Marketplace of Ideas

American Action Forum
• The Week in Regulation: June 25 – 29, Sam Watkins

Competitive Enterprise Institute
• CEI’s Battered Business Bureau: The Week in Regulation, Ryan Young

Federal Regulations Advisor
• Monday Morning Regulatory Review – 7/2/12, Leland Beck

The George Washington University Regulatory Studies Center
• Growth in Regulators’ Budget Slowed by Fiscal Stalemate: An Analysis of the U.S. Budget for Fiscal Years 2012 and 2013, Susan Dudley & Melinda Warren
• Growth in Regulators’ Budget Slowed by Fiscal Stalemate, Susan Dudley & Melinda Warren

Government Accountability Office
• Greater Oversight and Additional Data Needed for Key EPA Water Program, David Trimble
• Factors That May Affect Trends in Regulation A Offerings, Angela Clowers
• Regulators Should Take Actions to Strengthen Appraisal Oversight, William Shear

The Mercatus Center
• Public Interest Comment on Impacts of Overdraft Programs on Consumers, Todd Zywicki & Asa Skinner

Penn Program on Regulation
• The Regulatory Week in Review: June 29, 2012, Mima Mohammed

Public Citizen
• Public Safeguards Past Due: Missed Deadlines Leave Public Unprotected, Negah Mouzoon
• In Approving New Diet Drug, FDA Ignores Crucial Safety Data, Sidney Wolfe
• How Big of a Problem Has Over-Regulation Been Under President Obama?, 6/28/12

In Opinion

Francisco Canseco: Over-regulation is killing jobs in America, KSAT.com, 6/27
Emily Heil: FDA to regulate fine cigars, but foes say stogies breed bipartisanship, Washington Post In the Loop, 6/27
Felleman & Keever: Cruise industry should comply with new air-quality regulations, The Seattle Times, 6/27
Jack Beerman: Strong Politics, Weak Prospects, RegBlog, 6/28
Richard Murphy: The First Step--Let's Kill All the Regulations, RegBlog, 6/29
John Amos: EXCLUSIVE: Frackers Disclose Only 43% Of The Chemicals They Pump Into The Ground, Business Insider, 6/29
J.W. Verrett: About The Dodd-Frank Act, George Washington Would Be Turning Over In His Grave, Forbes.com, 7/2

In the News

6/27/12
Report Highlights Negative Effects of Regulations on Regulatory Agencies, Regulatory Focus
Some conditions imposed by federal regulators in approving Comcast’s takeover of NBCUniversal, Washington Post

6/28/12
Another Solyndra? DOE: Loan recipient closing, The Hill
US Regulators Approve First Obesity Drug in 13 Years, Regulatory Focus
Researchers: Mercury can lead to decline of loons, Wall Street Journal
Enviros: Gas industry got inside info from NY DEC, Wall Street Journal

6/29/12
Lobbyists brace for flood of regulations after healthcare ruling, The Hill
US Regulators Debar Man for Marketing Unapproved Products, Regulatory Focus
FDA panel sees little use for metal-on-metal hips, Associated Press
High court won’t consider FCC media ownership rules, Reuters
FTC approves Sony’s EMI deal, The Hill
Frank pulls from financial headlines to push for CFTC budget boost, The Hill

7/2/12
Two years later, many of Dodd-Frank’s rules remain unwritten, report finds, The Hill
More Deadlines Missed as FSMA Rules Remain Stalled at OMB, Food Safety News
Inflating the regulatory state, Columbia Journalism Review
PPR Hosts Washington Workshop on Economic Impacts of Regulation,
Environmental Protection Agency
EPA Publishes Proposed NAAQS for Particulate Matter
The Environmental Protection Agency published a proposed rule that would set National Ambient Air Quality Standards (NAAQS) for particulate matter (PM); the rule proposes revisions both to the current primary and secondary standards. “The EPA also proposes revisions to the prevention of significant deterioration (PSD) permitting program with respect to the proposed NAAQS revisions. With regard to primary standards for fine particles (generally referring to particles less than or equal to 2.5 micrometers (μm) in diameter, PM$_{2.5}$), the EPA proposes to revise the annual PM$_{2.5}$ standard by lowering the level to within a range of 12.0 to 13.0 micrograms per cubic meter (μg/m$^3$), so as to provide increased protection against health effects associated with long- and short-term exposures (including premature mortality, increased hospital admissions and emergency department visits, and development of chronic respiratory disease) and to retain the 24-hour PM$_{2.5}$ standard. The EPA proposes changes to the Air Quality Index (AQI) for PM$_{2.5}$ to be consistent with the proposed primary PM$_{2.5}$ standards.”

