



## Improving Our Regulations Through Periodic Retrospective Review Questions to Help You Formulate Your Comments

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Note: EPA no longer updates this information, but it may be useful as a reference or resource.

**Editor's Note:** From 02/18/2011 to 04/04/2011, EPA accepted public comment on how to design our plan for periodic retrospective reviews of existing regulations. The comment period is now closed. This document is provided for historical reference only.

EPA is beginning a new periodic retrospective review of our existing significant regulations, to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the Agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.

We want you to help us design the plan we will use to periodically review our regulations. We're accepting your comments from now through 04/04/2011. (This is an extension of the original comment period end date of 03/20.) We won't be able to respond to every individual comment, but we value your input and will give your ideas careful consideration.

To share your ideas, follow these steps:

1. Review the categories below, and select the topic that best fits how you wish to comment.
2. As you do, keep these key considerations in mind:
  - We will uphold our mission to protect human health and the environment.
  - Our plan will be tailored to reflect our resources, rulemaking history, and volume.
  - A number of laws already direct us to regularly review certain regulations. We seek your input on developing a plan that is integrated with those existing requirements.

Please be as specific as possible when submitting your comments. We have provided the following questions and categories to help you formulate your ideas, but do not intend to restrict the issues that you may wish to address.

- How should we identify candidate regulations for periodic retrospective review?
- What criteria should we use to prioritize regulations for review?
- How should our review plan be integrated with our existing requirements to conduct retrospective reviews?
- How often should we solicit input from the public?
- What should be the timing of any given regulatory review (e.g., should a regulation be in effect for a certain amount of time before it is reviewed)?

### **Categories by which you may comment**

1. **By issue or impact** – You may wish to suggest that we focus our review based on the impacts of our rules. We have provided a non-exhaustive list of issues or impacts to help you formulate your ideas, but do not intend to restrict the issues

that you may wish to address. The dockets pertaining to a particular issue or impact are listed on the following pages.

2. **By program area** - You may wish to suggest that we evaluate our rules by subject matter, or program area:
  - i. Air ([Regulations.gov](http://www.regulations.gov) Docket #EPA-HQ-OA-2011-0155)
  - ii. Pesticides (EPA-HQ-OA-2011-0157)
  - iii. Toxic Substances (EPA-HQ-OA-2011-0159)
  - iv. Waste (EPA-HQ-OA-2011-0160)
  - v. Water (EPA-HQ-OA-2011-0154)
3. **General comments** (EPA-HQ-OA-2011-0156) – Use this category if you're not sure what other category to choose or if your comment spans multiple categories. Also, you may use this category if you wish to provide other general comments on the factors we should consider in conducting our review, the process we will use in setting priorities, or the identification of candidate rules for review.

## **Issue or Impact Areas for Consideration**

### **Integration and Innovation**

(EPA-HQ-OA-2011-0161)

- Which regulations could achieve the intended environmental results using less costly methods, technology, or innovative techniques? How could the regulations be changed? What data support this?
- Which regulations could be improved by harmonizing requirements across programs or agencies to better meet the regulatory objectives? What suggestions do you have for how the Agency can better harmonize these requirements?
- Which regulations have requirements that are overlapping and could be streamlined or eliminated? What suggestions do you have for how the Agency could modify the regulations? Be specific about how burden can be reduced from gained efficiencies related to streamlining the requirements.
- What opportunities exist for the Agency to explore alternatives to existing regulations? How can these alternatives be designed to ensure that environmental objectives are still met?

### **Environmental Justice / Children's Health / Elderly**

(EPA-HQ-OA-2011-0168)

- Which regulations have exacerbated existing impacts or created new impacts on vulnerable populations such as low-income or minority populations, children, or the elderly? Which ones and how? What suggestions do you have for how the Agency could change the regulations? What data support this?
- Which regulations have failed to protect vulnerable populations (minority or low-income, children or elderly) and why?

