



The Office of Advocacy of the U.S. Small Business Administration was created by Congress in 1976 to be an independent voice for small business within the federal government. The office is led by the Chief Counsel for Advocacy who is appointed by the President and confirmed by the U.S. Senate. The chief counsel advances the views, concerns, and interests of small business before the White House, Congress, federal agencies, federal courts, and state policymakers. The office relies on economic research, policy analyses, and small business outreach to identify issues of small business concern. Regional and national advocates around the country and an office in Washington, D.C., support the chief counsel's efforts.

This report covers the first two and a half years of the office's Regional Regulatory Reform Roundtables, from June 2017 through December 2019. To learn more visit the Regulatory Reform webpage at <https://advocacy.sba.gov/regulatory-reform>.

Information about Advocacy's initiatives on behalf of small businesses is accessible via the website; three Listservs (regulatory communications, news, and research); and social media including LinkedIn, Twitter, and Facebook.



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# Reforming Regulations and Listening to Small Business

Second Progress Report on the  
Office of Advocacy's Regional Regulatory  
Reform Roundtables,  
June 2017–December 2019

Office of Advocacy  
U.S. Small Business Administration  
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# Foreword

In 2017 the new administration made federal regulatory reform a top priority. The cornerstone of this effort is Executive Orders 13771 and 13777, which directed federal agencies to take steps to reduce the burden imposed by their rules. The Office of Advocacy responded by creating the Regional Regulatory Reform Roundtable initiative. This outreach effort is intended to seek small businesses' input on the challenges of regulatory compliance, and to convey their concerns to the regulatory agencies responsible for implementing reform. The roundtable initiative began in June 2017. This report builds on the December 2018 report, *What Small Businesses Are Saying and What Advocacy Is Doing About It*, and it covers activities through December 2019.

The Regional Regulatory Reform Roundtables are a way of gathering practical input on the success and failure of regulatory compliance requirements. They have two goals:

- To identify regional small business regulatory issues and bring them to the attention of rulemaking agencies.
- To educate small businesses and stakeholders on the ways that Advocacy can help them meet their goals.

Between June 2017, and December 2019, Advocacy held 43 Regional Regulatory Reform Roundtables in 31 states. While traveling to these events, Advocacy staff made at least 100 site visits in 26 states. In addition, the office's regional and national advocates held small business forums in hundreds of cities, and small business owners submitted hundreds of comments through an online portal. Through these outreach efforts, Advocacy received input from small businesses in the 50 states and the District of Columbia.

Chapter 1 describes the foundation of the effort, and chapter 2 relates some of the extensive input from small businesses – the recurring themes, descriptions of the regulatory burden on daily operations, and a list of 50 regulations that were mentioned time and again. Chapter 3 shows the extent of Advocacy's outreach – the states, cities and towns visited. Chapter 4 lists the dozens of articles written about the office's roundtables and site visits. And Chapter 5 describes Advocacy's follow-up efforts and the progress that has been made in many areas.

Regulations affect small businesses differently than their larger counterparts, and they may put them at a disadvantage relative to their larger competitors. There are several reasons for this:

- Small businesses have fewer resources for regulatory compliance;
- Regulations designed for large businesses may impose greater costs relative to benefits if applied without change to small businesses; and
- The cost of regulations is higher relative to available resources.

Chapter 5 of the report outlines the progress that is being made toward reform. Here are a few examples.

- A legislative change allowed the fishing industry's Onboard Monitoring Program to be fully funded by the National Oceanic and Atmospheric Administration. Previously, small fishing boats were required to pay out of their own pockets to have an onboard observer present on their vessels while at sea.
- Small businesses representatives were concerned that OSHA's Electronic Recordkeeping and Reporting of Workplace Injuries and Illnesses rule could jeopardize confidential business information. Advocacy filed a comment letter with the agency conveying these concerns. On January 25, 2019, OSHA rescinded the requirement that firms with fewer than 250 employees electronically submit information from OSHA's Forms 300 and 301.
- The Centers for Medicare and Medicaid Services simplified their reimbursement rules for small rehabilitation facilities and removed a 25 percent penalty after Advocacy communicated stakeholders' concerns to the agency.
- Small businesses expressed frustration because the Environmental Protection Agency's rules use a different definition of "small business" than other federal agencies. Subsequently, EPA published a final rule on fees for chemical businesses which aligned its small business definition with the one used by the Small Business Administration. The new definition allows more small firms to pay reduced fees for reporting.
- The Federal Communications Commission approved "one touch-make ready" pole attachment policies. This approach simplifies the process for small competitive local carriers to string aerial fiber on existing utility poles. Advocacy had shared its support for these policies with the FCC after hearing from competitive carriers.

Small businesses need certainty to manage risk and stay afloat. Change creates uncertainty and costs money. When devising their regulatory reform plans, it is important that federal agencies consider how small businesses are affected. Regulatory reform focused solely on the overall impacts to the economy without considering how those impacts are distributed could disadvantage different groups such as small businesses. Agencies will need to be vigilant that regulatory changes do not impose costs on small businesses, create barriers to startups, or interfere with small businesses' ability to compete in the marketplace.

Major L. Clark III  
Acting Chief Counsel for Advocacy  
March 2020

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# 1

## Small Businesses and Private Sector Deregulation



*The Office of Advocacy is an independent voice for small business within the federal government. The office is the watchdog of the Regulatory Flexibility Act (RFA), a statute that requires small entities to be considered in the rulemaking process. Advocacy is also the source of small business statistics, and it speaks on behalf of small businesses to the White House, Congress, federal agencies and courts, and state policymakers.*

In 2017 the Trump administration brought a new commitment to reducing the private sector’s regulatory burden. Two executive orders form the foundation of this effort: EO 13771, “Reducing Regulation and Controlling Regulatory Costs” and EO 13777, “Enforcing the Regulatory Reform Agenda.”<sup>1</sup> These require federal agencies to make long-term reform plans, designate a regulatory reform officer, and establish regulatory reform task forces. The task forces evaluate existing regulations and identify rules that should be repealed, replaced, or changed, in particular if they inhibit job creation or eliminate jobs; are outdated, unnecessary or ineffective; or if their costs exceed their benefits.

