

## Feature Story



## EPA Publishes Technical Guidance for Assessing Environmental Justice in Regulatory Analysis

The Environmental Protection Agency published an 81-page [technical guidance](#) for the assessment of environmental justice in regulatory analysis, along with a [notice](#) announcing the actions that EPA is undertaking to promote environmental justice in the permit application process. These actions are prompted by Executive Order 12898, which instructs regulatory agencies to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities.” EPA looks to increase public participation in the permitting process from “overburdened” communities who suffer disproportionately from risks posed by certain environmental hazards. “This notice describes actions that EPA regional offices are taking when issuing EPA permits to promote greater participation in the permitting process by communities that have historically been underrepresented in that process. This notice also describes promising practices for permit applicants that are designed to encourage and assist permit applicants to reach out to neighboring communities when applying for permits that may affect communities' quality of life, including their health and environment.” [Comments](#) on the guidance are due on July 8<sup>th</sup>.

## Opinion

- The jury's out on whether Dodd-Frank will save capitalism
- Is the Fed Afraid to Regulate the Big Banks?
- Will we 'bee' smart about pesticide regulation?

## Marketplace of Ideas

## American Action Forum

- The Week in Regulation: May 6-10, *Sam Batkins*
- Publication Dates of the Unified Agenda of Federal Regulation, *Sam Batkins*
- House on Regulation: The SEC Regulatory Accountability Act, *Dan Goldbeck*

## American Enterprise Institute

- Treat community banks differently, *Tanya Marsh*

Center for Effective Government  
(Formerly OMB Watch)

- UPDATED: Three Reasons the REINS Act Must Be Stopped (Again), *Katie Greenhaw*
- Sen. Blumenthal Urges New OMB Director to Release Needed Rules and Improve Transparency, *Katie Greenhaw*

## Center for Progressive Reform

- Lisa Heinzerling Reflects on OIRA-EPA Relationship, *Matt Freeman*

## In the News

5/8/13

[CFPB lays out options for easing repayment of private student loans](#), *Washington Post*

[Blumenthal: White House delays of safety rules 'unacceptable'](#), *The Hill*

[Consumer bureau: Student loan debt hurting economy](#), *The Hill*

[Interior's fracking rules in cross hairs ahead of upcoming release](#), *The Hill*

[Big Banks Push Back Against Tighter Rules](#), *Wall Street Journal*

[Obama's push to cut red tape not working, GOP lawmakers charge](#), *The Hill*

[Fed's Fisher Would Taper MBS Purchases First](#), *Wall Street Journal*

5/9/13

[Wrigley removes new Alert gum from market as FDA investigates safety of caffeine-added foods](#), *Washington Post*

[State pharmacy boards back stricter federal oversight for some compounding pharmacies](#), *Washington Post*

[Angus King: Regulators could jeopardize ObamaCare](#), *The Hill*

[Experts call for outside panel to weed out useless regulations](#), *The Hill*

[White House to release 'vast' troves of data from federal agencies](#), *The Hill*

[Union notice rule loses in appeals court](#), *Washington Post*

[Frank: Dodd-Frank Takes a Very Pro-Market Stance](#), *Bloomberg TV*

[Senate Republicans Block Committee Vote on Obama EPA Nominee](#), *Bloomberg*

[Fed's Plosser Says Dodd-Frank Won't Curb Too-Big-to-Fail Risks](#), *Bloomberg*



- Why is the White House Blocking Rules on Energy Efficiency?, *Lisa Heinzerling*

### Center for Public Integrity

- 'Chemicals of Concern' list still wrapped in OMB red tape, *Jim Morris*

### Competitive Enterprise Institute

- CEI's Battered Business Bureau: The Week in Regulation, *Ryan Young*

### Congressional Research Service

- Counting Regulations: An Overview of Rulemaking, Types of Federal Regulations, and Pages in the Federal Register, *Maeve P. Carey*

### Federalist Society

- Red Tape Rising, *Julius Loeser*
- No, the IRS is not an "Independent Agency", *Eileen J. O'Connor*

### Free State Foundation

- A Historian for the FCC, *Randolph J. May*

### The George Washington University Regulatory Studies Center

- Pace of New Regulations Upped in President Obama's First Term, *Cassidy West*

### Government Accountability Office

- EPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List, *David Trimble*

### Pace Environmental Law Review

- Inside EPA: A Former Insider's Reflections on the Relationship between the Obama EPA and the Obama White House, *Lisa Heinzerling*

