it cannot prevent a regulation from being adopted. The legislature's Joint Committee on Administrative, Executive and Legislative Review (AELR) is responsible for reviewing proposed regulations to ensure they are legally sufficient and consistent with legislative intent. AELR may vote to object to a regulation, but the Governor makes the final decision as to whether a proposed regulation must be amended, withdrawn, or is adopted.

Appendix A-2

Advisory Council on the Impact of Regulations on Small Businesses – Role & Responsibilities

OVERVIEW

The Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council) was created by the General Assembly in 2015 to advise the Joint Committee on Administrative, Executive and Legislative Review (AELR) on the potential economic impact proposed regulations may have on small businesses.

The law governing the Advisory Council defines small business and significant small business impact by reference. That is, it uses the definition of small business found in Section 2-1505.2 of the State Government Article, and the definition of significant small business impact found in Section 10-101 of the State Government Article.

Under its enabling statute, the Advisory Council has mandated responsibilities relating to the review and analysis of proposed regulations. In addition to its mandated responsibilities, the Advisory Council is authorized to participate in activities aimed at improving the State's regulatory process as it relates to small businesses.

DEFINITIONS

Small Business – A corporation, partnership, sole proprietorship, or other business entity, including its affiliates that: (1) is independently owned or operated; (2) is not dominant in its field; (3) and employs 50 or fewer full-time employees.

Significant Small Business Impact – A determination by the Advisory Council that a proposed regulation is likely to have a meaningful effect on the revenues or profits of a significant number of small businesses within a single industry in the State. This does not include regulations that are necessary to comply with a federal requirement, unless the Advisory Council determines a regulation is more stringent than the federal requirement.

MANDATED RESPONSIBILITIES

- The Advisory Council is required to review each proposed non-emergency regulation to determine if there is a significant small business impact; and provide an estimated range of costs for small businesses affected by the proposed regulation. Maryland adopts approximately 400 to 450 regulatory changes a year, which includes amending existing regulations or implementing new regulations.

- If a proposed regulation is found to pose a significant small business impact, then the Advisory Council is required to determine if the proposed regulation is necessary to comply with a federal requirement.
- If a proposed regulation is necessary to comply with a federal requirement, then the Advisory Council is required to:
 - (1) identify if the regulation is more stringent than the federal requirement;
 - (2) identify specifically how the regulation is more stringent than the federal requirement;
 - (3) estimate the range of additional costs a small business may incur from the more stringent standard compared to a less stringent standard that complies with the federal requirement;
 - (4) identify alternative standards that are adopted by other states, or other potential standards that are less restrictive but comply with the federal requirement; and
 - (5) identify benefits to the public health, safety, welfare, or the environment, expected from adopting a regulation that is more stringent than the federal requirement.
- If the Advisory Council finds that a regulation poses a significant small business impact, then the Advisory Council is required to submit a written statement of its findings to the AELR Committee and the Department of Legislative Services within 15 days after receiving the proposed regulation.
- The Advisory Council is required to meet at least once annually.
- The Advisory Council is required to report to the Governor and General Assembly by December 15 of each year on any recommendations to improve the small business impact review process or the regulatory process in a way that may improve economic competitiveness for small businesses in the State.

AUTHORIZED ACTIVITY

The Advisory Council is allowed, but not required, to participate in the following activities.

- The Advisory Council may hold informational meetings related to: (1) the small business impact of a proposed or existing regulation; and (2) any other matter related to the effect of a regulation or the regulatory process on small businesses in Maryland.
- The Advisory Council may adopt guidelines to assist each promulgating unit with: (1) considering the potential impacts of regulations on small businesses; and (2) writing small business impact statements.

Appendix A-3

Brief History of Regulatory Review & Economic Impact Requirements in Maryland

Laws governing and affecting Maryland's regulatory process are found in several articles of the Annotated Code of Maryland. Requirements for conducting an economic impact analysis for proposed regulations, including small businesses, are found in two separate sections of the State Government Article (General Assembly/Legislation & Government Procedures/Administrative Procedures Act), and the Economic Development Article (Economic Development and Business Resources/Advisory Council). In addition to statutory requirements, a number of Executive Orders affecting the State's regulatory process have been issued over the years. The following timeline, while not comprehensive, provides a history of legislation and Executive Orders governing the work of the Advisory Council.

- 1957** – Administrative Procedures Act Enacted (APA) – Established procedures for promulgating and adopting regulations.
- 1964** – Committee on Legislative Review Created – Established legislative committee to review proposed regulations.
- 1972** – Regulatory Review Committee renamed Joint Committee on Administrative, Executive and Legislative Review (AELR)
- 1984** – Evaluation of Impact Enacted – Requires State agencies to evaluate if a proposed regulation will have an impact on business, and allows agencies to adopt different regulations for different classes of businesses
- 1985** – Regulatory Review Act Enacted – Requires Governor to establish a schedule for State agencies to review existing regulations to determine if regulations continue to be necessary, need to be amended, or can be repealed.
- 1996** – Executive Order 01.01.1996.03 Issued – Requires State agencies promulgating regulations that are more stringent than a federal requirement to consult with Commerce to determine if the more restrictive standard places an additional burden or cost on business.
- 1996/** – Economic Impact Analysis Enacted – Requires that an economic impact analysis is completed for all proposed legislation and
1997 regulations, including a small business economic impact analysis.
- 2015** – Executive Order 01.01.2015.20 Issued – Established the Regulatory Review Commission which is charged with developing recommendations to improve Maryland's regulatory climate.
- 2015** – Advisory Council on the Impact of Regulations on Small Business Created – Created to advise AELR on proposed regulations affecting small businesses, and also requires additional economic impact analysis for regulations that are more stringent than a federal requirement.
- 2015** - APA Amended to Include Significant Small Business Impact – Most recent change to the APA requires State agencies to quantify the range of potential costs a proposed regulation will have for small businesses and identify the number of small businesses affected by the regulation.

**Comparison of the Administrative, Executive and Legislative Review (AELR) and
the Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council)
Regulatory Review Processes**

Maryland established legislative a legislative committee to review proposed regulations, which became the Joint Committee on Administrative, Executive and Administrative Review (AELR) in 1972. In 2015, the General Assembly created the Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council) to advise AELR on proposed regulations may a significant economic impact on small businesses. The following comparison illustrates the responsibilities of the Advisory Council in relationship to established requirements that are incorporated into the process for AELR’s review of proposed regulations.

	AELR (Existing Law)	ADVISORY COUNCIL (New Law)
Purpose	To review proposed or existing State regulations.	To review proposed State regulations to determine if a proposed regulation will have a significant impact on small businesses.

DEFINITIONS

Small Business	50 or fewer employees	50 or fewer employees
Economic Impact Analysis Rating	Initial analysis to determine if a proposed regulation will have a significant small business impact.	Initial analysis to determine if a proposed regulation will have a significant small business impact.
Economic Impact Analysis	An estimate of the economic cost or benefit to small businesses that may be affected by a proposed regulation.	An estimate of the economic cost or benefit to small businesses that may be affected by a proposed regulation.
Significant Small Business Impact	Not defined	A regulation likely to have a meaningful effect on the revenues or profits of a significant number of small businesses within a single industry in the State. It does not include a regulation that is necessary to comply with a federal requirement, unless the Advisory Council determines a regulation is more stringent than the federal requirement.

AELR Economic Impact Analysis Overview

Step 1: All promulgating units of State government are required to conduct an economic impact analysis rating for all regulations it proposes. The purpose of this analysis is to determine if a proposed regulation will have an economic impact on small businesses.

If an agency's economic impact analysis rating determines that a proposed regulation will have minimal or no impact on small businesses, then the agency is required to provide a brief written statement indicating its determination.

If an agency's economic impact analysis rating determines that there will be a significant impact on small businesses, then the agency is required to conduct a complete written economic analysis.

Step 2: When an agency submits proposed regulations to AELR and the Department of Legislative Services (DLS) for review, it must also submit: (1) an economic impact analysis rating (impact/no impact) on small businesses for the proposed regulation; and (2) a complete written economic impact analysis if a proposed regulation is determined to have an economic impact on small businesses.

Step 3: The Department of Legislative Services is required to review and provide comment to AELR on: (1) a proposed regulation's economic impact analysis rating prepared by an agency, and (2) a proposed regulation's economic impact analysis prepared by an agency.

State law does not differentiate between the processes for conducting an economic impact analysis rating and an economic impact analysis. Since the processes are the same, both processes are referred to as 'economic impact analysis,' in the following comparison of AELR and Advisory Council's responsibilities.

Determining Economic Impact of Proposed Regulations on Small Businesses

AELR (Existing Law)

1. All Executive Branch agencies are required to conduct an economic impact analysis to determine the economic impact of a proposed regulation on small businesses.

The Department of Legislative Services (DLS) is required to review and comment on all economic impact analyses prepared by agencies, and is subject to the same requirements for conducting an economic impact analysis.

2. An economic impact analysis is required to include:
 - (1) cost of providing goods and services;
 - (2) effect on the workforce;
 - (3) effect on the cost of housing;
 - (4) efficiency in production and marketing;
 - (5) capital investment, taxation, competition, and economic development; and
 - (6) consumer choice.
3. In preparing an economic impact analysis an agency or the Department of Legislative Services (DLS) is required, as necessary, to consult with:
 - (1) other units of State government;
 - (2) units of local government; and
 - (3) business, trade, consumer, labor, and other groups impacted by or may have an interest

ADVISORY COUNCIL (New Law)

1. The Advisory Council is required to review all proposed regulations to determine if a regulation will have a significant impact on small businesses.

For regulations that will have a significant small business impact, the Advisory Council is required to: (1) provide an estimated range of costs for small businesses affected by, and; (2) identify if a proposed regulation is necessary to comply with a federal requirement.

2. If a proposed regulation, which has a significant small business impact, is more stringent than a federal requirement then the Advisory Council is required to¹:
 - (1) identify how the regulation is more stringent than the federal requirement;
 - (2) estimate the range of cost for a small business may incur because of a regulation's more stringent standard as compared to how much it would cost a small business to comply with the less restrictive federal requirement;
 - (3) identify alternative standards adopted other states, or other potential standards, that are less restrictive but comply with federal law; and
 - (4) identify the potential benefit to the public health, safety or welfare, or the environment, expected from adopting the the proposed regulation with a more restrictive requirement.

¹ Per a 1996 Executive Order, State agencies are required to identify proposed regulations that are more stringent than federal standards, and submit the proposed regulation to the Department of Commerce for review. However, this practice has been ineffective because Commerce lacks the necessary subject matter expertise to provide a meaningful review.

Determining Economic Impact of Proposed Regulations on Small Businesses

AELR (Existing Law)

4. If an agency or DLS determines that a regulation will have a meaningful economic impact but cannot provide a complete written economic impact analysis, then a written explanation as to why a regulation will have an economic impact must be submitted. The explanation may identify the impact in general terms, and does not have to quantify the specific economic impact.

ADVISORY COUNCIL (New Law)

3. If the Advisory Council cannot feasibly quantify a significant small business impact, then it is to describe the estimated small business impact of a proposed regulation, or the additional costs for small businesses to comply with a regulation because it is more stringent than a federal requirement.
4. The Advisory Council is required to notify AELR and DLS of any regulations it finds to have a significant small business impact within 15 days of receiving a regulation.

Upon notification to AELR and DLS, the Advisory Council is allowed an additional 15 days to provide more detailed information regarding the significant small business impact.

HB 939 – Proposed Regulations – Determination of Impact on Small Businesses

HB 939, which passed during the 2015 legislative session and created the Advisory Council, also established new requirements for calculating the small business impact of proposed regulations within the Administrative Procedures Act (Section 10-110(d)(3) State Government). These new requirements for estimating economic impact on small businesses apply to Executive Branch agencies promulgating regulations and to the staff of the Advisory Committee.

ADMINISTRATIVE PROCEDURES ACT (NEW REQUIREMENTS)

ADVISORY COUNCIL STAFF

1. Promulgating units that estimate a proposed regulation will have a significant small business impact are required to:

- (1) identify each provision in the proposed regulation that will have a significant small business impact;
- (2) quantify or describe the range of potential costs of the Proposed regulation on small businesses in the State;
- (3) identify how many small businesses may be impacted by the proposed regulation;
- (4) identify any alternative provisions that the unit considered that may have a less significant impact on small businesses in the State and the reason the alternative was not proposed;
- (5) identify the beneficial impacts of the regulation, including to public health, safety, and welfare, or to the environment.

- (1) Subject to same requirement.
- (2) Subject to same requirement.
- (3) Subject to same requirement.
- (4) Subject to same requirement.
- (5) Subject to same requirement.

Miscellaneous Requirements & Provisions

Administrative Procedures Act (Existing Law)

Advisory Council (New Law)

Meetings There is no statutory requirement for AELR to meet.

The Advisory Council must meet at least once a year.

The Advisory Council may meet as necessary to:

- (1) review and approve its annual report; and
- (2) hold informational meetings to:
 - a. review the small business impact of a proposed regulation; and
 - b. consider any other matter related to the effect of a regulation or the regulatory process on small businesses in Maryland.

Reporting AELR must report at least once annually to the Legislative Policy Committee and the General Assembly. The report must describe the studies and other work of the Committee, and include any recommendations of the Committee on legislative action that is needed to change or reverse a regulation of a unit of the Executive Branch of government.

The Advisory Council must report to the Governor and the General Assembly on before December 15 of each year. The report must include any recommendations of the Advisory Council to improve the small business impact review process or the regulatory process in a manner that may improve overall economic competitiveness for small businesses in the State.

Staff The responsibilities of AELR staff are not expressly detailed in statute; however, the review and comment requirements on proposed regulations for the Department of Legislative Services are in essence staffing

1. Review the small business impact statement accompanying each regulation prepared by a promulgating unit in accordance with the Administrative Procedures Act.
2. Consult with AELR and DLS staff regarding any significant small business impact that are identified.
3. Review proposed regulations for comparisons with federal law to determine additional costs small businesses may incur if a proposed State regulation is more stringent than a federal requirement.

Miscellaneous Requirements & Provisions

Administrative Procedures Act (Existing Law)

Advisory Council (New Law)

Staff

4. Consult with and train, as necessary, staff of the promulgating units to assist the units in the preparation of the unit's small business impact statements.

5. As necessary, testify at hearings or meetings called by the Advisory Council or by the AELR Committee.

6. Promulgating units are required to provide subject matter experts as needed to the staff of the Advisory Council to enable the staff to carry out its required activities.

Staffing Levels

Over 50 State agencies issue regulations, which includes 38 principal departments and independent agencies. The number of employees who work on regulations varies greatly among agencies. Larger agencies, or agencies with significant regulatory responsibilities, often have dedicated regulatory units and more employees who work on regulations. These employees are in addition to subject matter experts, who are consulted in the development of regulations.

For example, the Department of Health and Mental Hygiene (DHMH), which has over 6,300 employees, has 40 different units or offices that promulgate regulations. The Office of Health Care Quality (OHCQ) has a total 202 employees, 18 of whom are dedicated to working on regulations. Smaller agencies, unless they have significant regulatory responsibilities (e.g. Maryland Insurance Administration), tend not to have staff dedicated to working on regulations. Smaller agencies rely on subject matter experts and Assistant Attorney Generals to develop regulations when necessary.

In addition to departmental employees, agencies have Assistant Attorney Generals (AG) that assist with drafting regulations. Again, the number of AGs an agency has is dependent upon its size. The Office of Health Care Quality, which is one office within DHMH, has two full-time AGs assigned to it, who are in addition to the 18 DHMH employees dedicated to working on regulations. While the Department of Agriculture has two full-time and one part-time AG for the entire department.

Miscellaneous Requirements & Provisions

Given the variation in the number of employees in State agencies who work on regulations, including subject matter experts, and Assistant Attorney Generals, it is difficult to accurately estimate the total number of agency employees who work on regulations.

Executive Branch & Independent Agencies

Hundreds

Legislative Branch

Fiscal Analysts with subject matter expertise 25

Legal staff with subject matter expertise. 30-35

Advisory Council Staff: 1

APPENDIX A-4 | Regulation Promulgation Process with Advisory Council

Are there corresponding federal standards?

NO

YES

Submit proposal to Advisory Council

15 DAYS

Advisory Council informs AELR if proposal has a small business economic impact

15 DAYS

Advisory Council provides full analysis of proposals with a small business economic impact

Submit Proposal to AELR Committee

15 DAYS

Submit Proposal to Maryland Register

15 DAYS

Notice and Text Published

30 DAYS

Public Comment

45 DAYS

Adoption Possible, Submit Notice to Maryland Register

9 DAYS

Notice Published

10 DAYS

Effective

Submit proposed regulations to Commerce for consultation to determine if proposal places an additional burden or cost to regulated person or business.

Commerce approval (and if applicable, Governor's Office of Legal Counsel and Regulatory Affairs and Governor's Legislative Office)

Submit Proposal to AELR Committee

15 DAYS

Submit Proposal to Maryland Register

15 DAYS

Notice and Text Published

30 DAYS

Public Comment

45 DAYS

Adoption Possible, Submit Notice to Maryland Register

9 DAYS

Notice Published

10 DAYS

Effective

AELR delay

75 days from publication or 30 days from notice of intention to adopt (whichever is later), after notice from unit.

Oppose regulation

(notice to unit and Governor - 5 days)

Unit

- withdraw
- modify
- appeal to Governor

Decision

- withdraw
- modify
- adopt



APPENDIX A-4 | Regulation Promulgation Process without Advisory Council

Are there corresponding federal standards?

NO

YES

Submit Proposal to AELR Committee

15 DAYS

Submit Proposal to Maryland Register

15 DAYS

Notice and Text Published

30 DAYS

Public Comment

45 DAYS

Adoption Possible, Submit Notice to Maryland Register

9 DAYS

Notice Published

10 DAYS

Effective

Submit proposed regulations to Commerce for consultation to determine if proposal places an additional burden or cost to regulated person or business.

Commerce approval (and if applicable, Governor's Office of Legal Counsel and Regulatory Affairs and Governor's Legislative Office)

Submit Proposal to AELR Committee

15 DAYS

Submit Proposal to Maryland Register

15 DAYS

Notice and Text Published

30 DAYS

Public Comment

45 DAYS

Adoption Possible, Submit Notice to Maryland Register

9 DAYS

Notice Published

10 DAYS

Effective

AELR delay

75 days from publication or 30 days from notice of intention to adopt (whichever is later), after notice from unit.

Oppose regulation

(notice to unit and Governor - 5 days)

Unit

withdraw

modify

appeal to Governor

Decision

withdraw

modify

adopt

11_2017





Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
R. Michael Gill | Secretary of Commerce
Benjamin H. Wu | Deputy Secretary of Commerce

Appendix B

Options for Reducing Regulatory Burdens on Small Businesses

Advisory Council on the Impact of Regulations on Small Businesses

Staff Report

May 25, 2017

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Options for Reducing Regulatory Burdens On Small Businesses

BACKGROUND

The Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council) staff compared Maryland's statutory requirements for promulgating regulations with the requirements of eleven other states and the federal government (**Appendices B-1 and B-3**). States included in the comparative analysis were neighboring states (DE, PA, WV, and VA), and states where the most number of small businesses were created from 2010 through 2014 (CA, FL, TX, and NY). Massachusetts was selected because of its comparability to Maryland in terms of population, wealth, and public education rankings. North Carolina was selected on the basis of being a competitor state. Finally, Rhode Island was selected due to comprehensive regulatory reforms it adopted in 2016.

The purpose of the comparative analysis was to identify potential best practices for considering the effect regulations have on small businesses. The analysis focused only on states' statutory requirements, and does not reflect how well states fulfill those requirements or the effectiveness of their requirements.

The comparative analysis found that Maryland has many of the same requirements of the states in the analysis, and the federal government, for promulgating regulations and considering the economic impact on small businesses. In some instances, Maryland adopted requirements, such as requiring an economic impact analysis, much sooner than other states. However, there are some procedures Maryland does not require that may improve the consideration of the economic impact proposed regulations may have on small businesses. Also, as an early adopter of some practices, such as allowing for the adoption of different regulations for different sizes of businesses, Maryland may benefit from updating some provisions of its Administrative Procedures Act.

Advisory Council staff also interviewed personnel from the Maryland Insurance Administration; the Maryland Department of Natural Resources; the Maryland Department of Transportation; the Maryland Department of the Environment; the Maryland Department of Agriculture; and the Maryland Department of Health and Mental Hygiene, to learn about their internal procedures for developing regulations, including how the agencies conduct an economic impact analysis for proposed regulations. Any documents, policies, and procedures related to the development of regulations provided by these agencies were also reviewed.

Finally, staff reviewed multiple federal reports on federal efforts to improve the consideration of regulatory impacts on small businesses, and interviewed personnel in federal agencies to glean experiential lessons of federal regulatory reform efforts.

A dozen reports from the Government Accountability Office on federal regulatory reform efforts were reviewed and Advisory Council staff met with members of its Strategic Initiatives Team in Washington, D.C. As part of its work to support Congressional oversight, the Government

Accountability Office's Strategic Issues Team (GAO) conducts performance audits of federal agency compliance with federal laws intended to minimize the regulatory burden on small entities, which include small businesses, small governments, and certain non-profits.

The Small Business Administration's (SBA) *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act*, was also studied. This 206-page guidebook provides exhaustive guidance to federal agencies on how to comply with the requirements of the federal Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act. An initial phone interview was conducted with a regulatory economist from the SBA's Office of Advocacy, an independent federal agency charged with representing small businesses. However, findings from a full interview with a team of Office of Advocacy personnel is not included in this report as the timing of the interview did not allow for their inclusion.

The recommendations in this report were developed based on comparative analysis, a review of federal reports, and interviews with personnel from State agencies, the GAO, and the SBA's Office of Advocacy conducted by Advisory Council Staff.

