

# Regulatory Studies Center

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## 2018 Fall Unified Agenda

By: Daniel R. Pérez | October 17, 2018

On Wednesday, the Office of Information and Regulatory Affairs (OIRA) released its annual [Regulatory Plan](#) and semiannual [Unified Agenda of Regulatory and Deregulatory Actions](#). In the Regulatory Plan, agencies describe their regulatory priorities and identify their most substantive regulatory activity for the next 12 months. The Agenda contains summaries of all regulatory actions underway at federal regulatory agencies and, in the Trump administration, identifies whether these actions are regulatory or deregulatory. Altogether, the Fall 2018 Agenda indicates that regulatory agencies continue not only to meet but to exceed their goals to deregulate as directed by [Executive Order 13771](#)—which instructed agencies to remove two rules for every new one they issue and offset the additional cost imposed by new regulations by reducing costs elsewhere.

### Regulatory Reform Priorities for the Next Year

In her introduction to the Fall 2018 Regulatory Plan, OIRA Administrator Neomi Rao [states](#) that the administration’s regulatory reform efforts will continue to prioritize reforms that target economic growth and foster technological innovation and consumer choice. Among other things, the Regulatory Plan notes OIRA’s work with agencies to increase transparency and accountability in guidance documents such that “they...follow the appropriate administrative procedures” whenever they impose additional costs on the regulated public. Additional highlights include transparent use of the Unified Agenda as a performance management tool to track agency regulatory reform efforts, and OIRA’s continued role as the U.S. regulatory oversight body promoting good regulatory practices including transparency, coordination, and analysis.

### Functions of the Unified Agenda

Regulatory experts [note](#) that the Unified Agenda serves various purposes both for internal stakeholders (e.g., the government) and the public. For instance, the Agenda can serve—as the current Regulatory Plan points out—as a performance management tool for agencies to track their rulemakings and involve senior officials in decision making. It also [assists](#) Congress in exercising its responsibility to provide oversight of regulatory agencies as various committees track the progress of relevant rulemaking. Finally, it implements an internationally-recognize principle of

[good regulatory practice](#): advance notice of future regulatory activity to allow for valuable public input.

## What’s in the Fall 2018 Agenda?

The Fall 2018 Unified Agenda includes a total of 3,534 regulatory actions—174 of which are economically significant.<sup>1</sup> Of these, 257 are classified as regulatory, 671 as deregulatory, with the remainder exempt or classified as “other.”

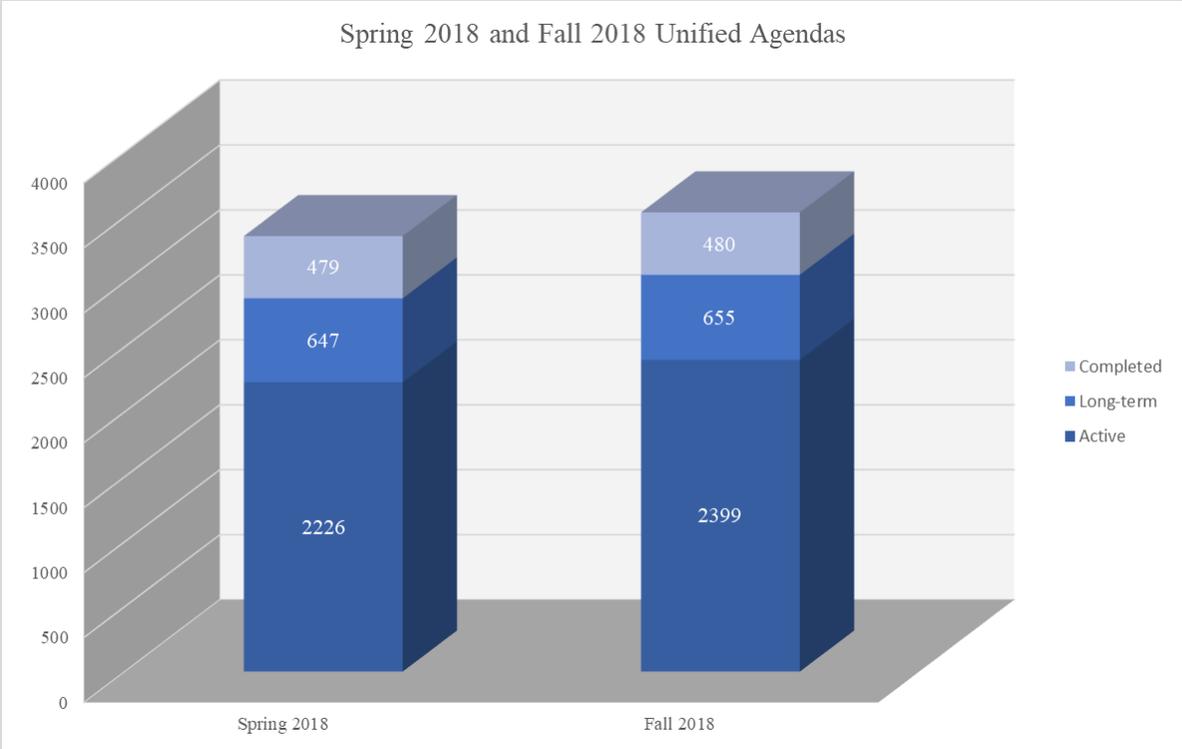
The Agenda distinguishes between active regulations (those with milestones within the next 12 months), long-term actions (outside the 12 month window), and completed actions (which includes rulemakings that are withdrawn or finalized). Of the 2,399 actions listed as active, approximately 23% are published for the first time in this Fall Agenda.

