

Feature Story



EPA Proposes Amendments to Existing Air Emissions Reporting Requirements

The Environmental Protection Agency published a [proposed rule](#) making changes to the current Air Emissions Reporting Requirements rule that seeks to “consolidate and harmonize” emission reporting requirements. The proposed rule will target changes to the existing EPA emission inventory reporting requirements on state, local, and tribal agencies and will “lower the current threshold for reporting Pb [lead] sources as point sources; eliminate the requirement for reporting emissions from wildfires and prescribed fires; and replace a requirement for reporting mobile source emissions with a requirement for reporting the input parameters that can be used to run the EPA models that generate the emissions estimates.” The proposed rule will remove the

requirements to report daily and seasonal emissions associated with carbon monoxide (CO), ozone (O₃), and particulate matter up to 10 micrometers in size (PM₁₀) nonattainment areas and nitrogen oxides (NO_x) in State Implementation Plan (SIP) call areas in order to reduce the reporting burden on state, local, and tribal agencies. The proposed amendments would also “clarify, remove, or simplify some current emissions reporting requirements” which the agency believes are not necessary or are not clearly aligned with current inventory terminology and practices. [Comments](#) are due on July 22.

Opinion

- Lobbyists becoming public officials isn't as bad as the other way around
- A Wall Street regulator's race against time
- Pay-for-delay deals will get a hearing
- Obama casts saving the planet as common sense centrism
- Is a carbon tax more effective than EPA rules? You might be surprised.

Marketplace of Ideas

American Action Forum

- Implications of Regulating Existing Greenhouse Gas Sources, *Sam Batkins & Catrina Rorke*
- Riddled With Errors: Health Care, Dodd-Frank Implementation Challenges (Update), *Sam Batkins*
- The Week in Regulation: June 17-21, *Sam Batkins*
- Reviewing the President's Climate Change Plan, *Catrina Rorke & Dan Goldbeck*

American Legislative Exchange Council

- The U.S. Environmental Protection Agency's Assault on State Sovereignty, *William Yeatman*

In the News

6/19/13

- [Obama Readying Emissions Limits on Power Plants](#), *New York Times*
- [Obama to tap executive powers to curb emissions blamed for global warming](#), *Washington Post*
- [Credit unions see liberal icon Warren as ally against 'regulatory tidal wave'](#), *The Hill*
- [GOP senators slam 'significant change' to carbon costs in federal regulations](#), *The Hill*
- [Financial watchdog: Businesses prefer lengthy regulations](#), *The Hill*
- [Environmental, health groups sue over delayed smog rule](#), *The Hill*

6/20/13

- [Government again delays regulations on rearview cameras for cars to prevent back-over deaths](#), *Washington Post*
- ['Small business' gets bigger, by new SBA standards](#), *Washington Post*
- [Boehner thinks new White House climate rules would be "crazy." But Obama may not have a choice.](#), *Washington Post*
- [Farm bill's failure keeps food safety regs on track](#), *The Hill*
- [SBA increases limit for small business](#), *The Hill*
- [Rockefeller criticizes Obama administration for delaying car safety rule](#), *The Hill*
- [Gensler Sticks to Swaps Plan](#), *Wall Street Journal*
- [Gov't delays requiring rearview cameras in cars](#), *The Examiner*
- [Federal officials spinning science to suit agenda, critics claim](#), *The Examiner*

6/21/13

- [FAA to Relax Rules for Gadgets in Flight](#), *Wall Street Journal*
- [Credit unions get behind regulatory overhaul push](#), *The Hill*



Center for Effective Government

- White House Delays Rule to Prevent Kids from Being Hurt, Killed in Back-Over Accidents, *Katie Weatherford*

Center for Progressive Reform

- Three Food Safety Rules Grow Moldy at OIRA, as Import-Related Outbreaks Continue, *Michael Patoka*
- House Amendment to Farm Bill Would Spur USDA Action on Flawed Poultry Slaughter Rule, *Matt Shudtz*
- Congressional Briefing: Anti-Regulatory Myths: What Regulatory Critics Don't Tell You, *Erin Kesler*
- CPR's Heinzerling Reacts to President's Climate Change Speech, *Lisa Heinzerling*

