

Deregulation in the Trump Administration—the First Two Years

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Accomplishments

- Used CRA to repeal 14 random rules.
- Rescinded hundreds of non-binding interpretative rules and policy statements.
- Stopped the process of trying to issue a few major rules that were still in the rulemaking process or that had been blocked by courts.

Track Record in Court

- Won less than 10% of cases in court.
- Most administrations win about 70% of cases in court.

In Progress

- Attempts to rescind or amend major rules using the notice and comment process.
- The process is long and difficult.
- After allowing and responding to comments, agency must persuade court that an action it previously upheld was a mistake.

Proposed Changes in CBA

- Increase discount rate.
- Don't count co-benefits.
- Don't count benefits outside the U.S.
- Don't count benefits beyond a health-based standard.
- Add cumulative regulatory costs.

My predictions

- Trump will not be able to use notice and comment to rescind or change any major rule that was final and upheld by a court.
- Trump may destroy Reagan's legacy by persuading the courts and the public that CBA is far too unreliable to use as a regulatory tool.