### **Advocacy’s Regulatory Reform Action Plan**

The Office of Advocacy developed an action plan to ensure that small businesses’ regulatory concerns were included in the reform process. Central

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<sup>1</sup> The executive orders appear in Appendixes A and B.

to the plan are the Regional Regulatory Reform Roundtables. This outreach initiative is intended to seek out and listen to small businesses across the country. The roundtables began in June 2017. This report covers the initiative from June 2017 to December 2019.

The Office of Advocacy has a unique and important role in agencies’ regulatory reform efforts. The Regulatory Flexibility Act requires Advocacy to make sure that agencies consider small businesses when they create regulations; and it also requires the office to do so when agencies remove or revise regulations. Advocacy’s action plan was developed to help federal agencies accomplish their deregulatory goals, consider the economic impact on small businesses, and reduce these burdens.

### **Assisting Federal Agencies’ Deregulation Efforts.**

EO 13771 created an opportunity for Advocacy to offer its expertise to the federal agencies to reduce regulatory burdens on small entities. On March 30, 2017, Advocacy sent a memorandum to federal agencies recommending that agencies

consider small entity interests in implementing EO 13771 and in subsequent deregulatory actions. (See Appendix C.) The memo also reminded agencies of their obligations under the RFA and of the assistance Advocacy could offer to conduct small entity outreach.

In the past, Advocacy has made regulatory reform recommendations directly to agencies based on a review of rules subject to the requirements of section 610 of the RFA and based on outreach to small entity representatives. In addition, once agencies designated Regulatory Reform Officers and established Regulatory Reform Task Forces under EO 13777, Advocacy offered these recommendations and other assistance and views to agencies, as suggested by EO 13777, section 3(e). Since then, Advocacy has engaged in a multi-pronged effort to make specific recommendations to agencies and the Office of Management and Budget about regulations or regulatory programs that could be streamlined to lower small entities' compliance costs. In addition to writing public comment letters to voice small business concerns, Advocacy is also working directly with agencies to assist in developing and recommending regulatory changes.

**Outreach to Small Entities.** Advocacy's Regional Regulatory Reform Roundtables have allowed small businesses around the country to discuss the challenges they face with regulatory implementation and compliance. These meetings explore small entities' suggestions for regulatory streamlining and savings, and participants discuss ways to improve small business participation in agencies' rulemakings. These discussions inform Advocacy's ongoing and future recommendations to the federal agencies tasked with reducing the number of regulations.

***From a Small IT Company. . .***

“New technologies are transforming our industry and regulations aren't keeping pace. The federal government will mandate things but can't keep up with the regulations and make them clear, plus be able to allow small businesses to grow new technologies.”

*—The owner of a small  
information technology  
company in San Antonio, Texas*

# 2

## What Small Business are Saying about Regulations



*Hosting Regional Regulatory Reform Roundtables allows Advocacy to hear from individual small businesses and identify specific federal regulatory barriers. As a result of these roundtables, Advocacy has discovered which regulations small businesses would most like to see changed. In face-to-face meetings with small businesses across the country, Advocacy staff heard stories that exemplify how federal regulations drain small businesses' resources, energy, and even their desire to stay in business. The following examples and the quotations in comment boxes throughout the report highlight the recurring themes small businesses raised.*

Over the years and across the country Advocacy has heard countless small business concerns regarding federal regulatory impacts on their businesses. During both the first and second phase of these regional roundtable visits a number of these issues were repeated in different geographical areas and throughout various types of industries. Some of those recurring themes we heard include the following:

- Burdensome, confusing **paperwork**;
- Time consuming and costly **reporting**;
- **Labeling** requirements that change frequently;
- High costs associated with **changing regulatory requirements**;
- **Steep fines** for noncompliance with regulations;
- Regulations that run to **hundreds of pages**, and which require advanced legal and technical background to understand;
- Regulations so **complex** that businesses do not know whether they comply;
- **Costly fees** for expert services of consultants, lawyers, engineers, and accountants;
- Uncertainty of **expensive changing health care regulations**;
- **Inconsistent enforcement** of regulations;
- **Strict immigration rules** and policies impeding business growth and operations;
- Lack of labor to meet business demands as well as **insufficient training programs** at the federal level causing loss of revenue;
- Concerns whether the **confidential business information** disclosed to regulators will be kept private from competitors; and
- Major rules meant to rein in the excesses of large, industry-controlling firms, but **which sweep up small firms in their wake**.

## **Individual Business Owners' Experiences**

Individual business owners participating in the regional roundtables around the country provided firsthand accounts of their regulatory difficulties. These are some of the practical consequences of federal regulations promulgated without fully considering the ramifications for small businesses. The stories are numerous and the effects on businesses across the country are varied. But the message is clear: small businesses are not against regulation; rather they want certainty, clarity, and regulations that make sense for the real world in which they operate.

- A **small cigar store owner** in North Conway, New Hampshire, told Advocacy that 90 percent of the products they sell have been affected by the Food and Drug Administration's regulations on cigars. They are looking at hundreds of thousands of dollars' worth of added costs per manufacturer. If the regulation is not changed, he will have to change his entire business model or go out of business.
- A **small health practitioner and owner of a health clinic** in Oklahoma City, has to deal with the unintended consequences of high-deductible insurance plans. He said that the Internal Revenue Code disqualifies people with these plans from using health savings account dollars if they have any other kind of health plan. He felt that the IRS regulations don't fit the current health-care market.
- The owner of a **small construction company** in Arkansas told Advocacy that the Department of Labor's strict immigration program caps have limited available labor and negatively affected the growth of his business. He expects that his area's and the nation's construction costs will continue to rise because of the lack of labor. An increase in worker visas and common-sense immigration reform would help small businesses by providing certainty and clarity with regard to the labor market, in his view.
- Overlapping and conflicting regulations between agencies is an issue that comes up at almost every roundtable. In Baton Rouge,

Louisiana, the owner of a **small chemical company** expressed frustration that many federal rules are confusing, complicated, and extremely difficult and costly to comply with. While states and localities provide some assistance to help businesses sort through their regulatory requirements, at the federal level no such clarity and assistance exists, he complained.