REGULATORY FLEXIBILITY FOR SMALL BUSINESSES

Regulatory Flexibility Act

In 1980, the federal government enacted the Regulatory Flexibility Act (RFA), which was augmented by the Small Business Regulatory Enforcement Fairness Act (SBREFA) in 1996. The purpose of these acts is to minimize the economic impact and burden of federal regulations on small businesses by requiring federal agencies to conduct a flexibility analysis for proposed regulations that may have a significant impact on a significant number of small entities. If a federal agency determines that a proposed regulation will not have a significant economic impact on small entities after completing an initial regulatory flexibility analysis, then the agency may certify that the regulation does not pose a significant economic impact and does not have to complete a final regulatory flexibility analysis. The RFA seeks to minimize regulatory burdens on small entities by, "using an analytical process that identifies barriers to small business competitiveness and seeks a level playing field for small entities, not an unfair advantage." Agencies are not required to adopt the least burdensome regulations, or exempt small entities from a regulation. However, agencies are forced to consider the effect of their regulations on small businesses, and to minimize those effects when appropriate.

According to the federal Small Business Administration (SBA), which provides guidelines on the RFA to federal agencies "Regulatory flexibility analyses built into the regulatory development process at the earliest stages will help agency decision makers achieve regulatory goals with realistic, cost-effective, and less burdensome regulations."

In recent years, state governments have increasingly adopted laws requiring a flexibility analysis for proposed regulations as a means of offering regulatory relief for small businesses. Maryland law does not specifically require a small business flexibility analysis; however, the State's Administrative Procedures Act (APA) has included a version of a flexibility analysis since the 1980s.

The Maryland APA requires that before an agency can adopt a regulation it must evaluate whether the proposed regulation has any impact on businesses. State agencies are required to evaluate the impact a proposed regulation may have on business by dividing businesses into classes based upon size, and then consider: (1) the costs the proposed regulation would impose on each class, or size, of business, and; (2) the difficulty of compliance for each class, or size, of business. After completing this evaluation, State agencies may adopt one or more regulations that apply differently to different classes of businesses.

While Maryland law allows State agencies to adopt different regulations for different sizes of business, it does not specify consideration for small businesses. Eight other states (CA, DE, FL, MA, NY, PA, RI, TX, and VA) and the federal government require some form of flexibility analysis. The most common form of flexibility analysis is specifically for small businesses. Many states pattern their flexibility analysis requirements after federal law, which requires a flexibility analysis for regulations that will have significant economic impact on a significant number of small businesses.

Common elements of a flexibility analysis adopted in other states require regulatory agencies to consider the following specifically for small businesses when developing regulations.

- The establishment of less stringent reporting requirements.
- The establishment of less stringent schedules or deadlines for compliance or reporting requirements.
- The consolidation or simplification of compliance or reporting requirements.
- The establishment of performance standards rather than design standards or operational standards required in a proposed regulation.
- The exemption of certain individuals or small businesses from all or part of the requirements contained in a proposed regulations.
- Alternative regulatory methods that will accomplish the objectives of the proposed regulation while minimizing the adverse impact upon small businesses.

State agencies in Maryland do utilize the flexibility offered by the APA to adopt regulations that apply differently to different classes of business by establishing thresholds. The Maryland Department of the Environment (MDE) has regulations based on volume of emissions or discharge. For example, MDE's general permit for vehicle wash facilities has different requirements based on the average volume of washwater discharged per week. The permit establishes four classes of vehicle washing operations based upon the average volume of washwater discharged per week: Class I – less than 500 gallons per week; Class II – 500 to less than 3,000 gallons per week; Class III – 3,000 to less than 7,000 gallons per week; and Class IV – 7,000 to 25,000 gallons per week. The frequency of required chemical testing of discharged vehicle washwater is based on these four classes. The Maryland Insurance Administration has regulations that apply differently to insurers based upon the value of premiums they collect (e.g. over \$50 million).

The Government Accountability Office has issued a series of reports on the effectiveness of the federal Regulatory Flexibility Act (RFA), and in the past repeatedly found that its lack of clarity limits its effectiveness. Specifically, the federal RFA does not define “significant economic

impact” or “substantial number” of small businesses. As a result, federal agencies interpret the law differently and use different criteria for conducting a flexibility analysis. These terms are still not defined in federal law; however, as result of the passage of the SBREFA in 1996, the SBA now provides general guidelines to federal agencies on how to determine if a proposed regulation may have a significant economic impact.

GAO staff referenced the purpose of federal regulatory reform efforts to reduce regulatory burden on small businesses, which include:

- Recognizing that regulations may have a disproportionate impact on small businesses;
- Considering the disproportionate impact regulations may have on small businesses;
- Developing alternatives to make regulations less burdensome on small entities should be considered; and
- Making it easier for small businesses to participate in the process for developing regulations.

The underlying purpose of federal regulatory reform is the philosophy that it is an agency’s responsibility to consider the impact of regulations on small businesses, and that agencies should make an effort to minimize regulatory impacts. The SBA’s flexibility analysis guidelines for federal agencies states, “The goal of Congress in creating the RFA was to change the regulatory culture in agencies and mandate that they consider regulatory alternatives that still achieve statutory purposes, while minimizing the impacts on small entities.”

In addition to the benefits of the existing requirements of flexibility analyses, there may be an opportunity for Maryland to further these benefits by including the innovation of allowing State agencies the ability to exempt political subdivisions of the State from a regulation. The premise of this exemption can be patterned after practices of federal law. The federal government will allow states to assume certain responsibilities as long as their requirements are as stringent as the federal requirement. For example, worker safety is regulated by the federal Occupational Safety and Health Administration (OSHA). However, the federal government allows states the ability to regulate worker safety as long as a state’s program is as stringent as OSHA’s program, which Maryland does with its Maryland Occupational Safety and Health program.

If a State agency learns that a regulation is duplicative of a local regulation, then the State agency could exempt small businesses in that locality as long as the local regulation is as stringent as the State’s requirements. Similar to the federal process, State agencies would be responsible for certifying that a local regulation is as stringent as a State regulations. Allowing State agencies to exempt a local jurisdictions from a regulation makes it possible to reduce regulatory duplication on an inter-governmental level. This allows for a reduction in regulatory burdens for small businesses while preserving the public benefit through local regulation.

A potential weakness for requiring a regulatory flexibility analysis in Maryland is that there is not an executive branch or independent agency that reviews proposed regulations. The Office of Information and Regulatory Affairs within the Office of Management and Budget reviews federal executive branch regulations, and the SBA’s Office of Advocacy reviews federal regulations to determine if they have a potential impact on small businesses. Of the states that

require a flexibility analysis, only two states (DE and FL) do not have an executive branch or independent agency that reviews proposed regulations and any required flexibility analyses. The responsibility of oversight within Maryland's regulatory process rests with the legislative branch and the Joint Committee on Administrative, Executive, and Legislative Review (AELR). Given the current structure of Maryland's government, oversight might be enhanced by allowing AELR more time to review regulatory proposals, and having the Office of Legislative Audits conduct periodic performance audits of State agency compliance with regulatory flexibility analysis requirements.

Recommendation: Maryland statute allowing agencies the flexibility to adopt different regulations for different classes of business pre-dates the recent trend of states adopting the requirement that a flexibility analysis be done specifically for small businesses. The Advisory Council should consider recommending to the Governor and General Assembly legislation to revise the APA to include requiring a flexibility analysis specifically for small businesses.

In considering this recommendation, the Advisory Council may want to consider providing input on the definitions of key terms such as significant economic impact and substantial number of small businesses (**Appendix B-5**).

Recommendation: Under current law, the Administrative, Legislative, and Executive Review Committee is allowed 15 days to review regulations submitted by State agencies. If the Advisory Council decides to recommend requiring a flexibility analysis for small businesses, then it may wish to consider recommending increasing the review period for AELR to allow adequate time for review of the new flexibility analysis.

Penalties/Civil Violations

For regulations that impose a penalty for violation, New York requires agencies to include a time period to allow small businesses to correct a violation, and upon successful correction prevent the imposition of a penalty; or include in a flexibility analysis why no corrective time period was included in a regulation. This requirement applies only to regulations that require a flexibility analysis under New York law.

The federal Small Business Regulatory Enforcement Fairness Act requires federal agencies that regulate small businesses to provide for the reduction, and under appropriate circumstances the waiver, of civil penalties for violations of statutory or regulatory requirement by a small business. Under appropriate circumstances, an agency may consider a business' ability to pay in determining penalty assessments on small businesses. This federal law excludes small businesses that have been subject to multiple enforcement actions by an agency, and violations that involve willful or criminal conduct or pose serious health, safety or environmental threats.

Recommendation: The Advisory Council should consider recommending to the Governor and General Assembly legislation that: (1) provides a time period for small businesses to correct a regulatory violation in order to avoid the imposition of a civil penalty; and (2) authorizes State agencies to assess lesser civil penalties, or waive penalties, for small businesses.

In making such a recommendation, the Advisory Council should consider limiting the number of violations for which a small business may utilize a corrective time period under a specific regulation. Not limiting the number of violations hampers an agency's ability to promote and protect the public's health, safety, and welfare and the environment, and is unfair to small businesses that do not commit violations.

IMPROVING SMALL BUSINESSES PARTICIPATION

Several states (CA, FL, and TX) require agencies to mail a copy of proposed regulations to any person or group who has made a timely written request to receive an agency's proposed regulations. Maryland does not have this requirement. California also requires mailing changes to regulations to a representative number of small business that are likely to be affected by the proposed action. A small business representative may include a trade association, industry association, professional association, or any other business group or association that represents a business enterprise or employees of a business enterprise.

While Maryland does not require mailing proposed regulatory changes to interested parties, State agencies have adopted internal procedures to that effect. The Maryland Insurance Administration (MIA) posts changes to regulations on its website, and allows interested stakeholders to register to receive an email notification when regulations are posted. Also, certain draft regulations that represent a significant policy change are posted to its website prior to submitting the regulations to AELR. Stakeholder feedback from these postings may raise substantive or technical concerns with the proposed regulation, which allows MIA the opportunity to modify, if appropriate, a proposed regulation.

The Fisheries Services within the Maryland Department of Natural Resources seeks input before drafting regulations through a process it calls scoping. The concept of a proposed regulation is posted on its website prior to drafting a new regulation in order to get stakeholder feedback. The Fisheries Services allows stakeholders to register in five regulatory areas to receive email or text notification of regulatory changes. In January of 2017, the number of individuals registered to receive notification for the five regulatory areas ranged from 1,981 to 16,371.

State agencies indicated during interviews that they reach out to stakeholders while developing regulations in order to get their input. A common sentiment expressed by agencies is that it is in their best interest to get input from stakeholders when they begin developing new regulations. Waiting for input until the required 30-day public comment period, which is towards the end of the regulatory adoption process, is too late. By the time of the required public comment period, agencies have spent several months to several years developing regulations. Having to change regulations as a result of public comment results in additional delays and work for agencies.

While State agencies make a concerted effort to solicit input from stakeholders when developing regulations, outreach to small businesses is inconsistent. This is in part because agencies identify stakeholders based upon their prior interactions with a stakeholder in the regulatory or legislative process. If an agency does not frequently interact with small businesses, then it is less likely to identify small businesses as a stakeholder.

The inconsistency in soliciting input from small businesses is also due in part to the mission of an agency. The Maryland Department of Agriculture (MDA) simultaneously regulates farmers to ensure consumer safety, and promotes the economic wellbeing of farmers. When developing regulations affecting farmers MDA will solicit input from the Maryland Farm Bureau, which represents farmers, who are small businesses. The Office of Health Care Quality (OHCQ) within the Maryland Department of Health and Mental Hygiene (DHMH) has a similar charge. It regulates assisted living program providers, but it also support's DHMH's mission of ensuring adequate access to health care by preserving a network of healthcare providers. In fulfilling its regulatory responsibilities, OHCQ does not want to introduce requirements that may threaten the economic viability of assisted living program providers, which often are small businesses. As a result, OHCQ actively engages assisted living program providers when developing regulations.

GAO staff indicated that early input on regulations from small businesses is necessary to make consideration of the impact of regulations on small businesses meaningful. However, they cautioned that soliciting early input may not apply to all regulations, and consideration should be given to what activity is being regulated.

While getting early input from small businesses on proposed regulations can help to reduce regulatory burdens, it is important for agencies to have a clearly defined concept for the regulation it is developing. Failing to clearly define a regulatory concept can create a “chicken and egg” dynamic. GAO anecdotally referenced instances of federal agencies requesting input on general ideas for a regulation hoping to use stakeholder input to shape the regulation. However, in order to provide the information being requested by an agency, stakeholders indicated they needed a clearer understanding of what the federal agency was trying to do.

Soliciting input from small businesses earlier in the regulatory process may also help to reduce the number of duplicative or conflicting regulations. In its RFA guide for federal agencies, the SBA encourages agencies to solicit input from small businesses regarding whether a proposed regulation may duplicate an existing federal regulation. Although federal agencies are required to make a good faith effort to determine if a proposed regulation is duplicative, the sheer number of regulations makes a comprehensive review of existing regulations to avoid duplication difficult. Allowing small businesses the opportunity to provide information about existing regulations with which they must comply provides an opportunity for small businesses to inform an agency that its proposed regulation may be duplicative.

Another potential benefit of earlier input for small businesses in Maryland's regulatory process is that it can help to address a common problem with estimating the economic impact of proposed regulations: the availability of good data. The issue of data will be discussed in more detail in the September report to the Advisory Council. However, if an agency is having difficulty estimating the economic impact of a proposed regulation because of a lack of data, then it can make an information request for data when posting proposed regulations to its website.

Recommendation: The Advisory Council should consider recommending to the Governor and General Assembly legislation that requires State agencies to:

- (1) Post any changes to regulations on their website prior to submitting regulations for review to the Administrative, Executive and Legislative Review Committee (AELR);
- (2) Make it possible for any interested person or group to register to receive an email notification when changes to regulations are posted on an agency's website;
- (3) Allow stakeholders to provide feedback electronically to the regulations that are posted on agency websites;
- (4) Request that small businesses identify existing State regulations to which they are subject that may conflict or duplicate the requirements of the regulation being proposed; and
- (5) Make an information request for data to assist with estimating economic impact if necessary.

This recommendation will allow for small businesses to self-identify as a stakeholder by giving them the opportunity to register with State agencies that regulate their particular industry. It will also improve transparency in the State's regulatory process. However, for this to be optimally effective, the State will need to actively promote this practice if adopted. The Advisory Council may want to consider including a requirement similar to California's requirement of notifying a representative number of small businesses that are likely to be affected by a proposed action.

If the Advisory Council decides to recommend requiring agencies to notify a representative number of small businesses, then to assist State agencies with this responsibility a list of trade associations representing small businesses should be developed.

Finally, the Advisory Council should consider advising that some regulations, such as those related to State personnel matters, may need to be exempted from the posting requirement.

ASSISTING SMALL BUSINESSES WITH COMPLIANCE

1. Virginia requires the ability for regulated parties to electronically submit all paperwork necessary to comply with a regulation.

Recommendation: The Advisory Council should consider recommending to the Governor and the General Assembly a study, including any associated costs, of requiring State agencies to allow for the electronic submission of any paperwork necessary to comply with a regulation. The recommendation to study, rather than propose legislation, for this requirement is based upon: (1) some State agencies may already allow for the electronic submission of paperwork and could provide a template for State-wide implementation; and (2) State agencies may need to upgrade their computer systems, which could present a substantial cost the State may not currently be able to afford.

2. Rhode Island requires any state agency with regulatory or permitting authority over a business to not require prior approval of one or more state or municipal agencies before beginning its review and approval process. Agencies are required to establish a process for an agency to conduct a simultaneous review and approval process with one or more state or municipal agencies. State agencies may require, if necessary, evidence by a business of a preliminary determination by a municipality that its proposal complies applicable municipal zoning ordinances.

Recommendation: The Advisory Council should consider recommending to the Governor and General Assembly studying the possibility of implementing a similar requirement in Maryland. Ostensibly, simultaneous review is aimed at expediting regulatory or permitting review. However, it may cause inefficiencies if it requires State agencies to expend resources in reviewing proposals that may never reach an agency because a required prior approval is not given.

3. The federal Small Business Regulatory Enforcement Act requires federal agencies to publish a compliance guide to assist small businesses with complying with regulations for which a final regulatory flexibility analysis is required.

Recommendation: The Advisory Council should consider recommending to the Governor and General Assembly legislation requiring State agencies to provide a compliance guide for small businesses written in plain language.

SUMMARY

The recommendations in this report seek to reduce or minimize the economic impact and administrative burden of regulations on small businesses by:

1. Creating the expectation that State agencies are responsible for considering the effect of their regulations on small businesses by requiring a flexibility analysis;
2. Requiring increased attention to developing alternative regulations for small businesses;
3. Allowing small businesses to be exempted from parts, or all of a regulation;
4. Offering some form of relief for small businesses from regulatory fines or penalties;
5. Improving the opportunity for small businesses to provide input on proposed regulations by requiring agencies to post regulatory changes to their websites; and
6. Making it easier for small businesses to comply with regulations by examining the option of electronically submitting paperwork necessary to comply with regulations, and requiring agencies to provide regulatory compliance guides.

APPENDIX B-1 | Comparison of Review Processes for Proposed Regulations*

	Public Comment	Stakeholder Outreach	Periodic Review	Duplicative	Regulatory Plan	Stringency	Small Business Impact	Duplicative	Performance vs. Design Standards	Legislative Review
Maryland	30 Days	Yes	8 years	No	Yes	Yes	Yes	Yes	No	Yes
Virginia	30 Days	Yes	Varies	Yes	30 Days	Yes	Varies	Yes	No	Yes
Pennsylvania	At least 30 Days	Yes	Varies	Yes	No	Yes	No	Yes	Yes	Yes
West Virginia	At least 30 Days	No	5 years	Yes	Yes	Yes	Yes	No	No	Yes
Delaware	At least 30 Days	Yes	4 years	No	Yes	No	No	Yes	Yes	Yes
Massachusetts	21 Days	No	12 years	No	No	Yes	No	Yes	Yes	Yes
North Carolina	At least 60 Days	Yes	Annually	Yes	No	Yes	Yes	No [^]	No	Yes
California	At Least 45 Days	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Texas	30 days	Yes	4 years	No	No	Yes	Yes	Yes	Yes	Yes
New York	At Least 45 Days	Yes	5 years	Yes	No	Yes	Yes	Yes	Yes	Yes
Florida	28 days	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes
Rhode Island	At Least 30 Days	No	5 years	Yes	No	No	No	Yes	Yes	No
Federal Government	30 Days (APA) 60 Days (E.O.)	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes

*Comparison of statutory requirements of state's regulatory processes, and does not include directives issued by state Executive Order or other means. The information provided does not reflect how well states fulfill statutory requirements, or the effectiveness of state requirements. At least a dozen federal laws and Executive Orders establish requirements for the federal regulatory process. Subsequently, several federal laws and Executive Orders were used to compile information for the federal government.

[^]North Carolina does not require an economic impact analysis specifically for small businesses; however, it requires an economic impact analysis for all regulations estimated to cost all parties affected by the regulation \$1.0 million or more in a twelve month period.



Appendix B-2

Comparison of Review Processes for Proposed Regulations Definitions & Additional Information

Public Comment – The number of days required to allow for the public to comment on proposed regulations. Federal law requires that federal agencies allow at least 30 days for public comment; however, Executive Orders (E.O.) issued in 1996 and 2011 direct federal agencies to allow for 60 days of public comment.

Stakeholder Outreach – A requirement that agencies must either notify affected or interested parties of a proposed regulation, or solicit input from affected parties in developing regulations. The most common notification requirement is for agencies to mail proposed regulations to affected or interested parties.

Maryland does not have a mailing requirement. However, in preparing an economic impact analysis for a proposed regulation, agencies are required to consult with, as appropriate: business, trade, consumer, labor, and other groups impacted by or having an interest in the regulation.

Periodic Review – How often states require agencies to review existing regulations to determine if they are still necessary, need to be amended, or can be repealed.

The time frame for review for some states is based on when a regulation is passed. For example, Texas requires that regulations be reviewed within four years of being implemented, and then every four years the regulation remains in effect. While other states require an annual schedule of agencies that will review regulations in a calendar year. For example, Maryland requires each agency to review its regulations every eight years according to a schedule initially issued by the Governor. Two successive Presidential Executive Orders (1993, 2011) require federal agencies to have a plan or schedule for a periodic review of its regulations.

Most states only require the review of regulations. However, Texas and West Virginia require regulations to be readopted after review. If an agency does not readopt a regulation in these states, then the regulation terminates.

Duplicative – If states require agencies to determine if a proposed regulation is duplicative of an existing state or federal regulation. Typically, if a regulation is determined to be duplicative, the agencies are required to explain why they propose adoption, or its efforts to minimize conflict with existing regulations.

Regulatory Plan – If states require agencies to prepare a plan to do one of the following: (1) identify regulations an agency expects to promulgate in the coming year (WV, federal government); (2) provide a report of regulations that were implemented in the previous year (FL, RI); or (3) identify how an agency will conduct a review of its regulations in the coming year (MD).

Plain Language – Whether states require regulations to be written in clear, plain language that is understandable to the average person.

Stringency – Whether states require agencies to provide additional information, or take additional action, for proposed regulations that are more stringent than a federal requirement.

For states that have a stringency requirement, most require agencies to provide an explanation as to why an agency is proposing a regulation that is more stringent than the federal requirement. In addition, some states require agencies to estimate the additional costs of complying with a more stringent standard. Maryland requires both an explanation and estimate of additional costs for regulations that affect small businesses. North Carolina prohibits the adoption of environmental regulations that are more stringent than the federal standard.

Pursuant to Circular A-4, the Office of Management and Budget directs federal agencies to consider deferring regulation to state or local governments when appropriate.

Small Business Impact – Whether a state requires a small business economic impact analysis for proposed regulations.

Performance Standards vs Design Standards – Whether states require the consideration of performance rather than design standards in the promulgation process for regulations.

Performance standards express requirements in terms of outcomes. For example, requiring achievement of reduced emissions levels. Design standards specify how to achieve those outcomes. For example, requiring installation of a particular emissions control technology. Performance standards are considered to offer businesses more flexibility to choose the most cost-effective method to achieve a regulatory goal, and to create an incentive for innovative solutions.