### Penn Program on Regulation

- Congress Considers Limits on "Sue and Settle" Lawsuits, *Eric Lorber*
- The Regulatory Week in Review: May 10, 2013, *Christina Reichert*
- Environmental Cost-Benefit Analysis Spreads to Developing World, *Michael Livermore*
- EPA Nominee Questioned about Transparency, *Christina Reichert*

### Progressive Policy Institute

- Regulatory Improvement Commission: A Politically-Viable Approach to U.S. Regulatory Reform, *Michael Mandel & Diana Carew*

### Sunlight Foundation

- Open Data Executive Order Shows Path Forward, *John Wonderlich*

*Bloomberg*

[Regulators 'Fine Tuning' Bank Capital Rules](#), *Wall Street Journal*

**5/10/13**

[Fed Chairman Bernanke says central bank working to increase financial system monitoring](#), *Washington Post*

[Regulators seize banks in North Carolina, Georgia; brings this year's US bank failures to 12](#), *Washington Post*

[NTEU wins election to represent Consumer Financial Protection Bureau employees](#), *Washington Post*

[Obama's Calorie Display Rules Delayed by Grocer Blowback](#),

*Bloomberg*

[SEC's Gallagher Wants the Fed Back in its Regulatory Box](#), *Bloomberg*

[SEC Money-Fund Rule Said to Make Riskiest Float Value](#), *Bloomberg*

**5/13/13**

[Credit-rating agencies poised to avoid overhaul](#), *Washington Post*

[Big grocers have big problems with Obamacare's calorie labels](#),

*Washington Post*

[SEC chair agrees with calls for U.S. stock market review: official](#),

*Reuters*

[Donations, lobbying by high-speed traders on the rise -report](#), *Reuters*

[OMB nominee promises 'efficient and effective' government](#), *The Hill*

[GOP pushes new SEC head on JOBS Act regulations](#), *The Hill*

**5/14/13**

[Report for banks finds they pose more risk than commodity traders](#),

*Reuters*

[Businesses fear being blindsided by regs](#), *The Hill*

[SEC nears decision on requiring businesses to disclose donations](#), *The Hill*

[Drunk-Driving Limit Should Be Lowered to .05, NTSB Says](#), *Bloomberg*

[Ratings Shopping Revived in Asset-Backed Rebound: Credit Markets](#),

*Bloomberg*

[Regulators seize small bank in Arizona; brings this year's US bank](#)

[failures to 13](#), *Washington Post*

[Warren asks regulators to justify not taking Wall Street to trial](#), *The Hill*

[Government report finds regulations have spiked under Obama](#), *The Hill*

[Ex-SEC's Campos on Regulation of Credit Ratings](#), *Bloomberg TV*

[CFTC Said to Review Wall Street Banks for Off-Exchange Trades](#),

*Bloomberg*

[Estimate of U.S. Health Law Expansion Cut to 25 Million](#), *Bloomberg*

[Sebelius Health Law Fundraising Probed by Republicans](#), *Bloomberg*

[New Regulations Impact on Community Banks](#), *Bloomberg TV*

**5/15/13**

[How many pages of regulations for 'Obamacare'?](#), *Washington Post*

[Commodity Trader Failure Seen as Limited Economic Risk in Study](#),

*Bloomberg*

[Fed's Gibson Sees Need for Consistent Laws to Close Banks](#), *Bloomberg*

[Senators move ahead with bill to federally oversee large compounding](#)

[pharmacies](#), *Washington Post*

[Beverage group rips 'ludicrous' call from NTSB for lowered blood](#)

[alcohol limit](#), *The Hill*

[Feds ease rules for 'smart pills' that track patients from their stomachs](#),

*The Hill*



## Rulemaking

### Food and Drug Administration

#### FDA Proposes Premarket Notification Requirements for Tanning Beds

The Food and Drug Administration published a [proposed rule](#) that would reclassify ultraviolet (UV) lamps used in tanning beds as class II (special controls) products subject to premarket notification. “FDA is proposing this reclassification on its own initiative based on new information.” According to FDA’s proposed rule, UV lamps pose the following risks to users: burns to the skin and eyes, skin aging, photosensitivity, and skin cancer. Currently, UV lamps that are used for dermatological disorders are classified as class II products subject to premarket notification, but UV lamps used for tanning are classified as class I products subject only to general controls. FDA is proposing reclassification of UV lamps used for tanning “because general controls alone are insufficient to provide reasonable assurance of safety and effectiveness, and there is sufficient information to establish special controls to provide such assurance. FDA is not proposing to classify these devices in class III at this time because special controls can provide a reasonable assurance of safety and effectiveness.” This reclassification requires that these products meet performance specifications, contain certain safety features, are mechanically safe, are biocompatible, and are labeled to discourage use by populations more susceptible to skin cancer. [Comments](#) are due on August 7<sup>th</sup>.

