



EPA Solicits Comments to Identify Excessively Burdensome Regulations

By Sid Trant

In response to President Obama's recent Executive Order, No. 13563 (January 18, 2011), which called on federal agencies to review existing regulations to determine which regulations are "outmoded ... or excessively burdensome," the Environmental Protection Agency published a notice in the Federal Register today requesting comments which would serve to focus the EPA's review of its regulations.

President Obama's Executive Order 13563, "Improving Regulation and Regulatory Review," called on all Federal agencies to conduct a "retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with what has been learned."

EPA's request for comments is a great opportunity for the regulated community to identify specific regulations for review. It allows an opportunity to express complaints regarding regulations that are not cost-effective, or that hurt economic growth and job creation. Following the comment period, EPA will issue a plan with a method and schedule for identifying regulations that are excessively burdensome or counterproductive.

EPA requests comments on specific regulations and information as to how the regulation is excessively burdensome or counterproductive, and how the regulation should be modified, streamlined, expanded or repealed. In making this request, EPA has provided what it describes as a "non-exhaustive list of issues or impacts" to consider for drafting and submitting comments, which include questions such as:

- Which regulations could achieve the intended environmental results using less costly methods, technology, or innovative techniques? How could the regulations be changed?
- Which regulations could be improved by harmonizing requirements across programs or agencies to better meet the regulatory objectives?
- Which regulations have requirements that are overlapping and could be streamlined or eliminated?
- Which regulations have proven to be excessively burdensome?
- Which regulations have high costs and low benefits?
- Which regulations have large impacts on small businesses?
- Which regulations have complicated or time consuming requirements?
- Which regulations have impacted an industry sector(s) that was hard hit

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by high unemployment in the past three years? What changes to the regulation would promote economic growth or job creation without compromising environmental protection?

- How can regulations spur new markets, technologies and new jobs? What suggestions do you have to support this idea?
- Which regulations have impeded economic growth in an affected industry sector? How could the regulations be modified to improve both economic growth and environmental protection?

Comments must be received on or before March 20, 2011. The attorneys in the Environmental & Toxic Tort Practice Group of Bradley Arant Boult Cummings LLP are experienced in preparing and submitting comments to EPA, and are available to assist the regulated community in providing comments. For more information, please contact Sid Trant, or any member of the Group.

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