



## Week in Regulation

# A Huge Executive Order Week

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With only three rulemakings containing some kind of quantified economic impact, last week was yet another light one in the pages of the Federal Register. The real regulatory policy thunder largely emanated directly from the White House, though. When he wasn't busy prosecuting a [global trade war](#), President Trump found time to issue a veritable bevy of executive orders (EO), proclamations, and memoranda regarding various aspects of regulatory policy. Across all rulemakings, agencies published \$10.5 million in total costs and had no changes to paperwork burden hours.

## REGULATORY TOPLINES

- Proposed Rules: 23
- Final Rules: 32
- 2025 Total Pages: 15,471
- 2025 Final Rule Costs: -\$76.6 billion
- 2025 Proposed Rule Costs: \$181.3 billion

## NOTABLE REGULATORY ACTIONS

As discussed above, it was another remarkably quiet week in terms of actual rulemakings. The only items with measurable impacts were three proposed airworthiness directives from the Federal Aviation Administration that cumulatively added up to \$10.5 million in compliance costs.

## TRACKING TRUMP 2.0

What the past week lacked in terms of rulemaking activity it more than made up for it in terms of overarching policy announcements from the Oval Office. During the early part of the week, President Trump issued a series of directives ostensibly focused on providing regulatory relief to the coal industry. The American Action Forum (AAF) provided analysis of those orders [here](#).

Panning out beyond just coal, however, the president also issued an [EO](#) entitled “Zero-Based Regulatory Budgeting to Unleash American Energy” that “directs certain agencies to incorporate a sunset provision into their regulations governing energy production.” The policy concept here is reminiscent of the “[SUNSET rule](#)” that the Department of Health and Human Services (HHS) tried to implement during the very final days of the first Trump term. Essentially, it directs relevant agencies to set a time limit for current rules, after which these rules will automatically expire unless the agency proactively designates them for renewal. It also applies a similar framework to all new rules. The exact implementation specifics and legal questions here will be worth following (a theme for many of this week’s announcements, for what it’s worth), but at least compared to the HHS attempt, the administration is now giving itself a longer runway time-wise to make a proper go at it.

The other nominally environment-focused EO of the week was the president’s [order](#) regarding “Maintain Acceptable Water Pressure in Showerheads.” The EO represents President Trump’s latest volley in the “war on showers” (language from the EO itself), as it directs the Department of Energy (DOE) to rescind certain Biden-era rules that substantially revised the regulatory definition of “showerhead” versus the definition that the first Trump Administration instituted. Perhaps the most notable aspect of the order – beyond this particular issue somehow rising to the level of significance that requires a full-on EO – is the following assertion: “Notice and comment is unnecessary because I am ordering the repeal.” The EO does not cite any unique authority from the Energy Policy and Conservation Act (the underlying statute in play) that allows DOE to bypass the notice-and-comment process required under the Administrative Procedure Act (APA), nor does it provide a clear rationale for how such a rescission would qualify for the APA’s “good cause” exception. DOE moved quickly to enact this directive, posting a [rulemaking notice](#) on the matter late Friday afternoon. Nevertheless, one can expect this action to face legal challenges.

Speaking of the APA’s “good cause” exception, the president also issued a government-wide [memorandum](#) on “Directing the Repeal of Unlawful Regulations.” The memo, largely stemming from [an EO](#) the president issued in February, directs agencies to compile a list of rules that they find to contravene any of [10 recent Supreme Court rulings](#). Once agencies

identify such regulations, the memo further directs them to utilize the “good cause” exception to quickly repeal said rules. Taken at face-value, such a directive does not neatly fall into the [generally understood rationales](#) for “good-cause” exceptions. The memo, however, contends that:

*That exception allows agencies to dispense with notice-and-comment rulemaking when that process would be “impracticable, unnecessary, or contrary to the public interest.” Retaining and enforcing facially unlawful regulations is clearly contrary to the public interest. Furthermore, notice-and-comment proceedings are “unnecessary” where repeal is required as a matter of law to ensure consistency with a ruling of the United States Supreme Court.*

Expect significant legal fireworks here, as well.

Finally, in another government-wide pronouncement, the president issued an [EO](#) on “Reducing Anti-Competitive Regulatory Barriers.” This order essentially represents a wider version of the [regulatory review exercise](#) recently put forward by the Department of Justice. Click [here](#) for further AAF analysis of this order.

This past week also saw the following Congressional Review Act (CRA) resolutions pass through at least one chamber of Congress:

#### HOUSE

- S.J. Res 18 ([Passed 217-211](#))
- S.J. Res 28 ([Passed 219-211](#))

#### SENATE

- H.J. Res 20 ([Passed 53-44](#))

With all three resolutions having passed through both chambers of Congress, they now head to the White House where, by all accounts, it’s merely a matter of when, not if, President Trump will sign them into law. As noted [last week](#), with only about a month to go in order to vote down Biden Administration rules that fell into the look-back window, the current Republican “trifecta” has had an unexpectedly slow start compared to the notable record accumulated by 2017 during Trump’s first term. With this latest cohort of resolutions becoming law, however, the 2025 CRA tally will now rise to seven Biden-era rules – with roughly \$2.2 billion in associated costs – being eliminated.

Be sure to follow the AAF updated [CRA tracker](#). As of today, members of the 119th Congress have introduced CRA resolutions of disapproval addressing 43 Biden-era rules that collectively involve \$137.5 billion in compliance costs. AAF will continue to update this tracker as additional resolutions are introduced and receive votes on the floors of each chamber.

## TOTAL BURDENS

Since January 1, the federal government has published \$104.8 billion in total net costs (with \$76.6 billion in cost savings from finalized rules) and 69.4 million hours of net annual paperwork cuts. (with 49 million hours coming from final rules).