### Environmental Protection Agency

#### EPA Seeks Comment on Lead-Based Hazards for Public and Commercial Building Renovations, Repair

The Environmental Protection Agency published a [proposed rule](#) concerning renovation, repair, and painting activities in public and commercial buildings. “EPA is in the process of determining whether these activities create lead-based paint hazards, and, for those that do, developing certification, training, and work practice requirements as directed by the Toxic Substances Control Act (TSCA).” In 2008, EPA published a final rule covering renovation, repair, and painting activities in pre-1978 housing and child-occupied facilities, defined in the rule as a subset of public and commercial buildings in which young children spend a significant amount of time. The current proposed rule is in response to lawsuits claiming that EPA failed to adequately address renovation activities in public and commercial buildings. “Under the terms of the amended settlement agreement, the date by which EPA has agreed to either sign a proposed rule covering renovation, repair, and painting activities in public and commercial buildings, or determine that these activities do not create lead-based paint hazards, is July 1, 2015. If EPA publishes a proposed rule in the Federal Register, EPA agrees to take final action on or before the date 18 months after the proposed rule has published.” [Comments](#) are due on July 12<sup>th</sup>.

### Consumer Financial Protection Bureau

#### CFPB Proposes Delaying Effective Date of Prohibition on Financing Credit Insurance Premiums

The Consumer Financial Protection Bureau published a [proposed rule](#) temporarily delaying the effective date of a Regulation Z “prohibition on creditors financing credit insurance premiums in connection with certain consumer credit transactions secured by a dwelling.” Temporarily delaying this prohibition allows the Bureau to clarify the scope of the rule and its applicability to “transactions other than those in which a lump-sum premium is added to the loan amount at closing.” “In light of the interpretive questions that have arisen since publication of the Final Rule, the Bureau intends to publish a new proposal to seek further notice and comment on the provision in June 2013. In that proposal, among other things, the Bureau plans to (1) seek public comment, including from industry stakeholders and consumers, regarding the applicability of the prohibition to transactions in which credit insurance premiums are charged periodically; and (2) propose a new effective date for § 1026.36(i), under which the provision would take effect some time after finalization of that proposal.” [Comments](#) are due on May 25<sup>th</sup>.

### Department of Energy

#### DOE Announces Working Group Meeting to Undertake Negotiated Rulemaking for HVAC Energy Rule

The Department of Energy published a [proposed rule](#) announcing an open meeting of the Commercial Heating, Ventilation, and Air-conditioning (HVAC), Water Heating (WH), and Refrigeration Certification Working Group (Commercial Certification Group). The purpose of the May 14<sup>th</sup> and 15<sup>th</sup> meeting is to undertake a negotiated rulemaking on proposed certification and compliance requirements for commercial HVAC, WH, and refrigeration equipment.



## Agencies

### Environmental Protection Agency

#### EPA Announces Workshop To Review Initial Draft Materials for Nitrogen Oxides NAAQS

The Environmental Protection Agency published a [notice](#) announcing the Agency's intent to evaluate preliminary draft materials that will inform the development of the NO<sub>x</sub> Integrated Science Assessment (ISA) for health effects as a part of the review of the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide. "The purpose of the workshop is to obtain review of the scientific content of preliminary draft materials that will inform the development of the draft health effects ISA. Workshop sessions will include review and discussion of preliminary draft materials on the atmospheric chemistry of and human exposure to NO<sub>x</sub> as well as health effects evidence from in vivo and in vitro animal toxicology, human clinical, and epidemiology studies. In addition, roundtable discussions will help identify key studies or concepts within each discipline to assist EPA in integrating relevant literature within and across disciplines."

### Export-Import Bank

#### Ex-Im Bank Receives Application for \$100+ Million to Support Boeing Exports to South Korea

The Export-Import Bank published a [notice](#) announcing the receipt of an application for a long-term loan or financial guarantee in excess of \$100 million to support the export of commercial Boeing aircraft to South Korea. These exports would be used to facilitate long-haul passenger service from South Korea to other countries. [Comments](#) are due on June 3<sup>rd</sup>.

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