

Notable Rules and Rulemakings by Agency

In recent Unified Agenda editions and in other venues, federal agencies have noted the regulatory initiatives listed below, among many others pending or recently completed. The full list of the 332 economically significant rules in the fall 2022 Agenda pipeline appears in Appendix: Historical Tables, Part G.

Department of Agriculture

- Inclusive Competition and Market Integrity under the Packers and Stockyards Act, from the Agricultural Marketing Service³³²
- Rural Broadband Grant, Loan, and Loan Guarantee Program; Rural E-Connectivity Program (ReConnect Program)
- Standards for Birds Not Bred for Use in Research under the Animal Welfare Act³³³
- Establishment of a domestic hemp production program
- Revision of the nutrition facts panels for meat and poultry products and updating of certain reference amounts customarily consumed
- Supplemental Nutrition Assistance Program: procedural requirements for households that have zero gross countable income and include a work registrant
- Coronavirus Food Assistance Program
- Conservation Stewardship Program
- National Bioengineered Food Disclosure Standard
- Mandatory country-of-origin labeling of beef, fish, lamb, peanuts, and pork
- National school lunch and school breakfast programs: nutrition standards for all

foods sold in schools and certification of compliance with meal requirements for the National School Lunch Program, including milk, grains, and sodium (based in the Healthy, Hunger-Free Kids Act of 2010)³³⁴

- Standards for grades of canned baked beans³³⁵
- Rural Energy for America Program
- Mandatory inspection of catfish and catfish products
- Multifamily housing reinvention
- Inspection regulations for eggs and egg products
- Performance standards for ready-to-eat processed meat and poultry products
- Modernization of poultry slaughter inspection

Department of Commerce

- Taking and importation of marine mammals: taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of Mexico
- Setting and adjustment of patent fees during FY 2020
- Right whale ship strike reduction

Department of Defense

- Revised Definition of “Waters of the United States” Rules 1 and 2 (0710-AB40 and 0710-AB47)
- Assessment of contractor implementation of cybersecurity requirements
- Cybersecurity Maturity Model Certification program
- National Industrial Security Program Operating Manual

Department of Education

- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance³³⁶
- Gainful employment rule to prepare students for employment in a recognized occupation
- Proposed priorities, requirements, definitions, and selection criteria: Striving Readers Comprehensive Literacy Program
- Income-driven “pay as you earn” program

Department of Energy

- Energy Conservation Program: Energy Conservation Standards for General Service Lamps (Biden phaseout of the Trump rescue of the traditional light bulb)³³⁷
- Energy efficiency and conservation standards for the following: natural gas furnaces;³³⁸ ceiling fans; manufactured housing; automatic commercial ice makers; wine chillers; battery chargers and power supplies; televisions; residential dehumidifiers; computer servers and computers; walk-in coolers and freezers; residential furnace fans, boilers, central air conditioners, heat pumps, dishwashers, conventional cooking products, and nonweatherized gas furnaces; mobile home furnaces and gas furnaces; electric distribution transformers; commercial refrigeration units, heat pumps, and water-heating equipment; clothes washers and dryers; room air conditioners; portable air conditioners; pool heaters and direct heating equipment; fluorescent and incandescent lamps; metal halide lamp fixtures; small electric motors; and refrigerated bottled or canned beverage vending machines
- Proposed rule on Executive Order 13920, “Securing the United States Bulk-Power System”
- Fossil fuel-generated energy consumption reduction for new federal build-

ings and major renovations of federal buildings

- Loan guarantees for clean energy projects
- Incentive program for manufacturing advanced technology vehicles

Department of Health and Human Services

- Nutrient content claims, definition of the term “healthy”³³⁹
- FDA amendments to “Canned Tuna Standard of Identity”³⁴⁰
- Additional policy and regulatory revisions in response to the COVID-19 public health emergency; temporary increase in federal medical assistance percentage
- Salt: voluntary sodium reduction goals: target mean and upper bound concentrations for sodium in commercially processed, packaged, and prepared foods; guidance for industry
- Criteria for an expedited coverage pathway to provide Medicare beneficiaries with faster access to innovative and beneficial technologies³⁴¹
- Medical product “intended use” regulations describing the types of evidence relevant to determining whether a product is intended for use as a drug or device³⁴²
- Clinical Laboratory Improvement Amendments and Patient Protection and Affordable Care Act; additional policy and regulatory revisions in response to the COVID-19 public health emergency
- Medical devices; ear, nose and throat devices; establishment of over-the-counter hearing aids
- Requirements for additional traceability records for certain foods
- Requirements related to surprise billing (also departments of Labor and the Treasury and Office of Personnel Management)
- COVID-19 hoarding prevention under the Defense Production Act

