Week in Regulation

A June Swoon

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Following a couple of weeks that had relatively sparse cohorts of rulemakings but brought substantial impacts, this past week saw a limited haul *and* minimal impacts. There were four rulemakings with quantifiable economic effects, but none of these exceeded $4 million. Medical gas standards and passenger ship training requirements were the nominal "highlights" of the week. Across all rulemakings, agencies published $1.4 million in total costs and added 418,890 annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 28
- Final Rules: 62
- 2024 Total Pages: 52,291
- 2024 Final Rule Costs: $1.2 trillion
- 2024 Proposed Rule Costs: $40.5 billion

NOTABLE REGULATORY ACTIONS

The most significant rulemaking of the week was the proposed rule from the Coast Guard regarding "Implementation of Training Requirements for Personnel Serving on U.S.-Flagged Passenger Ships That Carry More Than 12 Passengers on International Voyages." As suggested by the title, the proposal seeks to expand the current regulations to ensure that "all shipboard personnel" on covered vessels are duly trained in emergency procedures. The Coast Guard estimates that the total costs involved in these updated training requirements will amount to $3.4 million, or roughly $376,000 on an annualized basis.

The most significant *final* rule of the week was the Food and Drug Administration (FDA) rule regarding "Current Good Manufacturing Practice [CGMP], Certification, Postmarketing Safety Reporting, and Labeling Requirements for Certain Medical Gases." The rule, at once, establishes new reporting and labeling requirements but also relaxes "CGMP requirements that do not apply to medical gases, such as removing certain building and facility requirements, which may streamline inspections." FDA estimates that the savings from the streamlining aspects of the rule will exceed the new reporting requirement costs and yield, on net, roughly $2.2 million in total cost reductions.

TRACKING THE ADMINISTRATIONS

As we have already seen from executive orders and memos, the Biden Administration will surely provide plenty of contrasts with the Trump Administration on the regulatory front. And while there is a general expectation that the current administration will seek to broadly restore Obama-esque regulatory actions, there will also be areas where it charts its own course. Since the AAF RegRodeo data extend back to 2005, it is possible to provide weekly updates on how the top-level trends of President Biden's regulatory record track with those of his two most recent predecessors. The following table provides the cumulative totals of final rules containing some quantified economic impact from each administration through this point in their respective terms.

TRACKING THE ADMINISTRATIONS

REGULATORY ACTIVITY FROM INAUGURATION DAY TO JUNE 21st (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	951	$1.64T	298.3M
TRUMP 2017	1023	-$170.4B	80M
OBAMA 2009	1291	$308.3B	243.4M

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Given how light the week was overall, there was not much movement in the Biden Administration's regulatory totals. The medical gas rule discussed above accounted for the entirety of any shifts in these final rule tallies. Across the other administrations covered here, there was only one item that saw a meaningful change: Trump-era costs. Thanks primarily to a Department of Health and Human Services (HHS) rule that pulled back an Obama-era rule on civil rights protections in "health and health education" under the agency's purview, the Trump Administration was able to claim $3.4 billion in cost reductions. In a yet another notable example of the regulatory back-and-forth under recent administrations, HHS under the current administration recently finalized a rule rescinding the Trump-era rule and largely re-implementing the Obama-era policies.

TOTAL BURDENS

Since January 1, the federal government has published $1.24 trillion in total net costs (with $1.2 trillion in new costs from finalized rules) and 53.3 million hours of net annual paperwork burden increases (with 21.1 million hours coming from final rules).

Year
[Select All]
2024
2023
2022
2021
2020
2019
2018
2017
2016
2015
2014
2013
2012
2011
2010
2009
2008
2007
2006
2005
Total Number of Regulations Finalized
208
Total Finalized Cost
$1.2t
Paperwork Hours
21,071,610