- Another often heard concern is the costly rules associated with the Affordable Care Act (ACA) and health care costs in general. A **small hotel operator** in St. Louis, Missouri, told Advocacy that the ACA causes problems in finding and keeping skilled labor. He felt that larger businesses can provide better benefits at lower cost, while offering the same wages. Small businesses are unable to compete and lose skilled employees to their larger counterparts. He suggested small businesses be given the opportunity to purchase insurance across states to help drive down costs.
- The vice president of a **small vocational college** in Shreveport, Louisiana, said he has seen the cost of educating students nearly triple since 2010 because of the Department of Education's program integrity and gainful employment regulations. Complying with these rules has meant costs for hiring attorneys, accountants, and professional auditors. To handle the paperwork requirements, his school has had to invest almost a hundred thousand dollars in new technology and student management software. The school offers training programs in such high-demand fields as HVAC, medical assistance, electronics, and technology. He said that nearly all of their graduates are hired immediately, and employers say that they can't produce skilled graduates fast enough to fill their job openings.
- A **small ice cream company** in Cleveland, Ohio, told Advocacy that Food and Drug Administration regulations enforcing the Food Safety Management Act (FSMA) have caused her an exponential increase in paperwork and costs. Specifically, she is concerned that the rules will require her to re-label dozens of

products and redo all associated packaging, adding significant costs for her business.

- A Cincinnati, Ohio, **riverboat operator** who serves patrons meals during lunch and dinner cruises on the Ohio River told Advocacy that new FDA regulations have classified his business as a food manufacturer rather than a restaurant because meals are prepared in a central kitchen. This change makes him subject to the new FSMA food safety rules. He has had to hire additional employees to dedicate their time solely to complying with these regulations. He feels this is another example of federal regulations that are overly broad and not targeted to the problem they are meant to fix; as a result, innocent businesses are captured in the overreaching net of federal regulation.
- At the San Antonio roundtable a **small farmer** said that FSMA regulations do not adequately account for different types and sizes of small businesses. She felt that these regulations create a disincentive for small farms that actually prevents them from increasing sales; this hampers small farms like hers, as well as the development of the local food system as an economic generator.
- Another focus of small business complaints has been the Department of Labor's Overtime Rule, particularly the "white collar exemption." Advocacy is hearing that the threshold for this regulation was set too high, making it extremely costly and burdensome. While many small operators believe there should be an increase in pay for their workers, any mandatory increase should be less drastic. A **small human resources company** in Boise, Idaho, indicated that the rule does not recognize the very real problem small businesses face of retention and recruitment of employees. She explained that focusing only on salary negates other incentives and puts their organization at a disadvantage compared to large companies that can offer employees more money.
- In Manchester, New Hampshire, a **small apple farmer** also complained about the Department of Labor's Overtime Rule. He stated that a higher threshold didn't make sense for his operation and would be extremely costly to those small farms barely hanging on. Under the Fair Labor Standards Act, agricultural workers are normally exempt from receiving overtime. However, if these workers move from the agricultural area to the retail operations at a farm, they would be entitled to overtime. The inflexibility of the current FLSA regulation limits the ability to use able workers for different aspects of his business.
- A **small financial services company** in Cincinnati, Ohio, complained that the Department of Labor's Fiduciary Rule will put him and many other small broker-dealers out of business. They consider the rule to be the biggest change to the financial advisor sector in many years, and as such, they feel that more care should have been taken determining the rule's potential impact on small operators. He told Advocacy that the rule creates a barrier in the advisor-client relationship, and that small businesses who need investment advice are unable to get it.
- Small businesses also expressed concern over the Consumer Financial Protection Bureau's impending Payday Lending Rule. A **small lender** in New Orleans believes the rule will make small businesses fail rather than protect consumers. He believes the regulation will reduce the availability of storefront loans, particularly in rural and underserved markets. He complained about the lack of analysis of these markets as required by the Dodd-Frank Act.
- **Maritime small businesses** are burdened by the cost of the Transportation Security Administration's Transportation Worker Identification Credential (TWIC) Card Rule. A small tour boat company in Ohio told Advocacy that while big businesses can absorb the cost, small businesses must pay for the card to find employees at the wages they can offer. He also complained that there is no system to determine whether TWIC cards are real or counterfeit. Small businesses want a system

in place that can verify the cards to justify the cost of obtaining them.

- **Small businesses in the transportation industry** nationwide have strong feelings about compliance with the Federal Motor Carrier Safety Administration's rule requiring electronic logging devices (or ELDs). A small farmer in Kansas City, Kansas, complained that small farms cannot afford the new devices and its costly requirements as easily as large commercial carriers who have the resources to implement them. This is a common concern heard by small businesses that need to transport their goods. His biggest complaint is that the ELD regulation is inflexible and does not allow for wait time. He believes this oversight will increase the shortage of commercial drivers, which is a big concern for his industry.
- A **small manufacturer of road signs** in Glen Allen, Virginia, told Advocacy that the Federal Highway Administration (FHWA) regulations change too frequently, costing his industry millions of dollars in testing all of the products that his company produces. Adding to this frustration, after receiving letters of acceptance from FHWA for a product, his company received a reprieve to grandfather the original product under the previous, less onerous regulation. FHWA subsequently changed the rule and reversed its opinion, requiring him to perform costly retesting of his entire product line despite no evidence of injuries or fatalities due to his products.
  - The Food and Drug Administration's Tobacco Deeming rule is a big concern to **small cigar manufacturers and store operators**. The rule extends FDA's authority to electronic cigarettes, cigars, and pipe tobacco. These products are now subject to the federal prohibition on sales to minors and free sampling, registration and warning label requirements, and mandatory review of new tobacco products. At the roundtable in Tampa, Florida, the owner of a cigar store in Ybor City told Advocacy that despite the fact that his store does not have any youth customers, the costly impacts of this rule on small businesses will wipe out half of his industry.
- An **owner of golf courses** in Jacksonville, Florida, was concerned about the lack of available labor for his business combined with the limits that the State Department has put on the H-2B visa program. Because of the state's warmer climate, he explained that Florida businesses have a different seasonal timeframe and a different need for workers than those in the northern states. He also complained that the lengthy application process makes it difficult for small businesses to estimate and plan during their busiest times.
- In Dubuque, Iowa, a **small business owner in the camping industry** complained about Federal Emergency Management Agency regulations that are having a negative impact on his business. Every year he has to purchase flood insurance for his 17 campgrounds even though there are no permanent structures on the land. The regulations were intended to protect structures in the event of flooding, which is not an issue for his business. When bad weather and heavy rains come, the campers and motor homes leave and drive to higher ground or return home. Nevertheless, he must pay \$2,700 per year in flood insurance that is not needed. He feels this is a clear example of costly overregulation that makes no sense.
- The owner of a **small human resources services company** in Poughkeepsie, New York, described the tremendous paperwork burden of OSHA's Electronic Reporting rule. Figuring out how to comply with these complicated regulations is very burdensome. This reporting load is compounded by the many regulations promulgated by the Office of Federal Compliance Programs at the Department of Labor. She described compliance as "a monumental task," forcing small business owners to decide whether to spend a considerable amount of money to hire professional assistance or risk being out of compliance.