- Frozen cherry pie: proposed revocation of a standard of identity and a standard of quality³⁴³
- Tobacco product standard for characterizing flavors in cigars
- Requirements for additional traceability records for certain foods
- General and plastic surgery devices: restricted sale, distribution, and use of sunlamp products
- Prohibition of sale of tobacco products to persons younger than 21 years of age
- Medicaid programs reducing provider and patient burden and promoting patients' electronic access to health information
- Hospice wage index, payment rate update, and quality reporting requirements
- Revisions to payment policies under the Physician Fee Schedule and other revisions to Medicare Part B
- Modernization and clarification of physician self-referral regulations
- Hospital inpatient prospective payment systems for acute care hospitals, the Long-Term Care Hospital Prospective Payment System, and FY 2021 rates
- Sunscreen drug products for over-the-counter human use guidance
- FDA "Medical Device Quality System" rules to "amend the device current good manufacturing practice requirements (CGMP) of the Quality System (QS) Regulation" by incorporating an international standard specific for device quality management systems³⁴⁴
- Rules deeming electronic cigarettes addictive and regulating them and components under the Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, and being subjected to warning labels and sale restrictions and maximum nicotine levels³⁴⁵
- Ban on menthol cigarettes and prohibition of flavored cigars³⁴⁶
- Required warnings for cigarette packages and advertisements
- Food labeling: serving sizes of foods that can reasonably be consumed at one eating occasion; dual-column labeling; modification of certain reference amounts customarily consumed
- Nutrition labeling for food sold in vending machines and for restaurant menu items
- Food labeling: trans-fatty acids in nutrition labeling, nutrient content claims, and health claims
- Rule on safety and effectiveness of consumer antibacterial soaps ("Topical Antimicrobial Drug Products for Over-the-Counter Human Use");³⁴⁷ consumer antiseptics
- Federal policy for the protection of human subjects
- "Nonclinical Considerations for Mitigating Nonhuman Primate Supply Constraints Arising from the COVID-19 Pandemic; Guidance for Industry; Availability"³⁴⁸
- Criteria for determining whether a drug is considered usually self-administered
- Substances prohibited from use in animal food or feed; registration of food and animal feed facilities
- Updated standards for labeling of pet food
- Sanitary transportation of human and animal food
- Focused mitigation strategies to protect food against intentional adulteration
- Produce safety regulation
- Mammography quality standards
- Fire safety and sprinkler requirements for long-term care facilities
- Pediatric dosing for various over-the-counter cough, cold, and allergy products
- Rule on comprehensive care for joint replacement
- Medication-assisted treatment for opioid use disorders reporting requirements
- Patient Protection and Affordable Care Act; standards related to essential health benefits, actuarial value, and accreditation; Medicaid, exchanges, and children's health insurance programs: eligibility, appeals, and other provisions
- Revisions to promote patients' electronic access to health care information and improve interoperability for Medicare-

- and Medicaid-participating providers and suppliers
- Good manufacturing practice in manufacturing, packing, or holding dietary ingredients and dietary supplements
- Good manufacturing practice regulations for finished pharmaceuticals
- Prior authorization process for certain durable medical equipment, prosthetic, orthotics, and supplies
- Barcode label requirements for human drug products and blood

Department of Homeland Security

- Computer-Assisted Passenger Prescreening System, providing government access to passenger reservation information
- “REAL ID”: minimum standards for driver’s licenses and identification cards acceptable by federal agencies for official purposes; mobile driver’s licenses³⁴⁹
- Removal of H-4 dependent spouses from the classes of aliens eligible for employment authorization
- Affidavit of support on behalf of immigrants
- Collection and use of biometrics by U.S. Citizenship and Immigration Services; collection of biometric data from aliens upon entry to and exit from the United States
- Western Hemisphere Travel Initiative: noncompliant traveler fee
- Air cargo advance screening
- Visa Security Program fee
- Establishment of a fixed time period of admission and an extension of stay procedure for nonimmigrant academic students, exchange visitors, and representatives of foreign information media
- Cost of assistance estimates in the disaster declaration process for the Public Assistance Program
- Emergency Management Priorities and Allocations System
- COVID-19 hoarding prevention under the Defense Production Act
- Passenger screening using advanced body imaging technology

- Importer security filing and additional carrier requirements
- Air cargo screening and inspection of towing vessels