Legislative Review – According the National Conference of State Legislatures, forty-one states require some level of legislative review of proposed regulations as part of the adoption process. The two most common forms of legislative review require the submission of proposed regulations to: (1) House and Senate standing committees that provide oversight to the agency promulgating regulations; or (2) a Joint Committee created to specifically review proposed regulations.

The authority of legislatures in the process of adopting regulations range from commenting on proposed regulations to requiring approval by the legislature in order for a proposed regulation to be adopted. Typically, if a legislature has review authority and fails to comment or take action on a proposed regulation, then the regulation is adopted.

In Maryland, the Administrative, Executive and Legislative Review Committee (AELR) has 15 days to comment on proposed regulations. It may also vote to object to a regulation. If AELR objects to regulation it is then the Governor's decision as to whether a proposed regulation is adopted, not implemented, or modified.

APPENDIX B-3 | Small Business Economic Impact Analysis Requirements

	Small Business Definition	Identify Number of Small Businesses	Direct Costs Estimate*	Indirect Costs Estimate	Regulation Deters or Encourages New	Establish Baseline	Out Year Cost Projections	Flexibility Analysis	Alternative Regulations for Small Businesses
Maryland	50 or less Full-Time Employees (FTE)	Yes	Yes	Yes	No	No	No	Yes	Yes
Virginia	Less than 500 FTE; or less than \$6 million annual sales	Yes	Yes	Yes	No	No	No	Yes	Yes
Pennsylvania	Small Business Administration	No	No	No	No	No	No	Yes	No
West Virginia	Not Defined	No	5 years	Yes	Yes	Yes	Yes	No	No
Delaware	Independently Owned & Operated & Not Dominant in Its Field, with 16 specific exceptions	Yes	Yes	Yes	No	No	No	Yes	Yes
Massachusetts	Small Business Administration	Yes	Yes	Yes	Yes	No	5 years	Yes	Yes
North Carolina	Not defined	No	Yes	No	No	Yes	5 years	Yes	Yes
California	Independently Owned & Operated & Not Dominant in Its Field, with 16 specific exceptions	Identify types of businesses affected	Yes	Yes	Yes	No	No	Yes	No
Texas	Micro Business: 20 or Less FTE Small Business: Less than 100 FTE & and less than \$6 million gross receipts	Yes	Yes	Yes	Yes	No	No	Yes	Yes
New York	100 or less FTE	Yes	Yes	Yes	Yes	No	No	Yes	Yes
Florida	Less than 200 FTE and Net Worth less than \$5 million	Yes	Yes	Yes	No	No	5 years	Yes	Yes
Rhode Island	Small Business Administration	Yes	Yes	Yes	No	Yes	4 years	Yes	Yes
Federal Government	Small Business Administration	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*Information in this table for Direct Cost Estimate is derived from federal and state laws, Executive Orders, and guidance documents that provide direction promulgating agencies on how to calculate small business impact.

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Appendix B-4

Small Business Economic Impact Analysis Definitions

Small Business – The definition of small business used by states for required economic impact analyses. West Virginia and North Carolina do not define small business in their administrative procedures law; neither state requires an economic impact analysis specifically for small businesses.

The federal Small Business Administration (SBA) issues size standards for small businesses by industry. Size standards usually establish a maximum number of employees, or gross annual receipts, a business can have in a specific industry to be considered a small business. Currently, the SBA identifies size standards for over 1,100 types of businesses. Pennsylvania, Rhode Island and Massachusetts rely on the SBA's size standards for their definition of small business.

Identify Number of Small Businesses – A statutory requirement that agencies identify, or make a good faith effort to identify, the number of small businesses that may be affected by a proposed regulation.

Direct Costs Estimate – The estimated cost of compliance with a proposed regulation for small businesses. Direct costs typically include potential loss of business and capital purchases that are necessary to comply with a proposed regulation.

Indirect Costs Estimate – An estimate of work-time costs small businesses will incur to comply with a proposed regulation. Work-time costs relate to the amount of time a small business needs to spend to meet reporting requirements or other administrative requirements of a regulation. Indirect costs also consider if a small business will need to spend money for professional assistance, such as hiring a lawyer or an accountant, to comply with a proposed regulation.

With the exception of Maryland, all states identified as requiring consideration of indirect costs in an economic impact analysis do so statutorily. However, Maryland does include the calculation of indirect costs in its directions to State agencies for calculating economic impact.

Regulation Deters or Encourages New Business – Two states (CA, MA) require promulgating agencies to identify whether a proposed regulation will deter or encourage new business in the state. Texas requires promulgating agencies to identify a potential loss of business that may result from a proposed regulation.

Establish Baseline – Requiring promulgating agencies to determine a baseline for calculating the economic impact of proposed regulations. Typically, the baseline identifies current costs for small businesses, or costs prior to the adoption of a proposed regulation.

Out-Year Costs – Requiring promulgating agencies to estimate the costs of a proposed regulation over multiple years. Four states (MA, NC, FL, RI) identify the number of years for which the

promulgating agency should project costs. The federal government does not identify a specific time period for which costs need to be projected. Federal agencies are instructed to consider the reliability of projections to determine the time period for projecting costs.

Flexibility Analysis – A flexibility analysis is a consideration of alternative methods of achieving the purpose of a proposed regulation, and generally allow: (1) establishing separate compliance or reporting requirements for small businesses; or (2) exempting small businesses from all or part of the regulation.

Not all states use the term flexibility analysis; however, they require elements of a flexibility analysis. For example, in Maryland agencies are required to determine if a regulation will have an impact on business by: (1) dividing businesses that might be affected by the regulation into classes of size; and (2) then consider the costs that the proposed regulation would impose on each class of business, and the difficulty of compliance for each class of business. After completing this analysis, agencies may adopt one or more different regulations for different classes of businesses.

Alternative Regulations for Small Businesses – Either requiring or allowing agencies to consider one or more of the following for small businesses: (1) less stringent regulations; (2) less stringent schedules or deadlines for compliance or reporting requirements; (3) consolidated or simplified compliance reporting; (4) performance standards rather than design standards; or (5) exemption from all or any part of the requirements in a proposed regulation.

Identifying alternative regulations for small businesses are typically a result of a flexibility analysis. Requiring a regulatory flexibility analysis for proposed regulations has gained popularity in recent years, as illustrated by states either adopting (MA, RI, DE) or considering adoption (WV) of this requirement in 2015 or 2016. The federal government first required regulatory flexibility analysis for proposed regulations in 1980.

Maryland does not require a regulatory flexibility analysis for proposed regulations; however, it has allowed State agencies to adopt different regulations for different classes of business since 1984.

Appendix B-5

Determining Significant Economic Impact & Significant Number of Small Businesses

The federal Regulatory Flexibility Act (RFA) does not define the term significant economic impact. According to the Small Business Administration (SBA) legislative history of the RFA, Congress has not defined this term out of necessity. The diversity of small businesses and of the regulations adopted by federal agencies makes it virtually impossible to provide a precise definition. In 2003, the SBA began providing general guidelines to federal agencies on ways to determine what significant economic impact and significant number of small entities may mean.

Significant Economic Impact

1. Congress has identified several examples of significant economic impact, which include:

- A regulation that provides a strong disincentive to seek capital (generally financial regulations);
- 175 staff hours per year for record keeping;
- Impacts greater than a \$500 fine, in 1980 dollars, imposed for noncompliance;
- New capital requirements beyond the reach of the entity; and
- Any impact less-cost efficient than another reasonable regulatory alternative.

2. In its reports regarding the lack of definition for significant economic impact and significant number of small entities, the General Accountability Office has raised the following questions:

- Should the economic impact of a regulation be measured in terms of compliance costs as a percentage of businesses' annual revenue, the percentage of work hours available to the small business, or other metrics?
- Should agencies take into account the cumulative impact of their rules on small businesses, or within a particular program area?
- Should agencies count the underlying statutes authorizing regulations when determining whether a regulation has a significant economic impact?

3. In its guidelines to federal agencies, the Small Business Administration makes the following points.

- A regulation may be significant because the disparity of impact on a small business may make it more difficult to compete than a large business. For example, it may be more difficult for small businesses to pass compliance costs through to customers.
- Measures that may be used to illustrate that a regulation could have a significant economic impact may include: the elimination of a percentage of a business' profits; costs exceed a percentage of gross revenue; or costs exceed a percentage of labor costs.

- In its guidelines, the SBA cautions federal agencies about the limitations of using certain criteria for establishing significant economic impact, which include:
 - More than 60% of small businesses do not claim a profit and do not pay taxes, which means that an agency may not be able to use a profit based criterion; and
 - What the percentage of profits, revenues, or labor costs is for determining significant economic impact depends on the industry that is being regulated. For example, a federal agency may determine that a regulation has a significant economic impact if it reduces revenues or increase costs by more than 3% in 5 years. This approach may generally work well for an agency. However, a 2% reduction in revenue, which does not meet the agency’s standard, poses a significant economic impact to an industry where profits are only 3% of revenue. In such an instance, two-thirds of a small business’ profits would be eliminated.

4. The law governing the Advisory Council defines “significant small business impact” as a determination by the Advisory Council that proposed regulation is likely to have a meaningful effect on the revenues or profits of a significant number of small businesses or significant percentage of small businesses within a single industry in the State.

Significant Number of Small Businesses

1. Should significant number of small businesses be determined by the number of small businesses affected in a specific industry? Or should it be determined by the number of all businesses affected by a proposed regulation?
2. Should a fixed number be used (i.e. more than 10, 50, 100) be used as a threshold for determining what constitutes a significant number of small businesses?
3. Should a percentage of small be businesses (i.e. 5%, 10%, 20%) be used as a threshold for determining what constitutes a significant number of small businesses?

Appendix B-6

Legislative Review Authority

Appendix B-6 is provided for informational purposes in light of the Advisory Council’s role of advising the General Assembly’s Joint Committee on Administrative, Legislative, and Regulatory Review.

State	Committee	Legislative Authority
Maryland	Joint Committee on Administrative, Executive and Legislative Review	The Joint Committee on Administrative, Executive and Legislative Review (AELR) is a twenty-member committee comprised of ten House and ten Senate members appointed respectively by the Speaker of the House and the Senate President. In making appointments, the presiding officers are to ensure that each political party is represented in the approximate proportion they are represented in the House and Senate. AELR reviews all proposed regulations, and may provide comment or vote to object to a proposed regulation. If AELR objects to a proposed regulation, then it may not be adopted unless approved by the Governor.
Virginia	Joint Commission on Administrative Rules; Standing Committees	The Joint Commission on Administrative Rules, or a standing committee with the appropriate jurisdictional responsibilities of either house, may object to a proposed regulation. With the concurrence of the Governor, the effective date of the proposed regulation may be suspended until the end of the next legislative session. If the legislature does not pass a law to nullify a portion or all of the proposed regulation, then the regulation is adopted.
Pennsylvania	Independent Regulatory Review Commission; Standing Committee	The Independent Regulatory Review Commission (IRRC) consists of five members, with each of the following making an appointment: Governor, House Speaker, Senate President, House Minority Leader, and Senate Minority Leader. The IRRC may approve or reject a proposed regulation, and then must inform the appropriate standing committee of its decision. The standing committees may adopt a concurrent resolution to reject any proposed regulation. A concurrent resolution approved by both houses is presented to the Governor. If the Governor signs the resolution, then the proposed regulation does not take effect. If the Governor vetoes the resolution, then legislature may override the veto to prevent the regulation from being adopted. If the legislature does not pass a concurrent resolution, or override a veto, then a proposed regulation is adopted.
West Virginia	Joint Committee on Legislative Rule-Making Review	The Joint Committee makes recommendations to the legislature on whether a proposed regulation, known as a legislative rule, should be adopted or rejected. In order for a regulation to take effect, the legislature must pass a law granting the agency proposing the regulation the authority to adopt it.

Delaware	Joint Sunset Committee	The legislature's Joint Sunset Committee reviews only existing regulations; it does not review proposed regulations. The committee reviews the regulations of five or six agencies a year, and its review focuses only on making sure an agency has not exceeded its statutory authority.
Massachusetts	Not Applicable	Massachusetts does not require legislative review of proposed regulations; agencies are only required to inform the legislature when it adopts new regulations.
North Carolina	Rules Review Commission	The Rules Review Commission only determines if a proposed regulation is: (1) within the authority delegated by the General Assembly; (2) clear and unambiguous; (3) reasonably necessary to implement or interpret an enactment of the General Assembly, Congress, or a regulation of a federal agency; and (4) adopted in accordance with state law governing the adoption of rules. The Commission is not allowed to consider questions relating to the quality or efficacy of a rule, and is required to restrict its determination to these established criteria. The Commission is also required to consider the cumulative effect of all regulations adopted by the agency related to the specific purpose for which the rule is proposed. Regulations disapproved by the Commission based on these criteria are returned to an agency for correction, or may be withdrawn. An agency may appeal the Commission's decision in County Superior Court.
California	Not Applicable	An agency's proposal to promulgate, amend, or repeal a regulation is reviewed by the Office of Administrative Law (OAL), which is an independent agency. OAL's review of a regulation is based on six statutory criteria: (1) necessity; (2) authority; (3) clarity; (4) consistency; (5) reference; and (6) non-duplication. OAL may disapprove a regulation only if it does not meet one of these criteria. An agency may appeal OAL's decision to the Governor.
Texas	Standing Committees	Proposed regulations are submitted to the standing committees of each house charged with reviewing the regulation. A majority of the members of a committee can vote to support or object to a regulation. Legislative objection does not trigger required action by the Governor, or prevent the adoption of a regulation. If an agency adopts a regulation, it must cite the statutory provisions under which the rule is being adopted and provide reasons why it disagrees with a legislative objection.
New York	The Administrative Regulations Review Commission	The Commission is comprised of three House and three Senate members and reviews all proposed regulations. However, the legislature only provides comment and cannot delay or object to a proposed regulation. The Governor's Office reviews proposed regulations to ensure they meet required criteria and can veto a proposed regulation.
Florida	Joint Committee on Administrative Procedure	All proposed regulations are submitted to the Joint Committee on Administrative Procedures, which is required to consult with the

Florida (cont.)		<p>standing committees that have jurisdiction over a regulation’s subject area. Agencies are required to respond to any objections made by the Committee. If an agency fails to respond to an objection, then the proposed regulation is considered withdrawn and cannot be filed with the Secretary of State. If the Committee objects to a proposed or existing regulation and the agency fails to initiate administrative action to modify, amend, withdraw, or repeal the regulation within 60 days after the objection, the Committee may introduce legislation to address its objection. The Committee may request an agency to suspend a regulation while legislation affecting the regulation is considered, but agencies are not required to suspend it. If an agency suspends a regulation, and a law is not passed that addresses the Committee’s objection, then the suspension of the regulation expires. A law passed to address the Committee’s objection is subject to veto by the Governor.</p>
Rhode Island	Not Applicable	<p>State agencies are required only to annually report regulations that have been adopted to the General Assembly. The Office of Regulatory Reform reviews proposed regulations for form and content.</p>
Federal Government	Standing Committees	<p>The Congressional Review Act of 1996 requires federal agencies to submit regulations to Congress and the Government Accountability Office (GAO) 60 days before they are adopted. The GAO is required to provide comment on whether an agency has complied with the regulatory process only for “major rules.” GAO does not analyze or comment on the substance or quality of a regulation. A major rule is a regulation that has resulted, or is likely to result, in: (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic export markets.</p> <p>Congress may pass a resolution of disapproval for a major rule, or non-major rule, which is sent to the President for action. The President may sign the resolution, or veto it. An existing or proposed regulation becomes void if the President signs a resolution of disapproval or Congress overrides the President’s veto. Prior to 2017, only one federal regulation was voided using this process since its inception in 1996.</p>



Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
R. Michael Gill | Secretary of Commerce
Benjamin H. Wu | Deputy Secretary of Commerce

Appendix C

Tools for Improving How State Agencies Estimate and Minimize the Economic Impact of Regulations on Small Businesses

Advisory Council on the Impact of Regulations
on Small Businesses

Staff Report

September 14, 2017

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Executive Summary

The May staff report to the Advisory Council recommended several changes to State law aimed at improving the consideration of the impact regulations have on small businesses, and ways to minimize that impact. The recommendations included: requiring State agencies to solicit input from small businesses earlier in the development of regulations; requiring State agencies to assist small businesses with complying with regulations; authorizing State agencies to provide relief to small businesses from regulatory fines and penalties; and providing State agencies with greater discretion to reduce duplicative regulations.

This report focuses on providing State agencies with the tools necessary to fulfill the responsibilities of the recommendations made in the May report. These tools include guidelines to assist State agencies with estimating and minimizing regulatory impact on small businesses, pursuant to Section 3-507 of the State Economic Development Articles. This report also makes recommendations related to staffing, training, data availability, and two additional changes to State law.

Recommendations

Guidelines – The Advisory Council should consider adopting *Guidelines for Estimating and Minimizing Economic Impact on Small Businesses*, which are being submitted with this report. The guidelines will assist State agencies in estimating economic impact and considering regulatory alternatives for small businesses by providing a standard analytical framework. The guidelines also provide informational resources for finding data and soliciting input from small businesses.

Staffing – The skillsets of State employees vary depending on the mission of a regulatory agency. As a result, not all agencies have personnel with the necessary qualitative and quantitative skills for estimating economic impact, nor do many agencies have economists dedicated to this responsibility. The Advisory Council should consider recommending to the Governor and General Assembly the hiring of economists for agencies that do not have subject matter expertise related to quantitative, qualitative, and economic analysis, in order to improve the ability of agencies to estimate economic impact.

Training – Employees of regulatory agencies are not provided training on how to estimate the economic impact of proposed regulations on small businesses. The Advisory Council should consider recommending to the Governor and General Assembly that the State enter into an interagency agreement with the University of Baltimore’s Schaefer Center to develop and provide training for State employees.

Oversight – Requiring the Office of Legislative Audits to review economic impact analyses as part of an agency’s compliance audit improves the evaluation and oversight of how State agencies consider, and seek to minimize, the impact of regulations on small businesses.

Data Availability – The availability of reliable data is most frequently cited as an obstacle to estimating economic impact. The Advisory Council should recommend to the Governor and

General Assembly a comprehensive review of the State's ability to collect and access data, as well as the ability of State agencies to share data with each other.

Revise Statutory Requirements – Estimating and evaluating the impact of regulations on small businesses is governed by four separate sections in two different articles of State law. Adopted over a thirty-two year span, these sections currently have duplicative or conflicting provisions. The Advisory Council should consider recommending to the Governor and General Assembly amending State law to eliminate duplicative and conflicting provisions, and to incorporate current best practices for estimating economic impact.

Guidelines

The Advisory Council is authorized to adopt guidelines to assist regulatory agencies with: (1) considering the potential impacts of regulations on small businesses in the State; and (2) writing statutorily required small business impact statements.

Included with this report for the Advisory Council's consideration are: Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses. These guidelines were developed by reviewing best practices of state and federal governments, and with the input of the Department of Legislative Services, which is charged with reviewing the economic impact analyses of proposed regulations.

The guidelines are intended to assist regulatory agencies with estimating the impact of regulations on small businesses, and considering alternatives for minimizing their impact. Direction and assistance is provided to regulatory agencies in seven separate steps: (1) Initial Assessment; (2) Identifying Data; (3) Analyzing the Need to Regulate Small Businesses; (4) Estimating Small Business Economic Impact; (5) Soliciting Input and Feedback from Small Businesses; (6) Considering Alternatives and Flexibility for Small Businesses; and, (7) Assisting Small Businesses with Regulatory Compliance.

Regulatory agencies are also being provided with an informational resource to assist with soliciting input from small businesses. The guidelines include a list of over 500 organizations from which agencies may solicit input. The organizations include: economic development organizations; Chambers of Commerce; and professional, industry, and trade associations. The majority of the organizations on the list were identified from the State Ethics' Commission most recent lobbying activity report. This report was used to identify organizations because it suggests organizations are actively engage in the State's policy development processes.

If the Advisory Council adopts guidelines, then the Division of State Documents will provide the guidelines to the regulation coordinators in all State regulatory agencies.

Recommendation: The Advisory Council should consider adopting the Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses.

Staffing

State agency personnel that draft regulations, and prepare the required accompanying documentation such as an economic impact analysis, have varying qualifications depending on the mission of the agency. Personnel that draft regulations for the Maryland Department of the Environment typical have a science background in biology, earth sciences, or other relevant disciplines. Due to the nature of its work, the Maryland Insurance Administration employs personnel with the skill sets to conduct quantitative analyses, such as actuaries and accountants. The result is that some agencies have personnel with the necessary expertise in quantitative and qualitative analysis to estimate the economic impact of proposed regulations, and some agencies do not.

In interviews, the Maryland Department of the Environment and the Maryland Department of Agriculture offered a similar unsolicited comment that a challenge they face is that they do not have an economist on staff. The Department of Natural Resources indicated it had lost an economist position, which was very helpful in estimating the economic impact of proposed regulations.

Recommendation: The Advisory Council may wish to recommend to the Governor and the General Assembly hiring economist for agencies that do not have subject matter expertise related to quantitative, qualitative, and economic analysis.

Given the number of promulgating units within State government, it is not realistic to hire an economist for each promulgating unit. Establishing positions dedicated to estimating the economic impact of proposed regulations may be warranted for agencies that routinely promulgate a high number of regulations. However, it makes little sense to incur the cost of hiring economists for agencies that infrequently promulgate regulations.

Although some agencies may not have a need for a dedicated position due to their regulatory workloads, it does not necessarily mean that such agencies do not have a need for expertise in estimating economic impact. The Advisory Council may want to recommend the creation of a centralized unit with the necessary expertise to assist smaller promulgating units with estimating the economic impact of proposed regulations. A centralized unit for assisting promulgating units with economic analysis should be housed in an appropriate control agency of State government, such as the Department of Budget and Management.

Training

State agencies indicated that they do not have a training program for estimating the economic impact of proposed regulations, and the State does not offer a centralized training program. All State agency personnel interviewed for this report stated they had never received training on estimating the economic impact of regulations on small businesses.

