

## **Legal Lookout: The Semiannual Regulatory Agenda: A Useful Document**

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*Chock full of information about upcoming regulations from every federal agency, this document is a must read for all environmental professionals.*

EPA's Semiannual Regulatory Agenda is an excellent source of information on environmental regulatory and policy developments. As its names suggests, this document is issued twice a year, once in the spring and again around mid-December (see 72 Fed. Reg. 70118). It is chock full of information on EPA regulations and major policy initiatives that are under development, reviews of existing regulations, and major policy makings completed and/or cancelled since the previous agenda. For any environmental professional, the Regulatory Agenda, as it has come to be called, is indispensable.

### **Why the agenda is prepared**

All federal agencies participate in creating the Regulatory Agenda. The document is hundreds of pages long and includes summaries of rulemaking initiatives underway or planned for all federal departments and agencies.

As *Pollution Engineering* readers know, there are many reasons for federal rulemakings. Rules may be required by statute, offered at the option of the current administration to achieve a targeted goal, required as part of a judicial settlement agreement, or needed to ensure a current rule remains viable and effective, among other reasons. Additionally, EPA routinely issues new or revised current policy directives and guidance documents of one form or another, all of which are as important as rules.

In addition to the fundamental environmental laws authorizing and/or requiring EPA actions such as the Clean Air Act and Clean Water Act, there are many other legal requirements that apply to the issuance of regulations. These include the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. EPA also must meet requirements contained in various executive orders.

With so many legal mandates to satisfy, there is little wonder why the federal government prepares an uber-agenda to keep track of these initiatives. There is another reason motivating EPA as well: the agency firmly believes that public participation is a vital part of the rulemaking process. The theory is that if interested stakeholders are well aware of important initiatives, they will be more inclined and prepared to participate in them. The agenda does an excellent job of condensing a great deal of information and organizing it into a useful, accessible resource.

### **Why it's important**

Professionals in the environmental area are expected to be aware of initiatives that may have a bearing on their business/professional operations. The agenda is organized in a way that allows readers to know exactly what initiatives are under development, what the schedule for action is, who the key EPA contact people are, and how to contact them. It is

organized logically and according to the various stances of rulemaking, including pre-rulemaking, proposed rulemaking, final rulemaking, and long-term rulemaking.

The agenda also includes actions that EPA is no longer considering. If an action appears in the completed section, it will not appear in future agendas unless EPA decides to initiate action again, in which case it will appear as a new entry. The agency also announces the results of its Regulatory Flexibility Act Section 610 reviews in this document.

It is well understood that EPA often misses the target dates set forth in the agenda, but that does not detract from its fundamental utility. Pollution Engineering readers are urged to review the Dec. 10, 2007, issue of the *Federal Register* if you are not now familiar with the Regulatory Agenda. You will find it a good read.

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