- The Federal Railroad Administration promulgates regulations affecting railroad owners both big and small. A **small railroad operator** in Burlington, Vermont, was concerned about the difficulty in applying rules made for large operations to his small business. Although the same rules apply, he stated they affect his business differently and cause his costs to go way up. He also complained about inconsistent enforcement of these regulations.
- The owner of a **small drone services company** in Princeton, New Jersey, has had to turn down thousands of dollars' worth of work because of the long wait times associated with the Federal Aviation Administration's approval process contained in its new regulations on drones.

***From an E-Commerce Company. . .***

“As a small business we don’t have a lot of resources to research and find out about other companies and countries, unlike a larger company. So tariffs drive our sales down and it’s a fast downward spiral that makes the company fall apart! Big businesses can withstand tariff changes and survive, while we can’t.”

*—A small E-Commerce company in Memphis, Tennessee.*

**Regulations Most Frequently Cited by Small Businesses**

Table 1 is a list of federal regulations that small businesses at roundtables complained about most often. The table lists 50 topics, but it is not an

exhaustive list. Since 2017 when Advocacy began compiling this list, progress has been made on many of these issues. These progress reports are located in Chapter 5. The formal titles and citations of the rules mentioned in Table 1 appear in Appendix G.

**Table 1. Regulations in Need of Reform, Listed by Agency, 2017-2019**

Agency	Regulation Identified by Small Businesses
Affordable Care Act rules (various agencies)	<b>Various ACA Rules and the Cost of Health Care.</b> Many ACA regulations are costly and burdensome for small entities. Businesses complain that they can't afford costly health insurance for their employees. The voluminous paperwork associated with these rules is a costly burden as well.
Federal Procurement (various agencies)	<b>Federal Procurement Rules and Procedures.</b> Small businesses stagger under the weight and complexity of the federal procurement process, despite programs intended to encourage their participation. Various problematic rules are listed in this table and Appendix G. But procurement practices and process are also costly impediments to small businesses' participating in the federal marketplace for goods and services.
CFPB	<b>Mortgage Servicing.</b> Small mortgage companies and title companies say this rule has changed the culture of their business. They now operate in fear of being fined by the CFPB for even minor violations. Small businesses say the rule increases the cost for consumers, and the complexity and paperwork required to do a financial transaction is staggering.
CFPB	<b>Payday Lending.</b> The costs to comply with this rule may force small lenders to close, and rural areas without abundant capital options might be hit the hardest. Payday lenders, small banks, credit unions, vehicle title lenders and online lenders have said that this rule will have a negative impact on the revenue stream of their business if their customers no longer qualify for loans, resulting in many having to close their business.
DCAA/FAR	<b>The Defense Contract Audit Agency's accounting requirements</b> make it very difficult for small suppliers to be reimbursed. The federal procurement accounting requirements do not distinguish between a very large contract and a small contract, hence the same amount of information is required for a small contract. There needs to be a simpler requirement for small contractors to go through the process.
DOC/NOAA	<b>Data Used to Determine Fishing Allocations.</b> These allocations cause an undue financial burden on small boat fishermen by setting overly conservative groundfish allocations based on incomplete data. Small commercial fishermen have said they spend much of their time avoiding the fish so as not to exceed their catch limit.
DOC/NOAA	<b>Payment for Onboard Observers Program.</b> Fishermen have had to pay up to \$700 for the cost of an observer on their small boat plus travel costs, which frequently can exceed the value of the catch on the voyage. This regulatory burden is financially devastating for small boat ground fishermen throughout coastal New England.

Note: Appendix G contains the formal titles and citations of regulations mentioned in this report **Cont'd on next page.**

