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THE WHITE HOUSE
WASHINGTON

DK

GIVE TO PRESIDENT MONDAY

I'VE GIVEN DAVID RUBENSTEIN
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12/22/80
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MEMORANDUM TO THE PRESIDENT

FROM: Jim McIntyre
SUBJECT: Upcoming Regulatory Actions

The purpose of this memorandum is to inform you of significant regulatory actions that are planned to be taken by executive agencies prior to January 20. For each regulatory action, I have described the nature of action, its impacts and an estimate of its costs when available.

With the exception of Department of Labor proposed rule on the Service Contract Act, I do not recommend that any of the actions be postponed.

1. Service Contract Act Regulations (DOL)

- \$68 million annually (DOL); \$100 to \$250 million annually (CWPS).
- Service Contract Act extends the David-Bacon philosophy of prevailing labor rates to government contracts.
- Regulations would extend coverage to service workers in timber sales and research development.
- DOL will issue proposed regulations prior to January 20 unless directed to delay issuance.

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2. Nursing Home Conditions for Participation in Medicare/Medicaid (HHS)

- Cost of complete regulation \$60 million (HHS) to \$500 million (industry) annually.
- Sets requirements on nursing homes to continue participating in Medicare or Medicaid.
- Current plans are to go final with only one provision on patients' rights. Cost estimates range from \$10 million (HHS) to \$150 million (industry).
- Despite the significant reduction in scope, the regulation is still controversial.

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3. Heavy Duty Diesel Particulate Standards (EPA)

- Total capital costs during model years 1983 to 1985 projected to be \$100 million.
- The Clean Air Act requires these standards for 1981 models, but delays have occurred due to development of required test procedures.
- Originally EPA wanted to propose standards by the end of this year. However, with the Administration intent to provide regulatory relief to the auto industry, their plans are now unclear.

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4. Hazardous Waste Management Regulations (EPA)

- CEQ estimates the total ten-year cost of hazardous waste regulations to be over \$19 billion. EPA estimated its initial May 1979 requirements to cost \$500 million annually.
- The Resource Conservation and Recovery Act (RCRA) requires EPA to control the treatment, storage, and disposal of hazardous wastes. The May 1979 regulations establishing EPA's implementation of RCRA were very controversial, and are currently being amended.
- EPA intends to finalize parts of the May regulations issued as "interim final" including financial responsibility requirements for disposal facilities. By mid-January, EPA wants to propose very controversial standards controlling land disposal.

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5. Regulations affecting the Chemical Industry (Toxic Substances Control Act)

- CWPS estimates that annual costs will be relatively small (up to \$13 million), but there also may be serious impacts on chemical development and innovation.
- EPA is pressing for promulgated rules for the pre-manufacturing notification for new chemicals. This is being held up pending public comment on a regulatory analysis which is due mid-January. A final rule is not expected until after January 20. OMB has final review and approval authority over this program under the Federal Reports Act.

- Proposed requirements asking manufacturers to put warning labels on containers in Commerce are being jointly developed by OSHA and EPA. A draft regulatory analysis is under preparation and will be reviewed by OMB prior to proposal.

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6. Occupational Noise Exposure Regulations (DOL/OSHA)

- \$254 million annually (DOL) for complete program, incremental cost is about \$60-70 million. .
- This regulation continues the noise level standards now in effect, and requires employers to monitor noise levels and to provide hearing protection devices to employees exposed to noise levels exceeding the standard.
- Proposal occurred in 1974; two public hearings were held; testimony and written comments of about 25,000 pages have been received and evaluated.
- The final regulations now being prepared are a scaled down version of the proposal.
- The regulation is scheduled to be issued final prior to January 20.