- Which regulations could be streamlined, modified, tightened, or expanded to mitigate or prevent impacts to vulnerable populations (minority or low-income, children or elderly)? What suggestions do you have for changing the regulations? What data support this?

## **Science / Obsolete / Technology Outdated**

(EPA-HQ-OA-2011-0162)

- Which regulations could be modified because the underlying scientific data has changed since the regulation was issued, and the change supports revision to the original regulation? What data support this? What suggestions do you have for changing the regulations?
- Which regulations have achieved their original objective and have now become unnecessary or obsolete? What data support this? What suggestions do you have for how the Agency could modify, streamline, expand, or repeal the regulation?
- Have circumstances surrounding any regulations changed significantly such that the regulation's requirements should be reconsidered? Which regulations? What data support this? What suggestions can you provide the Agency about how these regulations could be changed?
- Which regulations or reporting requirements have become outdated? How can they be modernized to accomplish their regulatory objectives better? What data support this? What suggestions do you have for how the Agency could change the regulations?
- Which regulations have new technologies that can be leveraged to modify, streamline, expand, or repeal existing requirements? What data support this? What suggestions do you have for how the Agency could change these regulations?

## **State, Local and Tribal Governments**

(EPA-HQ-OA-2011-0163)

- Which regulations impose burden on state, local or tribal governments? How could these regulations be changed to reduce the burden without compromising environmental protection?
- What opportunities are there within existing regulations to better partner with state, local and/or tribal governments? If so, do you have suggestions for how to better utilize those opportunities?

## **Least Burdensome / Flexible Approaches**

(EPA-HQ-OA-2011-0165)

- Which regulations have proven to be excessively burdensome? What data support this? How many facilities are affected? What suggestions do you have for reducing the burden and maintaining environmental protection?
- Which regulations impose paperwork activities (reporting, recordkeeping, or 3rd party notifications) that would benefit from online reporting or electronic recordkeeping? Tell

us whether regulated entities have flexibility in providing the required 3<sup>rd</sup> party disclosure or notification. What data support this? What suggestions do you have for how the Agency could change the regulation?

- Which regulations could be made more flexible within the existing legal framework? What data support this? What suggestions do you have for how the Agency could change the regulations to be more flexible?

## **Benefits and Costs**

(EPA-HQ-OA-2011-0158)

- Which regulations have high costs and low benefits? What data support this?
- Which regulations could better maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity)? What data support this? What quantitative and qualitative benefits and costs justify your suggestion (recognizing that some benefits and costs are difficult to quantify)?

## **Small Business**

(EPA-HQ-OA-2011-0164)

- Which regulations have large impacts on small businesses? How could these regulations be changed to reduce the impact while maintaining environmental protection? Are there flexible approaches that might help reduce these impacts? Which of these regulations have high costs and low benefits? What data support this?
- Are there any regulations where flexible approaches for small businesses have proven successful and could serve as a model? Where else and how could these approaches be utilized?

## **Compliance**

(EPA-HQ-OA-2011-0166)

- Which regulations have complicated or time consuming requirements? To what extent are alternative compliance tools available? Could the regulations be modified to improve compliance? What data support this?
- Which regulations or regulated sectors have particularly high compliance? How could the factors or approaches that lead to high compliance be utilized in other regulations and sectors? What data is available to support this?

## **Economic Conditions/ Market**

(EPA-HQ-OA-2011-0167)

- Which regulations have impacted an industry sector(s) that was hard hit by high unemployment in the past three years? What changes to the regulation would promote economic growth or job creation without compromising environmental protection? What data support this?
- How can regulations spur new markets, technologies, and new jobs? What suggestions do you have to support this idea?
- Which regulations have impeded economic growth in an affected industry sector? What information is available to support this? How could the regulations be modified to improve both economic growth and environmental protection? What data support this?

- Where can EPA examine market-based incentives as an option to regulation? What program would you design that utilizes market-based incentives and ensures environmental objectives are still met?
- How can a regulation be improved so as to create, expand or transform a market?
- Which regulations could be modified so as to invite public/private partnerships, and how?