



Week in Regulation

Pool Pump Efficiency Standards Highlight Up-and-down Week

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Last week was a reasonably busy one in the pages of the Federal Register. There were 15 rulemakings with some measurable economic impact. Interestingly, like [the week](#) before it, costs and paperwork went in different directions. A Department of Energy (DOE) rule on efficiency standards for certain pool pumps drove the cost increase, but a Social Security Administration (SSA) measure to change how the agency considers work history in disability determinations brought paperwork down. Across all rulemakings, agencies published \$2.6 billion in total costs but cut nearly 390,000 annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 59
- Final Rules: 70
- 2023 Total Pages: 67,512
- 2023 Final Rule Costs: \$110.7 billion
- 2023 Proposed Rule Costs: \$421.3 billion

NOTABLE REGULATORY ACTIONS

The most significant action of the week in terms of costs was DOE's [rule](#) on "Energy Conservation Program: Energy Conservation Standards for Dedicated Purpose Pool Pump Motors." As the title suggests, the agency seeks to establish a set of energy efficiency standards for the [motors](#) "used to drive residential and small commercial pool pumps." This represents the sixth set of such standards [finalized thus far in 2023](#). At an estimated \$2.6 billion in total costs, it is the second costliest set of efficiency standards finalized under the Biden Administration – behind only a [rule](#) from last year regarding "general service lamps."

The net reduction in paperwork for the week primarily came from an SSA [proposed rule](#) on "Intermediate Improvement to the Disability Adjudication Process: Including How We Consider Past Work." The proposal would "revise the time period that we consider when determining whether an individual's past work is relevant for purposes of making disability determinations and decisions...from 15 to 5 years." The agency finds that such a long window is no longer useful and believes that focusing the review process on this shortened window will provide costs and time savings for both agency staff and those applying for disability status. In particular, SSA estimates that the rulemaking "will result in at least 938,735 hours of time savings in direct paperwork burden experienced by claimants."

TRACKING THE ADMINISTRATIONS

As we have already seen from [executive orders and memos](#), the Biden Administration will surely provide plenty of contrasts with the Trump Administration on the regulatory front. And while there is a general expectation that the current administration will seek to broadly restore Obama-esque regulatory actions, there will also be areas where it charts its own course. Since the AAF RegRodeo data extend back to 2005, it is possible to provide weekly updates on how the top-level trends of President Biden's regulatory record track with those of his two most recent predecessors. The following table provides the cumulative totals of final rules containing some quantified economic impact from each administration through this point in their respective terms.

TRACKING THE ADMINISTRATIONS

REGULATORY ACTIVITY FROM INAUGURATION DAY TO SEPTEMBER 29th (Year 3)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	671	\$428.8B	215.2M
TRUMP 2017	758	\$28.9B	58.1M
OBAMA 2009	992	\$264.7B	163.5M

LAST UPDATED: SEPTEMBER 29th, 2023 AMERICANACTIONFORUM.ORG

The pool pump efficiency rule discussed above provided essentially the entirety of the upward movement in the Biden Administration’s final rule cost total. The other two administrations saw some noticeable shifts as well. For the Trump Administration, the Department of Labor [rule](#) that rescinded the Obama-era “Overtime Rule” brought an estimated \$7.6 billion in cost savings, but also 2.6 million hours of additional paperwork. At this point during the Obama Administration, a Department of Education [rule](#) on how American Recovery and Reinvestment Act funds were disbursed to state educational systems made up the majority of a 1.2-million-hour

bump in annual paperwork burdens.

THIS WEEK'S REGULATORY PICTURE

This week, the Federal Aviation Administration (FAA) has a proposal on how to deal with an issue that sounds seemingly benign but actually has potentially serious implications: space trash.



Source: Photo by [NASA](#) on [Unsplash](#)

Last Tuesday, FAA published a [proposed rule](#) entitled: “Mitigation Methods for Launch Vehicle Upper Stages on the Creation of Orbital Debris.” In particular, the proposal seeks to “require that upper stages of commercial

launch vehicles and other components resulting from launch or reentry be removed from orbit within 25 years after launch.” This “orbital debris” is generally defined as “all such human-generated debris in Earth orbit that is greater than 5 millimeters (mm) in any dimension.” Bits and pieces of satellites measured in millimeters may not seem like a lot, but their size belies some of the hazards involved.

What matters more is the overall volume and speed of the debris in question. As FAA notes: “As of 2021, the number of orbital objects sized 10 centimeters (cm) or greater is estimated to be over 23,000. Recent debris projections estimate a total of half a million objects sized between 1 and 10 cm on orbit, and over 100 million objects larger than 1 mm.” Additionally, this debris can be travelling at “over 10 km per second,” or for context, “more than 11 times faster than a bullet.” Collisions at that speed could take out active spacecraft.

As with most areas of space policy, the mitigation of orbital debris is an inherently multi-faceted and global endeavor. For instance, “In this rulemaking, the FAA considers the U.S. Government Orbital Debris Mitigation Standard Practices and policies of NASA, Federal Communications Commission, National Oceanic and Atmospheric Administration , and the Inter-agency Space Debris Coordination Committee in an effort to establish common standards as the commercial space industry evolves and utilization of space grows.” The rulemaking itself, however, is primarily concerned with setting standards for the components involved in the “upper stages of commercial launch vehicles.” FAA estimates that the costs involved in formulating debris mitigation protocols will amount to nearly \$24 million over a 15-year period.

Interested parties have until December 26 to submit comments on the proposal.

TOTAL BURDENS

Since January 1, the federal government has published \$531.9 billion in total net costs (with \$110.7 billion in new costs from finalized rules) and 160.7 million hours of net annual paperwork burden increases (with 1.5 million hours in decreases from final rules).

Year

[Select All]

2023

2022

2021

2020

2019

2018

2017

2016

2015

2014

2013

2012

2011

2010

2009

2008

2007

2006

2005

Total Number of
Regulations
Finalized

164

Total Finalized Cost

\$110.7b

Paperwork Hours

-1,523,095