



April 4, 2011

Improving Regulations Docket  
Environmental Protection Agency, EPA Docket Center  
Mailcode: 2822T  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460

RE: EPA's Plan for Retrospective Review under Executive Order 13563 (Docket ID: EPA-HQ-OA-2011-0156)

IPC – Association Connecting Electronics Industries appreciates the opportunity to comment on EPA's Plan for Retrospective Review under Executive Order 13563. These comments will focus on EPA's overall general plan for retrospectively reviewing regulations. IPC believes that EPA should expand upon the regulatory review process already required under Section 610 of the Regulatory Flexibility Act (RFA) to fulfill the obligation under the Executive Order rather than develop an entirely new process. When prioritizing regulations for retrospective review, EPA should consider regulations that have a significant impact on a considerable number of companies. IPC also suggests that the Office of Policy conduct the retrospective review of regulations rather than the office that promulgated the rule in order to ensure objectivity. An additional suggestion for establishing a robust regulatory review process is to restore the Office of Policy as an internal check for intra-agency review of regulations. The Office of Policy should review all EPA proposed regulations to ensure EPA regulations are not duplicative and result in effective regulations. By implementing these changes, EPA will institutionalize a regulatory review process and adequately address the mandate under the Executive Order.

IPC, a U.S. headquartered global trade association, represents all facets of the electronic interconnection industry, including design, printed board manufacturing and electronics assembly. Printed boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. IPC has more than 2,700 member companies, 1,700 of which are located in the U.S.

EPA must consider the potential impact of regulations on businesses' ability to compete in a global market place when reviewing regulations. U.S.-based companies tend to have more regulations to comply with than their international competitors because of the nature of our regulatory system. Complying with regulations requires a significant amount of resources that can be prohibitive. EPA's goal to protect human health and the environment should be balanced with the need to issue cost effective regulations that do not infringe upon a company's ability to compete. Cost effective environmental regulations are necessary to ensure domestic companies' competitiveness. IPC encourages EPA to strongly consider the impact of their regulations on company competitiveness and revise them accordingly.

EPA should expand upon the regulatory review process under Section 610 of the RFA in order to make the regulatory review process less perfunctory. Currently, EPA is required under the Section 610 review process to only review a significant regulation once, ten years after it was promulgated. EPA should establish a regular, more frequent process for reviewing regulations in order to identify a need for change sooner to benefit human health and the environment. Complying with and enforcing impractical, burdensome regulations for ten years is a waste of valuable time and resources by both industry and EPA. Having a more frequent schedule for reviewing regulations will ensure that any necessary amendments or revisions to regulations are identified quicker to effectively accomplish the overall goal of the regulation.

In developing a regulatory review process, EPA should implement effective public outreach measures. Solely publishing a notice in the Federal Register of a regulation undergoing a review is not sufficient. EPA should, at a minimum, hold public stakeholder meetings to increase transparency and solicit feedback from the regulated community. EPA should also reach out directly to stakeholders that originally commented on the regulation. Typically entities that filed comments are regulated by the rule. Those regulated by the rule are positioned to provide practical feedback on the burdens of the regulation and potential changes that would improve the regulation. EPA should conduct a regulatory review in the same manner as issuing a new regulation when garnering public input.

Reviewing regulations after they have been in effect for several years presents a unique opportunity to assess the real economic and environmental impacts of regulations. As the first step of a regulatory review, EPA should conduct quantitative studies that measure the actual environmental benefit of the regulation, or lack thereof. Additionally, the actual cost and benefits of the regulation, not just estimates, should be measured. Conducting a quantitative study on the actual environmental benefits of the regulation will allow EPA to evaluate whether environmental conditions have improved as a result of the regulation. Evaluating the environmental impacts will help to what extent whether the regulation has effectively and adequately accomplished its goal. Performing a quantitative study of the economic impacts of a regulation after it has been implemented will adequately show the real economic impacts of the regulation on the regulated community. In conducting the cost analysis, EPA should survey companies that must comply with the regulation in order to get an actual account of the economic impacts. Information on actual environmental benefits and economic impacts will inform EPA in order to make intelligent decisions on making any revisions to regulations.

Retrospective review of regulations should be conducted by the Office of Policy, not the office that promulgated the rule. The office within EPA that promulgates a rule is biased in favor of their rule and therefore may be unable to review their rule objectively. The Office of Policy would be objective in reviewing rules, which is essential to ensuring whether a rule should be changed. In reviewing revisions to regulations, the Office of Policy will also review regulations holistically, as a part of overall EPA regulation policy. Requiring the Office of Policy to conduct retrospective review of regulations will ensure regulations are looked at objectively and accomplish the intended goal without being duplicative of other EPA regulations.

EPA should use the mandate to develop a plan for retrospective review of regulations as an opportunity to further improve upon the current regulatory process. EPA should restore the

Office of Policy as the internal check for intra-agency review. The Office of Policy should review every proposed and final rule put forth by EPA. While this may extend the rulemaking process and prolong finalizing regulations, it will ensure that regulations are necessary, non-duplicative, and supportive of overall EPA goals prior to implementing a final regulation. Taking the time to conduct a rulemaking process correctly the first time will save time and resources in the long term. Should the Office of Policy review every significant EPA regulation, proposed and final, it will ensure cohesiveness among the Agency and ensure regulations are necessary, accomplish underlying goals, and are protective of human health and the environment. Restoring the Office of Policy as the internal check will implement a mechanism that will allow EPA to examine itself as a whole, minimizing the potential for duplicative, unnecessary regulations.

In conclusion, IPC believes EPA should expand upon the regulatory review process under Section 610 of the RFA by establishing a more frequent review process, conducting quantitative studies of actual environmental and economic impacts of regulations, and implementing more effective public outreach initiatives. Expanding the regulatory review process under Section 610 of the RFA will make the review process more robust and effective. EPA should also restore the Office of Policy as an internal check in order to further improve upon the regulatory process. Restoring the Office of Policy as an internal check will help ensure regulations are necessary and accomplish Agency goals. EPA should strongly consider these suggestions when developing their plan for retrospective review of regulations and addressing the mandate under Executive Order 13563.

Sincerely,

Stephanie Castorina  
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