**Table 1. Regulations in Need of Reform, Listed by Agency, 2017-2019, cont'd**

Agency	Regulation Identified by Small Businesses
DOD/GSA/FAR	A small business defense contractor expressed concerns with the cost of compliance with the over-reaching <b>Department of Defense cybersecurity regulation.</b>
EDUCATION	<b>Gainful Employment Rule.</b> Advocacy heard from small educational institutions that they supported the overall objective of the regulation with respect to ensuring quality educational programs, however they believed the department’s requirements and associated metrics bore little rational connection to measures of quality.
DOI USDA Forest Service SBA	<b>Harvest Sales on Federal Lands/Timber Set-aside Rule.</b> Small timber mills are being bought out or going out of business due to a lack of timber available to small businesses and the predatory nature of large corporations in the bidding process. They also complain that the federal government takes so long to permit logging after a fire, that such salvage timber becomes unusable. Salvage timber is most often harvested by small businesses. Small businesses want a specific set-aside program for small business, they want agencies to explore stewardship options, and they have presented possible alternatives to consider.
DOI/FWS	<b>Endangered Species Act Rules.</b> Impacts on small business are not being considered when the agency is designating the critical habitat, even though these impacts can be devastating.
DOJ	<b>Title III of the ADA as applied to Websites.</b> DOJ requires public accommodations to make their websites accessible for people with disabilities, but it has not issued regulations on how small businesses can comply with these requirements. Small businesses have been sued for ADA accessibility; these lawsuits have cost them tens of thousands of dollars to litigate, settle, and fix any problems. Some small businesses have recommended that DOJ issue regulations for website accessibility, and others have recommended statutory changes to the ADA.
DOL	<b>Application of the Fair Labor Standards Act (FLSA) to Domestic Service.</b> In 2015, DOL changed the companion care services exemption to minimum wage and overtime requirements under the FLSA, limiting the use of this exemption to those employed by the family or household using those services. Small businesses providing these services could no longer claim this exemption and reported business losses in live-in care services and general hourly services due to increased costs. These businesses recommend repeal of this rule.
DOL	<b>Tip Credit Regulations Under the Fair Labor Standards Act.</b> Small businesses in the restaurant industry are concerned about Department of Labor regulations governing tip credits. The FLSA allows an employer to count a limited amount of the tips its “tipped employees” receive as credit towards the minimum wage obligation; this is called a “tip credit.”
DOL	<b>Restrictions on Youth Employment.</b> Small businesses seek reforms in regulations on youths working in different occupations. Small businesses in the amusement park industry want the Department of Labor to amend the allowable employment periods for youths 14- or 15-years old. They have also asked that DOL’s reform the Child Hazard Orders which apply to the construction and brick industries.

Note: Appendix G contains the formal titles and citations of regulations mentioned in this report **Cont'd on next page.**

**Table 1. Regulations in Need of Reform, Listed by Agency, 2017-2019, cont'd**

Agency	Regulation Identified by Small Businesses
DOL	<b>Family and Medical Leave Act (FMLA) Reform.</b> Small businesses expressed concern with the implementation of the FMLA, which allows eligible employees of covered employers (with 50 or more employees) to take up to 12-weeks of unpaid, job-protected leave for specified family and medical reasons. The main concern was with abuse of the intermittent leave provisions of the FMLA, which allows leave on a reduced-time or intermittent basis. Some employers cited abuse of this intermittent provision; and the lack of proper documentation from medical providers for this type of leave. In its Regulatory Agenda, DOL announced plans to release a Request for Information on the FMLA in April 2020.
DOL	<b>Private Apprenticeship Programs.</b> Small businesses were concerned with the lack of workers in every skill level; many businesses recommended expanding DOL's apprenticeship programs.
DOL	<b>Fiduciary Rule.</b> Small broker dealers say the rule is the biggest change to the financial advisor sector in a long time and that it will potentially put them out of business. The rule requires them to reassess their business models for servicing retirement accounts and to potentially restructure their businesses.
DOL/DHS	<b>H-1B Visas.</b> The H-1B visa program allows U.S. companies to hire foreign workers in fields such as science, engineering, and information technology. Small businesses are very concerned that H-1B visas will become harder to get. They are hoping these types of visas will still be available as these rules are revised.
DOL/DHS	<b>H-2B Visas.</b> Small businesses state that there are not enough H-2B visas to provide foreign workers for jobs that are currently going unfilled. They do not want this program to be taken away, rather they want more of these visas for non-agricultural workers.
DOL	<b>“White Collar” Exemption from Overtime Rule.</b> In May 2016, the Department of Labor finalized changes to the overtime rule; that rule was permanently enjoined by the federal courts in November 2016. Small businesses say that the threshold limits established in the rule need to be more realistic. Many stated that it has forced them to decide which employees they could pay more and which ones they would have to lay off. They also say the rule was difficult to understand, and that who is exempt and who is not was confusing.
DOL/OSHA	<b>Telecommunication Towers.</b> Small businesses that construct or maintain telecommunications towers or install and maintain equipment on them want OSHA to adopt an industry consensus standard for this work. However, they fear that OSHA will go further and enact burdensome regulations.
DOL/OSHA	<b>Confined Spaces in Construction.</b> Homebuilders are concerned that the rule applies to areas of residential construction that don't pose significant risks, like crawl spaces and attics. They believe that the residential construction industry should have been exempted from the rule.
DOL/OSHA	<b>Crystalline Silica.</b> Small foundries and those in the construction industry stated that the lower permissible exposure limit is not feasible, and as a result, the rule is too costly.

Note: Appendix G contains the formal titles and citations of regulations mentioned in this report **Cont'd on next page.**

**Table 1. Regulations in Need of Reform, Listed by Agency, 2017-2019, cont'd**

Agency	Regulation Identified by Small Businesses
DOL/OSHA	<b>Fall Protection for Residential Construction.</b> Small residential home builders would like OSHA to provide flexibility to its six-foot fall protection standard in residential construction in circumstances where complying with the standard would create a greater risk. They believe the current rule is unnecessarily stringent and lacks flexibility.
DOL/OSHA	<b>Process Safety Management.</b> Small businesses are concerned that the agency will move forward with requiring unnecessary independent third-party audits and other burdensome provisions. They are also concerned that OSHA will apply the rule to chemicals that don't pose significant safety risks.
DOL/OSHA	<b>Workplace Safety–Electronic Recordkeeping and Reporting.</b> Many small businesses complain that the rules result in a paperwork burden that requires a full-time employee to keep up with the reams of required paperwork.
DOT/FAA	<b>Drones–Small Unmanned Aircraft System (UAS).</b> Small businesses state that the current rule requiring operators to keep the aircraft within visual lines-of-sight and fly no higher than 400 feet are too restrictive. These rules prohibit using drones for beneficial purposes, such as inspecting facilities.
DOT/FMCSA	<b>Electronic Logging Devices (ELDs).</b> Many small businesses struggle to afford the purchase of ELDs. They believe this rule is an excessive burden that has no positive impact on safety. They prefer paper logs which are reliable and less expensive. The rule doesn't make sense for small truckers and doesn't recognize interruptions of driving, such as wait times.
DOT/FMCSA	<b>Hours of Service.</b> Many small businesses say the rule needs more flexibility or needs to be removed. Small trucking companies describe scenarios in which the rule increases risk instead of reducing it.
EPA	<b>Hard Rock Mining.</b> This rule would have increased costly requirements on hard rock mine operations. Mine owners believe the rule as proposed was based on an inadequate study and would have had devastating effects on the mining industry.
EPA	<b>Lead Renovation, Repair Program (LRRP).</b> Small home builders say this rule has imposed hundreds of millions of dollars in costs for building renovations including recordkeeping and reporting.
EPA	<b>Nonhazardous Secondary Materials (NHSM).</b> Small manufacturers say the requirement of handling hazardous wastes in incinerators instead of boilers will be more costly.
EPA	<b>Oil and Gas Production; New Source Performance Requirements.</b> EPA has established requirements on small oil and gas well and distribution facilities that reduce emissions of volatile organic compounds and methane. The agency is exploring alternatives that would exempt small production sites from some costly requirements and lower the frequency of leak monitoring for well and distribution sites.