The guidelines proposed for the Advisory Council's consideration provide a standardized framework for estimating the economic impact of proposed regulations on small businesses. However, achieving the goal of the guidelines of improving agencies' consideration of the impact of regulations on small businesses cannot be fully realized without proper training.

The number of employees who work on economic impact analyses varies among State agencies, ranging from a few employees to a few hundred employees. The Advisory Council does not have the resources necessary to provide training, given the number of State employees who will require it.

The Schaefer Center at the University of Baltimore has the experience and resources necessary to provide training to a large number of employees. It provided Managing for Results (MFR) training to 4,600 State employees, and trains 3,000 election judges in six weeks for every election in Baltimore City. These are only two of a number of examples provided by the Schaefer Center's Director when Advisory Council staff was researching training alternatives.

Recommendation: The Advisory Council may wish to recommend that an appropriate State control agency enter into an interagency agreement with the University of Baltimore's Schaefer Center for developing and providing a regular training program to State employees on considering the impact of proposed regulations on small businesses.

Oversight and Evaluation

Protecting the public's safety, health, welfare, and the environment with regulation while limiting undue regulatory burdens on small businesses is a difficult balance to strike. Regulatory reform efforts to find a way to better strike that balance offer mixed results.

From the comparative analysis and review of state's requirements for developing and adopting regulations, three common themes for regulatory reform emerged: (1) there is a periodic effort, typically every five to ten years, to reduce the burden regulations have on small businesses; (2) these periodic efforts are often duplicative, redundant, or a variation of previous or current reform efforts; and (3) these efforts focus on the front-end of the regulatory process, and do not focus on the administration or a retrospective examination of regulations.

These themes illustrate a cycle that has developed with regulatory reform as it relates to small businesses. States seek to reduce the regulatory burden on small businesses through an Executive Order or by the passage of legislation. These efforts focus on creating new requirements for regulatory agencies in developing regulations. However, these regulatory reform efforts do not include analyzing the administration of the new requirements, or a retrospective look at the effectiveness of regulations after they are implemented. The result is that the regulatory reform effort fails or is not as effective as intended, which eventually leads to another periodic reform effort.

Periodic review of regulatory requirements are not just warranted, they are essential in maintaining an adequate balance between properly regulating and minimizing regulatory burdens on small businesses. Yet if reform efforts are to be successful, the adoption of new agency requirements for developing regulations must be seen only as the beginning of reform. The implementation of reform requirements by agencies, as well as the effectiveness of those reform requirements in reducing the regulatory burden on small businesses need to be analyzed. Approaching regulatory reform incrementally, instead of comprehensively, provides the

opportunity to analyze what works and learn from the lessons taught by experience with reform efforts.

To improve the likelihood of success of regulatory reform intended to offer relief to small businesses, Maryland needs to implement the best practice of evaluating how well State agencies are estimating the economic impact of regulations on small businesses, and considering alternatives to minimize those impacts. The State agency currently best suited for such an evaluation is the Department of Legislative Services' Office of Legislative Audits, which is required to conduct compliance audits of State agencies.

Recommendation: The Advisory Council should consider recommending to the Governor and the General Assembly requiring the Office of Legislative Audits to include a sample review of economic impact analyses prepared by State agencies as part of the compliance audits required under Section 2-1220 of the State Government Article. The purpose of this review will be to determine if State agencies are adequately estimating the economic impact of proposed regulations on small businesses, and are sufficiently considering alternatives to minimize the impact of regulations on small businesses.

Data Availability

A frequently cited obstacle to estimating the economic impact of proposed regulations by State agencies is the availability of reliable data, or access to reliable data. Without basic underlying information, such as the number of small businesses in a specific industry subject to a regulation, it is not possible to accurately estimate the economic impact for the proposed regulation. State agencies collect a considerable amount of information; however, the ability to access aggregate data is impeded by informational technology capabilities or statutory limitations.

In 2016, the Center for Regional Economic Competitiveness (CREC), an independent non-profit focusing on data-driven economic development, began a two-year project study on data sharing between state agencies. To date, its Data Sharing Initiative has collected information on data-sharing from over 40 states. In its Phase I Report, issued in January of 2017, CREC identified four barriers to secure intra-state data sharing: (1) data governance policy; (2) data sharing process management; (3) information technology requirements and limitations; and (4) user understanding and accessibility.

To overcome these barriers, CREC recommended: (1) State leaders need to be educated on the value of administrative data and how it can support more evidence-based policymaking while reducing government costs to evaluate programs; (2) Agency leaders and staff need help to understand that sharing data for appropriate purposes and maintaining the highest standards of confidentiality are not mutually exclusive; (3) States need to provide greater visibility to and more resources for agency efforts to streamline data sharing policies and processes; and (4) States need to establish more structured and transparent processes for reviewing data sharing requests.

While state laws and regulations may prevent state agencies sharing information, CREC found that more often barriers to sharing information are a result of longstanding state agency policies put into place to manage, share, or protect confidentiality that go beyond what state law requires.

Interestingly, according to CREC’s research, states that have vague laws about data-sharing are less likely to have agencies share data than states with detailed or prescriptive data-sharing laws. That is because interpreting who can access data, what data they can access, and for what purposes is straightforward with detailed data-sharing laws, and the sharing of data is not dependent on the interpretation of legal counsel or personnel in state agencies.

CREC recommends that to improve the ability for state agencies to share information with one another state law should incorporate language that: (1) establishes a foundation for the information that can be shared; (2) how data sharing agreements can be structured; and (3) what an acceptable baseline of security measures looks like.

Recommendation: The Advisory Council should consider recommending to the Governor and the General Assembly a comprehensive review of the State’s ability to collect and access data, as well as the ability of State agencies to share data. The comprehensive review should include:

- Assessing data currently collected by State agencies to determine if necessary and appropriate information is being collected;
- Analyzing the capabilities of informational technology systems to provide aggregate data;
- Reviewing State law and regulations to identify legal limitations that may prevent State agencies from sharing information with other State agencies, and when possible, revise relevant statutes or regulations to enhance aggregate data sharing between State agencies; and
- Ensuring State law includes sufficient direction on the type of information that can be shared; how data sharing agreements can be structured; and what constitutes minimum security measures for sharing data.

Revise Statutory Requirements

Currently, four different sections in two separate articles of State law establish the requirements for State agencies in estimating the economic impact of regulations on small businesses. These sections, along with a brief summary, are listed below.

Section 2-1505.2 of the State Government Article – requires State agencies to conduct an “economic impact analysis rating” for proposed regulations. Using this analysis, a regulation is determined to have either “minimal or no economic impact” or a “meaningful economic impact.” If an agency, or the Department of Legislative Services, determines that a regulation will have a “meaningful economic impact” on small businesses, then the agency must complete a full written economic impact analysis for the proposed regulation.

Section 10-110(d)(3) of the State Government Article – requires State agencies that determine their proposed regulations will have a “significant small business impact” to identify the provisions that will have such an impact, quantify or describe the range of potential costs, identify how many businesses may be impacted, identify any alternative provisions the agency considered that may have a less significant impact, and identify beneficial impacts.

Section 10-124 of the State Government Article – requires an evaluation to determine if a regulation will have an impact on business prior to its adoption. As part of this evaluation, State agencies have to consider the impact of regulations on different sizes of businesses and are authorized to adopt different regulations for different sizes of businesses.

Section 3-502 of the Economic Development Article – establishes the Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council). With the assistance of State regulatory agencies, the Advisory Council is required to analyze proposed regulations and advise the Joint Committee on Administrative, Executive, and Legislative Review (AELR) if a regulation imposes a significant impact on small businesses.

These provisions were adopted into State law beginning in 1983, and have been added over time with the most recent provision creating the Advisory Council adopted in 2015. As a result of adopting this provision over three decades, some of the requirements in the separate sections duplicate or conflict with requirements in other sections. Also, some of the metrics required for estimating economic impact appear to be either obsolete or not particularly meaningful in estimating economic impact.

As indicated in the May report to the Advisory Council, a number of states in recent years have adopted “best practices” requirements for estimating economic impact. While these best practices are reflected in the guidelines prepared for the Advisory Council, they are not required by State law.

Recommendation: The Advisory Council should consider recommending to the Governor and the General Assembly amending State law in order to consolidate, update, and eliminate duplicative and conflicting provisions that establish requirements for estimating economic impact on small businesses.

Appendix D

Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses

2017

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Purpose

An economic impact analysis for small businesses is an important part of achieving the State’s policy goal of minimizing the economic impact and administrative burden of regulations on small businesses. An economic impact analysis provides a better understanding of the effect a proposed regulation may have on small businesses. If an analysis suggests that a regulation may have an adverse impact on small businesses, then regulatory alternatives aimed at minimizing the impact on small businesses need to be considered. This includes identifying ways to provide assistance to small businesses in complying with proposed regulations.

These guidelines provide a general analytical and procedural framework for estimating the economic impact of proposed regulations. They do not provide a single, uniform methodology for estimating economic impact because that is not possible given the range of issues and activities regulated by State agencies. Following these guidelines will assist regulatory agencies with fulfilling their statutory responsibilities while minimizing the economic impact and burden of regulations on small businesses.

The steps outlined in these guidelines assume that an agency has scoped, or developed the broad strokes of, a regulation, and they are to be used when proposing or amending a regulation. Agencies should follow the seven steps presented; however, the sequence in which the steps are followed will depend on when information is available, as discussed below.

Requirements

State law requires agencies to estimate the economic impacts that proposed regulations may have on small businesses (generally, businesses with 50 or fewer full-time employees). The relevant sections of State law, and a brief summary of their requirements, are listed below. **Note: State law essentially uses “significant” and “meaningful” interchangeably for these requirements.**

Section 2-1505.2 of the State Government Article – requires State agencies to conduct an “economic impact analysis rating” for proposed regulations. Using this analysis, a regulation is determined to have either “minimal or no economic impact” or a “meaningful economic impact.” If an agency, or the Department of Legislative Services, determines that a regulation will have a “meaningful economic impact” on small businesses, then the agency must complete a full written economic impact analysis for the proposed regulation.

Section 10-110(d)(3) of the State Government Article – requires State agencies that determine their proposed regulations will have a “significant small business impact” to identify the provisions that will have such an impact, quantify or describe the range of potential costs, identify how many businesses may be impacted, identify any alternative provisions the agency considered that may have a less significant impact, and identify beneficial impacts.

Section 10-124 of the State Government Article – requires an evaluation to determine if a regulation will have an impact on business prior to its adoption. As part of this evaluation, State agencies have to consider the impact of regulations on different sizes of businesses and are authorized to adopt different regulations for different sizes of businesses.

Section 3-502 of the Economic Development Article – establishes the Advisory Council on the Impact of Regulations on Small Businesses (Advisory Council). With the assistance of State regulatory agencies, the Advisory Council is required to analyze proposed regulations and advise the Joint Committee on Administrative, Executive, and Legislative Review (AELR) if a regulation imposes a significant impact on small businesses.

The Sections (2-1505.2; 10-110(d)(3); and 10-124) of the State Government Article, establish the requirements an agency must follow when developing, proposing and adopting regulations. There is some duplication among the requirements; however, they can be looked at, collectively, as requiring an agency to primarily do three things:

- identify the types and approximate numbers of small businesses that may be affected by the regulation (see steps I, II, and V below);
- estimate the impact on those affected businesses (steps IV and V); and
- identify and consider alternative regulatory approaches or different treatment of small businesses under the proposed regulatory approach that lessens the impact on small businesses (steps III and VI).

The information developed from those three actions, by following the steps below, can then be relatively easily applied to the small business impact reporting requirements for when an agency proposes new or modified regulations.

Steps for Estimating and Minimizing the Economic Impact

I. Undertake Initial Assessment

Not all regulations are substantive. Therefore, the first question that needs to be answered when conducting an initial assessment is what does the proposed regulation do? If a regulation makes a change to an agency’s internal administrative processes, or makes purely technical changes, then it is not necessary to estimate its economic impact on small businesses. If it is determined that a proposed regulation makes one of these “housekeeping” changes, then the small business impact can be rated as “minimal or none” and the remaining steps in these guidelines no longer need to be followed. Care should be used when making this determination so that incidental impacts on small businesses are not overlooked.

If a proposed regulation is substantive, *i.e.*, if it creates new requirements or makes substantive changes to existing regulations, then the following questions need to be answered. First, will the regulation affect small businesses? Second, if so, what types of small businesses will be affected by the regulation? Similar to the housekeeping regulations above, if the regulation clearly will not affect small businesses, then the small business impact can be rated as “minimal or none” and the remaining steps in these guidelines no longer need to be followed.

However, *if* the regulation is substantive *and* it may affect small businesses, then further analysis is needed to determine the impact on small businesses (*e.g.*, determining the approximate number and types of small businesses that may be affected and the extent of the impact on those businesses).

The steps involved in the additional analysis are described below. Please note that the sequence in which the steps are followed may vary, as described in the “Following Guideline Steps” section.

II. Identify Data

In order to identify relevant data an agency must determine what businesses are subject to the proposed regulation and how the impact can be estimated or measured. For example, an increase in a license fee can be measured by the amount of the increase and the number of small businesses that will be affected. State licensing and permitting agencies are good sources of data for identifying the number of small businesses in an industry. If a regulation requires the installation of new equipment, then its costs can be measured by the purchase price of the equipment and its maintenance costs. General Internet research can provide information on the price of equipment, and vendors who sell or maintain equipment may be able to provide an estimate for maintenance costs.

Not all regulations lend themselves to such easily identifiable measures for estimating economic impact. It may be necessary to make assumptions about the effect of a regulation and apply those assumptions to datasets, and finding the appropriate data can be challenging.

Small business owners, or professional and trade associations, that will be affected by a regulation may be able to help identify data. They may also be able to provide insight on developing assumptions on how a regulation may affect their industry.

The Department of Labor, Licensing, and Regulation’s (DLLR) Industry Analysis Tool is a good source of information for data on small businesses, including measures such as average wages, by industry in Maryland. The Office of Workforce Performance and Information within DLLR is available to assist State agencies with identifying data measures and using the Industry Analysis Tool. Agencies that need assistance can call (410) 767-2250. The link for DLLR’s Industry Analysis Tool is: **INSERT WEBSITE HERE WHEN IT GOES LIVE**

Federal datasets also provide a range of information that is useful for economic impact estimates. Links to these datasets are listed below by the federal agency that maintains them.

United States Census Bureau (<https://www.census.gov/programs-surveys/susb/data/tables.2014.html>)

United States Bureau of Economic Analysis (<https://www.bea.gov/>)

United States Bureau of Labor Statistics (<https://www.bls.gov/>)

Small Business Administration – Office of Advocacy (<https://www.sba.gov/advocacy/firm-size-data#susb>)

III. Analyze the Need to Regulate Small Businesses

The early collection of data provides the ability to analyze the extent to which small businesses contribute to the need for regulations. This analysis is similar, but slightly different, than the analysis for identifying the number and types of small businesses that will be affected by a regulation. **Small businesses may be affected by a proposed regulatory change; however, they may not contribute to the need for the regulatory change.**

If small businesses do not contribute to the need for a regulation, or they contribute marginally to the need for a regulation, then a different regulatory approach may be warranted for small businesses. It may be possible to attain the goal of a regulation by having different requirements for small businesses, or exempting small businesses from some provisions or entirely from a regulation. Imposing regulatory requirements on small businesses when they do not significantly contribute to the need for regulations is unnecessarily burdensome.

IV. Estimate Small Business Economic Impact

If the initial assessment in Step I determines that a proposed regulation *may* have an economic impact on small businesses, then an economic impact estimate is used to determine whether or not that impact is meaningful or significant.

Estimating the economic impact a proposed regulation may have on small businesses requires developing two separate estimates: (1) a compliance costs estimate; and (2) an economic impact estimate. Compliance costs are the costs a small business will bear as a direct result of complying with a regulation. Economic impact is how a regulation will affect the sales or business activity of small businesses.

In estimating compliance costs and economic impact, agencies are expected to make a good-faith effort at identifying and quantifying the compliance costs and economic impact a regulation may have. Agencies are not expected to exactly predict the compliance costs or economic impact of a proposed regulation.

Providing an estimated range of compliance costs and economic impact is acceptable. It is also acceptable to provide an example of the estimated impact on one business, or examples of the impact on categories of small businesses based upon size, business activity, or other measures. For example, providing a compliance costs estimate for businesses with 1 to 10 employees; 11 to 25 employees; and 26 to 50 employees.

Compliance Costs

Compliance costs can be broken down into three categories: (1) capital costs (equipment, facilities, and physical plant); (2) administrative costs; and (3) personnel, staffing, and training costs. Answering the following questions will help to determine potential compliance costs for small businesses.

Capital Costs

- Is the purchase of new equipment required? What is the cost of the equipment? Does the equipment require regular maintenance? What are the costs associated with maintaining the equipment?
- What is the life cycle of equipment that must be purchased? Will equipment need to be purchased regularly for employees? Are any training or other costs associated with the required new equipment?
- Does a regulation require the purchase of goods that are unusual, specialized, or a small business would not typically purchase for conducting its business?
- Could a regulation require changes to the facilities or physical plant of a small business, including building costs; material costs; upgrades to physical plant equipment, property, or structures; or retrofitting of systems?
- Will any required changes to a small business' facilities or physical plant require additional maintenance or upkeep costs?

Administrative Costs

- Does the proposed regulation require the payment of new or additional fees, or the purchase of new permits or licenses, and what are those costs? Is it possible to charge small businesses less for any required licenses, permits, or fees? As a general rule, any changes to the cost of licensing or permitting fees are considered to have an economic impact on small businesses. Approximately 80% of small businesses have no employees, they are businesses of people who are self-employed. Any changes in the cost of a license or permit necessary to participate in a business activity will affect self-employed small businesses that need that license or permit.
- Does the regulation require additional paperwork of any kind? If so, is the paperwork an ongoing or one-time requirement? How long will it take to complete the paperwork? (A general range of time – to get an estimate of the range of time, agencies should complete any required paperwork.) Will the paperwork require small businesses to undertake additional recordkeeping or information gathering that may have associated costs?
- How often does paperwork need to be completed, or what is the frequency of any reporting requirements? In considering reporting requirements, agencies should separate what they need to know from what is nice to know. Focusing on need-to-know information from small business could lead to requiring less detailed or frequent reporting.
- Will a regulation require small businesses to implement new or amended policies or procedures? What is the best estimate for the amount of time it will take to develop or amend new policies or procedures?

- Will compliance with a regulation require expertise a small business may not have, and therefore require hiring or using more outside expertise, such as consultants, lawyers, accountants, tax advisers, or engineering firms? What is the estimated amount of time outside expertise will be needed? Remember, in making this determination, the expertise of small businesses is typically for their business and industry.
- Does a regulation require a small business to increase space or resources for document filing or storage, or data storage and transmission? Can electronic records rather than paper records be used for compliance?
- Will a regulation require new business agreements (*i.e.*, confidentiality requirements)?
- Will a regulation require a small business to develop new documents or forms? How often will any new documents or forms need to be used, and what are the costs associated with creating and printing new documents and forms?
- Are there any costs associated with new or additional inspections or auditing?
- Will a regulation result in additional transportation costs for a small business?

Personnel, Staffing, and Training Costs

- Can current staff handle any new responsibilities required as a result of a regulation? Will the proposed regulation require hiring new staff? What are potential new staffing costs? (Trade or industry associations should be consulted to get the best estimate of actual costs in various regions and markets across the State.)
- Will new requirements of a regulation affect the efficiency of staff?
- Does the regulation require new training for existing staff? Will new employees need training as a result of the regulation? Does a regulation require one-time or ongoing training? What is the extent of ongoing training?
- Does training require special expertise from consultants or independent contractors?
- What is the time commitment for training of any employees? Does the nature of the small business require using temporary staff or paying overtime in order to be properly staffed while employees receive training (*i.e.*, 24-7 facilities that provide care)?
- Are State or federal resources available to help small businesses cover the cost of training? Can the State provide low- or no-cost training to small businesses? Can the State facilitate other means of low- or no-cost training, such as through a trade association?

Economic Impact

At a minimum, regulatory agencies should attempt to answer the following questions to determine if a proposed regulation will have a significant or meaningful economic impact on small businesses. A discussion of determining significant economic impact is provided in Appendix A. In determining economic impact, potential benefits as well as potential costs should be identified.

- Is the regulation likely to affect the costs of materials or supplies used by a small business?
- Will small businesses need to raise prices as a result of a regulation? Can price increases be identified?
- Does the regulation seek to change behavior? Will it affect the behavior of consumers (how and what people purchase)? Will changes in behavior result in fewer or more sales for small businesses?
- Will the regulation make changes to a market – can this affect a small business’ ability to compete? How might the regulation affect the economic viability or productivity of small businesses? Will the regulation limit or reduce sales opportunities?
- Will it affect employee costs? Will those costs affect a small businesses ability to maintain current employees or hire additional employees?

Qualitative Assessment

As previously stated, regulatory agencies are expected to make a good-faith effort to quantify the economic impact of the regulations they propose. When data is not available, or the effect of a regulation is difficult to quantify, then agencies should provide a detailed written explanation of how a proposed regulation is expected to affect small businesses.

V. Solicit Input and Feedback from Small Businesses

Small businesses can provide valuable information for assessing the impact a proposed regulation may have, including data for estimating economic impact and whether a proposed regulation duplicates an existing State requirement. State agencies are not expected to solicit feedback from all small businesses that may be affected by a regulation. However, agencies are expected to make a good faith effort to solicit feedback from a sample of small businesses that will be affected by a regulation.

A sample can be obtained by identifying several potentially affected small businesses and then attempting to directly solicit their feedback. However, reaching out to trade, professional, or industry associations that represent small businesses affected by a regulation is an acceptable, and likely more efficient, way to solicit small business feedback. Appendix B provides a list of economic development organizations, chambers of commerce, and trade and professional organizations. Appendix B is provided to assist agencies with identifying organizations that may be able to provide information for

estimating economic impact, but it should not be considered a definitive list. In using this list, agencies are encouraged to solicit input from as many organizations as possible.