Competitive Enterprise Institute

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

The Council for Agricultural Science and Technology

- Impact of the Precautionary Principle on Feeding Current and Future Generations, *Gary Marchant, Linda Abbott, Allan Delsot, & Robert Griffin*

Federal Regulations Advisor

- Monday Morning Regulatory Review – 6/24/13, *Leland Beck*

Free State Foundation

- FCC Must Maintain Open Eligibility for Incentive Spectrum Auction, *Seth L. Cooper*

The George Washington University Regulatory Studies Center

- TESTIMONY: Reducing Unnecessary and Costly Red Tape through Smarter Regulations, *Susan Dudley*
- New Paper on the Precautionary Principle, *Susan Dudley*

Government Accountability Office

- CLIMATE CHANGE: Various Adaptation Efforts Are Under Way at Key Natural Resource Management Agencies, *Anne-Marie Lasowski Fennel*

Heritage Foundation

- Environmentalists Sue, Settle, and Apologize Later, *Katie Tubb*

The Mercatus Center

- Public Interest Comment: Passenger Screening Using Advanced Imaging Technology, *Todd Nesbit*
- A Hidden Opportunity Cost of Regulatory

[Blue Cross-Blue Shield bets big on health-care exchanges](#), *Washington Post*
[Risky derivatives trading comes roaring back](#), *Washington Post*
[Obama taps two for Federal Election Commission](#), *Washington Post*
[Consumer groups scold administration over delay to rearview camera rule](#), *The Hill*
[Plan B drug maker: FDA approved pill without restrictions](#), *Washington Times*
[U.S. regulators push for 6 pct leverage ratio for banks](#), *Reuters*
[U.S. Weighs Doubling Leverage Standard for Biggest Banks](#), *Bloomberg*

6/22/13

[Obama to Include Existing Plants in Pollution Plan](#), *Wall Street Journal*
[F.D.A. Seeks to Toughen Defibrillator Regulations](#), *New York Times*
[Obama to Unveil Climate Plan in Tuesday Speech](#), *USA Today*
[Obama to unveil climate plan on Tuesday](#), *The Examiner*
[Obama to take sweeping action on climate](#), *Washington Post*
[Obama says he'll unveil climate plan in Tuesday speech 'for the sake of our children'](#), *Washington Post*
[Tighter federal lending standards yield turmoil for historically black colleges](#), *Washington Post*
[Obama to announce Tuesday he will regulate existing power plants as part of climate strategy](#), *Washington Post*
[FAA moving toward easing restrictions on use of electronic devices by airline passengers](#), *Washington Post*
[Former senator is a Democratic voice in the push for regulatory reform](#), *The Hill*
[GOP, Dems attack Obama regulation](#), *The Hill*
[FAA moving toward easing electronic device use](#), *Washington Times*
[Obama Said to Announce Emission Curbs on Power Plants Next Week](#), *Bloomberg*
[Electronics Use Limits on Planes Seen Easing at U.S. FAA](#), *Bloomberg*

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[Obama climate plan may ricochet on EPA pick](#), *Politico*

6/24/13

[U.S. justices to hear EPA appeal over air pollution rule](#), *Reuters*
[Report: FAA to ease up on in-flight electronic gadgets](#), *USA Today*
[High court to review cross-border pollution rule](#), *The Examiner*
[Does Obama's climate policy launch put Gina McCarthy's EPA nomination in jeopardy?](#), *Washington Post*
[Supreme Court agrees to review controversial EPA air rule](#), *Washington Post*
[Supreme Court will consider regulation to reduce power plant pollution in neighboring states](#), *Washington Post*
[AP sources: Obama to allow more renewable energy on public lands, federal housing sites](#), *Washington Post*
[Justices take up air pollution rules](#), *The Hill*
[Study: Updated regulations needed for generic drug labels](#), *The Hill*
[Senate panel confirms regulatory czar](#), *The Hill*
[Obama's EPA Gets Supreme Court Hearing on Coal Pollution](#), *Bloomberg*
[Morgan Stanley Could Fall Short of Capital Rules, Goldman Says](#), *Bloomberg*

6/25/13

[Four Ways the Energy Industry Could Derail Obama's Environmental Regulations in Court](#), *New Republic*
[Study: Obama's climate plan directly threatens 37,000 workers](#), *The Hill*
[Obama to Outline Ambitious Plan to Cut Greenhouse Gases](#), *New York Times*
[Obama unveils climate change plan that goes around Congress](#), *The Hill*