Department of Housing and Urban Development

- Revision of manufactured home construction and safety standards regarding location of smoke alarms
- Institution of smoke-free public housing³⁵⁰
- Regulation of Fannie Mae and Freddie Mac on housing goals
- Regulations within the Real Estate Settlement Procedures Act pertaining to mortgages and closing costs
- Establishment of a more effective fair-market rent system; use of small-area fair-market rents in Housing Choice Voucher Program (modification of income and rent determinations in public and assisted housing)

Department of the Interior

- Revised requirements for well plugging and platform decommissioning
- Revisions to the requirements for exploratory drilling on the Arctic Outer Continental Shelf
- Endangered and threatened wildlife and plants: removal of the gray wolf from the List of Endangered and Threatened Wildlife
- Increased safety measures for oil and gas operations and exploratory drilling on the Arctic Outer Continental Shelf³⁵¹
- Blowout prevention for offshore oil and gas operations

Department of Justice

- Regulation of “ghost guns” and build-your-own kits: “Definition of ‘Frame or Receiver’ and Identification of Firearms”³⁵²
- Nondiscrimination on the basis of disability: accessibility of Web information and services of state and local governments

- Regulation of telepharmacy practice³⁵³
- National standards to prevent, detect, and respond to prison rape
- Retail sales of scheduled listed chemical products

Department of Labor

- Employee Benefits Security Administration's "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights"³⁵⁴
- Improvement of tracking of workplace injuries and illnesses (amending Occupational Safety and Health Administration occupational injury and illness electronic recordkeeping requirements)³⁵⁵
- Recission of Trump-era "Apprenticeship Programs, Labor Standards for Registration"³⁵⁶
- Reclassification of independent contractors as employees³⁵⁷
- "Nondisplacement of Qualified Workers under Service Contracts"³⁵⁸
- Conflict-of-interest in financial investment advice
- "Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings"³⁵⁹
- Tip regulations under the Fair Labor Standards Act
- Independent contractor status under the Fair Labor Standards Act
- Overtime rule: "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees"³⁶⁰
- Establishment of a minimum wage for contractors (Executive Order 13658)
- Establishment of paid sick leave for businesses that contract with the federal government (in response to Executive Order 13706)³⁶¹
- Walking-working surfaces and personal fall protection systems (slips, trips, and fall prevention)³⁶²
- Hearing conservation program for construction workers
- Rules regarding confined spaces in construction: preventing suffocation and explosions

- Reinforced concrete in construction
- Prevention of back-over injuries and fatalities
- Cranes and derricks
- Protective equipment in electric power transmission and distribution
- Refuge alternatives for underground coal mines
- Combustible dust
- Injury and illness prevention program
- Application of the Fair Labor Standards Act to domestic service
- Occupational exposure to styrene crystalline silica, tuberculosis, and beryllium³⁶³
- Implementation of the health care access, portability, and renewability provisions of the Health Insurance Portability and Accountability Act of 1996
- Group health plans and health insurance issuers relating to coverage of preventive services under the Patient Protection and Affordable Care Act
- Process safety management and prevention of major chemical accidents

Department of Transportation

- "Guidance Regarding Interpretation of Unfair and Deceptive Practices"³⁶⁴
- "Seat Belts in Limousines" (mandated in the Bipartisan Infrastructure Law)³⁶⁵
- Advanced impaired driving technology
- Enhancement of transparency of airline ancillary service fees³⁶⁶
- "Accessible Lavatories on Single-Aisle Aircraft: Part 2" (toilets in new single-aisle aircraft be large enough for a passenger with a disability)³⁶⁷
- National Highway Traffic Safety Administration (NHTSA) "Notice" on "Cybersecurity Best Practices for the Safety of Modern Vehicles"³⁶⁸
- NHTSA automated vehicles "occupant protection" safety standards for occupants regardless of internal design differences from traditional vehicles³⁶⁹
- NHTSA allowance for certification of adaptive driving beam headlamps to "permit this technology and establish performance requirements for these systems to ensure that they operate safely"³⁷⁰