**Table 1: Contents of the Fall 2018 Unified Agenda**

				Designation		
Stage	Regulatory Actions	Economically Significant Actions	First time published	Regulatory	Deregulatory	Exempt
Active	2,399	118	541	163	514	251
Long-term	655	31	73	82	63	35
Completed	480	25	28	12	94	47
Total	3,534	174	642	257	671	333

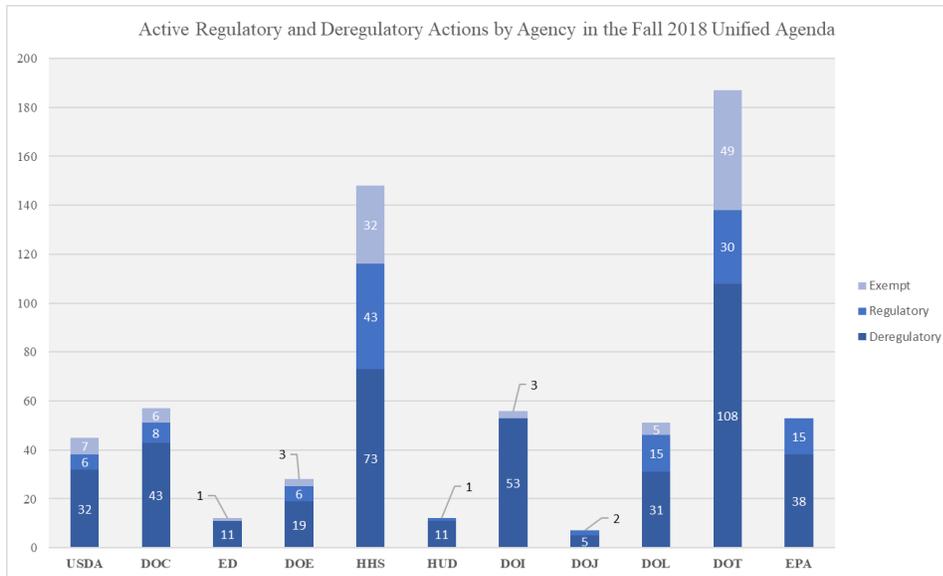
Compared to the Spring 2018 Agenda, the total number of actions increased from 3,352 to 3,534. The number of active rulemakings in this Agenda increased slightly (2,399 compared to 2,226 last spring). Of those, the number of economically significant actions increased from 88 in the Spring 2018 Agenda to 118 in the Fall 2018 Agenda. Interestingly, of the 118 economically significant actions listed, 26 are deregulatory, 41 are regulatory, 15 are exempt, and the rest are classified as “other.”

<sup>1</sup> According to Executive Order 12866, an “economically significant” regulatory action is one which has “an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.”



### Regulatory and Deregulatory Actions by Agency

For active actions in the Agenda, regulatory agencies plan an average of approximately 3 significant deregulatory actions for every 1 regulation action. Two agencies, the Department of Education (ED) and the Department of the Interior (DOI), each have zero active regulatory actions planned with 11 and 53 deregulatory actions—respectively. Notably, these same regulatory agencies also had no active regulations listed in the Spring 2018 Unified Agenda. The agencies with the most deregulatory actions planned are the Department of Transportation (DOT) with 108 actions and the Department of Health and Human Services (HHS) with 73; these were the same two agencies leading in terms of number of deregulatory actions in both the Spring 2018 and Fall 2017 Agendas.



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**QUESTIONS?**

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