Compliance: Management Time, *Patrick McLaughlin*

▪ TESTIMONY: Improving Regulatory Impact Analysis through Process Reform, *Jerry Ellig*

Penn Program on Regulation

▪ The Regulatory Week in Review: June 21, 2013, *Christina Reichert*

▪ Debate over OIRA's Virtues and Vices Continues, *Christina Reichert*

Public Citizen

▪ Generic Drug Labeling: A report on serious warnings added to approved drugs and on generic drugs marketed without a brand-name equivalent

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[U.S. FTC Said to Open Probe of Oil Price-Fixing After EU](#), *Bloomberg*
[Fed's Clark Says Stress Test Credibility Depends on Openness](#), *Bloomberg*
[Obama Unveils Climate Plan to Curb Power Plant Emissions](#), *Bloomberg*
[Federal Regulators Ready Suit Against Jon Corzine](#), *Bloomberg TV*
[Senators propose legislation to wind down Fannie and Freddie, overhaul housing finance](#), *Washington Post*
[On climate change, Obama bypasses Congress with ambitious plan](#), *Washington Post*
[Obama opens climate change drive, bypassing Congress and urging action 'before it's too late'](#), *Washington Post*
[Nick Owens on Prime Interest](#), *RT (Video)*

6/26/13

[Obama administration pumps unprecedented power into EPA](#), *Washington Times*

[What Obama's climate change proposal means for consumers and energy companies](#), *Washington Post*

[Obama's plan to cut carbon pollution, combat global warming: How does he get there?](#), *Washington Post*

[Highlights of President Barack Obama's national plan to combat climate change](#), *Washington Post*

Rulemaking

Small Business Administration

SBA Rule Expands "Small Business" Size Standards for Agriculture, Forestry, Fishing, & Hunting Entities

The Small Business Administration published a [final rule](#) expanding the size of the small business designation across eleven industries in the Agriculture, Forestry, Fishing, and Hunting sector. The expansion of these designations is in response to "changes in industry structure and the Federal marketplace since the last overall review [which] have rendered existing size standards for some industries no longer supportable by current data." Small business size definitions are necessary to determine which businesses are eligible for assistance programs targeted to small businesses. SBA estimates that this rule will result in additional support totaling \$7 million through 32 new loans to businesses that would be defined as small as per the new standards. In addition, "growing small businesses that are close to exceeding the current size standards will be able to retain their small business status under the higher size standards, thereby enabling them to continue their participation in the programs."

SBA Rule Expands "Small Business" Size Standards for Finance and Insurance Entities

The Small Business Administration published a [final rule](#) increasing the size threshold for which finance and insurance businesses will be considered "small entities" by the Small Business Administration. The current "small business" size threshold for these some industries in these sectors is \$175 million in assets; SBA is increasing this threshold to \$500 million in assets for finance and insurance businesses.

Determination of which businesses are "small businesses" is necessary because the purpose of the Small Business Act is to help small businesses compete in the marketplace, necessitating standards to define which businesses qualify as small businesses. Businesses that will acquire small business status because of this rule will become newly eligible for Federal small business assistance programs, including the SBA's financial assistance programs, economic injury disaster loans, and Federal procurement programs intended for small businesses. "The most significant benefit to businesses obtaining small business status because of this final rule is gaining eligibility for federal small business assistance programs."

SBA Rule Expands "Small Business" Size Standards for Coal and Metal Mining Businesses

The Small Business Administration published a [final rule](#) increasing the size threshold for which mining businesses will be considered "small entities" by the Small Business Administration. Previously, Support Activities for Oil and Gas Operations, Support Activities for Coal Mining, Support Activities for Metal Mining, and Support Activities for Nonmetallic Minerals were considered small entities below a \$7 million annual receipts threshold.



This rule finalizes new standards of \$35.5 million, \$19 million, and \$19 million respectively, leaving the threshold for Support Activities for Nonmetallic Minerals at \$7 million.

