



Week in Regulation

Moderate Action with Modest Impacts

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The pages of the Federal Register were relatively active last week with 16 rulemakings that contained some kind of quantifiable economic impact. None of these impacts, however, was particularly significant - only one exceeded the \$100-million-cost threshold. That rule was a Department of Health and Human Services (HHS) measure regarding public health research standards. Across all rulemakings, agencies published \$175.3 million in total costs and added 1.2 million annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 35
- Final Rules: 72
- 2024 Total Pages: 77,350
- 2024 Final Rule Costs: \$1.24 trillion
- 2024 Proposed Rule Costs: \$120.4 billion

NOTABLE REGULATORY ACTIONS

The most consequential rulemaking of the week in terms of costs - from an admittedly middling pool of choices - was the rule from HHS regarding “Public Health Service Policies on Research Misconduct.” Per the rule’s preamble:

The HHS Secretary has authority under section 493 [of the Public Health Service Act] to promulgate a regulation that provides an administrative process for entities that

apply for or receive PHS funding for biomedical or behavioral research to respond to research misconduct allegations in connection with such research and to provide assurances to the Department that the entities have an administrative process in place to respond to research misconduct allegations, investigate research misconduct allegations, and comply with the Department's regulation.

The changes made under this rule represent the first amendments to the relevant regulatory code since 2005. HHS estimates that the costs involved for covered entities in terms of establishing new procedures and responding to certain reporting requirements will add up to \$102 million over a five-year window.

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 SEPTEMBER 20TH (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	1025	\$1.68T	326M
TRUMP 2017	1131	-\$96.5B	292.4M
OBAMA 2009	1401	\$327.3B	263.4M

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The HHS rule discussed above provided the bulk of the \$125-million increase in the Biden Administration’s final rule cost total. The current administration’s paperwork total jumped by nearly 1.2 million hours, mostly on account of a new [paperwork requirement](#) from the Federal Communications Commission. There was not much action across the other two administrations. Perhaps the most notable shift came in the Trump-era paperwork total increasing by roughly 878,000 hours. An Internal Revenue Service [rule](#) contributed the majority of that increase.

TOTAL BURDENS

Since January 1, the federal government has published \$1.36 trillion in total net costs (with \$1.24 trillion in new costs from finalized rules) and 114.4 million hours of net annual paperwork. burden increases (with 48.7 million hours coming from final rules).

