

The Administrative State: Rulemaking

One of the Obama administration's first acts was to delay all Bush administrative rules pending at the end of the Bush administration: that delay meant any rule that was still in process or had been finalized (but for which the 30- or 60-day waiting period had not passed) was put on hold. Many of the delayed rules pertained to environmental policy matters. Since then, the Obama administration has taken various actions with respect to these rules: extending public comment periods, terminating the rules, or allowing them to be implemented.

The Republican U.S. Senator for whom you work is concerned with the Obama administration's handling of these regulations. She has asked you to review the Federal Register and news coverage and to prepare a 1-1/2 page memo outlining an Bush administrative rule pertaining to the environment which was affected by the Obama's administration's action, the current status of the rule, and the accompanying political debate.

Please provide the following information in your memo:

1. The government agency responsible for issuing the rule.
2. The date the rule was published and its proposed implementation date (if applicable).
3. A brief explanation of the law providing the agency with authority to issue the rule.
4. A brief synopsis of what the rule would accomplish if implemented.
5. A brief explanation of how the rule is viewed by proponents and opponents of the rule.
6. The current status of the rule under the Obama administration.
7. Include a list of sources you've referenced at the end of the memo. (This doesn't count toward the 1 1/2 pages.)

To compile this memo, please examine the original rule in some detail (look at the most useful parts; don't get bogged down in the details). Examine the links to press coverage provided, and search for additional sources as is useful.

Please choose from the following three rules. You will need to find the full rule by searching at:

<http://www.regulations.gov>

1. Department of Agriculture. Action: Final Rule. "Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts; Final Rule." January 15, 2009.

<http://www.cqpolitics.com/wmspage.cfm?docID=news-000003057598>

<http://southeastfarmpress.com/news/agricultural-trade-0223/>

<http://www.foodproductiondaily.com/Supply-Chain/Stricter-meat-labelling-urged-in-US>

2. Department of Commerce. Action: Final Rule. "Taking and Importing Marine Mammals; U.S. Navy Training in the Southern California Range Complex; Final Rule." January 21, 2009.

<http://www.nrdc.org/media/2009/090123.asp>

<http://www.military.com/news/article/noaa-sets-rules-for-navy-sonar-training.html>

3. Department of the Interior. Action: Advanced notice of proposed rule-making. "Request for Comments on the Draft Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2010 and Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Proposed 5-Year Program."

http://www.doi.gov/news/09_News_Releases/021009.html

<http://hamptonroads.com/2009/02/interior-secretary-chief-wont-halt-offshore-drilling-plan>

<http://www.sciam.com/article.cfm?id=obama-administration-seek>

Potentially useful sites for researching these issues include:

<http://www.whitehouse.gov>

<http://www.grist.org>

and the interest groups you all researched at the start of the term.