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An Ambitious Regulatory Agenda

Regulatory Policy Commentary

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The federal government issued its [Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions](#) on December 20, 2010. Though likely unnoticed by most Americans busy with holiday preparations, these documents offer insights into the number and range of regulatory activities we can expect from federal regulatory agencies in the coming year. Often, they provide the first public notice that an agency is working on a particular regulation.

The Regulatory Plan is published once a year, and, according to [the Regulatory Information Services Center's introduction](#), “serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities.” The 2010 Plan lists 174 priority actions underway in the coming year.

The Unified Agenda, published twice a year in the fall and the spring, is a more comprehensive list of ongoing regulatory activities. The fall 2010 Agenda contains 4,226 entries, and 224 of those are classified as “economically significant” actions, expected to have effects on the economy of at least \$100 billion per year.

Introductions by the [Office of Information and Regulatory Affairs](#), and each federal regulatory agency shed light on the Administration's philosophy and approach to using regulation to meet policy goals. For example, [OIRA's introduction](#) focuses on the importance of transparency and analysis in developing sound regulations and identifies as a “central goal for the upcoming period ... to ensure that regulations do not impose unjustified burdens and that if the costs and burdens are significant, they are producing even more significant gains.” The Department [of Health and Human Services](#), which is working on more economically significant regulations than any other agency, focuses on implementation of the [Affordable Care Act](#) in its [introduction](#), stating, “the principle objective of the Department will continue to be implementation of the Affordable Care Act in a manner that promotes consumer protections, improves quality and safety, incentivizes more efficient care delivery, and slows the growth of health care costs.”

Since 2007, the complete Plan and Agenda databases have been available exclusively on-line in a searchable format that facilitates statistical analysis. The [advanced search tool](#) allows analysts to slice the regulatory data in a variety of ways, including by stage of rulemaking, regulating agency, the kinds of effects rules are likely to have, and how long they have been under development. Some interesting statistics from the 2010 Unified Agenda include:

- The Administration expects to propose 74 economically significant regulations, and issue 54 final economically significant regulations over the coming year.
- Of the 4,226 regulations underway, 837 are listed for the first time in this issue of the Agenda, and 48 of those newly announced regulations are expected to be economically significant.
- 458 regulations (28 of which are economically significant) are likely to affect small entities.
- 285 regulations (26 of which are economically significant) will likely have international trade and investment effects.
- 71 regulations are likely to have federalism implications (including 19 with economically significant effects).
- 14 regulations (12 of which are economically significant) are likely to impose unfunded mandates on state and local governments.
- The Environmental Protection Agency expects to be the busiest regulator in 2011, with 345 Unified Agenda entries. Its priority list includes 10 economically significant proposed regulations and 7 economically significant final regulations.
- While HHS is working on slightly fewer regulations than EPA (312), it plans more economically significant regulations than any other agency with 26 proposed and 15 final economically significant regulations under development.

Past Unified Agendas and Regulatory Plans are also available on line, allowing comparisons of regulatory activity over time. The current Plan and Agenda suggest the coming year will involve the most ambitious regulatory program to date, with agencies working on 183 more regulations than last year (a 5 percent increase). Perhaps the more important indicator from this year's reports is that federal agencies are working on forty more economically significant regulations than they were last year – an increase of over 20 percent from the fall 2009 Agenda. There are 100 more economically significant regulations listed in this fall's Regulatory Agenda than there were in 1995 (the first year for which electronic data are available).