VI. Consider Alternatives and Flexibility for Small Businesses

If a proposed regulation is estimated to have a significant negative impact on small businesses, then consideration needs to be given on ways to minimize that impact. Answering the following questions will help identify regulatory alternatives for small businesses aimed at minimizing economic impact and reducing administrative burdens.

- Can less stringent reporting requirements be established for small businesses? Can reporting requirements be consolidated or simplified?
- Can less stringent schedules or deadlines for compliance be established for small businesses? Can the amount of time for complying with a regulation be lengthened for small businesses? Is it possible to time compliance to correspond with other statutory deadlines with related requirements?
- Can compliance requirements be tiered based upon the size of a business or the degree to which small businesses contribute to a problem?
- How much do small businesses contribute to the need for a regulation? Can small businesses be exempt from part or all of a regulation?
- Can requirements be made less prescriptive or can greater flexibility be provided to small businesses to achieve the objectives of a regulation?
- Are State funds, such as grants, available to small businesses to help offset the cost of any required equipment purchases, capital improvements, or training?
- Can additional time be provided for small businesses for the purchase of equipment, or changes to the facilities or physical plant, required by a regulation?
- Are there any alternative regulatory methods that will accomplish the objective of the proposed regulations while minimizing the adverse impacts upon small businesses?
- In setting any fines or penalties, should the ability of small businesses to pay be considered? Should small businesses be given the opportunity to correct any violations before a fine or penalty is assessed? Can money spent on correcting a violation by a small business count toward the amount assessed for a fine or penalty?

VII. Assist Small Businesses with Regulatory Compliance

If a regulation is determined to have a significant economic impact on small businesses, or will affect a significant number of small businesses, then a compliance guide explaining how to comply with the

regulation should be prepared. A compliance guide should avoid using technical jargon and be drafted in plain, easy-to-understand language. A compliance guide should be easily accessible for small businesses and, at a minimum, be available on the promulgating agency's website.

Following Guideline Steps

Agencies should keep in mind the goal of these guidelines, which is to get a better understanding of the impact proposed regulations may have on small businesses in order to consider ways to minimize their economic impact and administrative burden. While all of the steps in these guidelines should be followed, the sequence in which they are followed may vary as agencies work toward this goal.

For example, after the initial assessment in the first step, an agency may need to solicit input from small businesses as outlined in Step V in order to identify data in Step II, or alternatives for small businesses considered and adopted in Step VI may need to be incorporated into an economic impact estimate in Step IV.

The Bottom Line

If the impacts of a regulation on small businesses can be quantified, then the impact can be compared with available average business metrics (annual revenues, costs, profit margin, *etc.*) of the affected small businesses to assess whether the impacts are meaningful or significant. However, the impacts may not be able to be fully quantified or relevant business metric information for the affected businesses may not be available. In such instances, then input and feedback solicited from small businesses in Step V, along with an agency's experience and discretion, will determine if a regulation poses a significant or meaningful impact for small businesses.

Whether using quantified impacts, or small business input and agency discretion, agencies should use the vantage point of small businesses in determining if a regulation will have a significant or meaningful impact. Using the perspective of small business, agencies should answer the bottom line question, "Will the impacts of the regulation: disrupt operations; significantly increase money or time spent on compliance; or create meaningful additional work that cannot be easily absorbed by a small business?" If the answer to any part of this question is "yes," then the impact of a regulation is rated and treated as significant or meaningful.

Appendix A

Considerations for Assessing the Significance of Economic Impacts on Small Businesses

The significance of a regulation's economic impact should not always be seen in absolute terms because economic impact can be relative. For example, a regulation may be significant solely because its impact is greater on small businesses. A large business may be able to pass regulatory costs on to consumers, making it a marginal cost of doing business. However, with a smaller market share, passing costs through to consumers may make a small business less competitive.

How a regulation will affect the revenues, profits, labor costs, and sales of a small business can be used to determine if an impact is significant. Significant impact depends on the industry and business activity being regulated. The amount of time required to comply with a regulation can also pose a significant impact for small businesses.

Percentage of Revenue and Profits: The annualized cost of a regulation can be compared to the annual revenues or profits of a small business in an industry. If this measure is used, agencies are advised to consider profit margins of an industry. For example, if a regulation will cost 3% of the revenue of a small business in an industry with a 3% profit margin, then the regulation effectively eliminates its profit margin if the business does not raise prices or reduce costs elsewhere.

Percentage of Profits: A regulation that reduces but does not eliminate profit margins may still have a significant economic impact. When considering whether or not a profit margin reduction is significant, average small business profit margins in the industry being regulated should be considered. For example, a regulation that reduces profit margins by 2 percentage points will have more of an economic impact on a small business in an industry with an average 10% profit margin (10% to 8%) than it would on a small business in an industry with an average profit margin of 25% (25% to 23%).

Percentage of Revenue: A reduction in gross revenues for small businesses as a result of a regulation can also be used to determine significant economic impact. When considering whether or not a revenue reduction is significant, the average small business revenue in the industry should be considered.

Percentage of Labor Costs: The costs of a regulation can be compared to the average labor costs of the industry being regulated to determine significant economic impact. For example, regulatory costs that exceed 5% of the labor costs may be considered significant in certain industries.

Percentage of Sales: The annualized cost of complying with a regulation as compared to the annualized sales in an industry may be used to determine if a regulation has a significant economic impact.

Time: With 80% of small businesses being people who are self-employed, and approximately 98% of small businesses in Maryland having 20 or fewer employees, the amount of time it takes to comply with a regulation can significantly affect a small business' operations. Increasing the amount of time a small business spends on reporting or administrative compliance is an opportunity cost: each hour spent on paperwork is an hour not spent on business activity for most small businesses.

Appendix D-1

Instructions & Table of Contents

Introduction

This workbook contains over 500 organizations that may be useful for soliciting input from small businesses or identifying data, when estimating the economic impact of a proposed regulation. Industry and trade associations are identified for twenty industries using the North American Industry Classification (NAICS) codes. All industries are not represented in this workbook; only industries for which a trade or industry association was identified are represented in this workbook. Subsequently, the trade and industry organizations listed in this workbook should not be seen as a definitive list. Rather, the information in this workbook is being provided to assist State agencies with identifying groups representing small businesses in the industries they regulate.

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XXI	Other Services	81	27

Using this Workbook

Trade and Industry Associations are listed under a three digit NAICS code, which represents a subsector of the broader industry identified by the two digit NAICS code used to identify the industry of each tab in the workbook. If an agency knows the type of business that a proposed regulation will affect, then an internet search of the industry along with "NAICS code" will identify the NAICS code for that industry. An internet search may yield a 6-digit NAICS code; however, this workbook does not use that level of detail. The first three digits of the NAICS code can be used to find an industry organization. For example, an internet search of "brewing NAICS code" will provide the code 312120. The first two digits "31" are used to identify the appropriate spreadsheet, which is Tab VIII - Manufacturing. After selecting that tab, using the first three digits "312" identifies the subsector of the industry on the spreadsheet, which is "Beverage & Tobacco Manufacturing." Several trade organizations for brewing are listed under this subsector.

To the extent possible, the phone number, address, and website are provided for trade and industry organizations. The use of "n/a" in any of these categories indicates that information for the category was not available. Agencies are encouraged to visit the website of a trade or industry organization. The website will have the most up-to-date contact information. Also, many websites include a contact page to submit questions. Finally, some organizations have data available on their websites that can be used for estimating economic impact.

As indicated in the *Guidelines for Estimating and Minimizing the Economic Impact of Regulations on Small Businesses*, agencies are encouraged to solicit input from as many organizations as possible. If a trade or industry organization is not listed in this workbook for the industry a State agency is regulating, then an internet search for a trade or industry association in that industry should be conducted.

Labor Unions & Other Associations

Labor Union	Phone Number	Address	Website
Amalgamated Transit Union, Baltimore Local 1300	(410) 889-3566	126 W. 25th Street - Baltimore, MD 21218	www.atu-local1300.com
Brotherhood of Locomotive Engineers and Trainmen	(216) 241-2630	7061 East Pleasant Valley Road - Independence, OH 44131	www.ble-t.org
Communications Workers of America, District 2	(301) 429-2500	9602 Martin Luther King Jr. Avenue, Unit 2 - Lanham, MD 20706	www.district2.cwa-union.org
International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers	(410) 284-4750	2008 Merritt Avenue - Baltimore, MD 21222	www.ironworkers.org
International Union of Operating Engineers-Local 37	(410) 254-2030	3615 North Point Boulevard, Suite A - Baltimore, MD 21222	www.iuoe37.org
LIUNA Mid-Atlantic Regional Organizing Coalition	(703) 860-4194	11951 Freedom Drive, Room 310 - Reston, VA 20190	www.liunamidatlantic.org
Maryland State and DC AFL-CIO	(410) 269-1940	7 School Street - Annapolis, MD 21401	www.mddc.aflcio.org
North America's Building Trades Union	(202) 347-1461	815 16th Street, NW, Suite 600 - Washington, D.C.	www.nabtu.org
Northeast Regional Council of Carpenters	(518) 817-7491	91 Fieldcrest Avenue, Raritan Plaza II - Edison, NJ 08837	www.northeastcarpenters.org
SEIU Maryland and DC State Council	(410) 280-0830	15 School Street, 2nd Floor - Annapolis, MD 21401	www.seiu500.org
Teamsters Joint Council No. 62	(410) 566-5700	1030 S. Dukeland Street - Baltimore, MD 21223	n/a
United Food & Commercial Workers Union, Local 400	(301) 459-3400	8400 Corporate Drive, Suite 200 - Landover, MD 20785	www.ufcw400.org
United Steelworkers	(410) 931-6900	7939 Honeygo Blvd. - Baltimore, MD 21236	www.usw.org
Other Associations			
Clean Chesapeake Coalition	(410) 810-1381	210 South Cross Street, Suite 101 - Chestertown, MD 21620	www.cleanchesapeakecoalition.com
Coalition for Procurement Reform	(703) 234-4129	12100 Sunset Hills Road, Suite 130 - Reston, VA 20190	www.procurement-reform.org
Coastal Conservation Association of Maryland	(410) 280-8770	P.O. Box 309 - Annapolis, MD 21401	www.ccamd.org
Maryland Consumer Rights Coalition	(410) 624-8980	1209 North Calvert Street - Baltimore, MD 21202	www.marylandconsumers.org
Maryland Government Relations Association	(908) 507-2659	3 Church Circle, #106 - Annapolis, MD 21401	www.mgra.org

Economic Development Organizations

Industry/Association	Phone Number	Address	Website
Baltimore Port Alliance	(410) 342-6610	3720 Dillon Street, 2nd Floor - Baltimore, MD 21224	www.baltimoreportalliance.org
BWI Marshall Merchant Association	(410) 694-0990	7062 Elm Road - Baltimore, MD 21240	n/a
Cumberland Economic Development Corporation	(301) 722-4173	60 Pershing Street - Cumberland, MD 21502	www.choosecumberland.org
Garrett County Development Corporation	(301) 334-1921	203 South Fourth Street, Room 208, Oakland, MD 21550	www.gcdevcorp.com
Greater Baltimore Committee	(410) 727-2820	111 South Calvert Street, Suite 1700 - Baltimore, MD 21202	www.gbc.org
Greater Prince George's Business Roundtable	(301)860-0809	10201 Martin Luther King Jr. Hwy., Ste. 220, Bowie, MD 20720	www.bizroundtable.org
Greater Washington Board of Trade	(202) 857-5900	800 Connecticut Ave., NW, Suite 1001, Washington, DC, 20006	www.bot.org
Maryland Association of Counties (MACo)	(410) 269-0043	169 Conduit Street, Annapolis, MD 21401	www.mdcounties.org
Maryland Business (Small Business Advocacy)	(301) 758-9748	3 Enjay Avenue - Catonsville, MD 21228	n/a
Maryland Business Incubation Association	n/a	Hagerstown Community College 20140 Scholar Drive - Hagerstown, MD 21742	www.incubatemaryland.org
Maryland Tech Council	(240) 243-4026	9210 Corporate Blvd, Suite 470 - Rockville, MD 20850	www.mdtechcouncil.com
Maryland Tourism Coalition	(443) 563-1315	P.O. Box 298 - Crownsville, MD 21032	www.mdtourism.org
Maryland Tourism Council	(410) 841-5798	50 Harry S Truman Parkway - Annapolis, MD 21401	n/a
Mid-Shore Regional Development Council	(410) 770-4798	8737 Brooks Drive, Unit 101 Easton, MD 21601	http://www.carolinemd.org/211/Mid-Shore-Regional-Council
National Federation of Independent Businesses	(202) 554-9000	1201 F Street, NW, Suite 200 - Washington, D.C. 20004	www.nfib.com
Prince George's County Board of Trade	(301) 627-0279	8001 Cryden Way, Forestville, MD 20747	n/a
Small Business Administration	(410) 962-6195	10 South Howard Street, 6th Floor - Baltimore, MD	www.sba.gov/offices/district/md/baltimore
Solomon's Business Association	n/a	P.O. Box 724 - Solomons, MD 20688	www.solomonsmaryland.com
The BWI Business Partnership, Inc.	(410) 859-1000	1306 Concourse Drive, Suite 215 Lithicum, MD 21090	www.bwipartner.org
Tri-County Council for Southern Maryland	(301) 274-1922	P.O. Box 745, 15045 Burnt Store Road, Hughesville, MD 20637	www.tccsmd.org
Tri-County Council for the Lower Eastern Shore of MD	(410) 341-8989	31901 Tri-County Way, Suite 203 - Salisbury, MD 21804	www.lowershore.org
Tri-County Council for Western Maryland	(301) 689-1300	One Technology Drive, Suite 1000 - Frostburg, MD 21532	www.tccwmd.org
Upper Shore Regional Council	(410) 810-2124	122 North Charles Street - Chestertown, MD 21620	www.uppershoreregionalcouncil.org

Chambers of Commerce			
Chamber of Commerce	Phone Number	Address	Website
Aberdeen Chamber of Commerce	(410) 272-2580	18 Howard St., Aberdeen, MD 21001	www.aberdeenc.org
Allegheny County Chamber of Commerce	(301) 722-2820	24 Frederick St., Bell Tower Building, Cumberland, MD 21502	www.alleghenycountycommerce.com
Annapolis and Anne Arundel County Chamber	(410) 266-3960	134 Holiday Court, Ste. 316, Annapolis, MD 21401	www.annearundelchamber.org
Baltimore City Chamber of Commerce	(410) 837-7101	P.O. Box 4483, Baltimore, MD 21223	www.baltimorecitychamber.org
Baltimore County Chamber of Commerce	(410) 825-0019	102 W. Pennsylvania Ave., Ste. 101, Towson, MD 21204	www.baltcountychamber.com
Baltimore Hispanic Chamber of Commerce	(410) 347-5600	7 E. Redwood St., Ste. 600, Baltimore, MD 21244	www.maryland-hispanic-chamber-of-commerce.org
Baltimore Washington Corridor Chamber of Commerce	(301) 725-4000	312 Marshall Ave., Ste. 104, Laurel, MD 20707	www.baltimorewashingtonmdcc.wilinc27.com
Berlin Chamber of Commerce	(410) 641-4775	P.O. Box 212, Berlin, MD 21811	www.berlinchamber.org
Calvert County Chamber of Commerce	(410) 535-2577	P.O. Box 9, Prince Frederick, MD 20678	www.calvertchamber.org
Caroline County Chamber of Commerce	(410) 479-4638	9194 Legion Road, Suite 2, Denton, MD 21629	www.carolinechamber.org
Carroll County Chamber of Commerce	(410) 848-9050	9 E. Main Street, Suite 105, P.O. Box 871, Westminster, MD 21157	www.carrollcountycommerce.org
Cecil County Chamber of Commerce	(410) 392-3833	106 E. Main Street, Suite 101A, Elkton, MD 21922	www.cecilchamber.com
Charles County Chamber of Commerce	(301) 932-6500	101 Centennial Street, Suite A, LaPlata, MD 20646	www.charlescountycommerce.org
Chesapeake Gateway Chamber of Commerce	(443) 317-8763	405 Williams Ct., Ste. 108, Baltimore, MD 21220	www.chesapeakechamber.org
Crisfield Chamber of Commerce	(410) 968-2500	P.O. Box 292, 906 W. Main St., Crisfield, MD 21817	www.crisfieldchamber.com
Dorchester Chamber of Commerce	(410) 228-3575	528 Poplar Street, Cambridge, MD 21613	www.dorchesterchamber.org
Dundalk Chamber of Commerce	(410) 284-3700	7233 German Hill Road, Dundalk, MD 21222	www.dundalkchamber.com
Elkton Chamber of Commerce	(410) 282-9100	106 E. Main Street, Elkton, MD 21921	www.elktonalliance.org
Frederick County Chamber of Commerce	(301) 662-4164	8420B Gas House Pike, Frederick, MD 21701	www.frederickchamber.org
Gaithersburg Germantown Chamber of Commerce	(301) 840-1400	910 Clopper Road, Ste. 205N, Gaithersburg, MD 20878	www.gcchamber.org
Garett County Chamber of Commerce	(301) 387-8745	15 Visitors Center Dr., McHenry, MD 21541	www.visitdeepcreek.com
Greater Baltimore Black Chamber of Commerce	(443) 296-2422	1518 W. Pratt Street, Baltimore, MD 21223	www.greaterbaltimorechamber.com
Greater Baltimore Committee	(410) 727-2820	111 S. Calvert Street, Suite 1700, Baltimore, MD 21202	www.gbc.org
Greater Bethesda Chevy-Chase Chamber of Commerce	(301) 652-4900	7910 Woodmont Ave., Ste. 1204, Bethesda, MD 20814	www.greaterbethesda.org
Greater Bowie Chamber of Commerce	(301) 262-0920	2614 Kenhill Drive, Suite 117, Bowie, MD 20715	www.bowiechamber.org
Greater Catonsville Chamber of Commerce	(410) 719-9609	924 Frederick Road, Catonsville, MD 21228	www.catonsville.org
Greater Crofton Chamber of Commerce	(410) 721-9131	P.O. Box 4146, Crofton, MD 21114	www.greatercroftonchamberofcommerce.wildapricot.org
Greater Cumberland Committee	(301) 722-0090	71 Baltimore Street, 2nd Fl, Cumberland, MD 21502	www.greatercc.org
Greater Hagerstown Committee, Inc.	(301) 733-8811	5 Public Square, Ste. 601, Hagerstown, MD 21740	www.greaterhagerstown.org
Greater Ocean City Maryland Chamber of Commerce	(410) 213-0144	12320 Ocean Gateway, Ocean City, MD 21842	www.oceancity.org
Greater Salisbury Committee	(410) 742-5161	P.O. Box 156, 200 Downtown Plaza, Salisbury, MD 21803	www.greatersalisbury.org
Greater Severna Park and Arnold Chamber of Commerce	(410) 647-3900	1 Holly Ave., Severna Park, MD 21146	www.severnaparkchamber.com
Greater Silver Spring Chamber of Commerce	(301) 565-3777	8601 Georgia Ave., Ste. 203, Silver Spring, MD 20910	www.ssscc.org
Greater Washington Board of Trade	(202) 857-5910	800 Connecticut Ave., NW., Ste. 1001, Washington, DC 20006	www.bot.org
Hagerstown Washington County Chamber of Commerce	(301) 739-2015	28 W. Washington St., Ste. 200, Hagerstown, MD 21740	www.hagerstown.org
Hancock Chamber of Commerce	(301) 331-6346	126 W. High Street, Hancock, MD 21750	www.hancockmaryland.com
Harford County Chamber of Commerce	(410) 838-2020	108 S. Bond Street, Bel Air, MD 21014	www.harfordchamber.org
Havre de Grace Chamber of Commerce	(410) 939-3303	450 Pennington Ave., Havre de Grace, MD 21078	www.hdcchamber.com
Hispanic Chamber of Commerce, Montgomery County	(240) 630-8642	8120 Woodmont Ave., Ste. 110, Bethesda, MD 20814	www.hccmc.org
Howard County Chamber of Commerce	(410) 730-4111	5560 Sterrett Place, Ste. 105, Columbia, MD 21044	www.howardchamber.com
Kent County Chamber of Commerce	(410) 810-2968	P.O. Box 146, 122 N. Cross St., Chestertown, MD 21620	www.kentchamber.org
Maryland Black Chamber of Commerce	(301) 567-9650	P.O. Box 954, 6009 Oxon Hill Road, Suite 208, Oxon Hill, MD 20750	www.marylandbcc.com
Maryland Chamber of Commerce	(410) 269-0642	60 West Street, Ste. 100, Annapolis, MD 21401	www.mdchamber.org
Maryland Gay and Lesbian Chamber of Commerce	(410) 986-2387	1011 Hunter St., Unit B3, Baltimore, MD 21202	www.midlight.org
Maryland Hispanic Chamber of Commerce	(410) 931-8100	3601 E. Joppa Road, Baltimore, MD 21234	www.maryland-hispanic-chamber-of-commerce.org
Mid-Atlantic Hispanic Chamber of Commerce	(301) 404-1946	P.O. Box 910, Germantown, MD 20875	www.mahcc.org
Montgomery County Chamber of Commerce	(301) 738-0015 Ext. 2	51 Monroe Street, Ste. 1800, Rockville, MD 20850	www.montgomerycountycommerce.com
North East Chamber of Commerce	(410) 287-2658	111 S. Main St., Ste. 210, North East, MD 21901	www.northeastchamber.org
Northern Anne Arundel County Chamber of Commerce	(410) 766-8282	7439 Baltimore Annapolis Blvd., Glen Burnie, MD 21061	www.naaccc.com
Ocean Pines Chamber of Commerce	(410) 641-5306	11031 Cathell Road, Berlin, MD 21811	www.oceanpineschamber.org
Olney Chamber of Commerce	(301) 774-7117	P.O. Box 550, 3460 Olney-Laytonville Road, Ste. 211, Olney, MD 20830	www.olneymd.org
Pasadena Business Association	(410) 987-4722	P.O. Box 861, Pasadena, MD 21123	www.pasadenabusinessassociation.com
Pikesville Chamber of Commerce	(410) 484-2337	7 Church Lane, Ste. 14, Pikesville, MD 21208	www.pikesvillechamber.org
Pocomoke City Chamber of Commerce	(410) 957-1919	6 Market Street, Pocomoke City, MD 21851	www.pocomokechamber.com
Poolesville Area Chamber of Commerce	(301) 349-5753	P.O. Box 256, Poolesville, MD 20837	www.poolesvillechamber.com
Potomac Chamber of Commerce	(301) 299-2170	P.O. Box 59160, Potomac, MD 2085	www.potomacchamber.org
Prince George Chamber of Commerce	(301) 731-5000	4640 Forbes Blvd., Ste. 130, Lanham, MD 20706	www.pgccc.org
Princess Anne Chamber of Commerce	(410) 651-2961	P.O. Box 642, Princess Anne, MD 21853	www.townofprincessanne.org/business-chamber.htm
Queen Anne's County Chamber of Commerce	(410) 643-8530	1561 Postal Road, Chester, MD 21619	www.qacchamber.com
Reisterstown/Owings Mills/Glyndon Chamber	(410) 702-7073	258 Main Street, Reisterstown, MD 21136	www.romchamber.com
Rockville Chamber of Commerce	(301) 424-9300	1 Research Ct., Ste. 450, Rockville, MD 20850	www.rockvillechamber.org
Salisbury Area Chamber of Commerce	(410) 749-0144	P.O. Box 510, Salisbury, MD 21803	www.salisburyarea.com
Snow Hill Area Chamber of Commerce	(410) 632-0809	P.O. Box 176, Snow Hill, MD 21863	www.snowhillareachamber.com
Somerset Area Chamber of Commerce	(410) 784-2103	P.O. Box 187, Deal Island, MD 21821	n/a
Southern Anne Arundel Chamber of Commerce	(410) 867-3129	5503 Muddy Creek Road, Churchton, MD 20733	www.southcounty.org
St. Mary's County Chamber of Commerce	(301) 737-3001	44200 Airport Road, Ste. B, California, MD 20619	www.smcchamber.com
Talbot County Chamber of Commerce	(410) 822-4653	P.O. Box 1366, 101 Marlboro Ave., Ste. 53, Easton Plaza, Easton, MD 21601	www.talbotchamber.org
Taneytown Chamber of Commerce	(410) 756-4234	P.O. Box 18, 15 Cambridge Ct., Taneytown, MD 21787	www.taneytownchamber.org
Towson Chamber of Commerce	(410) 825-1144	44 W. Chesapeake Ave., Towson, MD 21204	www.towsonchamber.com
U.S. Chamber of Commerce	(202) 463-5526	1615 H St., NW, Washington, DC 20062	www.uschamber.com
West Anne Arundel County Chamber of Commerce	(410) 672-3422	8385 Piney Orchard Pkwy, Odenton, MD 21113	n/a
Wheaton and Kensington Chamber of Commerce	(301) 949-0080	2401 Blueridge Ave., Ste. 101, Wheaton, MD 20902	www.wkchamber.org