Determination of which businesses are “small businesses” is necessary because the purpose of the Small Business Act is to help small businesses compete in the marketplace, necessitating standards to define which businesses qualify as small businesses. Businesses that will acquire small business status because of this rule will become newly eligible for Federal small business assistance programs, including the SBA's financial assistance programs, economic injury disaster loans, and Federal procurement programs intended for small businesses.

Nuclear Regulatory Commission

NRC Revises Environmental Impact Analysis Requirements for Nuclear Power Plant License Renewals

The Nuclear Regulatory Commission published a [final rule](#) updating the environmental impact analysis requirements for nuclear power plant operating license renewal. The modified rule “incorporates lessons learned and knowledge gained from license renewal environmental reviews conducted by the NRC since 1996.” The NRC consolidated several environmental impact categories, reducing the total number of categories relevant to “continued operations and refurbishment activities associated with license renewal” from 92 to 78. The rule also reduces the number of categories applicants are required to evaluate in a plant-specific supplemental environmental impact statement from 21 to 17. In its [Regulatory Analysis](#), the NRC estimates that the change will save the industry between \$2.72 and \$3.03 million. As part of the update, NRC [revised](#) its technical guidance that provides the “basis for amending certain NRC environmental protection regulations” and its [guide](#) for how license applicants should prepare their “Environmental Reports for Nuclear Power Plant License Renewal Applications.”

Department of Energy

DOE Seeks Information to Inform Potential Energy Efficiency Standard for Mobile Homes

The Department of Energy published a [proposed rule](#) seeking comment from the public on its upcoming rule establishing energy efficiency standards for manufactured housing (such as mobile homes). The Energy Independence and Security Act authorized DOE to promulgate rules establishing such standards for manufactured housing. “To facilitate this process, enhance the quality of the standards and supporting documentation, and to allow interested parties to provide suggestions, comments, and information, DOE is publishing this request for information. DOE is interested in receiving information that relates to the relationship between energy efficiency and indoor air quality in manufactured housing, financing measures that may be available for manufactured homes with higher energy efficiencies, and possible enforcement models for the DOE standards.” [Comments](#) are due on July 25th.

Department of Commerce

NMFS Provides Retrospective Review Plan for Regulations Affecting Small Entities

The National Marine Fisheries Service published a [proposed rule](#) providing a plan describing how the NMFS will perform retrospective reviews of existing regulations and describes the regulations that are being proposed for review during the current review-cycle. Agencies are required by [The Regulatory Flexibility Act \(RFA\)](#) to “periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions.” The purpose of the review is to determine whether existing rules should be unchanged, revised, or withdrawn in order “to minimize significant economic impacts on a substantial number of small entities, consistent with the objectives of other applicable statutes.” NMFS will review rules to ensure that a Final Regulatory Flexibility Analysis was prepared are reviewed within 10 years of the year in which they were originally issued. [Comments](#) are due on July 22.

Environmental Protection Agency

EPA Finalizes Amendments to National Standards on Heat Exchange Systems Emissions

The Environmental Protection Agency published a [final rule](#) amending the national standards on emissions for heat exchange systems. This amendment would allow for an additional monitoring system on a quarterly system “using a leak action level defined as a total strippable hydrocarbon concentration (as methane) in the stripping gas of 3.1 parts per million by volume (ppmv)”; whereas, the current system focuses on a monthly system where the total strippable hydrocarbon concentration is 6.2 ppmv. In addition, the amendment revises the definition for heat exchange system to “improve clarity regarding applicability of the monitoring and repair provisions,” and it allows for monitoring of “once-through cooling water heat exchange systems” to happen at an aggregated location. EPA



estimates that these amendments have no additional costs beyond those in the rule being amended. In fact, the Agency projects that companies using the alternative monitoring sources would be able to cut their costs in complying with the rule.

Office of the Comptroller of the Currency

OCC Finalizes Interim Final Lending Rule

The Office of the Comptroller of the Currency published a [final rule](#) finalizing a previously-published [interim final rule](#) amending some lending limits for national banks and savings associations, with some revisions. “The interim final rule consolidated the lending limits rules applicable to national banks and savings associations, removed the separate OCC regulation governing lending limits for savings associations, and implemented section 610 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which amends the statutory definition of “loans and extensions of credit” to include certain credit exposures arising from derivative transactions, repurchase agreements, reverse repurchase agreements, securities lending transactions, and securities borrowing transactions.”

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