



**National Conference of State Legislatures
Office of State-Federal Relations**

White House Unveils Unified Agenda Touting Regulatory Reform Success

Dec. 21, 2017

On Dec. 14, the White House Office of Information and Regulatory Affairs (OIRA) released the Unified Agenda of Regulatory and Deregulatory Actions, more commonly known as the Unified Agenda, a semiannual update on the administration's past and anticipated regulatory actions across the federal government.

Keeping in line with the president's [executive order](#) from Jan. 30, which directed that for every new federal regulation implemented, two must be rescinded, the report indicated that during FY 2017, 67 deregulatory actions were taken, while only three new regulatory actions were released. The regulatory cost-savings for FY 2017 are [estimated](#) at \$570 million, a number the administration anticipates will grow, with \$687 million in estimated savings the upcoming year. Additionally, though not technically formal deregulatory actions, the administration also withdrew 635 regulations, made 244 regulations inactive, and delayed 700 more in FY 2017.

Below is a breakdown of how this effort has affected five major federal agencies that govern agriculture, energy, environment and transportation policy:

United States Department of Agriculture (USDA):

In FY 2017, USDA issued five final deregulatory actions that resulted in an estimated \$12.9 million in annual savings. USDA is expected to exceed those numbers in FY 2018, having [identified](#) 29 final rules that will be completed for an estimated \$56.15 million in annual savings.

The agency plans to issue final requirements on [bioengineered food disclosure standards](#) (GMO labeling) in July 2018 per requirements within the [2016 National Bioengineered Food Disclosure Law](#), and a [final rule](#) on the agency's National Environmental Policy Act (NEPA) in March 2018. Further proposed changes to its [NEPA guidelines](#) are planned for April 2018, which will include categorical exclusions for the [U.S. Forest Service](#).

Department of Energy (DOE):

For FY 2017 and FY 2018 DOE [plans to implement](#) seven regulatory actions and 16 deregulatory actions. In FY 2017, actions at the agency cost \$36 million—a figure it is expected to recoup in FY 2018, having [identified](#) an estimated annual savings of \$80 million.

Several efficiency standards rulemakings are included in the agency's long-term plan, but are without a final date, including those for: [portable air conditioners](#), [commercial water heaters](#), [walk-in freezers](#), [clothes dryers](#) and many others.

Environmental Protection Agency (EPA):

This past year, EPA [completed](#) 16 final regulatory actions, and one final regulatory action for an annual cost-savings of \$21.5 million. In FY 2018, EPA is [planning](#) to exceed that, aiming to finalize more than 30 deregulatory actions, and fewer than 10 regulatory actions, for a combined estimated annual cost savings of \$40 million.

Significant regulations under review, delayed or in the process of being rescinded, include: the Clean Power Plan (CPP), Waters of the United States (WOTUS) and the Lead and Copper Rule (LCR).

Specifically, EPA recently [proposed](#) repealing the [2015 CPP rule](#), an action reaffirmed by the Unified Agenda, which indicated that the agency hopes to have the rule repealed by October 2018. EPA acknowledged its legal authority to regulate greenhouse gas emissions from power plants “directly,” and aims to propose a new regulation for those emissions that can be “applied to, or at, an individual stationary source,” albeit, with a limited scope. An Advanced Notice of Proposed Rulemaking (ANPRM) was [released](#) following that of the Unified Agenda, seeking input on a replacement to the CPP. The ANPRM suggests that states may be given maximum flexibility to limit requirements, including whether federal standards are “binding.”

Originally timed for December 2017, the administration indicated that the final repeal of the [2015 WOTUS rule](#) is now expected by April 2018, with a replacement rule to be proposed in May 2018, and finalization expected June 2019. Also delayed is the [LCR](#), whose proposed rule was initially expected in January 2018, but is now being delayed to August 2018, with a final rule by February 2020.

Staying on track for implementation, EPA continued its progress for the 2016 Lautenberg Chemical Safety for the 21st Century Act, and in June 2017 [released](#) three final rules, including: EPA's [process and criteria](#) for identifying high- and low- priority chemicals; EPA's [plan](#) for assessing health and environmental risks from high-risk chemicals; and a [final rule](#) requiring industry reporting of chemicals manufactured or processed in the U.S. within the last 10 years, thus reducing EPA's chemical inventory from 85,000 chemicals down to those only used commercially since 2008. The agency also released [scoping documents](#) describing how it plans to evaluate the first 10 chemicals to be reviewed. The Unified Agenda outlined EPA's plans to initiate a stakeholder process in FY 2018 to identify how chemicals will be brought into the prioritization process for low- or high-priority designation, and indicated that EPA is on track to finalize a rule to collect user fees from chemical manufacturers and processors.

Department of the Interior (DOI):

In FY 2017, DOI completed 12 final deregulatory actions, and [removed](#) a total of 154 regulatory actions, reducing its previous inventory of 321 by almost half for an annual cost savings of \$80.5 million. The department aims to finalize 28 deregulatory actions in FY 2018, for an [estimated](#) annual cost savings of \$196 million.

The Bureau of Land Management (BLM) delayed compliance deadlines until January 2019 for the [2016 Methane and Waste Prevention Rule](#)—a rule previously finalized that is aimed at limiting the loss of natural gas through venting, flaring or leaks from oil and gas production on public and Indian lands. The Unified Agenda indicates, however, that the administration intends to rescind or revise the existing rule.

Additionally, the Bureau of Ocean Energy Management (BOEM) will [continue](#) to review rules related to oil and gas drilling on the outer continental shelf, as the administration looks to increase offshore energy leasing and development per [EO 13795, Implementing an America-First Offshore Energy Strategy](#).

Department of Transportation (DOT):

DOT completed two final deregulatory actions in FY 2017, for an [annual cost-savings](#) of \$21.8 million—a number it hopes to increase in FY 2018 to \$35 million in estimated [annual savings](#).

The administration [anticipates](#) issuing a variety of regulations surrounding unmanned aerial systems (UAS or drones) including: issuance of a [proposed rule](#) governing drone flights over people scheduled for May 2018; issuance of an [ANPRM](#) on "safe and secure operations" of small drones that will request feedback via a "a series of questions regarding the balance of needs between [drone] operators and the law enforcement and national defense communities"; and issuance of a [final rule](#) outlining drone registration requirements by February, following enactment of the [FY 2018 National Defense Authorization Act](#), which reinstated this requirement after a court had struck down an earlier DOT rule.

Additionally, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is anticipated to finalize a [Notice of Proposed Rulemaking](#) for oil spill response plans and information sharing for high-hazard trains, seeking comment to help improve information sharing with state and tribal emergency response commissions to improve community preparedness.

The next Unified Agenda is anticipated to be released mid-2018, outlining the administration's regulatory and deregulatory activities. For more information on the administration's current actions please contact [Kristen Hildreth](#), or [Ben Husch](#), and see the resources available below:

Important Links:

[Current Regulatory Plans and the Unified Agenda of Regulatory and Deregulatory Actions](#)
[Fall 2017 Agency Statements of Regulatory Priorities](#)
[Regulatory Reform: Two-for-One Status Report and Regulatory Cost Caps](#)
[Regulatory Reform: Cost Caps Fiscal Year 2018](#)