

Introduction to the Fall 2021 Regulatory Plan

Executive Order 12866, issued in 1993, requires the annual production of a Unified Regulatory Agenda and Regulatory Plan. It does so in order to promote transparency – or in the words of the Executive Order itself, “to have an effective regulatory program, to provide for coordination of regulations, to maximize consultation and the resolution of potential conflicts at an early stage, to involve the public and its State, local, and tribal officials in regulatory planning, and to ensure that new or revised regulations promote the President's priorities and the principles set forth in this Executive order.” The requirements of Executive Order 12866 were reaffirmed in Executive Order 13563, issued in 2011.

We are now providing the first Regulatory Plan of the Biden-Harris Administration for public scrutiny and review. The regulatory plans and agendas submitted by agencies and included here offer blueprints for how the Administration plans to continue delivering on the President's agenda as we build back better. This agenda is fully consistent with the priorities outlined by the President as reflected in his executive orders and our previous regulatory agenda. We are proud to shine a light on the regulatory agenda as a way to share with the public how the themes of equity, prosperity and public health cut across everything we do to improve the lives of the American people.

These new plans build on significant progress the Administration has already made advancing our priorities and proving that our Government can deliver results—from confronting the pandemic, to creating a stronger and fairer economy, to addressing climate change and advancing equity. For example, since releasing the spring regulatory agenda, we have proposed or finalized regulatory protections to:

- **Protect the Public from COVID** – The Centers for Disease Control and Prevention (CDC) issued orders requiring all people to wear face masks while on public transportation and in transportation hubs. In addition, CDC issued Global Testing Orders for all international air travelers, strengthening protocols to protect travelers and the health and safety of American communities.
- **Combat Housing Discrimination.** Following President Biden's Presidential Memorandum directing his Administration to address racial discrimination in the housing market, the Department of Housing and Urban Development (HUD) published an interim final rule requiring HUD funding recipients to affirmatively further fair housing, including by completing an

assessment of fair housing issues, identifying fair housing priorities and goals, and then committing to meaningful actions to meet those goals and remedy identified issues.

- **Tackle the Climate Crisis.** The Environmental Protection Agency (EPA) took an important step forward to advance President Biden's commitment to action on climate change and protect people's health by proposing comprehensive new protections to sharply reduce pollution from the oil and natural gas industry – including, for the first time, reductions from existing sources nationwide. The proposed new Clean Air Act rule would lead to significant, cost-effective reductions in methane emissions and other health-harming air pollutants that endanger nearby communities.
- **Improve Pipeline Safety and Environmental Standards.** In a major step to enhance and modernize pipeline safety and environmental standards, the Department of Transportation issued a final rule that—for the first time—applies federal pipeline safety regulations to tens of thousands of miles of unregulated gas gathering pipelines. This rule will improve safety, reduce greenhouse gas emissions, and result in more jobs for pipeline workers that are needed to help upgrade the safety and operations of these lines.

In addition to these significant actions, the Administration has also made key progress advancing another core objective: effectively implementing the American Rescue Plan (ARP). Since the ARP went into effect in March, the Administration has promulgated 17 proposed and 32 final rules to get much needed relief to the communities across the country efficiently and equitably. For example:

- **The Department of Education** established requirements to ensure that state and local educational agencies consult members of the public in determining how to use school emergency relief funds, and develop plans for a safe return to in-person instruction.
- **The Department of Housing and Urban Development** finalized a rule so the agency could require that operators of project-based rental assistance housing (such as Section 8) notify tenants of the availability of emergency rent relief, and give tenants time to secure that relief.
- **The Small Business Administration** finalized a rule to deliver much needed support to small business by streamlining forgiveness of small loans under the Paycheck Protection Program (a program extended by the ARP Act).

In this agenda, we are adding important new measures under consideration to advance additional Administration priorities, including:

- **Uncovering Hidden Airline Service Fees.** The Department of Transportation plans to better protect consumers and improve competition by ensuring that consumers have ancillary fee information, including "baggage fees," "change fees," and "cancellation fees" at the time of ticket purchase. The Department also plans to examine whether fees for certain ancillary services should be disclosed at the first point in a search process where a fare is listed.
- **Stopping Super-Pollutants.** The EPA is considering restricting – fully, partially, or on a graduated schedule – the use of Hydrofluorocarbons (HFCs) in sectors or subsectors including the refrigeration, air conditioning, aerosol, and foam sectors. HFCs are potent greenhouse gases found in a range of appliances and substances, including refrigerators, air conditioners and foams, and have an impact on warming our climate that is hundreds to thousands of times greater than the same amount of carbon dioxide.
- **Transitioning Toward Zero-Emission Technologies.** The EPA plans to strengthen greenhouse gas emission standards for light- and heavy-duty vehicles, with an eye towards encouraging automakers to transition to zero-emission technologies. If implemented, the new standards would save consumers money, cut pollution, boost public health, advance environmental justice, and tackle the climate crisis.
- **Lowering Mental Health and Substance Use Treatment Costs.** The Department of Labor, Department of Health and Human Services, and Department of Treasury are considering changes to clarify health insurance plans' and issuers' obligations to cover mental health and substance use treatment in light of new legislative enactments and experience implementing the MHPAEA law since the last relevant rulemaking in 2014.
- **Increasing Access for People with Disabilities.** As part of the Administration's commitment to equity, the Department of Justice is exploring a new rule to ensure that individuals with disabilities can use sidewalks and other pedestrian facilities.

Between this regulatory agenda and the next in spring 2022, agencies will also be developing plans for implementing the Infrastructure Investment and Jobs Act (IIJA), historic legislation to rebuild crumbling

infrastructure, create good paying jobs, and grow our economy. These plans will provide greater detail on how agencies will administer new IIJA programs in a manner that delivers meaningful results to all Americans, strengthens American manufacturing, and advances climate resilience. These plans will provide an opportunity for the public to be partners in the implementation of the IIJA – and all government programs. Public engagement in IIJA implementation can only make it better and more responsive to what our families and communities most need.