Sector 11 - Agriculture, Forestry, Fishing and Hunting

Industry/Association	Phone Number	Address	Website
Subsector 111 - Crop Production			
Mar-Del Watermelon Association	(410) 749-9587	PO Box 319, Hebron, MD 21830	www.mardelwatermelon.org
Maryland Agriculture Council	n/a	12221 Finger Board Road - Monrovia, MD 21770	www.mdagcouncil.com
Maryland Association of Soil Conservation Districts	410-956-5771	53 Slama Rd., Edgewater, MD 21037	www.mascd.net
Maryland Cannabis Industry Association	(800) 862-4814	267 Kentlands Blvd. #2080 - Gaithersburg, MD 20878	www.mdcia.org
Maryland Farm Bureau	(410) 922-3426	3358 Davidsonville Rd, Davidsonville, MD 21035	www.mdfarmbureau.com
Maryland Grain Producers Association	(410) 956-5771	53 Slama Road, Edgewater, MD 21037	www.marylandgrain.com
Maryland Grape Growers	(301) 475-5894	931 Warner Drive, Huntington, MD 20639	www.marylandgrapes.org
Maryland Green Industry Council	(410) 377-7500	900 Oak Hill Road - Baltimore, MD 21239	www.mnlga.orgmd.org
Maryland Nursery, Landscape, and Greenhouse Association	(410) 828-8684	PO Box 726, Brooklandville, MD	www.mnlga.org
Maryland Organic Food and Farming Association	(301) 271-9399	PO Box 36 Tracy's Landing, MD 20779	www.marylandorganic.org
Maryland Sheep Breeders Association	n/a	5842 Broad Run Road, Jefferson, MD 21755	www.sheepandwool.org/about/maryland-sheep-breeders-
Maryland Soybean Board	(410) 742-9500	PO Box 319, Salisbury, MD 21803	www.mdsoy.com
Maryland Turfgrass Association	(301) 253-6081	PO Box 5216, Laytonsville, MD 20882	www.marylandturfgrass.org
Maryland Turfgrass Council	(410) 836-2876	12 Pressie Lane, Churchville, MD 21028	www.mdturfccouncil.org
Maryland Vegetable Growers Association	n/a	n/a	www.extension.umd.edu/mdvegetables/md-vegetable-growers-association
Subsector 112 - Animal Production & Aquaculture			
American Dairy Science Association	(217) 356-5146	2441 Village Green Place - Champaign, IL 61822	www.adsa.org
Chesapeake Bay Seafood Industries Association	(410) 507-3249	311-A Third Street - Annapolis, MD 21403	www.cbsia.org
Delmarva Fisheries Association	(410) 269-0612	200 Duke of Gloucester - Annapolis, MD 21401	n/a
Delmarva Poultry Industry	(302) 856-9037	16686 County Seat Hwy. Georgetown, DE 19947-4881	www.dpicken.org
Maryland & Virginia Milk Producers Cooperative Association	(703) 742-6800	1985 Isaac Newton Square West - Reston, VA 20190	www.mdvamilk.com
Maryland Agriculture & Resource Based Corporation (MARBIDCO)	(410) 267-6807	1410 Forest Drive, Suite 21 Annapolis, MD 21403	www.marbidco.org
Maryland Cattlemen's Association	(443) 745-1618	P.O. Box 259 - Sykesville, MD 21748	
Maryland Dairy Industry Association	(301) 349-0750	23301 Mount Ephraim Road, Dickerson, MD 20842	www.marylanddairyindustry.org
Maryland Horse Breeders Association	(410) 252-2100	P.O. Box 427 - Timonium, MD 21094	www.marylandthoroughbred.com/cms/
Maryland Horse Council	(301) 502-8929	P.O. Box 141 - Damascus, MD 20872	www.mdhorsecouncil.org
Maryland Standardbred Breeders	(410) 603-1585	28722 Waller Road - Delmar, MD 21875	www.mdbreeders.org
Maryland Watermen's Association	(410) 216-6610	1805A Virginia Street - Annapolis, MD 21401	www.marylandwatermen.com
Southern Maryland Agricultural Development Commission	(301) 274-1922	15045 Burnt Store Road, Hughesville, MD 20637	www.smadc.com
Subsector 113 - Forestry & Logging			
American Paper & Forest Association	(202) 463-2700	1101 K Street, NW, Suite 700 - Washington, D.C. 20005	www.afandpa.org
American Wood Council	(202) 463-2766	1101 K Street, NW, Suite 700 - Washington, D.C. 20005	www.awc.org
Association of Forest Industries	(410) 414-2515	P.O. Box 501 - Huntington, MD 20639	n/a
Maryland Arborists Association	(410) 321-8082	P.O. Box 712 - Brooklandville, MD 21022	www.mdarborist.com
Maryland Christmas Tree Association	n/a	3501 Hanover Pike, Manchester, MD 21102	www.marylandchristmastrees.org
Maryland Forest Association, Inc.	(410) 823-1789	PO Box 904, Brooklandville, MD 21022	www.mdforests.org
Subsector 114 - Fishing, Hunting & Trapping			
Maryland Hunting Coalition	n/a	P. O. Box 451 - Sykesville, Maryland 21784	www.mdhuntingcoalition.org
Subsector 115 - Support Activities for Agriculture & Forestry			
Delaware Maryland Agribusiness Association	(443) 262-8491	209 Jarman Branch Drive Centerville, MD 21617	www.demdagribusiness.org
Harry R. Hughes Agro-Ecology Center	410-827-8056	124 Wye Narrows Drive, Queenstown, MD 21658	www.agresearch.umd.edu/agroecol
Maryland Agricultural Education Foundation	(410) 939-9090	PO BOX 536, Oakington Road, Havre de Grace, MD 21078	www.maefonline.com
Maryland Farmer's Market Association	(410) 929-1645	P.O. Box 6355 Annapolis, MD 21401	www.marylandfma.org
Maryland Pesticide Education Network	n/a	1209 N. Calvert Street - Baltimore, MD 21202	www.mdpestnet.org
Maryland State Fair and Agricultural Society	(410) 252-0200	P.O. 188 - Timonium, MD 21094	www.marylandstatefair.com/general-info/contact
North American Equipment Dealers Association	(636) 349-5000	1195 Smizer Mill Rd, Fenton, MO 63026	www.farm-equipment.com/keywords/14931-north-american-equipment-dealers-association
Maryland Veterinary Medical Association	(410) 268-1311	P.O. Box 5407 - Annapolis, MD 21403	www.mdvma.org

Sector 22 - Utilities

Industry/Association	Phone Number	Address	Website
Subsector 221 - Utilities			
Associated Utility Contractors of Maryland	(410) 750-2254	2913 Crabapple Lane - Ellicott City, MD 21042	www.aucofmd.com
American Wind Energy Association	(202) 383-2500	1501 M. Street, NW, Suite 900 - Washington, D.C. 20005	www.awea.org
Maryland Association of Green Industries	(410) 825-8873	1406 Shoemaker Road - Baltimore, MD 21209	n/a
Maryland Underground Facilities Damage Prevention Authority	(410) 712-0082	7223 Parkway Drive, Suite 100 - Hanover, MD 21076	www.mddpa.org
MD/DC/VA Solar Energy Industries Association	(571) 766-8638	P.O. Box 181 - Washington, D.C. 20044	www.mdvseia.org
Mid-Atlantic Renewable Energy Coalition (MAREC)	(302) 331-4639	P.O. Box 385 - Camden, DE 19934	www.marec.us
Public Works Contractors Association of Maryland	(301) 262-2523	2706 Filbert Lane - Bowie, MD 20715	www.pwcamd.org
Retail Energy Supply Association	(717) 566-5405	P.O. Box 6089 - Harrisburg, PA 17112	www.resausa.org/states/maryland
Somerset Rural Electric Cooperative	(814) 445-4106	P.O. Box 270, 223 Industrial Park Road - Somerset PA 15501	www.somersetrec.com
Southern Maryland Electric Cooperative	(301) 274-4342	15035 Burnt Store Road - Hughesville, MD 20637	www.smeco.coop
Utility Management & Conservation Association	(703) 684-1110	515 King Street, Suite 300 - Alexandria, VA 22314	
Utility Scale Solar Energy Coalition	(502) 921-8643	1105 Navasota Street - Austin, TX 78702	www.seia.org
VA, MD & DE Association of Electric Cooperatives (ANEC)	(804) 968-4084	4201 Dominion Blvd., Suite 101 - Glen Allen, VA 23060	www.vmdaec.com/content/member-cooperatives
VA, MD & DE Association of Electric Cooperatives (Choptank)	(804) 968-4084	4201 Dominion Blvd., Suite 101 - Glen Allen, VA 23060	www.vmdaec.com/content/member-cooperatives

Sector 23 - Construction

Industry/Association	Phone Number	Address	Website
Subsector 236 - Construction of Buildings			
Alliance for Construction Excellence	(703) 658- 4383	c/o National Electrical Contractors Association; 4200 Evergreen Lane, Suite 355 - Annandale, VA 22003	www.allianceforconstructionexcellence.org
Alliance for Hispanic Commercial Contractors	(443) 854-1444	n/a	www.alliancehispaniccontractors.org
American Council of Engineering Companies/MD	(410) 539-1592	312 North Charles St., 200 - Baltimore, MD 21201	www.acecmd.org
Associated Builders & Contractors	(410) 267-0347	100 West St., Annapolis, MD 21401	www.abc-chesapeake.org
Associated Builders & Contractors (ABC) Baltimore	(410) 821-0351	1220b East Joppa Road #322 0- Towson, MD 21286	www.abcbaltimore.org
Associated General Contractors	(410) 321-7870	1220B E. Joppa Road - Towson, MD 21286	www.marylandagc.org
Building & Construction Trades Department AFL-CIO	(202) 756-4660	815 16th Street, NW, Suite 600 - Washington, D.C.	n/a
Home Builders Association of Western Maryland	(301) 722-4343	16 Greene Street - Cumberland, MD 21502	www.hbawmd.org
Maryland Alliance for Fair Competition t/a The Maryland Alliance of Energy Contractors	(410) 821-4445	c/o 306 W. Chesapeake Avenue - Towson, MD 21204	www.marylandalliance.org
Maryland Building Industry Association	(301) 776-6214	11825 West Market Place - Fulton, MD 20759	www.marylandbuilders.org
Maryland Center for Construction Education & Innovation	(410) 704-5981	7400 York Road, Suite 314 - Towson, MD 21204	www.mccei.org/mccei/Home.aspx
Maryland Minority Contractors Association	(410) 366-1500	2423 Maryland Avenue, Suite 100 - Baltimore, MD 21218	www.mmcainc.org/contractors/
Maryland Underground Facilities Damage Prevention Authority	(410) 712-0082	7223 Parkway Drive, Suite 100 - Hanover, MD 21076	www.mddpa.org
Subsector 237 - Heavy & Civil Engineering Construction			
Consulting Engineering Council of Maryland	(410) 539-1592	312 North Charles St., 200 - Baltimore, MD 21201	n/a
Maryland Asphalt Association	(410) 761-2160	2408 Peppermill Drive, Suite G, Glen Burnie, MD, 21061	www.mdasphalt.org
Maryland Association of Engineers	(410) 662-7400	10150 York Rd., Suite 100 - Hunt Valley, MD 21030	www.mdcae.org
Maryland Society of Professional Engineers	(443) 962-1055	6030 Marshalee Drive, Suite 208 - Elkridge, MD 21075	www.mdspe.org
Maryland Municipal Stormwater Association	(804) 716-9021	P.O. Box 51 - Richmond, VA 23219	www.mamsa.net/
Maryland Ready Mixed Concrete Association	(301) 694-4899	1000 E South St, Frederick, MD 21704	www.marylandconcrete.com
Maryland Transportation Builders & Materials Association	410-760-9505	2408 Pepper Mill Drive - Glen Burnie, MD 21061	www.mtbma.org
National Ready Mixed Concrete Association	(703) 675-7603	900 Spring Street - Silver Spring, MD 20910	www.nrmca.org
Subsector 238 - Specialty Trade Contractors			
Air Conditioning Contractors of America - National Capital Chapter	(301) 384-2222	12600 Laurie Drive - Silver Spring, MD 20904	www.acca.org/home
American Society of Landscape Architects - MD Chapter	(301) 405-0006	P.O. Box 3817 - Silver Spring, MD 20918	www.marylandasla.org/about
Association of Air Conditioning Professionals	(410) 527-0780	Executive Plaza II 1350 McCormick Road, Suite 1006 - Hunt Valley, MD 21301	www.aacpnet.org
Electric League of Maryland	(443) 478-9935	P.O. Box 388 - Linthicum, MD 21090	www.elmd.org
Elevator Industry Work Preservation Fund	(410) 312-1474	7154 Columbia Gateway Drive - Columbia, MD 21046	www.eiwpf.org
Heating & Air Conditioning Contractors of Maryland	(410) 431-8880	P.O. Box 730 - Severna Park, MD 21146	www.haccmd.org
Independent Electrical Contractors (IEC) Chesapeake	(301) 621-9545	18751 Freestate Drive, Suite 250 - Laurel, MD 20723	www.iecchesapeake.com
Maryland Marine Contractors Association	(410) 250-5066	6201 Old Trappe Road - Trappe, MD 21673	www.mdmarinecontractors.org
Maryland Pipe Trades Association	n/a	Oakland Mills Road, Suite 180 - Columbia, MD 21046	www.mdpipe trades.com
Maryland Waterwell Association	(410) 479-3078	26222 Hobbs Road - Denton, MD 21629	www.mdwwa.org/mdwwa.html
MD Plumbing-Heating-Cooling Contractors Association	(410) 461-5977	10176 Baltimore National Pike - Ellicott City, MD 21042	www.marylandphcc.org
Public Works Contractors Association of Maryland	(301) 262-2644	2706 Filbert Lane - Bowie, MD 20715	www.pwcamd.org

Sector 31-33 - Manufacturing			
Industry/Association	Phone Number	Address	Website
Subsector 311 - Food Manufacturing			
American Association of Meat Processors	(717) 367-1168	P.O. Box 269 - Elizabethtown, PA 17022	www.aamp.com
American Bakers Association	(202) 789-0300	601 Pennsylvania Ave NW, Suite 230 - Washington, D.C. 20004	www.americanbakers.org
American Institute of Baking	(785) 537-4750	P.O. Box 3999 - Manhattan, KS 66505	www.aibonline.org
American Meat Institute	(202) 587-4200	1150 Connecticut Ave, NW 12th Floor - Washington D.C. 20036	www.meatinstitute.org
Association for Dressing & Sauces	(404) 252-3663	5775 Peachtree-Dunwoody Rd. Bldg. G, Ste 500 - Atlanta, GA 30342	www.dressings-sauces.org
Biscuit & Cracker Manufacturers Association	(301) 608-1552	8484 Georgia Ave. Suite 700 - Silver Spring, MD 20910	www.americanbakers.org
Cookie & Snack Bakers Association	(423) 472-5856	n/a	www.casba.us
International Association for Food Protection	(515) 276-3344	6200 Aurora Avenue, Suite 200W - Des Moines, IA 50322	www.foodprotection.org
Refrigerated Foods Association	(770) 303-9905	1640 Powers Ferry Road, Bldg. 2, Suite 200A - Marietta, GA 30067	www.refrigeratedfoods.org
Retail Bakers Association	800-638-0924	15941 Harlem Ave #347 - Tinley Park, IL 60477	www.retailbakersofamerica.org
Snack Food Association	(703) 836-4500	1600 Wilson Blvd. Suite 650 - Arlington, VA 22209	www.snacintl.org
Subsector 312 - Beverage & Tobacco Product Manufacturing			
American Beverage Licensees	(301) 656-1494	5101 River Road, Suite 108 - Bethesda, MD 20816	www.ablusa.org
Brewers Association of Maryland	(410) 252-9463	6247 Falls Road, Suite G - Baltimore, MD 21209	www.marylandbeer.org
Cigar Association of America	(202) 223-8204	1100 G Street, NW, Suite 1050 - Washington, D.C. 20005	www.cigarassociation.org
Closure & Container Manufacturers Association	(847) 438-2700	421 N. Northwest Highway, Suite 201 - Barrington, IL 60010	www.bevtech.org
Distilled Spirits Council of the U.S.	(202) 628-3544	1250 Eye Street, NW, Suite 400 - Washington, D.C. 20005	www.discus.org
International Bottled Water Association	(703) 683-5213	1700 Diagonal Road, Suite 650 - Alexandria, VA 22314	www.bottledwater.org
Maryland Distillers Guild	(410) 252-9463	6247 Falls Road, Suite G - Baltimore, MD 21209	www.marylandspirits.org
Maryland Grape Growers	(301) 475-5894	931 Warner Drive, Huntington, MD 20639	www.marylandgrapes.org
Maryland Wineries Association	(410) 252-WINE	1940 Greenspring Drive, Suite E - Timonium, MD 21093	www.marylandwine.com
MD/DE/DC Beverage Association	(410) 990-9502	3 Church Circle - Annapolis, MD 21401	n/a
The Brewer's Association	(888) 822-6273	1327 Spruce Street - Boulder, CO 80302	www.brewersassociation.org
Subsector 321 - Wood Product Manufacturing			
American Paper & Forest Association	(202) 463-2700	1101 K Street, NW, Suite 700 - Washington, D.C. 20005	www.afandpa.org
American Wood Council	(202) 463-2766	1101 K Street, NW, Suite 700 - Washington, D.C. 20005	www.awc.org
Association of Forest Industries	(410) 414-2515	P.O. Box 501 - Huntington, MD 20639	n/a
Subsector 322 - Paper Manufacturing			
American Forest & Paper Association	(202) 463-2700	1101 K Street, NW, Suite 700 - Washington, D.C. 20005	www.afandpa.org
Subsector 323 - Printing & Related Support Activities			
Printing & Graphics Association Mid-Atlantic	(410) 319-0900	9685 Gerwig Lane - Columbia, MD 21046	www.pgama.com
Subsector 324 - Petroleum, Coal Products & Energy Manufacturing			
American Petroleum Institute	(202) 682-8000	1220 L Street, NW - Washington, D.C. 20005	www.api.org
Asphalt Roofing Manufacturers	(301) 634-7060	6000 Executive Boulevard - Rockville, MD 20852	www.asphaltroofing.org
Maryland Alliance for Fair Competition t/a The Maryland Alliance of Energy Contractors	(410) 821-4445	c/o 306 W. Chesapeake Avenue - Towson, MD 21204	www.marylandalliance.org
Maryland Energy Group	(410) 576-4104	233 E. Redwood Street - Baltimore, MD 21202	n/a
Maryland Geothermal Association	(260) 205-0070	8213 Brock Bridge Road - Laurel, MD 21224	n/a
Maryland Industrial Technical Alliance	(410) 470-1215	100 Constellation Way 1000C - Baltimore, MD 21202	n/a
Subsector 325 - Chemical Manufacturing			
American Chemistry Council	(202) 249-6223	700 Second Street, NE - Washington, D.C. 20002	www.americanchemistry.com
American Society for Pharmacology & Experimental Research	(301)634-7060	9650 Rockville Pike - Bethesda, MD 20814	n/a
Pharmaceutical Research & Manufacturers of America	(703) 371-9135	1875 K Street NW, Fourth Floor - Washington, D.C. 20036	n/a
Subsector 326 - Plastics & Rubber Products Manufacturing			
Flexible Packaging Association	(410) 694-0800	971 Corporate Blvd. Suite 403 - Linthicum, MD 21090	www.flexpack.org
Subsector 327 - Nonmetallic Mineral Product Manufacturing			
Glass Packaging Institute	(703) 684-6359	515 King Street, Suite 420 - Alexandria, VA 22314	www.gpi.org
Subsector 332 - Fabricated Metal Product Manufacturing			
Can Manufacturers Institute c/o Multistate Institute	(703) 684-1110	515 King Street, Suite 300 - Alexandria, VA 22314	www.multistate.com
Subsector 333 - Machinery Manufacturing			
Instrument Society of America	(919) 549-8411	67 Alexander Drive Research Triangle Park - NC 27709	www.isa.org
Elevator Industry Work Preservation Fund	(410) 312-1474	7154 Columbia Gateway Drive - Columbia, MD 21046	www.eiwfp.org
Packaging Machinery Manufacturers Institute	(703) 243-8555	11911 Freedom Drive, Suite 600 - Reston, VA 20190	www.pmmi.org
Alliance of Automobile Manufacturers	(202) 326-5500	1401 Eye Street, NW, Suite 900 - Washington, D.C. 20005	www.autoalliance.org
Association of Global Automakers	(202) 349-7024	c/o National Strategies, 1990 K Street, NW, #320 - Washington, D.C. 20006	www.globalautomakers.org
Coalition of Ignition Interlock Manufacturers	(800) 880-3394	439 New Jersey Ave, SE - Washington, D.C. 20003	n/a
Subsector 338 - Miscellaneous Manufacturing			
American Coatings Association	(202) 462-6272	1500 Rhode Island, Ave. NW - Washington, D.C. 20005	www.paint.org
American Herbal Products Association	(301) 588-1171	8630 Fenton Street, Suite 918, Silver Spring, MD 20910	www.abna.org
Manufacturer's Alliance of Maryland	n/a	n/a (contact via email through website)	www.mdmanufacturing.org
Maryland Manufacturing Extension Partnership	(443) 343-0085	8894 Stanford Blvd./ Suite 304/ Columbia, MD 21045	www.mdmeep.org
Regional Manufacturing Institute	(410) 404-7779	936 Ridgebrook Rd., Sparks Glencoe, MD 21152	www.rmiomaryland.com

