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Thursday, 14 February 2013 12:38

Thirty-five Percent of Major Regulations Were Issued Without Public Notice

Written by [Raven Clabough](#)

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A report from the Government Accountability Office indicates that 35 percent of the major federal regulations issued from 2003 to 2010 were done so without public notice. Likewise, 44 percent of non-major regulations were also issued without public notice, also known as a Notice of Proposed Rulemaking (NPRM).



FEDERAL REGISTER
The Daily Journal of the United States Government

"During calendar years 2003 through 2010, agencies published 568 major rules and about 30,000 nonmajor rules," the [GAO said](#) in a December report to Congress. "[Federal] agencies published about 35 percent of major rules and about 44 percent of nonmajor rules without an NPRM during those years."

Federal law generally requires that regulations, both major and minor, be opened for public comment, allowing interested parties to read the rules and remark on them, potentially enacting changes to the proposed rules. The GAO report notes that the majority of the regulations published without a notice-and-comment period were done so because the government claimed to have "good cause" to do so. The federal government invokes "good cause" when it believes a comment period or comments are contrary to the public interest or if public notice may be deemed unnecessary or impractical.

In fact, of those regulations that were issued without public notice, 77 percent of the major rules utilized the "good cause" exception, as did 61 percent of the non-major rules.

And of those "good cause" exceptions, approximately 68 percent of them cited that public comment was against the public interest, while 55 percent asserted public notice was impractical, and another 49 percent claimed it was unnecessary.

According to the GAO, a major spike in the issuance of regulations without NPRM occurred under President Barack Obama. Under his presidency, the percentage of regulations issued without public notice jumped from 26 percent in 2008 to 40 percent in 2009.

"In particular, from 2008 to 2009, the percentage of major rules without an NPRM increased from 26 percent to 40 percent," [reported the GAO](#). "Agencies issued the largest numbers of major rules without an NPRM in 2009 and 2010 (34 in each year), though the percentage was higher in 2009 than in 2010."

The report from the Government Accountability Office also states that there has been an increase in the use of interim final rules, which [CNSNews.com indicates](#) are rules that are "effective immediately and issued without public notice but often allow public comment once they are used."

Interim rules are different from normal federal rules because they avoid the regular notice-and-comment period. Between the years of 2003 and 2010, 47 percent of all the rules without an NPRM were interim rules. A significant portion of that increase occurred under President Obama. From the years 2008 to 2009, the number of interim rules jumped from 11 percent in 2008 to 22 percent in 2010.

The GAO observes that many of those rules issued without public notice have been the most controversial, including items such as the moratorium on offshore drilling, Cash for Clunkers, and rules for the Troubled Assets Relief Program that began under George W. Bush and continued under President Obama.

The majority of the major rules issued without public notice were issued by the Department of Health and Human Services and the U.S. Department of Agriculture. [CNSNews.com](#) writes, "The HHS issued 38 percent of all major rules enacted without public comment while the USDA issued 24 percent."

The Government Accountability Office noted last year that the overall number of regulations increased dramatically under President Obama as well. According to [CNSNews.com](#), the Code of Federal Regulations had increased by 11,327 pages in just the last three years.

[CNSNews.com reported](#) that the 11,000-page increase is "a 7.4 percent increase from January 1, 2009 to December 31, 2011." The increase in 2009 was 3.4 percent, or 5,359 pages, which [CNSNews.com](#) writes was "the most over the last decade," that is, until last September.

And the increase in the number of pages of regulations under President Obama is massive when compared to President George

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W. Bush's first three years in office, when the publication grew by 4.4 percent.

Over the last 10 years, the federal government has imposed 38,000 new rules, bringing the total number of pages of rules to 169,301 at the end of 2011. In 1975, the annual report to Congress on federal regulations by the Office of Management and Budget was 71,244 pages.

Federal regulations are a significant factor impacting the rate of job growth. Randy Johnson of the U.S. Chamber of Commerce cites a Congressional Research Service analysis of a 2008 study that estimated the annual cost of compliance for all federal regulations at \$1.7 trillion that year.

CNSNews.com wrote:

Seventy percent of the regulations were economic, accounting for \$1.236 trillion of the annual cost. The other regulations were, in order of cost, environment regulations (\$281 billion), tax compliance (\$160 billion) and occupational safety and health and homeland security (\$75 billion).


To put those figures into perspective, economists at the Chamber of Commerce determined, based on that study, that if every U.S. household paid an equal share of the federal regulatory burden, each household would be responsible for \$15,586 in 2008.

Peter Schiff, economic expert and CEO of Euro Pacific Capital, testified before the House Sub-Committee on Government Reform and Stimulus Oversight on September 13, 2011 to address the negative impact of regulations on job growth.

He said, "Regulations have substantially increased the costs and risks associated with job creation. Employers are subjected to all sorts of onerous regulations, taxes, and legal liability."

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2 comments



Friday, 15 February 2013 00:50

posted by **Patty Reynolds**

This pattern started in 1913, with the Wall Street Bankers financing WWI, then the Russian Revolution, and all the UN wars through today.

The definition of the "Military Industrial Complex" might be seen as Fascism for the Transnational Corporations which makes Soviet style slaves of the population, with the exception of those who made the rules secretly and covertly apply to everyone but themselves. (All government officials, employees, bureaucrats, the President and Judiciary.)

Obama has taken the Federal Register to a new level of crime with Executive orders. Why won't our elected officials operate according to the rule of law, the Constitution of the United States for America ? The same reason they have changed the law: by rewriting the "Law of Nature" into the Universal Commercial Code (UCC), just for starters, then with the Federal Register, then with lobbyists lawyers that write the legislative bills that our elected bloated & corrupt representatives and Senators NEVER READ.


They have used the Socialist/Marxist methods of changing the meaning of everything over the last 100 years, and using the changes to completely destroy population's the memory of the Constitution, while they pay lip service to the Constitution occasionally, just so they can make people believe they are being lawful, while destroying the country through corruption over the last 100 years.

The root of the evil is and has been the Federal reserve, the real controller of the government through the paper counterfeit currency, which they have used through the Wall Street chosen Banks' derivative wars, which they believe they can use to charge the losses to the people (Bailouts !), by collateralizing the whole country since FDR.

Now the Chinese are buying our lands, thanks to the corrupt FED/Presidents, Congress and Supreme Court making it possible for our country to be taken over without a shot, by trading the devalued FRN denominated US bonds the Chinese government owns for US assets. This is already happening rapidly, with Chinese "free trade zones" being developed in America !

I guess we know why Jim Rogers moved his children to Singapore before it hit the fan in 2008. America has been sold out lock ,stock , and barrel; now they want to make us completely defenseless with the police state they are rapidly creating.

Comment Link




Thursday, 14 February 2013 17:21

posted by **IKV**

My progressive neighbor just commented the other day, "there are not enough regulations. If we just had more regulations, people would behave and do what right." All this was said while a person of dubious citizenship was busy doing yard work for him! The hypocrisy of the left is simply astonishing! Apparently this man believes the government can legislate morality and goodness through oppressive regulation. How does that differ from tyranny?

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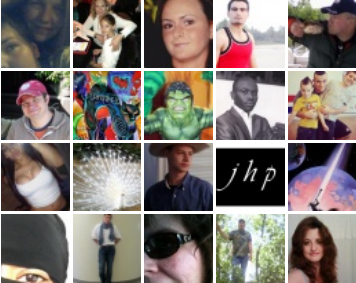
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