- Quiet car rule; minimum sound requirements for hybrid and electric vehicles³⁷¹
- Electronic logging device revisions (hours of service, rest, and sleep for truck drivers)³⁷²
- “Unique Electronic Identification of Commercial Motor Vehicles”³⁷³
- Refunding of fees for delayed checked bags and ancillary services that are not provided³⁷⁴
- Federal Aviation Administration rule on operation and certification of drones and near critical infrastructure facilities³⁷⁵ (discretionary waivers³⁷⁶)
- Flight attendant work-hour limitations and rest period requirements³⁷⁷
- NHTSA Federal Motor Vehicle Safety Standard 150: vehicle-to-vehicle communication
- Rear seat belt reminder system
- Retroreflective tape and underride guards for single-unit trucks
- Medium and heavy-duty fuel efficiency standards
- Establishment of side-impact performance requirements for child restraint systems
- Corporate Average Fuel Economy standard civil penalties
- Safer Affordable Fuel-Efficient Vehicles Rules for passenger cars and light trucks
- High-Speed Intercity Passenger Rail Program; Buy America program requirements
- Federal Motor Carrier Safety Administration and NHTSA rule on speed limiters for commercial vehicles and electronic stability control systems for heavy vehicles
- “Train Crew Size Safety Requirements”³⁷⁸
- NHTSA rule on lighting and marking on agricultural equipment³⁷⁹
- Minimum training requirements for entry-level commercial motor vehicle operators and for operators and training instructors of multiple-trailer combination trucks³⁸⁰
- Requirement for installation of seat belts on motor coaches; rear center lap and shoulder belt requirement; seat belt reminder system
- Carrier safety fitness determination
- Standard for rearview mirrors
- Commercial driver’s license drug and alcohol clearinghouse
- Automotive regulations for car lighting, door retention, brake hoses, daytime running-light glare, and side-impact protection
- Federal Railroad Administration passenger equipment safety standards amendments
- Rear-impact guards and others safety strategies for single-unit trucks
- Amendments for positive train control systems
- Aging aircraft safety
- Upgrade of head restraints in vehicles
- Registration and training for operators of propane tank-filling equipment
- Monitoring systems for improved tire safety and tire pressure
- Hazardous materials: transportation of lithium batteries
- Pipeline and Hazardous Materials Safety Administration rule on safety of onshore gas gathering pipelines³⁸¹

Department of the Treasury

- Prohibition of funding of unlawful Internet gambling
- New grape variety names approved for American wines³⁸²
- Numerous Small Business Administration Business Loan Program changes and provisions related to loan forgiveness; Paycheck Protection Program
- Provisions pertaining to certain transactions by foreign persons involving real estate in the United States
- Financial Crimes Enforcement Network “Beneficial Ownership Information Reporting Requirements” consisting of anti-money laundering program and suspicious activity report filing requirements for investment advisers and certain investments in the United States by foreign persons,³⁸³ and provisions pertaining to cross-border electronic transmittals of funds
- Prohibitions and restrictions on proprietary trading and certain interests

in, and relationships with, hedge funds and private equity funds

- Margin and capital requirements for covered swap entities
- Regulatory capital rule: temporary exclusion of U.S. Treasury securities and deposits at Federal Reserve Banks from the supplementary leverage ratio
- Regulatory capital rule: Paycheck Protection Program lending facility and Paycheck Protection Program loans
- Assessment of fees for large bank-holding companies and other financial entities supervised by the Federal Reserve to fund the Financial Research Fund (which includes the Financial Stability Oversight Council)
- Troubled Asset Relief Program standards for compensation and corporate governance

Architectural and Transportation Barriers Compliance Board

- Americans with Disabilities Act accessibility guidelines for passenger vessels
- Information and communication technology standards and guidelines

Consumer Financial Protection Bureau

- Proposed rule regulating business practices on payday and vehicle title loans³⁸⁴

Commodity Futures Trading Commission and Securities and Exchange Commission

- “Form PF; Reporting Requirements for All Filers and Large Hedge Fund Advisers”³⁸⁵

Securities and Exchange Commission

- Proposal “to remove the reference to credit ratings, substitute alternative mea-

asures of creditworthiness, and impose related recordkeeping obligations in certain instances”³⁸⁶

Consumer Product Safety Commission

- Safety standard for crib mattresses³⁸⁷
- Rulemaking on clothing storage units owing to “an unreasonable risk of injury and death, particularly to children, associated with clothing storage units (CSUs) tipping over”³⁸⁸
- Regulatory options for table saws
- Petition for rulemaking to eliminate accessible cords on window covering products
- Flammability standards for upholstered furniture and bedclothes
- Testing, certification, and labeling of certain consumer products
- Banning of certain backyard play sets
- Product registration cards for products intended for children
- Safety standard for children’s folding chairs and stools

Environmental Protection Agency

- Post-Trump mercury rule restoration³⁸⁹
- Control of air pollution from aircraft engines: emission standards and test procedures for civil subsonic jet airplanes, to parallel U.S. policies with those of the UN International Civil Aviation Organization³⁹⁰
- National Emission Standards for Hazardous Air Pollutants (NESHAP): primary copper smelting residual risk and technology review and primary copper smelting area source technology review³⁹¹
- Control of air pollution from new motor vehicles: heavy-duty engine and vehicle standards;³⁹² restrictions on certain uses of hydrofluorocarbons under Subsection (i) of the American Innovation and Manufacturing Act Multi-pollutant emissions standards for model years 2027 and later light-duty and medium-duty vehicles