Sector 42 - Wholesale Trade

Industry/Association	Phone Number	Address	Website
Subsector 424 - Merchant Wholesalers, Nondurable Goods			
American Frozen Food Association	(703) 821-0770	2000 Corporate Ridge Blvd, Suite 1000 - McLean, VA 22102	www.affi.org
Cigar Association of America	(202) 223-8204	1100 G Street NW, Suite 1050 - Washington, D.C.	www.cigarassociation.org
Food Industry Suppliers Association	(336) 274-6311	1207 Sunset Drive - Greensboro, NC 27408	www.fisanet.org
Food Processing Supplier Association	(703) 761-2600	1451 Dolly Madison Blvd. Suite 101 - McLean, VA 22101	www.fpsa.org
Grocery Manufacturers of America	(202) 639-5900	1350 I Street, Suite 300 - Washington, D.C. 20005	www.gmaonline.org
International Dairy Foods Association	(202) 737-4332	1250 H Street, NW Suite 900 - Washington, D.C. 20005	www.idfa.org
Licensed Beverage Distributors of Maryland	(410) 863-0606	c/o 6225 Smith Avenue, The Marbury Building - Baltimore, MD 21209	n/a
Maryland Association of Tobacco and Candy Distributors	(800) 322-3491	3501 Benson Aveunue - Baltimore, MD 21227	n/a
Maryland Beer Wholesalers Association	(410) 263-7882	12 Francis Street - Annapolis, MD 21401	n/a
Maryland Wholesale Medical Cannabis Trade Association	(410) 685-7080	One Olympic Place, Suite 1201 - Towson, MD 21204	www.canmd.org
Mid-Atlantic Petroleum Distributors Association	(410) 349-0808	3 Church Circle, Suite 201 - Annapolis, MD 21401	www.mapda.com
National Confectioners Association	(202) 534-1440	1101 30th Street, NW Suite 200 - Washington, D.C. 20007	www.candyusa.com
National Frozen & Refrigerated Food Association	(717) 657-8601	P.O. Box 6069 - Harrisburg, PA 17112	www.nfraweb.org

Sector 44-45 - Retail Trade

Industry/Association	Phone Number	Address	Website
Subsector 441 - Motor Vehicle & Parts Dealers			
Automotive Aftermarket Industry Association	(301) 654-6664	7101 Wisonsin Ave - Bethesda, MD 20814	www.aftermarketsuppliers.org
AAA Mid-Atlantic	(410) 616-1900	8600 LaSalle Road, Suite 639, Oxford Building - Towson, MD 21286	www.midatlantic.aaa.com
Certified Automotive Parts Association (CAPA)	(202) 737-2212	1000 Vermont Avenue NW, Suite 1010 - Washington, D.C. 20005	www.capacertified.org
Maryland Automobile Dealers Association	(800) 526-7423	7 State Circle, Suite 301 - Annapolis, MD 21401	www.mdauto.org
Maryland Independent Automobile Dealers Association	(717) 238-9002	1501 North Front Street - Harrisburg, PA 17102	www.midatlanticautodealersunited.org
Maryland Motorcycle Dealers Association	(301) 948-4581	c/o Battley Cycles 7830 Airpak Road - Gaithersburg, MD 20879	www.mdmda.com
Maryland Recreational Vehicle Dealers Associaton	(410) 987-4793	729 Md Route 3 North - Gambrills, MD 21504	www.mdrv.com
Maryland Vehicle Titling Association	(410) 984-2930	1071-B Baltimore Blvd - Westminster, MD 21157	www.mvta.org
Washington Area New Automobile Dealers Association	(202) 237-7200	5301 Wisconsin Avenue, NW, Suite 210 - Washington, D.C. 20015	www.wanada.org
Subsector 443 -Electronics & Appliance Stores			
Custom Electronic Design & Installation Association	(317) 328-4336	7150 Winton Drive, Suite 300 - Indianapolis, IN 46268	www.cedia.net
Subsector 444 - Building Material & Garden Equipment & Supplies Dealers			
Maryland Northern Virginia Floor Covering Association	(877) 896-3605	P.O. Box 5723 - Fredericksburg, VA 22403	www.midatlanticfloorcoveringassoc.com
Subsector 445 - Food and Beverages Stores			
Food Marketing Institute	(202) 452-8444	2345 Crystal Drive, Suite 800 - Arlington, VA 22202	www.fmi.org
Maryland Farmer's Market Association	(410) 929-1645	P.O. Box 6355 Annapolis, MD 21401	www.marylandfma.org
Maryland Food Dealers Council	(410) 269-1440	171 Conduit Street - Annapolis, MD 21401	n/a
Subsector 446 - Health & Personal Care Stores			
Maryland Association of Chain Drug Stores	(215) 464-3171	c/o Rite Aid 10456 Baltimore Ave - Beltsville, MD 20705	n/a
Maryland Pharmacists Association	(443) 583-8000	9115 Guilford Road, Suite 200 - Columbia, MD 21046	www.marylandpharmacist.org
Personal Care Products Council	(202) 331-1770	1620 L Street NW - Washington, D.C. 20036	www.personalcarecouncil.org
Subsector 447 - Gasoline Stations			
Mid-Atlantic Petroleum Distributors Association	(410) 349-0808	3 Church Circle, Suite 201 - Annapolis, MD 21401	www.mapda.com
Subsector 448 - Clothing & Clothing Accessories Stores			
Maryland Retailers Association	(410) 269-1440	171 Conduit Street - Annapolis, MD 21401	www.mdra.org
Subsector 452 - General Merchandise Stores			
Maryland Retailers Association	(410) 269-1440	171 Conduit Street - Annapolis, MD 21401	www.mdra.org
Maryland DC Vending Association	(571) 346-1900	1600 Wilson Blvd., #650 - Arlington, VA 22209	www.mddcvending.org
Subsector 453 - Miscellaneous Store Retailers			
Tri-State Jewelers Association	(410) 269-1440	171 Conduit Street - Annapolis, MD 21401	www.tristatejewelers.org
International Premium Cigar & Pipe Retailers Association	(706) 494-1143	4 Bradley Park Court, Suite 2H - Columbus, GA 31904	www.ipcpr.org
Lexington Market, Inc.	(410) 685-6169	400 West Lexington Street - Baltimore, MD 21201	www.lexingtonmarket.com
Maryland Pawnbrokers Association	(410) 669-5454	1701 Pennsylvania Avenue - Baltimore, MD 21217	n/a
Maryland Vapor Alliance	(443) 840-0107	1209 Liberty Road, Suite 114 - Eldersburg, MD 21784	www.vapesociety.org
Premium Cigar Retailers Association of Maryland	(202) 364-0800	5335 Wisconsin Ave, NW #200 - Washington, D.C. 20015	n/a
Subsector 454 - Nonstore Retailers			
Commercial Auctioneers of Maryland	(410)296-8440	6500 Falls Road - Baltimore, MD 21209	n/a
Delaware Maryland Agribusiness Association	(443) 262-8491	209 Jarman Branch Drive Centerville, MD 21617	www.demdagribusiness.org
NetChoice	(202) 331-2130	1401 K Street NW, Suite 502 - Washington, D.C.	www.netchoice.org

Sector 48-40 - Transportation and Warehousing

Industry/Association	Phone Number	Address	Website
Subsector 482 - Rail Transportation			
Annapolis Regional Transportation Management Association (ARTMA)	(410) 269-7433	49 Old Solomon's Island Road, # 204 - Annapolis, MD 21401	www.artma.org
Brotherhood of Locomotive Engineers and Trainmen	(216) 241-2630	7061 East Pleasant Valley Road - Independence, OH 44131	www.ble-t.org
Subsector 483 - Water Transportation			
Association of Maryland Pilots	(410) 276-1337	3720 Dillon Street - Baltimore, MD 21224	www.marylandpilots.com
Baltimore Port Alliance	(410) 342-6610	3720 Dillon Street, 2nd Floor - Baltimore, MD 21224	www.baltimoreportalliance.org
Marine Trade Association	(410) 269-0741	Marine Trades Association of Maryland	www.mtam.org
Maryland Charter Boats Association		c/o Tom Ireland 4874 Patience Place - Huntington, MD 20639	www.marylandcharterboats.com
Maryland Marine Contractors Association	(410) 250-5066	6201 Old Trappe Road - Trappe, MD 21673	www.mdmarinecontractors.org
Subsector 484 - Truck Transportation			
Maryland Motor Truck Association	(410) 644-4600	3000 Washington Boulevard - Baltimore, MD 21230	www.mmtanet.com
Subsector 485 - Transit & Ground Transportation			
Maryland Motor Coach Association	(571) 312-7117	P.O. Box 320266 - Alexandria, VA 22320	www.marylandmotorcoach.org
Maryland Limo Association	(410) 663-7000	P.O. Box 20179 - Baltimore, MD 21284	www.mdlimoassoc.org
Maryland School Bus Contractors Association	(410) 638-9510	423 Chestnut Hill Road - Forest Hill, MD 21050	www.mdschoolbus.org
Subsector 488 - Support Activities for Transportation			
Towing and Recovery Professionals of Maryland	(410) 414-5406	Towing and Recovery Professionals of Maryland	www.trpm-assn.net
Transportation Association of Maryland	(410) 553-4245	939 Elkridge Landing Road, Suite 195-Linthicum, MD 21090	www.taminc.org
Subsector 492 - Couriers & Messengers			
Maryland Same Day Messenger Courier Association	(301) 264-1500	12240 Indian Creek Court, #100 - Beltsville, MD 20705	www.qmsdc.com/msdmca/index.html
Subsector 493 - Warehousing & Storage			
Maryland Self Storage Association	(410) 539-3004	8221 Snowden Rieve Parkway	www.ssamaryland.org

Sector 51 - Information

Industry/Association	Phone Number	Address	Website
Subsector 511 - Publishing Industries (except Internet)			
American Society of Composers, Authors & Publishers	(212) 621-6261	ASCAP Building, One Lincoln Plaza - New York, NY 10023	www.ascap.com
Entertainment Software Association	(202) 223-2400	601 Massachusetts Avenue, NW - Washington, D.C. 20001	www.theesa.com/
MD/DC/DE Press Association	(410) 721-4000	60 West Street, #107 - Annapolis, MD 21401	www.mddcpress.com
Subsector 512 - Motion Pictures & Sound Recording Industries			
Maryland Film Industry Coalition	(410) 949-2905	P.O. Box 384 - Simpsonville, MD 21150	www.mdfilm.org/
Mid-Atlantic NATO (National Association of Theatre Owners)	(410) 252-5010	P.O. Brooklandville, MD 21022	www.midatlanticnato.com
Subsector 517 - Telecommunications			
Cable Telecommunications Association	(410) 263-7882	12 Francis Street - Annapolis, MD 21401	n/a
Cable Telecommunications Association of MD, DC, DE	(410) 263-7882	12 Francis Street - Annapolis, MD 21401	n/a
Subsector 519 - Other Information Services			
Data & Marketing Association	(202) 861-2414	225 Reinekers Lane, Suite 325 - Alexandria, VA 22314	www.thedma.org
Maryland Broadband Cooperative	(410) 241-6322	2129A Northwood Drive - Salisbury, MD 21801	www.mdbc.us

Sector 52 - Finance & Insurance

Industry/Association	Phone Number	Address	Website
Subsector 522 - Credit Intermediation & Related Activities			
Council on Enterprise Data Management	(301) 933-2945	10101 East Bexhill Drive - Kensington, MD 20895	www.edmcouncil.org
Maryland & DC Credit Union Association	(410) 290-6858	8975 Guilford Road, Suite 190 - Columbia, MD 21046	www.mdccua.org
Maryland Association of Financial Service Centers	(410) 859-0220	111 Kingbrook Road - Linthicum, MD 21090	www.mafsc.org
Maryland Bankers Association	(410) 269-5977	186 Duke of Gloucester Street - Annapolis, MD 21401	www.mdbankers.com
Maryland Mortgage Bankers Association	(410) 312-4090	P.O. Box 6293 - Ellicott, MD 21042	www.mmbba.org
Maryland Pawnbrokers Association	(410) 669-5454	1701 Pennsylvania Avenue - Baltimore, MD 21217	n/a
Online Lenders Alliance	n/a	P.O. Box 320130, Alexandria, VA 22320	www.onlinelendersalliance.org
Subsector 523 - Financial Investments & Related Activities			
Construction Financial Management Association (CFMA) of Maryland	(410) 783-4900	500 East Pratt Street, Suite 200 - Baltimore MD 21202	www.maryland.cfma.org/home
Financial Managers Society Maryland Chapter	(407) 835-3500	2001 E Joppa Rd Baltimore, MD 21234-2801	www.fmsmdchapter.org/index.php
Maryland Financial Planning Association		11350 McCormick Road, Suite 200 - Hunt Valley, MD 21031	www.fpamd.org
Maryland Government Finance Officers Association	(410) 451-3025	626C Admiral Drive, Suite 723 - Annapolis, Maryland 21401	www.mdgfoa.org
National Association of Insurance and Financial Advisors Maryland	n/a	11350 McCormick Road ste. #200 Hunt Valley	www.naifa-maryland.org
The National Venture Capital Association	(202) 864-5320	25 Massachusetts Avenue, NW, Suite 730 - Washington, D.C. 20001	www.nvca.org
Subsector 524 - Insurance Carriers & Related Activities			
Alliance of Maryland Dental Plans	(410) 659-7700	c/o Funk & Bolton P.A. 12th Floor, 36th Charles Street - Baltimore, MD 21201	n/a
American Association of Public Insurance Adjusters	(202) 640-2014	1050 Connecticut Avenue NW, 10th Floor - Washington D.C. 20036	www.aapia.org
American Council of Life Insurers	(202) 624-2000	101 Constitution Avenue, NW, Suite 700 - Washington, D.C.	www.acli.com
Americas Health Insurance Plans	(202) 778-3200	601 Pennsylvania Ave, NW - Washington, D.C. 20004	www.ahip.org
Independent Insurance Agents of Maryland	(410) 766-0600	2408 Peppermill Drive, Suite A - Glen Burnie, MD. 21061	www.iiamd.org
Maryland Association of Health Underwriters	(410) 667-0200	301 International Circle - Hunt Valley, MD 21030	www.marylandahu.com
Maryland Association of Mutual Insurers	(410) 727-1794	100 N. Charles Street, Suite 640 - Baltimore, MD 21201	n/a
Maryland Automobile Insurance Fund	(800) 492-7120	1215 East Fort Avenue, Suite 300 - Baltimore, MD 21230	www.mymarylandauto.com
Maryland Coalition of Title Insurers	(410) 527-7580	c/o J. Paul Reiger, Jr. First American Title Insurance Co.. 11350 McCormick Road, Executive Plaza III, Suite 804 - Hunt Valley, MD 21031	n/a
Maryland Insurance Council	(410) 527-1820	11350 McCormick Road, Executive Plaza 3, Suite 502 - Hunt Valley, MD 21031	n/a
Maryland Self-Insurers' Association	(443) 367-2253	Bon Secours Health System/Risk Insurance. 8990 Old Annapolis Road, Suite M - Columbia, MD 21045	www.msieca.com
National Association of Mutual Insurance Companies	(317) 875-5250	3601 Vincennes Road - Indianapolis, IN 46268	www.namic.org
National Association of Surety Bond Producers	(202) 686-3700	1140 19th Street, NW, Suite 800 - Washington D.C. 20036	www.nasbp.org
Property Casualty Insurers Association of America	(518) 443-2220	90 South Swan Street - Albany, NY 12207	www.pciaa.net
Protect Employer Health Plans Coalition	(877) 304-9934	c/o Maryland Public Affairs, Suite 200 - Annapolis, MD 21401	www.naifa-maryland.org
US Travel Insurance Administration	(240) 342-3816	9707 Key West Avenue, Suite 100 - Rockville, MD 20850	www.ustia.org
Subsector 525 - Funds, Trusts and Other Financial Vehicles			
Retirement Planning Coalition		c/o Maryland Public Affairs, 191 Main Street, Suite 200 - Annapolis, MD 21401	

Sector 53 - Real Estate & Rental & Leasing

Industry/Association	Phone Number	Address	Website
Subsector 531- Real Estate			
Anne Arundel County Association of Realtors	(410) 544-4554	1521 Ritchie Highway, Suite 300 - Arnold, MD 21012	www.aacar.com
Community Associations Institute	(410) 544-6644	5 Riggs Avenue - Severna Park, MD 21146	www.caionline.org
Greater Capital Area Association of Realtors	(301) 590-8784	15201 Diamondback Dr., Ste. 100, Rockville, MD 20850	www.gcaar.com
Maryland Appraisers Coalition	(410) 557-9787	2316 Franklins Chance Ct. - Fallston, MD 21047	n/a
Maryland Association of Appraisers	(443) 371-7586	P.O. Box 774, North East, MD 21901	www.mdappraisers.org
Maryland Association of Realtors	(800) 638-6425	200 Harry S Truman Parkway, Suite 200 - Annapolis, MD 21401	www.mdrealtor.org
Maryland Land Title Association	(804) 241-2027	1700 King William Woods Road - Midlothian, VA 23113	www.mdlta.org
Maryland Tax Sales Participants Association	(410) 343-9125	6615 Reisterstown Road, Suite 203-D - Baltimore, Maryland 21215	n/a
NAIOP Maryland (Commercial Real Estate Development)	(443) 986-9429	6030 Marshalee Drive, Suite 208 - Elkridge, MD 21075	www.naiopmd.org
National Association of Industrial & Office Properties	(410) 977.2053	P.O. Box 16280 Baltimore, MD 21210-2053	www.naiopmd.org
Prince George's County Association of Realtors	(301) 306-7900	9200 Basil Court, Suite 400 - Largo, MD 20774	www.pgcar.com
Subsector 532 - Rental & Leasing			
Apartment & Office Building Association of Metropolitan Washington	(202) 296-3390	1050 17th Street, NW, Suite 300 - Washington, D.C. 20036	www.aoba-metro.org
Building Owners & Managers Association of Greater Baltimore	(410) 752-3318	720 Light Street - Baltimore, MD 21230	www.bomabaltimore.org
International Council of Shopping Centers	(202) 626-1400	555 12th Street, NW, Suite 660 - Washington, D.C.	www.icsc.org
Maryland Multi-Housing Association	(410) 825-6868	1421 Clarkview Road, Suite 100B - Baltimore, MD 21209	www.mmhaonline.org
National Association of Industrial & Office Properties	(410) 977-2053	P.O. Box 16280 Baltimore, MD 21210-2053	www.naiopmd.org

Sector 56 - Administrative and Support, Waste Management and Remediation Services

Industry/Association	Phone Number	Address	Website
Subsector 561 - Administrative & Support Services			
Maryland State Beekeepers Association	n/a	n/a	www.mdbeekeepers.org
Maryland State Pest Controls Association	(800) 237-1269	P.O. Box 117 - Marydel, MD 21649	www.marylandpest.org
Mid-Atlantic Collectors Association	(717) 730-9745	116 Forest Drive - Camp Hill, PA 17011	www.maca.wildapicot.org
Subsection 562 - Waste Management & Remediation Services			
Maryland Association of Municipal Wastewater Agencies	(804) 716-9021	P.O. Box 51 - Richmond, VA 23218	www.mamwa.org
Maryland Municipal Stormwater Association	(804) 716-9021	6 S. 5th Street - Richmond, VA 23219	www.mamsa.net
National Waste and Recycling Association	(202) 244-4700	4301 Connecticut Ave, NW, Suite 300 - Washington, D.C. 20008	www.wasterecycling.org
Trash Free Maryland Alliance	(410) 861-0412	3002 Laurel Ave - Cheverly, MD 20785	www.trashfreemaryland.org

