

What can the American public expect from federal regulators in the coming year? The biannual [Unified Agenda of Regulatory and Deregulatory Actions](#), published last week, provides a first glimpse at upcoming regulations and, in a perfect world, offers citizens the chance to become involved in the rulemaking process before agencies make major decisions final.

The Spring 2013 Unified Agenda identifies 3,503 regulatory actions at different stages of development. Of these, 556 have recently been completed, and 465 are long-term. The Agenda classifies the remaining 2,482 as active regulatory actions. The table below further categorizes the actions according to economic significance (using two definitions with overlapping but not identical meanings) and whether the action has been published in a previous Agenda.

Figure 1: Spring 2013 Unified Agenda				
Stage	Econ Sig	Major	1st Time Published	ALL
Completed	23	37	68	556
Active	139	137	499	2,482
Long-term	30	28	54	465
	192	202	621	3,503

Interestingly, of the 621 regulatory actions listed in the Agenda for the very first time, 40 percent are listed as Final or Completed rules—meaning the public didn’t get notice of the rules in the Unified Agenda until it was too late to participate in the rulemaking process.

There’s an easy explanation: of the 180 final rules listed in the Unified Agenda for the first time, over one quarter were interim final or direct final rules, which go into effect without the benefit of public participation. This lack of opportunity for comment is a problem in itself, but it is exacerbated for these rules, because publication in the Unified Agenda may be the only notification the public has of an impending rule before it has the force of law.

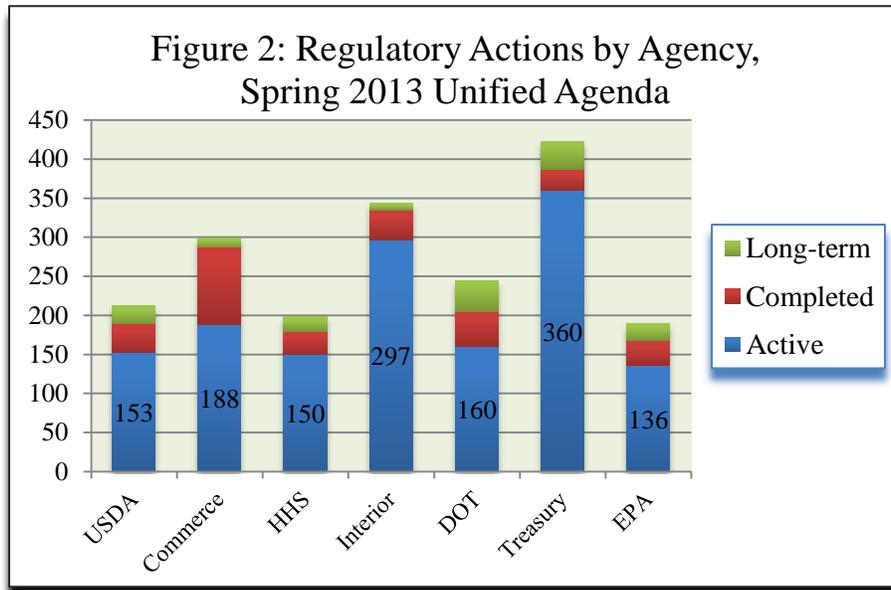
As we have noted [elsewhere](#), the Spring 2013 Unified Agenda confirms the findings of a recent [Government Accountability Office report](#): agencies often issue rules, even major rules, without involving the public. The fact that 40 percent of all first-time listed regulatory actions were already finalized or completed means that the public wasn’t given appropriate notice of regulators’ intentions, and likely had little chance to participate in the rulemaking process.

So, what can the regulated public expect in the near future? According to a search of the current Agenda, regulatory agencies plan to promulgate 1,310 proposed rules, along with 1,087 final rules and 85 pre-rules.

¹ Many thanks to Summer Fellow Tatiana Pino for her research contributions to this commentary.



Figure 2 illustrates the seven most active regulatory agencies. Together, these agencies—the Department of Agriculture, the Department of Commerce, the Department of Health and Human Services, Department of the Interior, the Department of Transportation, the Treasury, and the Environmental Protection Agency—list 1,908 regulatory actions in the Unified Agenda.



However, number of rules alone doesn't tell the whole story. Regulatory agencies plan to promulgate 202 major regulations, which are defined by the Congressional Review Act as having an expected annual economic impact of at least \$100 million (in either costs or benefits).

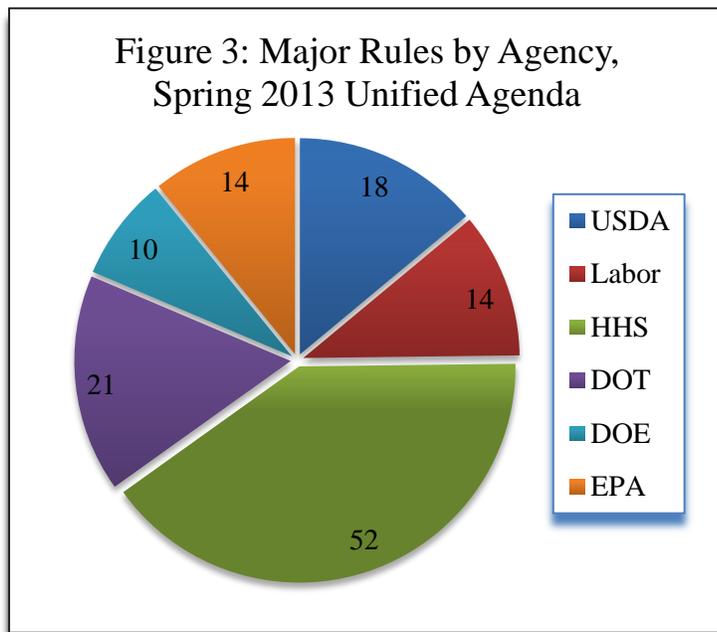


Figure 3 details the number of major rules listed in the Agenda from the six agencies promulgating the most major rules, which together comprise 64 percent of all major rules listed in the Agenda. Some of the most prolific regulators overall (Treasury, Interior, and Commerce) do not even make an appearance in Figure 3, indicating that number of rules alone doesn't fully explain the scope of regulatory impacts. Of the six agencies, HHS lists by far the most major rules: major HHS rules comprise just over one quarter of all major rules listed in the Spring Unified Agenda.