Note: Appendix G contains the formal titles and citations of regulations mentioned in this report **Cont'd on next page.**

**Table 1. Regulations in Need of Reform, Listed by Agency, 2017-2019, cont'd**

Agency	Regulation Identified by Small Businesses
EPA	<b>Pesticides; Agricultural Worker Protection Standards.</b> Small businesses, pesticide applicators, and handlers expressed concerns with the rule’s minimum age requirement stating that it will reduce the workforce in some states, particularly on small farms. They also expressed concern with EPA’s designated representative requirement, explaining that the rule lacks a verification method for the designated representative and does not provide any restrictions on how the information will be used. Small businesses are also concerned about how the rule would enforce the requirement for employers to keep workers and other persons out of areas defined as application exclusion zones.
EPA	<b>Stormwater Permits–Multi-Sector General Permit.</b> The one-size-fits-all approach does not work for small businesses. Construction companies take issue with the mandatory online reporting of pollution plans, which would end up with stale data and result in additional unnecessary fines.
EPA	<b>Toxics Release Inventory.</b> Chemical distributors and petroleum wholesale distributors should be exempted from this costly and unnecessary reporting requirement. Twenty years of reporting has shown minimal releases to the environment.
EPA, CORPS	<b>Definition of Waters of the United States (WOTUS).</b> In 2015, EPA finalized a new definition of WOTUS. Later that year, the rule was stayed by the federal courts. Small businesses stated that the rule was too broad and would have been costly and burdensome to comply with. Small businesses want the definition of “navigable waters” to be reviewed. A proposed rule revising the definition was issued on February 14, 2019, and a final rule was published on October 22, 2019.
EPA	<b>Wood Heaters.</b> Small businesses that manufacture wood heaters say they will have to lay off employees as a result of this rule and that new efficient heaters do not need to be regulated. They also complain that the rule won’t allow them to sell out of their existing inventory or retrofit older heaters.
GSA	Small business owners feel that the <b>System for Award Management (SAM)</b> contains unnecessary requirements for information that is not related to their businesses.
GSA/FAR	The Federal Acquisition Regulation Subpart 19.5 ( <b>Set-Asides for Small Business</b> ) excludes small businesses that are not connected to the Small Business Innovation Research and Development program (SBIR) from certain types of research and development contracting opportunities.
HHS/FDA	<b>Food Safety Regulations (FSMA).</b> This rule will result in an unnecessary increase in paperwork and more burden for small food manufacturers and suppliers. Small manufacturers say it will have a drastic impact on their packaging, processing, and labeling requirements, adding unnecessary delays.
HHS/FDA	<b>Tobacco Deeming Rule.</b> Under an act of Congress intended to rein in big tobacco companies, FDA promulgated a rule that deemed premium cigars and electronic nicotine delivery systems to be the equivalent of cigarettes. Small tobacco companies, retailers, and electronic cigarette manufacturers feel that the rule is overly broad and burdensome; it creates barriers to prevent product development and threatens small businesses with failure, all in an effort to control a problem that these small businesses neither caused nor contributed to.

Note: Appendix G contains the formal titles and citations of regulations mentioned in this report **Cont’d on next page.**

**Table 1. Regulations in Need of Reform, Listed by Agency, 2017-2019, cont'd**

Agency	Regulation Identified by Small Businesses
SBA	<b>Business Certification Process.</b> Small businesses identified a need for a unified certification process for women-owned small businesses (WOSB), businesses located in HUBZones, small disadvantaged businesses (SDB), and service-disabled veteran contractors
SEC	<b>Conflict Minerals.</b> This rule imposes significant costs to small manufacturers when trying to determine whether products in their supply chains contain conflict minerals (minerals or derivatives whose sale helps finance wars in the Democratic Republic of the Congo or an adjoining country).
SEC	<b>Regulation D.</b> This regulation against general solicitation and advertising prohibits security issuers and startups from pitching investment opportunities to those who are not accredited investors, potentially preventing small businesses from access to important sources of capital.
TREASURY/ IRS	<b>Employee Plans Compliance Resolution System.</b> Small businesses say the IRS should allow self-corrections to employee retirement plans, without having to obtain IRS written approval that the corrections were made through the Voluntary Correction Program (VCP) or an audit initiated by the IRS. Both of these options are time consuming and costly.
TREASURY/ IRS	<b>IRS Form 1099 C, Cancellation of Debt.</b> The IRS requires small auto dealers who self-finance automobile loans for customers to issue Form 1099-C to borrowers who are late on their payments. These auto dealers say this rule should not apply to them. They feel that it creates unnecessary and burdensome documentation requirements, does not make sense for this industry, and is an unwelcome shock to the customer.
TREASURY/TTB	<b>Modernization of Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages.</b> In 2019, the TTB proposed a defining “oak barrel” as a cylindrical oak drum of approximately 50 gallons. Small businesses in the industry said that such a definition would be unduly burdensome because many small distillers use oak barrels of 25 or 30 gallons, and some use square barrels.

Note: Appendix G contains the formal titles and citations of regulations mentioned in this report.