EPA proposes to change secondary PM standards by adding a “distinct standard” for PM$_{2.5}$ specifically for PM$_{2.5}$-related visibility impairment, while current standards will address welfare effects. While EPA is prohibited from considering costs when setting NAAQS, the Agency puts benefits of the rule at between $88 million and $220 million. Comments on this proposed rule are due on August 31st.

Department of Energy
DOE Extends Comment Period for $251.9 Million Battery Energy Efficiency Rule
The Department of Energy is extending the comment period for a proposed rule setting energy efficiency standards for battery chargers and other external power supplies. The economically significant rule, initially proposed on March 27th, will incur an estimated yearly equipment cost of $251.9 million, with an energy savings of between $0.16 and $40.78 to consumers, depending on the product. Some covered products will require almost four years of steady use before consumers recover the higher cost of appliances through longer-term energy savings. Of the $325.2 million in annual benefits calculated by the Agency, $52.3 million come from reductions in CO$_2$ emissions. Comments on this rule are now due to the Department by July 16th.

Agencies
Consumer Product Safety Commission
CPSC Releases Policy Statement on Animal Testing for Toxicity Determinations
The Consumer Product Safety Commission released a policy statement on the use of animal testing to determine toxicity and hazards posed to humans. The Federal Hazardous Substances Act (FHSA) requires cautionary labeling on household products informing consumers of potential hazards they pose; to determine what type of cautionary labeling is appropriate, potential household hazards must be evaluated using objective criteria. Some hazards, such as toxicity, tissue corrosiveness, eye irritancy, and skin irritancy, can only be tested from the biological response of living tissue and organs to the presence of the hazardous substance. In these cases, animal testing is used as a proxy for human biological response. The new policy states that “the Commission prefers test methods that reduce stress and suffering in test animals and that use none or fewer animals while maintaining scientific integrity. The Commission strongly supports the use of validated alternatives to animal testing.” CPSC provides some guidelines for how to accomplish these goals while maintaining the validity of hazards testing.

CPSC simultaneously published a proposed rule that would amend previous regulations to make “clear that the animal tests are not the only means to test or define a product's toxicity under the FHSA, nor are they the only methods used by the CPSC to assess product toxicity.” Comments on this proposed rule are due September 12th.
Department of Energy
DOE Announces $62 Million to Fund Biofuel Industry Advancement
The Department of Energy announced the availability of $30 million in public funds to match private grants supporting the development of new technologies to advance the biofuels industry, with an additional $32 million in unmatched funding “for earlier stage research that will continue to drive technological breakthroughs and additional cost reductions in the industry.” DOE will be awarding grants for projects proposed by small businesses, universities, national laboratories and industry, “and will seek to overcome various technical and scientific barriers to cost-competitive advanced biofuels and bioproducts... The new investments announced today build on the steps the Energy Department is already taking to push the boundaries of biofuel technologies and move towards commercial-scale production at refineries across the country.”

Environmental Protection Agency
EPA Holds Two Public Meetings on Proposed NAAQS for Particulate Matter
The Environmental Protection Agency announced two public hearings on the Agency’s proposed National Ambient Air Quality Standard rule for Particulate Matter (PM2.5). “In this rulemaking, the EPA is proposing to make revisions to the primary and secondary national ambient air quality standards (NAAQS) for particulate matter (PM) to provide requisite protection of public health and welfare, respectively, and to make corresponding revisions to the data handling conventions for PM and ambient air monitoring, reporting, and network design requirements. The EPA is proposing changes to the Air Quality Index (AQI) to be consistent with the proposed primary standards. In addition, the EPA is proposing revisions to the prevention of significant deterioration (PSD) permitting program with respect to the proposed NAAQS revisions.” The meetings will be in Sacramento, California on July 19th, and Philadelphia, Pennsylvania on July 17th.

Occupational Safety and Health Administration
OSHA Releases Hazard Alert for Fracking-related Silica Exposure
The Occupational Safety and Health Administration released a hazard alert on the potential health hazards associated with hydraulic fracturing, particularly worker exposure to silica. According to the hazard alert, recent field studies indicate that during fracking, workers are exposed to dust with high levels of respirable crystalline silica (silica), which is used during high pressure injection into drilling holes. These field studies show that many air samples from the fracking sites studied “showed silica levels for workers in and around the dust generation points above defined occupational exposure limits,” some of which cannot be effectively combated by using a face mask.