



Neal Martin rnmartin@mlstrategies.com
Sarah Litke slitke@mlstrategies.com
David Leiter djleiter@mlstrategies.com
Jeremy Rabinovitz jrabinovitz@mlstrategies.com

ML
STRATEGIES

ML Strategies, LLC
701 Pennsylvania Avenue, N.W.
Washington, DC 20004 USA
202 296 3622
202 434 7400 fax
www.mlstrategies.com

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FEDERAL REGULATORY AGENDA UPDATE

Federal regulatory activity is at an all-time high, with more than 3,700 regulations in just the past year. This has caused the Code of Federal Regulations to grow to 238 volumes with nearly 175,000 pages – 4,000 of which were added in the past year.

The rulemaking process can lead to the issuance of a new rule, an amendment to an existing rule, or the repeal of an existing rule – and can also come in the form of sub-regulatory guidance documents.

Significant regulatory activity over the past several years has stemmed from implementation of the *Affordable Care Act* (ACA), which included more than 40 provisions that explicitly required new rules, and the subsequent *Health Care and Education Reconciliation Act* (together the two bills require hundreds of new rules and sub-regulatory guidance); and implementation of the *Dodd-Frank Wall Street Reform and Consumer Protection Act*, which requires the implementation of nearly 400 rulemakings – 208 of which have been finalized, with 96 required rulemakings yet to be proposed.

The Environmental Protection Agency has also been extremely active during the Obama Administration, most recently with the release of the proposed rule for greenhouse gas emissions reductions for existing power plants. ML Strategies' report on the proposed rule can be found [here](#).

Wide-ranging regulatory efforts are also underway on issues related to privacy, food safety, product safety, and transportation safety, among others.

Twice a year, federal agencies combine efforts to publish a comprehensive report describing regulations currently under development or recently completed. These reports are bundled together and published as the Unified Agenda.

The White House Office of Management and Budget (OMB) recently released the Spring 2014 Unified Agenda covering the 15 cabinet-level Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury and Veterans Affairs. Regulations are also promulgated by a diverse array of Executive and independent agencies – some well-known and others obscure – including, but not limited to, the Environmental Protection Agency, the Office of Management and Budget, the Postal Regulatory Commission, the Federal Energy Regulatory Commission, the Securities and Exchange Commission, and the Consumer Financial Protection Bureau.

Once a year, in conjunction with the Fall Unified Agenda, each agency also releases a Regulatory Plan providing additional details about its plans for the coming year.

Searchable by agency, the Spring 2014 Unified Agenda can be found [here](#).

The following are sample regulatory agendas for various federal agencies, demonstrating the diverse array of issues being tackled by the Administration.

Sample Regulatory Agendas

The Environmental Protection Agency has 132 proposals in the Pre-Rule, Proposed Rule, and Final Rule Stages, including Carbon Pollution Guidelines for Existing Power Plants, Renewable Fuel 2015 Volume Standards, Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles, Section 610 Review of Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel, Effluent Guidelines and Standards for Unconventional Oil and Gas Extraction Including Coalbed Methane and Shale Gas Extraction, and Management Standards for Hazardous Waste Pharmaceuticals. The EPA regulatory agenda can be found [here](#).

The Department of Health and Human Services currently 1520 proposals in the Pre-Rule, Proposed Rule Stage or Final Rule Stage, covering Drug Pricing Regulations, Food Labeling, Produce Safety, Medicare and State Health Care Programs (Fraud and Abuse), Nondiscrimination Under the Patient Protection and Affordable Care Act, Refugee Medical Assistance, and Third Party Payment of Qualified Health Plan (QHP) Premiums. Many of the department's proposals fall under the Food and Drug Administration (FDA), including over the counter drugs, Electronic Distribution of Prescribing Information, tobacco products, and medical devices. The HHS regulatory agenda can be found [here](#).

The Department of Energy has 78 proposals in the Pre-Rule, Proposed Rule, and Final Rule Stages, including Energy Conservation Standards for various products, Fossil Fuel Energy Consumption Reduction for New Construction and Major Renovations of Federal Buildings, Energy Efficiency and Sustainable Design Standards for New Federal Buildings, Energy Savings Performance Contract Procedures and Methods, and Test Procedures for various products. The DOE regulatory agenda can be found [here](#).

The Department of Education has 20 proposals in the Proposed Rule and Final Rule Stages, including rules related to the Disability and Rehabilitation Research Projects, Improving the Academic Achievement of the Disadvantaged, the Violence Against Women Act, and Faith-Based Organizations. The Department of Education's regulatory agenda can be found [here](#).

The Department of Transportation has 156 proposals in the Pre-Rule, Proposed Rule, and Final Rule Stages, including National Bridge Inspection Standards, the Highway Safety Improvement

Program, National Tunnel Inspection Standards, Electronic Logging Devices and Hours of Service Supporting Documents, Heavy Vehicle Speed Limiters, Electronic Disclosure of Odometer Requirements, Allowing Electronic Submission of Automotive Fuel Economy Reports, Phase 2 Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks, Passenger Train Door Operation and Door Safety Requirements, Hours of Service Recordkeeping, and Pipeline Safety. The DOT regulatory agenda can be found [here](#).

The Department of Labor has 69 proposals in the Pre-Rule, Proposed Rule, and Final Rule Stages, covering Pension Benefits Statements, Nondiscrimination in Compensation, Ninety-Day Waiting Period Limitation Under the Affordable Care Act, Establishing a Minimum Wage for Contractors, Communication Towers, and various proposals related to coal miners and underground coal mines. The Department of Labor's regulatory agenda can be found [here](#).

The Consumer Financial Protection Bureau has 14 proposals in the Pre-Rule, Proposed Rule, and Final Rule Stages, covering Payday Loans and Deposit Advance Products, Debt Collection, Requirements for Prepaid Cards, and Defining Larger Participants in a Market for Auto Lending. The CFPB's regulatory agenda can be found [here](#).

The Consumer Product Safety Commission has 19 proposals in the Pre-Rule, Proposed Rule, and Final Rule Stages, including rules related to voluntary Recall Notices, Test Procedures and Standards for various products, Recreational Off-road Vehicles, Portable Generators, and various infant and child-related products. The CPSC's regulatory agenda can be found [here](#).

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