# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:** United States Environmental Protection Agency (EPA); Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process; Advance Notice of Proposed Rulemaking; Docket ID No. EPA-HQ-OA-2018-0107

**Overview of Notice:**

On June 13, 2018, the United States Environmental Protection Agency (EPA) issued an advance notice of proposed rulemaking (ANPR) to take comment on various issues related to the EPA’s consistency and transparency when considering costs and benefits in the rulemaking process. The EPA also solicited comment on whether and how the EPA should promulgate regulation to provide a consistent and transparent interpretation during the consideration of costs and benefits when making regulatory decisions.

**Summary of Comments:**

* The Texas Commission on Environmental Quality (TCEQ) supports the EPA’s efforts at increasing consistency and transparency in how the EPA considers costs and benefits in the rulemaking process. If the EPA decides to implement this process through guidance rather than rulemaking, then the public should still be given an opportunity to comment on the guidance before it is finalized.
* There are numerous examples of inconsistency and lack of transparency in how the EPA determines and considers costs and benefits in the regulatory process.
* The EPA must begin providing complete and clear information on how the costs and benefits of regulations are determined if the EPA wants to meaningfully improve transparency in how it considers costs and benefits**.**
* The EPA needs to better quantify and take into consideration the total costs to state and local agencies.
* Stranded costs may need to be taken into consideration during some circumstances, such as regulatory actions where the EPA expects that facilities will cease operations rather than incur the costs of compliance with the regulation.
* The EPA should only consider domestic costs and benefits during regulatory actions unless there is specific congressional authorization to consider international impacts.
* The EPA should consider establishing a requirement or policy that extended comment periods will be provided on substantial or wide-reaching regulatory actions with significant costs or benefits to allow for more meaningful review of the EPA’s determination and evaluation of those costs and benefits. The EPA should establish deadlines for either approving or denying extension requests.
* The TCEQ supports the removal of co-benefits calculations in RIAs, as those benefits are achieved in other rules
* Because of the important role that benefits estimations play in policy decisions (Executive Order 12866) and in communicating benefits to the public, the EPA should either discontinue calculating benefits achieved at pollutant concentration ranges where the available concentration-response data are highly uncertain or provide some accounting mechanism, such as a weighting factor, to limit the bias of the current process.
* The EPA should attempt to strike a balance between standard term definitions and the need to accomplish important environmental goals.

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**Deadline (Submittal Due Date):** July 13, 2018