



## Week in Regulation

# Environmental Actions on Both the Legislative and Administrative Fronts

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Both of the major regulatory developments of the past week had a decidedly environmental focus. On the rulemaking side, an Environmental Protection Agency (EPA) rule regarding ozone standards led the way in terms of estimated economic impact. On the legislative side, the Senate passage of a Congressional Review Act (CRA) resolution regarding a Trump-era methane emissions rule marks the on a CRA resolution during the Biden Administration. Across all rulemakings, agencies published \$262.1 million in total net costs and added 102,394 annual paperwork burden hours.

## REGULATORY TOPLINES

- Proposed Rules: 28
- Final Rules: 60
- 2021 Total Pages: 23,197
- 2021 Final Rule Costs: \$1.5 Billion
- 2021 Proposed Rule Costs: -\$8.3 billion

## NOTABLE REGULATORY ACTIONS

As mentioned above, the most significant regulatory action of the week was EPA's [rule](#) regarding "Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS." The rule comes as a result of judicial decisions that found recent updates to ozone standards unlawfully insufficient under Clear Air Act ozone provisions. As such, "EPA is issuing new or amended [Federal Implementation Plans]" for "Alabama, Arkansas, Iowa, Kansas, Mississippi, Missouri, Oklahoma, Texas, and Wisconsin." These updated standards would impose \$260 million in costs on fossil fuel power generators in those states.

## CONGRESSIONAL REVIEW ACT UPDATE

On March 23, the first joint resolution of disapproval under the CRA of this term was introduced. CRA resolutions essentially seek to wholly rescind specific final rules within a set timeframe. The significance of these resolutions is discussed further [here](#). In the interest of providing a public accounting of the potential economic impact of these actions should they pass, the American Action Forum (AAF) will provide a regular [update](#) of the rules being targeted and a concise summary of each rule’s purpose, economic impact, and why opponents may be targeting it.

Last week’s main CRA activity was the passage of [S.J.Res 14](#) in the Senate by a vote of 52-42. The resolution rescinds a Trump [rule](#) that loosened Obama-era methane emissions standards, saving affected entities roughly \$31 million. The House still needs to act on it, but given its Democratic majority, the resolution is expected to pass through that chamber as well. The Biden Administration has already [announced](#) that the president will sign it once it reaches his desk. Expect further regulatory action on this front since, as per the administration’s statement, this “resolution will also clear the pathway for EPA to evaluate opportunities to promulgate even stronger standards under section 111 of the Clean Air Act to address dangerous methane and other pollution from both new and existing sources across the oil and gas sector.”

## 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 new 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 APRIL 30

|               | FINAL RULES | FINAL RULE COSTS | PAPERWORK HOURS |
|---------------|-------------|------------------|-----------------|
| BIDEN<br>2021 | 58          | \$1B             | 3.1M            |
| TRUMP<br>2017 | 43          | \$6.6B           | 562,960         |
| OBAMA<br>2009 | 84          | \$4.7B           | 4.4M            |

UPDATED: APRIL 30, 2021

AMERICAN ACTION FORUM

The EPA ozone rule's costs have pushed the Biden Administration past the \$1 billion cost mark (at least in terms of final rules). It still, however, has a ways to go in catching the Trump and Obama Administrations in the cost column. Notably though, following the preceding week's [trend](#), this marks another week where the Biden Administration saw noticeable, albeit somewhat modest, activity while its predecessors remained relatively stagnant during commensurate weeks. Perhaps this relative uptick signifies the administration's true regulatory

agenda kicking into gear as it heads into May.

## THIS WEEK'S REGULATORY PICTURE

*By Thomas O'Rourke, Regulatory Policy Intern*

This week, the Centers for Disease Control and Prevention (CDC) updated its [guidance](#) on mask wearing for fully vaccinated individuals.

| Your Activity   | Fully Vaccinated People   | Unvaccinated People   |
|---|---|---|
| Walk, run, roll, or bike outdoors with members of your household                  |    |    |
| Attend a small, outdoor gathering with fully vaccinated family and friends        |    |    |
| Attend a small, outdoor gathering with fully vaccinated and unvaccinated people   |  |  |
| Dine at an outdoor restaurant with friends from multiple households               |  |  |
| Attend a crowded, outdoor event, like a live performance, parade, or sports event |  |  |

On April 27, the CDC continued to ease COVID-19 health and safety precautions for those who are fully vaccinated. Although the guidance emphasized the continued need for Americans to take necessary precautions such as avoiding large crowds, practicing handwashing, and being mindful of the immunocompromised, it eased many restrictions explicitly related to mask wearing.

Specifically, the update allows those who are fully vaccinated—meaning those at least two weeks removed from their final dose of the immunization—to no longer wear masks in uncrowded outdoor settings. The guidance did not go as far to recommend against wearing masks in all outdoor settings, however. The CDC still urges event

attendees and those going to large outdoor gatherings to continue wearing masks, regardless of vaccination status.

The guidance also does not offer any notable updates on recommendations for indoor mask wearing. The CDC offers a number of examples in which fully vaccinated individuals should continue to wear masks, such as “riding public transportation with limited occupancy, visiting a barber or hair salon, and going to an uncrowded indoor shopping center.”

Though the CDC maintains the effectiveness of the vaccine, they cite the potential dangers of gathering in indoor public spaces with those who may not be vaccinated. The guidance does clarify, however, that fully vaccinated individuals can go without masks when indoors with other people they know to be vaccinated.

As a result of these new recommendations, several governors have lifted outdoor mask mandates, including California, Louisiana, and Massachusetts among a number of other states. The CDC is likely to [continue to loosen](#) its recommendations and guidance in the coming weeks and months as vaccination rates climb and the number of COVID-19 cases fall.

## TOTAL BURDENS

Since January 1, the federal government has published \$6.8 billion in total net cost savings (with \$1.5 billion in new costs from finalized rules) and 6 million hours of net annual paperwork burden reductions (with 5.7 million hours in increases from final rules).

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Total Number of  
Regulations  
Finalized

**95**

Total Finalized Cost

**\$1.5b**

Paperwork Hours

**5,726,516**