- NESHAP: coal- and oil-fired electric utility steam-generating units—review of the residual risk and technology review
- National Primary Drinking Water Regulations for lead and copper: regulatory revisions
- “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters”—amendments
- Review of dust-lead postabatement clearance levels
- Reclassification of major sources as area sources under Section 112 of the Clean Air Act
- Oil and natural gas sector: emission standards for new, reconstructed, and modified sources reconsideration
- Performance standards for new residential wood heaters
- Model trading rules for greenhouse gas emissions from electric utility generating plants constructed before January 7, 2014
- Financial responsibility requirements under Comprehensive Environmental Response, Compensation, and Liability Act Section 108(b) for classes of facilities in the hard-rock mining industry
- Clean air visibility; ozone implementation rules
- Effluent limitations guidelines and standards for the steam electric power generating point source category
- Revision of stormwater regulations to address discharges from developed sites
- Formaldehyde emissions standards for composite wood products
- National emission standards for hazardous air pollutants from certain reciprocating internal combustion engines and auto paints
- Review of National Ambient Air Quality Standards for lead, ozone, sulfur dioxide, particulate matter, and nitrogen dioxide
- Revision of underground storage tank regulations: revisions to existing requirements and new requirements for secondary containment and operator training
- Rulemakings regarding lead-based paint and the Lead Renovation, Repair, and Painting Program for public and commercial buildings
- Standards for cooling water intake structures
- Standards of performance for municipal solid waste landfills
- Control of emissions from nonroad spark-ignition engines, new locomotives, and new marine diesel engines

Federal Communications Commission

- Implementation of the Infrastructure Investment and Jobs Act: prevention and elimination of digital discrimination³⁹³
- Targeting and elimination of unlawful text messages (“Do not originate” on text messages)³⁹⁴
- Establishment of the Digital Opportunity Data Collection³⁹⁵
- Protection from national security threats to the communications supply chain through Federal Communications Commission (FCC) programs³⁹⁶
- Rural telehealth: allocation of resources for rural health care providers to access broadband and telecommunications services³⁹⁷
- Acceleration of wireline and wireless broadband deployment by removing barriers to infrastructure investment by “better align[ing] financial incentives of utilities and attachers with respect to pole replacements”³⁹⁸
- Protection of the privacy of customers of broadband and other telecommunications services³⁹⁹
- Allocation of spectrum for nonfederal commercial space launch operations⁴⁰⁰
- Expansion of the economic and innovation opportunities of spectrum through incentive auctions
- Processing of applications in the direct broadcast satellite (DBS) service; feasibility of reduced orbital spacing for provision of DBS service in the United States

- Restoration of Internet freedom; protection and promotion of the open Internet
- Broadband for passengers aboard aircraft
- Satellite broadcasting signal carriage requirements
- Robocall mitigation strategies⁴⁰¹

Federal Acquisition Regulation

- Disclosure of greenhouse gas emissions and climate-related financial risk⁴⁰²
- Cyberthreat and incident reporting and information sharing
- Prohibition on contracting with entities using certain telecommunications and video surveillance services or equipment

Federal Deposit Insurance Corporation

- Standardized approach for risk-weighted assets
- Margin and capital requirements for covered swap entities

Federal Energy Regulatory Commission

- Funding and planning of major transmission projects: “Building for the Future through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection”⁴⁰³
- Critical infrastructure protection reliability standards

Federal Permit Improvement Steering Council

- Addition of land revitalization as a sector of projects eligible for coverage under Title 41 of the Fixing America’s Surface Transportation Act

Federal Reserve System

- Exception of certain guaranteed loans made (executive officers, directors, and principal shareholders of member banks) under the Small Business Administration’s Paycheck Protection Program from the requirements of the Federal Reserve Act and the associated provisions of the Board’s Regulation O⁴⁰⁴

Federal Trade Commission

- Amendments to Energy Labeling Rule that “requires energy labeling for major home appliances and other consumer products to help consumers compare the energy usage and costs of competing models”⁴⁰⁵

National Transportation Safety Board

- Commercial space tourism regulations⁴⁰⁶

Office of Personnel Management

- Multistate exchanges: implementations for Affordable Care Act provisions
- Paid parental leave and miscellaneous provisions of the Family and Medical Leave Act

Surface Transportation Board

- Reciprocal switching in rail service⁴⁰⁷