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New Analysis Exposes the Trump Administration's Rulemaking Delays

The Center for Progressive Reform today released the following statement from Member Scholar Rena Steinzor and University of Maryland law student Elise Desiderio:

The July 3 decision by the D.C. Circuit Court of Appeals in [Clean Air Council v. Pruitt](#) has renewed interest in the many rules that the Trump administration has delayed. In response, we prepared a new chart, available at http://www.progressivereform.org/articles/Trump_Rule_Delays_Chart_071917.pdf, that lists and describes every rule for which a *Federal Register* notice was published announcing a delay in either the effective date or the compliance date or both. The delays listed involve postponements beyond July 14, 2017. The list covers the period from January 20, 2017 to July 14, 2017.

A second universe of rules includes those that were "frozen" (delayed) largely pursuant to a memorandum issued by Trump White House Chief of Staff Reince Priebus on January 20, 2017 ([82 Fed. Reg. 8346](#)). Most of these rules were delayed until March 21, 2017, but some were put on hold until April and others were delayed through June or early July. We are in the process of vetting these rules to determine what happened to them and will update our chart with the results as soon as possible.

Together, the many rules that the Trump administration has delayed thus far promised to deliver enormous benefits for public health, natural resources, and worker and consumer safety. The lack of any coherent explanation or justification makes these delays all the more outrageous.

As the D.C. Circuit opinion in *Clean Air Council* reminds us, in the context of rulemaking, federal agencies are not political entities that can or should turn on a dime in response to an election, even a presidential election. Rather, Congress created agencies decades ago to make science-based decision informed by transparent reasoning. Before EPA Administrator Scott Pruitt or any other political appointee can suspend the application of any rule, no matter how much industry opposition it has engendered, they must explain why the issues and information compiled during the rulemaking, or any new related information, justified those decisions.

We have little doubt that the rule of law will prevail as these irresponsible decisions are litigated one by one. We can only regret that further delays will harm the people the rules were allowed to protect.

Note: Steinzor is the Edward M. Robertson Professor at the University of Maryland Carey Law School. She can be reached at (301) 717-2405 or rsteinzor@law.umaryland.edu.

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