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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, MAJORITY STAFF DIRECTOR
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October 25, 2012

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama,

The Regulatory Flexibility Act (5 U.S.C. § 602) requires federal agencies to publish in the *Federal Register* their regulatory agendas describing economically significant regulatory actions under development. The Act requires these agendas be published on a semiannual basis, specifically in April and October.

It has come to my attention, however, that the federal government is not adhering to this legal requirement. More specifically, your Administration has failed to publish its regulatory agenda since the fall of 2011.

Timely publication of the semiannual regulatory agenda is important to promote predictability and reduce uncertainty. Indeed, an accurate forecast of upcoming regulatory actions is important to affected businesses as well as state and local governments that, in many instances, share the burden of complying with federal mandates. As such, the semiannual reports required by the Regulatory Flexibility Act is a key tool that helps promote regulatory certainty, investment decisions, and a healthy economy.

As Ranking Member of the Senate Committee on Environment and Public Works, which has jurisdiction over the Environmental Protection Agency (EPA), my primary concern is with the Agency's refusal to be open and transparent about its regulatory agenda. Magnifying this concern is that EPA, in what appears to be a string of politically motivated decisions, has "punted" or put on hold until after the election a number of economically damaging regulations, including greenhouse gas regulations, strict mandates for ground-level ozone, as well as guidance which seeks to greatly expand EPA's authority to regulate waters of the U.S.

These concerns prompted me to issue a new report entitled "[A Look Ahead to EPA Regulations for 2013: Numerous Obama EPA Rules Placed On Hold until after the Election Spell Doom for Jobs and Economic Growth.](#)" This report attempts to enumerate the harmful regulatory and economic effects of the rules I know of; however, I believe there may be many more.

I request that you comply with the law and publish the federal government's regulatory calendar this month. Businesses and communities need to understand the future regulatory landscape in order to properly plan and invest in the economy.

Sincerely,



James M. Inhofe
United States Senator