



Insight

Inside the Administration's Fall 2013 Regulatory Agenda

SAM BATKINS | DECEMBER 6, 2013

Shortly before Thanksgiving, the administration released its fall 2013 regulatory agenda, or “[Unified Agenda](#).” Every federal agency, including independent agencies, submits an upcoming schedule of pending or recently completed regulatory actions.

As the Office of Information and Regulatory Affairs (OIRA) noted, “[T]he Agenda is a more inclusive list, including numerous ministerial actions and routine rulemakings, as well as long-term initiatives that agencies do not plan to complete in the coming year.” OIRA also stated that agencies will soon submit updated retrospective review plans this winter to improve “the actual results of regulatory requirements.”

What’s new in the regulatory front? Not much, as the Agenda lists an affirmative action measure for individuals with disabilities as the lone new regulation that contains unfunded private sector mandates. However, that final rule was published last month, and imposed \$1 billion in costs, more than [3.3 million](#) paperwork burden hours, and no quantified benefits.

The Agenda does list 15 new “[major](#)” rules, including a revised “[Gainful Employment](#)” rule from the Department of Education and two Department of Transportation measures, one for [heavy vehicle speed limiters](#) and a rule to update safety standards for [passenger rail](#). In addition, the Department of Energy will soon begin to regulate efficiency standards for [portable air conditioners](#), which is economically significant, but not major.

Most of the Agenda simply provides updates for completion time of pending regulatory measures. For example, EPA expects to propose greenhouse gas standards for existing and modified sources next June, but does not list a date for finalizing standards for new facilities.

The long-awaited [Volcker rule](#) is expected this month and Treasury expects to finalize special [assessments](#) on large banks by March. Dodd-Frank rules are below in *italics* and remaining Affordable Care Act rulemakings are **bolded**, presented with other notable rulemakings and possible compliance costs.

December 2013

<u>Agency</u>	<u>Rule Stage</u>	<u>Title</u>	<u>RIN</u>	<u>Possible Cost (in Millions)</u>
DOE	Proposed	Conservation Standards for Furnace Fans	1904-AC22	\$5,800
DOE	Final	Conservation Standards: Battery Chargers	1904-AB57	\$4,200

<u>Agency</u>	<u>Rule Stage</u>	<u>Title</u>	<u>RIN</u>	<u>Possible Cost (in Millions)</u>
HHS	Proposed	Serving Sizes of Foods	0910-AF23	
HHS	Final	Provider Payment Reassignments	0938-AO53	\$580
Treasury	Final	Volcker Rule	1557-AD44	
SEC	Proposed	Reporting and Recordkeeping Requirements for Security-Based Swaps	3235-AL45	

January 2014

EPA	Final	Standards for Cooling Water Intake	2040-AE95	\$5,351
HHS	Proposed	Sanitary Transportation of Human and Animal Food	0910-AG98	

February 2014

HHS	Final	Calorie Labeling: Vending Machines	0910-AG56	\$421.3
HHS	Final	Food Labeling for Restaurants	0910-AG57	\$757.1
DOE	Proposed	Conservation Standards: Refrigeration Equipment	1904-AC19	\$1,967
EPA	Final	Tier 3 Motor Vehicle Emissions	2060-AQ86	\$35,100
Education	Proposed	Gainful Employment	1840-AD15	
USDA	Final	Certification of Compliance With School Lunch Standards	0584-AE15	

March 2014

<i>Treasury</i>	<i>Final</i>	<i>Assessment of Fees for Large Banks</i>	<i>1505-AC42</i>	
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DOL	Final	Persuader Agreements	1245-AA03	
USDA	Proposed	Citizenship Implementation	0575-AC86	

April 2014

DOE	Proposed	Conservation Standards: Walk-In Coolers	1904-AB86	\$7,200
DHS	Final	Worker Identification Credential	1625-AB21	\$186.1

May 2014

HHS	Final	Covered Outpatient Drugs	0938-AQ41	\$104
CFPB	Proposed	Requirements for Prepaid Cards	3170-AA22	
EPA	Final	Underground Storage Tank Rules	2050-AG46	\$210
EPA	Final	Effluent Guidelines for Power Plants	2040-AF14	\$954.1

June 2014

DOL	Final	Personal Fall Protection Systems	1218-AB80	\$173.2
EPA	Proposed	GHG Guidelines for Existing Sources	2060-AR33	
EPA	Proposed	GHG Guidelines for Modified Sources	2060-AR88	
HHS	Proposed	Updated Standards for Labeling of Pet Food	0910-AG09	
HHS	Final	Adoption of Operating Rules for HIPAA Transactions	0938-AS01	

August 2014

DOL	Proposed	Conflict of Interest- Investment Advice	1210-AB32	
DHS	Final	Importer Security Filing	1651-AA70	\$70,000
DHS	Proposed	General Aviation Security	1652-AA53	

September 2014

EPA	Final	Formaldehyde Emissions Standards for Composite Wood Products	2070-AJ92	\$512
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October 2014

SEC	Final	Rules for Security Swap Dealers	3235-AL12	\$210
DOE	Prerule	Conservation Standards: Refrigerated Vending Machines	1904-AD00	
DOL	Final	Wage Methodology: H-2B Program	1205-AB69	

To Be Determined

EPA	Prerule	Coal Combustion Residuals	2050-AE81	
EPA	Long-Term	Review of NAAQS for Ozone	2060-AP38	
EPA	Final	GHG Guidelines for New Sources	2060-AQ91	
DOL	Final	Exposure to Crystalline Silica	1218-AB70	\$6,524
HHS	Final	Produce Safety Regulation	0910-AG35	\$3,216

TOTAL POSSIBLE COST: \$143.4 BILLION

The possible cost of \$143 billion is based on the listed total cost of the proposed rule, if applicable. Earlier this year, AAF predicted approximately [\\$123 billion](#) in total regulatory costs, and at the current pace, the regulatory burden for 2013 will eclipse \$110 billion.

Finally, the calendar above does not predict future costs of pending proposed rules. For example, there are 18 pending energy efficiency rulemakings from the administration. The average cost of an efficiency rule in 2013 was \$3.8 billion, so AAF's estimate of \$143 billion for 2014 will depend on how quickly, or how slowly, agencies and OIRA actually finalize rulemakings.