Regulatory Studies Center
THE GEORGE WASHINGTON UNIVERSITY

Retrospective Review of Risk-Based Regulations

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The George Washington University Regulatory Studies Center has identified retrospective review of regulations, particularly those aimed at reducing health, safety, and environmental risk, as a key research priority. As President Obama observed, "during challenging economic times …it is particularly important for agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances..." Yet effective retrospective review of regulation remains elusive, and too often, ex ante predictions of regulatory outcomes (reductions in health risks, benefits and costs) are not verified with empirical data ex post. To generate constructive recommendations to address this problem, RSC organized a conference on Capitol Hill to explore the possible reasons for the lack of ex post evaluation, and examine approaches to improve both the analytical tools for measuring actual effects of risk-reducing regulation, and the incentives to do so.

Center director and Trachtenberg School research professor, Susan Dudley, opened the conference by reviewing past efforts to encourage retrospective review of regulations, examining why they were not more successful, and offering recommendations going forward. She was joined on the first panel by Admiral Thad Allen, who shared his experiences with regulations that supported and hindered responses to recent crises, and Professor Cary Coglianese, who suggested immediate steps the federal government could take to improve retrospective review of regulations.

A second panel, moderated by Administrative Conference of the United States chairman, Paul Verkuil, addressed methodological approaches to improving measurement of regulatory outcomes. Dr. Kathryn Newcomer, director of GW's Trachtenberg School of Public Policy and Public Administration, provided a framework for how program evaluation tools and models could be applied to examine regulations using an air quality regulation case study.   Statistician, Dr. Tony Cox, applied statistical methods to determine whether observed associations between air quality and specific health effects were indeed causal. Toxicologist, Dr. Lesa Aylward, presented several case studies using biomonitoring data to measure exposure reductions and evaluate health outcomes.

On the third panel, which focused on institutional solutions to improve the incentives for regulatory evaluation, visiting RSC scholar, Marcus Peacock, described how program assessment tools might be applied to incentivize retrospective review. Philip Howard, founder and chair of Common Good, emphasized the need for greater accountability to encourage better regulatory evaluation. Professor Ragnar Lofstedt of Kings College in London shared lessons from the independent review of British health and safety regulation he conducted for the UK government. Diana Carew of the Progressive Policy Institute recommended that a regulatory improvement commission, patterned after the Base Realignment and Closure Commission, would be a politically-viable approach to regulatory reform.

Senator Angus King (I, ME) gave a keynote lunch address, in which he emphasized the importance of health, safety and environmental regulation, but also the need to ensure regulations are meeting their intended goals cost-effectively. Stay tuned for a video of the proceedings on the GW Regulatory Studies Center's website: www.RegulatoryStudies.gwu.edu.