Week in Regulation

A New Pattern Develops

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So far into June 2024, there seems to be something of a trend developing. Much like the week that preceded it, last week saw only a handful of rules worth recording but still had a noticeable impact due primarily to a single action. There were six rulemakings with some kind of quantifiable economic impact. Only one, however, really moved the needle: a proposed rule from the Environmental Protection Agency (EPA) regarding the regulation of n-methylpyrrolidone under the Toxic Substances Control Act. Across all rulemakings, agencies published $4.3 billion in total costs and added 424,056 annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 21
- Final Rules: 57
- 2024 Total Pages: 51,141
- 2024 Final Rule Costs: $1.2 trillion
- 2024 Proposed Rule Costs: $40.5 billion

NOTABLE REGULATORY ACTIONS

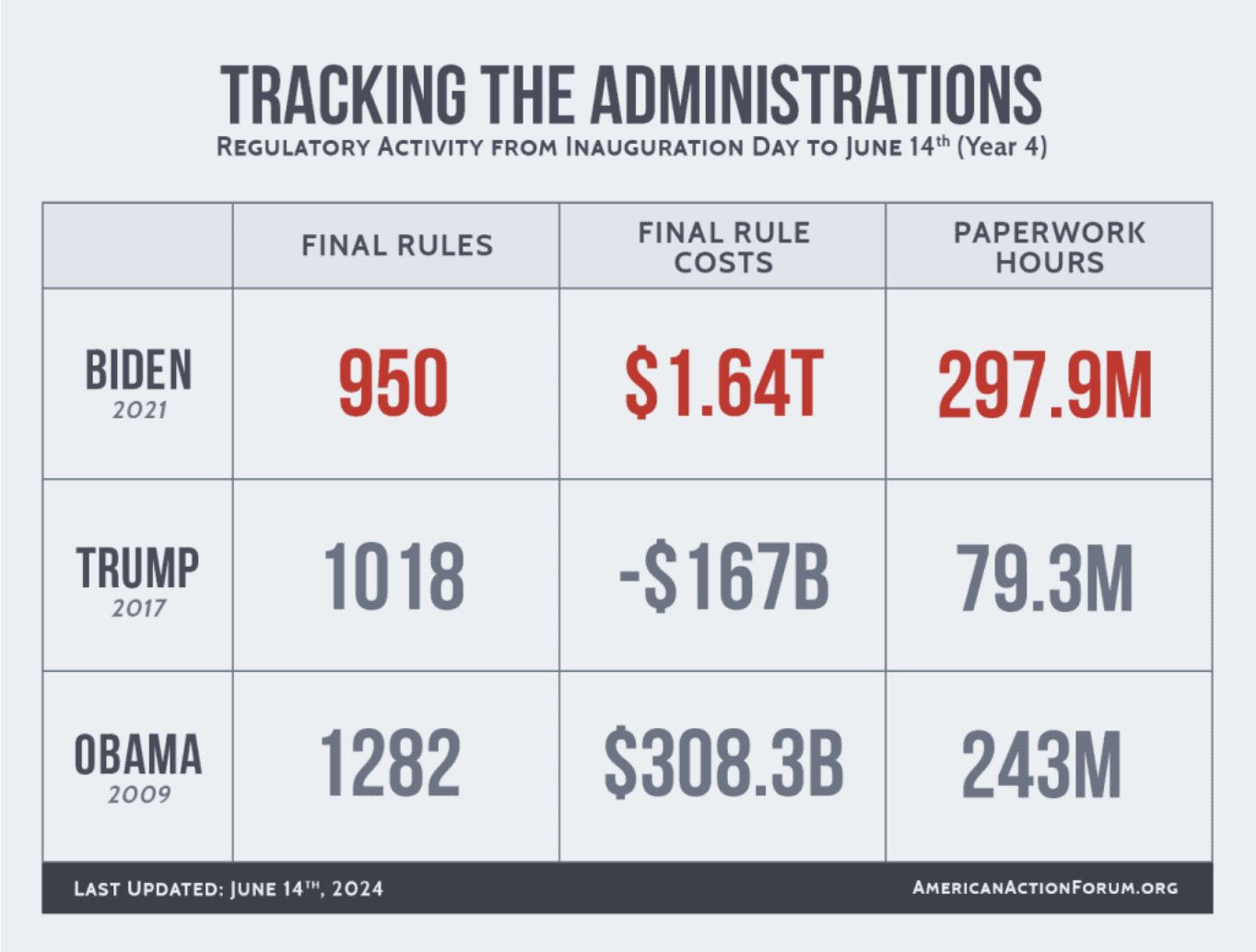
The most significant rulemaking of the week was the proposed rule from EPA regarding "n-Methylpyrrolidone (NMP); Regulation Under the Toxic Substances Control Act (TSCA)." According to the proposal's preamble, the agency has "determined that NMP presents an unreasonable risk of injury to health due to the significant adverse health effects associated with exposure to NMP." With this determination, EPA seeks to:

> *Prohibit the manufacture (including import), processing, and distribution in commerce and use of NMP in several occupational conditions of use; require worker protections through an NMP workplace chemical protection program or prescriptive controls (including concentration limits) for most of the occupational conditions of use; require concentration limits on a consumer product; regulate certain consumer products to prevent commercial use; and establish recordkeeping, labeling, and downstream notification requirements.*

The proposed rule's impact will be broad, with EPA listing dozens of affected industries and noting that: "NMP is a widely used solvent in a variety of industrial, commercial, and consumer applications including the manufacture and production of electronics such as semiconductors, polymers, petrochemical products, paints and coatings, and paint and coating removers." The agency estimates that compliance with these new requirements will result in $397 million in annualized costs (or $4.2 billion in present value across the 20-year analytical window) versus the non-quantified benefits of reductions in "adverse health outcomes including developmental toxicity resulting in decreased birth weight or fetal death, kidney toxicity, liver toxicity, immunotoxicity, and reproductive toxicity."

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.



With last week's main action coming on the proposed rule side of the ledger, there was not much movement in the Biden Administration's to-date final rule tallies. Costs and paperwork increased by $70 million and 186,340 hours, respectively. Similarly, the Trump Administration had only nominal shifts in its totals. The largest change across any of the administrations was with Obama-era paperwork seeing a nearly 1.5-million-hour decrease. A Department of Transportation rule streamlining the "driver-vehicle inspection reports" was the primary reason for this net reduction.

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 52.9 million hours of net annual paperwork burden increases (with 20.7 million hours coming from final rules).


Year
[Select All]
2024
2023
2022
2021
2020
2019
2018
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2007
2006
2005
Total Number of Regulations Finalized
203
Total Finalized Cost
$1.2t
Paperwork Hours
20,466,930