**Agency Abbreviations**

CFPB	Consumer Financial Protection Bureau	FCC	Federal Communications Commission
CORPS	U.S. Army Corps of Engineers	FDA	Food and Drug Administration
DCAA	Defense Contract Audit Agency	FMCSA	Federal Motor Carrier Safety Administration
DHS	Department of Homeland Security	FWS	Fish and Wildlife Service
DOC	Department of Commerce	GSA	General Services Administration
DOD	Department of Defense	HHS	Department of Health and Human Services
DOI	Department of Interior	IRS	Internal Revenue Service
DOJ	Department of Justice	NOAA	National Oceanic and Atmospheric Admin
DOL	Department of Labor	OSHA	Occupational Safety and Health Admin
DOT	Department of Transportation	SBA	Small Business Administration
EPA	Environmental Protection Agency	SEC	Securities and Exchange Commission
FAA	Federal Aviation Administration	TREASURY	Department of Treasury
FAR	Federal Acquisition Regulation	TTB	Tax and Trade Bureau

# 3

## Advocacy's National Small Business Outreach



*From 2017 to 2019, Advocacy's Regional Regulatory Reform Roundtables were the primary means of collecting detailed small business input on burdensome regulations. In addition, Advocacy staff made site visits to almost 100 businesses, interviewing owners and observing business operations. While traveling in different regions, staff also participated in locally organized regulatory input sessions. A fourth means of gathering input is the online input form on Advocacy's website. Finally, Advocacy's regional and national advocates have held hundreds of small business forums around the country.*

Advocacy's Regional Regulatory Reform Roundtables have two goals:

- To identify regional small business regulatory issues to assist agencies with their regulatory reform plans by gathering firsthand information on small business regulatory burdens and identifying specific recommendations for regulatory change.
- To educate small businesses and stakeholders on how Advocacy can help them meet their goals.

In order to gather information about the unique regulatory problems small entities face across

the country and potential solutions, roundtable attendees include local small businesses, trade associations, congressional leaders, and federal regulatory agencies.

Roundtables are open to the public, and small businesses from a wide area are invited. Members of the press are free to attend and hear small business concerns directly. Advocacy invites federal agency officials from Washington, D.C., and the local area to hear complaints and suggestions firsthand, as well as provide agency perspectives, if they so choose. Congressional representatives have attended roundtables to hear their constituents' regulatory issues.

Meetings are usually a half day and are organized by industry sector. The most frequently discussed sectors have been:

- Agriculture, aquaculture, and fisheries;
- Construction, manufacturing, and transportation;
- Education and workforce development;
- Energy and chemicals;
- Financial services and real estate;
- Food, hospitality, and retail;
- Medical services;
- Procurement; and
- Timber, logging, and mining.

The agendas are arranged by industry category, but small businesses are welcome to speak up whenever they wish, since business owners may not be able to attend an entire meeting. Once a small business identifies a specific federal regulation as a source of trouble, Advocacy staff members ask for suggestions to revise it, as well as for specific economic cost data to document the extent of the burden.

Advocacy’s attorneys work on hundreds of regulations, and they have often already worked on the rules that small businesses bring up. In such cas-

#### ***From an Apple Farmer . . .***

“The paperwork burden is astronomical when trying to run our business and comply with these regulations. Every step is duplicative. We redo the same process time and time again....The process takes too long and we give the same information to the federal government over and over.....This is an expensive and time consuming process.”

*—A small New Hampshire apple farmer describing the impact of the State Department’s visa rules and the accompanying paperwork burden*

es, Advocacy staff can provide status updates and tell participants how they can be most helpful to the regulatory reform process. On the other hand, there are regulations and economic impacts that are new to Advocacy, especially ones concerning specific regions or industries. These are the type of novel and useful stories that help Advocacy inform agencies of effects they may be unaware of.

The availability of Advocacy’s team of regional advocates was also important. The regional advocates work out of SBA’s district offices, and they assist with meeting setup, local small business input, and publicity. Members of Congress invited Advocacy to hear specifically from small business constituents. (See Appendix E.)

Several roundtables were scheduled in conjunction with Advocacy’s information-gathering effort on small business impacts of the North American Free Trade Agreement (NAFTA) modernization. Advocacy received this mandate from the Trade Facilitation and Trade Enforcement Act. The events in Wisconsin, Michigan, and Texas were planned in order to hear concerns about regulatory reform, NAFTA, and international trade.

#### ***Where We’ve Been***

**Regional Roundtables.** Between June 1, 2017, and December 30, 2019, Advocacy held 43 Regional Regulatory Reform Roundtables in 30 states. Locations span rural and urban areas, geographic regions, and a range of industries. The geographical diversity provides an up-close perspective of how a single federal rule can have varying economic impacts on different types of small businesses based upon the practices, economic conditions, and other factors specific to their region.

Figure 1 shows the map of states that have hosted Regional Regulatory Reform Roundtables. Table 2 shows a chronological list of roundtables by date and location.

**Figure 1. Map of Regional Regulatory Reform Roundtables, June 2017-December 2019**



**Table 2. Regional Regulatory Reform Roundtables, June 2017-December 2019**

Date	Location	Date	Location	Date	Location
6/7/17	Baton Rouge, Louisiana	3/19/18	San Antonio, Texas	9/11/18	Princeton, New Jersey
6/8/17	New Orleans, Louisiana	3/20/18	Houston, Texas	9/12/18	Scranton, Pennsylvania
7/11/17	Boise, Idaho	4/10/18	Atlanta, Georgia	9/13/18	Poughkeepsie, New York
7/13/17	Coeur d’Alene, Idaho	4/30/18	Modesto, California	4/29/19	Tulsa, Oklahoma
7/31/17	Lexington, Kentucky	5/2/18	Sacramento, California	5/1/19	Phoenix, Arizona
8/1/17	Cincinnati, Ohio	5/3/18	Santa Clarita, California	5/2/19	Summerlin, Nevada
8/2/17	Cadiz, Ohio	6/5/17	Tampa/Brandon, Florida	6/4/19	Jonesboro, Arkansas
8/3/17	Cleveland, Ohio	6/6/18	Oviedo, Florida	6/5/19	Memphis, Tennessee
9/12/17	St. Louis, Missouri	6/7/18	Jacksonville, Florida	6/6/19	Jackson, Mississippi
9/14/17	Kansas City, Kansas	7/18/18	West Des Moines, Iowa	7/10/19	Anchorage, Alaska
10/16/17	Glen Allen, Virginia	7/19/18	Dubuque, Iowa	7/16/19	Bangor, Maine
11/28/17	Manchester, New Hampshire	7/19/18	Platteville, Wisconsin	7/17/19	North Conway, New Hampshire
11/29/17	Boston, Massachusetts	8/7/18	Casper, Wyoming	7/18/19	Burlington, Vermont
3/13/18	Detroit, Michigan	8/8/18	Fort Collins, Colorado		
3/16/18	Milwaukee, Wisconsin	8/9/18	Colorado Springs, Colorado		