Sector 61 - Educational Services

Industry/Association	Phone Number	Address	Website
Subsector 661 - Educational Services			
Association of Independent Maryland & D.C. Schools	(410) 761-3700	890 Airport Park Road, Suite 103 - Glen Burnie, MD 21061	www.aimsmddc.org
Maryland Alliance of Public Charter Schools	(410) 919-9678	1201 S. Sharp Street, Suite 302 - Baltimore, MD 21230	www.marylandcharterschools.org
Maryland Association of Boards of Education	(410) 841-5414	621 Ridgely Avenue, Suite 300 - Annapolis, MD 21401	www.mabe.org
Maryland Association of Community Colleges	(410) 974-8117	60 West Street, Suite 200 - Annapolis, MD 21401	www.mdacc.org
Maryland Association of Nonpublic Special Education Facilities	(410) 938-4413	P.O. Box 6815 - Baltimore, MD 21285	www.mansef.org
Maryland Association of Public Library Administrators	(410) 386-4500	1100 Green Valley Road - New Windsor, MD 21776	www.maplaonline.org
Maryland Independent College & University Association	(410) 269-0306	140 South Street - Annapolis, MD 21401	www.micua.org
Maryland Library Association	(410) 947-5090	1401 Hollins Street - Baltimore, MD 21223	www.mdlib.org
Maryland State Education Association	(410) 263-6600	140 Main Street - Annapolis, MD 21401	www.marylandeducators.org
Job Training			
America Works of Maryland	(410) 325-9675	22 Light Street, 5th Floor - Baltimore, MD 21202	www.americaworks.org
Maryland CASH Campaign / Job Opportunities Task Force	(410) 528-8006	217 East Redwood Street, Suite 1500 - Baltimore, MD 21202	www.marylandcashcampaign.com
Maryland Center for Construction Education & Innovation	(410) 704-5981	7400 York Road, Suite 314 - Towson, MD 21204	www.mccei.org

Sector 62 - Health Care and Social Assistance

Industry/Association	Phone Number	Address	Website
621 Ambulatory Health Care Services			
Alzheimer's Disease & Related Disorders of Central MD	(410) 561-9099	1850 York Road, Suite D - Timonium, MD 21093	www.ada.org
American Dental Association	(312) 440-2500	211 East Chicago Avenue - Chicago, IL 60611	www.ada.org
American Massage Therapy Association - MD Chapter	(847) 902-1429	500 Davis Street, Suite 900 - Evanston, IL 60201	www.md.wpa.amtamassage.org
American Medical Informatics Association	(301) 657-1291	4730 Montgomery Lane, Suite 500 - Bethesda, MD 20814	www.amia.org
American Physical Therapy Association of MD	(800) 306-5596	18919 Surreywood - San Antonio, TX 78258	www.apta.md.org
Anne Arundel County Medical Society	(410) 544-0312	714 Baltimore & Annapolis Blvd. - Severna Park, MD 21146	www.medchi.org/membership/component-medical-societies/anne-arundel-county-medical-society
Association of Dental Support Organizations	(703) 940-3864	1235 S. Clark Street, Suite 1210 - Arlington, VA 22202	www.theadso.org
Association of Independent Midwives of MD	(202) 390-6494	2614 N. Calvert Street - Baltimore, MD 21218	www.aimeidwives.org
Baltimore City Medical Society	(410) 625-9022	1211 Cathedral Street, Baltimore, MD 21201	www.bcmss.org
Baltimore County Medical Association	(410) 296-1232	1211 Cathedral Street, Baltimore, MD 21201	www.bcmamed.org
Chesapeake Regional Information System for our Patients	(410) 402-9211	7160 Columbia Gateway Drive - Columbia, MD 21046	www.crisphealth.org
Community Behavioral Health Association of Maryland	(410) 788-1865	18 Egges Lane, Catonsville MD 21228	www.mdcbh.org
Howard County Medical Society	(410) 544-0312	714 Baltimore & Annapolis Blvd. - Severna Park, MD 21146	www.medchi.org/Membership/Component-Medical-Societies
Licensed Clinical Professional Counselors of Maryland	(301) 545-0554	P.O. Box 482 - Garrett Park, MD 20896	www.lcpc.org
Maryland Academy of Advanced Practice Clinicians	(301) 863-9252	P.O. Box 8 - St. Mary's City, MD 20686	www.maaonline-enrnetwork.com
Maryland Academy of Audiology	(410) 617-2936	8201 Harford Road, Box 8433 - Parkville, MD 21234	www.msaudiology.org
Maryland Academy of Family Physicians	(410) 747-1980	5710 Executive Drive, Suite 104 - Baltimore, MD 21228	www.mdafp.org
Maryland Academy of Nutrition and Dietetics	(410) 929-0764	P.O. Box 212 - Severna Park, MD 21146	www.eatwellmd.org
Maryland Academy of Physicians Assistants	(888) 357-2360	P.O. Box 1726 - Annapolis, MD 21404	www.mdpa.org
Maryland Acupuncture Society	(410) 627-3387	1101 Frederick Road - Catonsville, MD 21228	www.maryland-acupuncture.org
Maryland Affiliate of the American College of Midwives	(774) 571-0256	305 E Lorraine Ave - Baltimore, MD 21218	www.marylandmidwife.org
Maryland Ambulatory Surgery Association	(410) 224-4550	P.O. Box 5859 - Pikesville, MD 21282	www.mdaso.org
Maryland Assembly on School Based Health Care	(410) 884-8794	5850 Waterloos Road, Suite 140 - Columbia, MD 21045	www.masbhcc.org
Maryland Association for the Treatment of Opioid Dependence	(410) 225-8240	87 Linden Avenue - Baltimore, MD 21201	n/a
Maryland Association of Naturopathic Physicians	(443) 226-7665	207 Ridgely Avenue - Annapolis, MD 21401	www.mdnap.org
Maryland Association of Nurse Anesthetists	(410) 443-9988	105 South Street, Suite 103 - Annapolis, MD 21401	www.cranasofmd.org
Maryland Chapter - American Academy of Pediatrics	(410) 878-9702	1211 Cathedral Street, Baltimore, MD 21201	www.mdapp.org
Maryland Chapter of the American College of Emergency Physicians	(410) 727-2327	1211 Cathedral Street, Baltimore, MD 21201	www.mdacep.org
Maryland Chiropractic Association	(410) 625-1155	720 Light Street - Baltimore, MD 21231	www.marylandchiro.com
Maryland Citizens Health Initiative Education Fund	(410) 235-9000	2600 St. Paul Street - Baltimore, MD 21218	www.healthcareforall.com/
Maryland DC Society for Clinical Oncology	(410) 544-7558	550M Ritchie Highway, Suite 271 - Severna Park, MD 21146	www.md-scswb.org
Maryland DC Society for Respiratory Care	n/a	P.O. Box 233 - Pinto, Maryland 21556	www.mdscrc.org
Maryland Dental Action Coalition	(410) 884-8294	10035 Old Columbia Road, Suite 8-115 - Columbia, MD 21046	www.mdacta.org
Maryland Dental Hygienists Association	(443) 448-4957	P.O. Box 2195 - Ellicott City, MD 21041	www.mdhdha.com
Maryland Dental Society	(443) 956-1713	200 E. 33rd Street, Suite 284 - Baltimore, MD 21218	www.mdsa.com
Maryland Dermatological Society	(410) 296-1232	1211 Cathedral Street, Baltimore, MD 21201	www.marylanddermsociety.com
Maryland Families for Safe Birth	(408) 692-4784	P.O. Box 203 - Boonsboro, MD 21713	marylandfamilyforsafebirth.org
Maryland Health Information Management Association	n/a	n/a	www.mdhima.org
Maryland Managed Care Organization Association	(410) 772-6595	5565 Streret Place - Columbia, MD 21044	n/a
Maryland Nurses Association	(443) 334-5110	6 Park Center Court, Suite 212 - Owings Mills, MD 21117	www.marylandnrn.org
Maryland Occupational Therapy Association	(410) 418-8412	P.O. Box 2742 - Columbia, MD 21045	www.mota.memberbidge.org
Maryland Optometric Association	(410) 486-9662	P.O. Box 350 - Stevenson, MD 21153	www.marylandoptometry.org
Maryland Orthopedic Association	(877) 357-1200	110 West Road, Suite 217 - Towson, MD 21204	www.mdortho.org
Maryland Podiatric Medical Association	(410) 332-0736	600 Baltimore Avenue, Suite 301 - Towson, MD 21204	www.mdpa-membership.net
Maryland Professionals for Quality Addiction Services	(443) 834-5866	1206 Brook Meadow Drive - Towson, MD 21286	www.mpsac-homesite.com
Maryland Psychiatric Society	(410) 625-0232	1101 Saint Paul Street, Suite 305 Baltimore, Maryland 21202-6407	www.mdpsych.org
Maryland Psychological Association	(410) 995-3602	10025 Governor Warfield Parkway, Suite 102 - Columbia, MD 21044	www.marylandpsychology.org
Maryland Radiological Association	(443) 436-1114	1211 Cathedral Street, Baltimore, MD 21201	www.mdra.org/membership/Chapters/Maryland-Radiological-Society
Maryland Rural Health Association	(410) 693-6988	P.O. Box 41 - Oakland, MD 21550	www.mdrrhahealth.org
Maryland Section of the American Congress of Obstetricians and Gynecologists	(410) 539-0872	1211 Cathedral Street, Baltimore, MD 21201	www.acog.org/About-ACOG/ACOG-Sections/Maryland-Section
Maryland Society of Addiction Medicine	(443) 562-1374	5820 Pimlico Road - Baltimore, MD 21209	www.asam.org/membership/state-chapters/ris/md/maryland
Maryland Society of Anesthesiologists	(410) 280-1503	18 Pinkey Street - Annapolis, MD 21401	www.mdasa.org
Maryland Society of Eye Physicians & Surgeons	(800) 492-1056	1211 Cathedral Street, Baltimore, MD 21201	www.marylandeyemds.org
Maryland Society of Oral & Maxillofacial Surgeons	(301) 564-1400	10215 Fernwood Road, Suite 510 - Bethesda, MD 20817	http://www.masoms.org
Maryland Society of Otolaryngology	(410) 955-1654	601 North Caroline Street, Room 6210 - Baltimore, MD 21287	n/a
Maryland Society of Plastic Surgeons	(301) 881-7770	2002 Medical Parkway, Suite 215 - Annapolis, MD 21041	n/a
Maryland Speech Language Hearing Association	(410) 239-7770	P.O. Box 31 - Manchester, MD 21102	www.mdslha.org
Maryland State Dental Association	(410) 964-2380	8901 Herrmann Drive - Columbia, MD 21045	www.mdsa.com
Maryland-National Capital Homecare Association	(410) 527-0780	Executive Plaza II, 11350 McCormick Road, Suite 1006 - Hunt Valley, MD 21301	www.mnscha.org
Mental Health Association of Maryland	(443) 901-1550	Heaver Plaza 1301 York Road, Suite 505 - Lutherville, MD 21093	www.mhamaid.org
Mid-Atlantic Association of Community Health Centers	(301) 577-0097	4319 Forbes Boulevard - Lanham, MD 20706	www.maausch.org
Montgomery County Medical Society	(301) 921-4300	15855 Crabbs Branch Way - Rockville, MD 20855	www.montgomerymedicine.org
NAMI Maryland (National Alliance for the Mentally Ill)	(410) 884-8621	10630 Patuxent Parkway, Suite 475 - Columbia, MD 21044	www.namimd.org
National Council on Alcoholism & Drug Dependence - Maryland Chapter	(410) 625-6482	28 E. Ostend Street, Suite 503 - Baltimore, MD 21230	www.ncaddmaryland.org
Nurse Practitioners Association of Maryland	(410) 772-7915	P.O. Box 540 - Ellicott City, MD 21041	www.npamonline.org
Pharmacists' Education and Advocacy Council	(410) 983-0302	5112 Onion Road, Pylesville, MD 21132	www.pedacmaryland.org
Prince George's County Medical Society	(410) 544-0312	714 Baltimore & Annapolis Blvd. - Severna Park, MD 21146	www.medchi.org/Membership/Component-Medical-Societies
Suburban Maryland Psychiatric Society	(301) 963-0060	8915 Shady Grove Court - Gaithersburg, MD 20877	www.wps.memberclicks.net/maryland-chapter-page
The Maryland State Medical Society (MedChi)	(410) 539-0872	1211 Cathedral Street, Baltimore, MD 21201	www.medchi.org
US Oncology	(281) 863-4757	10101 Woodloch Forest - The Woodlands, TX 77380	www.usoncology.com
622 - Hospitals			
Maryland Hospital Association	(410) 379-6200	6820 Deerpath Road, Elkridge MD, 21075	www.mhaonline.org
624 Social Assistance			
Advocates for Children and Youth	(410) 547-9200	1 North Charles Street, Suite 2400 - Baltimore, MD 21201	www.acy.org
Association of Baltimore Area Grantmakers	(410) 727-1205	2 East Read Street - Baltimore, MD 21202	www.absgantmakers.org
Community Development Network of Maryland	(443) 801-8137	P.O. Box 22426 - Baltimore, MD 21203	www.communitydevelopmentmd.org/
Job Opportunities Task Force	(410) 528-8006	217 East Redwood Street, Suite 1500 - Baltimore, MD 21202	www.marylandcasshircampaign.org
Maryland Affordable Housing Coalition	(443) 758-6270	1212 York Road, Suite C300 - Lutherville, MD 21093	www.mdahc.org
Maryland Association of Area Agencies on Aging	(410) 758-0848	104 Powell Street - Centerville, MD 21617	n/a
Maryland Association of Community Services	(410) 740-5125	8835 Columbia 100 Parkway, Unit P - Columbia, MD 21044	www.macsonline.org
Maryland Association of Non-Profit Organizations	(410) 727-6367	1500 Union Ave - Baltimore, MD 21211	n/a
Maryland Association of Youth Services Bureaus	(443) 994-0259	25 Crescent Road - Greenbelt, MD 20770	www.mayusb.org
Maryland Coalition of Families	(410) 720-8317	10532 Little Patuxent Parkway, Suite 234	www.mdcoalition.org
Maryland Community Action Partnership	(443) 482-5168	420 Chinniquin Round Road, Suite 1, 2nd Floor - Annapolis, MD 21401	www.maryland-cap.org
Maryland Community Foundation Association	(410) 547-9289	2 East Read Street - Baltimore, MD 21202	www.mdcommunityfoundations.org
Maryland Counseling Association	(410) 931-5010	P.O. Box 6315 - Largo, MD 20792	www.md-counseling.org
Maryland Disability Law Center	(410) 727-6352	1500 Union Avenue, Suite 2000 - Baltimore, MD 21311	www.disabilityrightsmd.org
Maryland National Capital Home Care Association	(410) 527-0780	Executive Plaza II, 11350 McCormick Road, Suite 1006 - Hunt Valley, MD 21301	www.mnscha.org
Maryland Nonprofits	(410) 727-6367	1500 Union Ave, Suite 2500 - Baltimore, MD 21211	www.marylandnonprofits.org/Home.aspx
Maryland State Child Care Association	(410) 820-9196	2810 Carrollton Road - Annapolis, MD 21403	www.mscca.org
Maryland Works	(410) 381-8660	10270 Old Columbia Road, Suite 100 - Columbia, MD 21046	www.mdworks.org
National Association of Social Workers, MD Chapter	(410) 788-1006	5750 Executive Drive, Suite 100 - Baltimore, MD 21228	www.nasw-md.org
Youth Advocates Program	(410) 385-2171	1 North Charles Street, Suite 100 - Baltimore, MD 21201	www.yapinc.org
623 Nursing and Residential Care Facilities			
Maryland Continuing Care Residents Association	(410) 329-1199	13801 York Road - Cockeysville, MD 21030	www.bmbassoc.com

Sector 71 - Arts, Entertainment and Recreation			
Industry/Association	Phone Number	Address	Website
Subsector 711 - Performing Arts, Spectator Sports and Related Industries			
National Association of Sports Commissions	(513) 281-3888	9916 Carver Road, Suite 100 - Cincinnati, OH 45242	www.sportscommissions.org
Maryland Amusement and Music Operators Association	(410) 732-2200	1200 Bank Street - Baltimore, MD 21202	www.amoa.memberclicks.net
Maryland Association of Agricultural Fairs and Shows	(410) 252-2601	P.O. Box 188 - Timonium, MD 21094	www.maafs.com
Maryland Citizens for the Arts	(410) 467-6700	120 W. North Ave, Suite 302 - Baltimore, MD 21201	www.mdarts.org
Subsector 712 - Museums, Historical Sites and Similar Institutions			
State Aided Educational Institutions Coalition	(410) 545-5970	c/o 601 Light Street - Baltimore, MD 21230	n/a
Subsector 713 - Amusement, Gambling and Recreation Industries			
Associated Gun Clubs of Baltimore	(410) 296-3947	11518 Marriottsville Road - Marriottsville, MD	www.associatedgunclubs.org
Cloverleaf Standardbred Owners Association	(301) 567-9636	P.O. Temple Hills, MD 20478	www.cloverleafsoa.org
Maryland Amusement and Music Operators Association	(410) 732-2200	1200 Bank Street - Baltimore, MD 21202	www.amoa.memberclicks.net
Maryland Horse Breeders Association	(410) 252-2100	P.O. Box 427 - Timonium, MD 21094	www.marylandthoroughbred.com/cms/
Maryland Horse Council	(301) 502-8929	P.O. Box 141 - Damascus, MD 20872	www.mdhorsecouncil.org
Maryland Jockey Club	(301) 725-0400	P.O. Box 130 - Laurel, MD 20725	www.marylandracing.com
Maryland Standardbred Breeders	(410) 603-1585	28722 Waller Road - Delmar, MD 21875	www.mdbreeders.org
Maryland State Fair	(410) 252-0200	P.O. 188 - Timonium, MD 21094	www.marylandstatefair.com/general-info/contact
Maryland State Rifle and Pistol Association	(443)532-1416	29132 Superior Circle - Easton, MD 21601	www.msarpa.org
Maryland Thoroughbred Horsemen Association	(410) 902-6841	500 Redland Court, Suite 105 - Owings Mills, MD 21117	www.mdhorsemen.com
National Rifle Association	(703) 267-1250	11250 Waples Mill Road - Fairfax, VA 22030	www.nra.org
National Shooting Sports Foundation	(203) 426-1320	11 Mile Hill Road - Newton, CT 06470	www.nssf.org

Sector 72 - Accommodation and Food Services

Industry/Association	Phone Number	Address	Website
Subsector 721 - Accommodation			
Baltimore Tourism Association	(410) 659-7033	P.O. Box 2254 - Baltimore, MD 21203	www.baltimoretourism.com
Maryland Hotel & Lodging Association	(410) 974-4472	839 Bestgate Road, Suite 400 - Annapolis, MD 21401	www.mdlodging.org
Maryland Tourism Coalition	(410) 252-9463	6247 Falls Road, Suite G Baltimore, MD 21209	www.mdtourism.org
Maryland Tourism Council	(410) 841-5798	50 Harry S. Truman Parkway - Annapolis, MD 21401	n/a
Subsector 722 - Food Services & Drinking Places			
Maryland Restaurant Coalition	n/a	9426 Stewartown Road, Suite 2E - Gaithersburg, MD 20879	n/a
Maryland State Licensed Beverage Association	(410) 876-3464	Lutherville, MD 21093150 E. Main Street, Suite 104 - Westminster, MD 21157	www.mslba.org
Restaurant Association of Maryland	(410) 290-6800	6301 Hillside Ct, Columbia, MD 21046	www.marylandrestaurants.com

Sector 81 - Other Services

Industry/Association	Phone Number	Address	Website
Subsector 811 - Repair & Maintenance			
Auto Care Association	(301) 654-6664	7101 Wisconsin Avenue #1300 - Silver Spring, MD 20910	www.autocare.org
Automotive Aftermarket Industry Association	(301) 654-6664	7101 Wisconsin Avenue #1300 - Silver Spring, MD 20910	www.aftermarketsuppliers.org
Chesapeake Auto Business Association	(410) 647-0505	75 Ritchie Highway - Pasadena, MD 21122	www.caba.biz
Subsector 812 - Personal & Laundry Services			
American Massage Therapy Association - MD Chapter	(847) 905-1429	500 Davis Street, Suite 900 - Evanston, IL 60201	www.md.wp.amtamassage.org
Drycleaning & Laundry Institute	(301) 622-1900	14700 Sweitzer Lane - Laurel, MD 20707	www.dlionline.org
Maryland Athletic Trainers Association	(443) 691-0702	c/o Gilman School 5407 Roland Avenue - Baltimore, MD 21210	www.marylandathletictrainers.org
Maryland Bail Bond Association	(410) 628-0800	214 Lexington Street - Baltimore, MD 21202	n/a
Maryland Cemetery, Funeral, and Cremation Association	(410) 665-6400	c/o Craig Huff, President, 2901 Taylor Avenue - Baltimore, MD 21234	www.mcfca.us
Maryland Coalition of Interior Designers	(410) 752-1313	1009 N. Charles Street - Baltimore, MD 21201	www.mdcid.org
Maryland Vietnamese American Nail Technicians Association	(443) 324-4624	11337 Notchcliff Road - Glen Arm, MD 21507	n/a
Subsector 813 - Religious, Grantmaking, Civic, Professional & Similar Organizations			
Association of Baltimore Area Grantmakers	(410) 727-1205	2 East Read Street - Baltimore, MD 21202	www.abagrntmakers.org
Community Development Network of Maryland	(443) 801-8137	P.O. Box 22426 - Baltimore, MD 21203	www.communitydevelopmentmd.org
Outdoor Industry Association	(303) 444-3353	419 7th Street, NW, Suite 401 - Washington, D.C.	www.outdoorindustry.org