

Environment Alert

March 17, 2017

EPA and Other Agencies to Seek Comment on Ways to Improve “Efficiency, Effectiveness and Accountability”

President Trump has given executive branch agencies 180 days to conduct an internal review and to propose, with input from public stakeholders, reorganization plans to “improve the efficiency, effectiveness, and accountability of that agency.” White House, *Comprehensive Plan for Reorganizing the Executive Branch (March 13, 2017)*. Agency plans are to include recommendations to eliminate unnecessary agencies, components of agencies and agency programs, and to merge functions, as well as recommendations for legislation or administrative measures necessary to achieve the proposed reorganization. Specifically, the plans must consider:

- whether some or all of the functions of an agency, a component or a program are appropriate for the federal government or would be better left to state or local governments or to the private sector through free enterprise
- whether some or all of the functions of an agency, a component or a program are redundant, including with those of another agency, component or program
- whether certain administrative capabilities necessary for operating an agency, a component or a program are redundant with those of another agency, component or program
- whether the costs of continuing to operate an agency, a component, or a program are justified by the public benefits that it provides
- the costs of shutting down or merging agencies, components, or programs, including the costs of addressing the equities of affected agency staff.

As part of this effort, the Office of Management and Budget (OMB) will publish a notice in the *Federal Register* requesting comment from affected stakeholders and members of the public. Even before the release of any such notice, however, businesses should consider how to use this administrative review to protect and advance core interests.

The executive order is just one of a string of recent actions by the President and his senior staff reinforcing the administration’s willingness to break from the policies of President Obama and prior administrations, and to reshape federal regulatory and administrative policies in the executive branch. Indeed, just days after issuing the Agency Accountability Executive Order, the administration released a proposed budget blueprint for 2018 that would slash the budgets of key regulatory agencies like the Environmental Protection Agency and eliminate others. Members of the regulated community, like other interested stakeholders, should use both the public-comment opportunity and other communications

channels to ensure that the administration considers their priorities before retaining, changing or eliminating federal policies and the policymaking agencies that implement them.

Akin Gump lawyers and policy advisors are well-positioned to assist clients with efforts to review their own interests and priorities and to work with administration and legislative officials to keep these interests at the forefront of the federal review effort.

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