## Small Business Site Visits

**Site Visits.** To maximize Advocacy’s resources, most roundtable visits include site visits to nearby small businesses to discuss their specific regulatory concerns. These are valuable and informative experiences for Advocacy staff, many of whom have never had the opportunity to visit with those whom they serve. Small business owners greatly appreciate Advocacy’s site visits. They are grateful for the chance to show Advocacy staff how their business functions, as well as the rare opportunity

to meet one-on-one and talk through their concerns. Advocacy staff made at least 100 site visits in 26 states between June 2017 and December 2019. The list of businesses and locations appears in Table 3.

Advocacy encourages the small business hosting the site visit to invite their peers, and staff learns from others facing similar regulatory burdens. These small personal meetings are an important way to collect more detailed information to help in the regulatory reform effort.

**Table 3. Small Business Site Visits, June 2017-December 2019**

State	City	Business Visited	State	City	Business Visited	
Alaska	Anchorage	Blue & Gold Board Shop	Iowa	Cedar Rapids	Great Clips	
	Anchorage	Salmonberry		Cedar Rapids	Lion Bridge Brewing Company	
	Anchorage	Wild Scoops			Council Bluffs	Rasmussen Mechanical Services
	Anchorage	Caffe D’Arte			Manning	Puck Custom Enterprises, Inc.
	Anchorage	Ted Stevens International Airport			West Des Moines	Focus OneSource
	Fairbanks	Cold Climate Housing Research Center	Kansas	Kansas City	Watco Companies Kaw River Railroad Lightbulbs, Etc.	
	Fairbanks	Trax Outdoor				
	Fairbanks	East Ramp Pizza	Kentucky	Lexington	Barrel House Distillery	
	Fairbanks	Alaska Center for Energy & Power				
	Fairbanks	Fairbanks and Steese Fire Departments				
	Fairbanks	Fairbanks International Airport	Newport	BB Riverboats		
	Palmer	Northern Industrial Training				
Palmer	Williams Reindeer Farm	Louisiana	Baton Rouge	Tin Roof Brewing Company		
Arkansas	Jonesboro		Food Bank of Northeast Arkansas	New Orleans	Blaine Kern’s Mardi Gras World	
California	Berkeley		Lawrence Berkeley National Lab	New Orleans	WeChem	
		Clovis	Valley Chrome Plating Inc.	Massachusetts	Gloucester	Mass. Fishermen’s Partnership
		Goleta	Seek Thermal			
		Lodi	Valley Iron Works	Michigan	Detroit	Architectural Salvage Warehouse
		Los Angeles	Los Angeles Cleantech Incubator			
		Modesto	Sciabica’s Olive Oil			
			Farmington Hills	Vicount Industries		

*Continued on next page.*

**Table 3. Small Business Site Visits, June 2017-December 2019**

State	City	Business Visited	State	City	Business Visited
	Sacramento	Pucci Pharmacy		Plymouth	E&E Manufacturing
	Salida	Flory Industries	Missouri	Saint Louis	Chocolate, Chocolate, Chocolate
	Stockton	Ross Roberts Truck Repair, Inc.	Nevada	Las Vegas	The Hydrant Club
	Valencia	King Henry's	New Hampshire	Manchester	Red Arrow Diner
	Westley	Great Pacific Nut Company	New Jersey	Budd Lake	KB Ingredients
Colorado	Buena Vista	Elk Mountain Ranch		Chester	Alstede Farms
	Colorado Springs	Bristol Brewing Co. / Ivywild School		Edison	Argent Associates
	Florissant	Florissant Fossil Beds Natl Monument	New York	Brooklyn	Red Hook Winery
	Fort Collins	Rocky Mountain Adventures		Goshen	Pawleski Farms/Farmroot
Florida	Cedar Key	Aquaculture Visit at FWC Senator Kirkpatrick Marine Lab		Poughkeepsie	Service Master by NEST
	Geneva	Yarborough Ranches		Wappinger Falls	Honey Bee Childcare
	Jacksonville	Florida Roads Contracting	Ohio	Brecksville	Caruso's Coffee
	Jacksonville	Signature Land		Lebanon	FECON Inc.
	Lutz	B3 Medical		Solon	Chagrin Valley Soap & Salve
	Orlando	Global Enterprises		Willoughby	Melrose Farms Community
	Oviedo	Black Hammock Adventures		Willoughby	ProBuilt Homes
	Oviedo	Citizens Bank of Florida	Pennsylvania	Dickson City	Red Line Towing
	St. Augustine	St. Augustine Distillery		Dunmore	Road Scholar Transportation
	Tampa	81Bay Brewing Company		Philadelphia	DiBruno Bros
	Tampa	In the News		Philadelphia	Geno's Steaks
	Tampa	J.C. Newman Cigar Company		Philadelphia	Pat's King of Steaks
	Tampa	PBX Change	Texas	Galveston	Ocean Star Offshore Energy Museum
	Tampa	Tabanero Cigars		Houston	Axistrade
	Tampa	Urban E Recycling		Houston	Everest Valve Company
	Thonotosassa	Ameriscape Services		Houston	Original Ninfa's on Navigation
Georgia	Atlanta	Angel's Paradise Learning Academy		Nixon	Mesquite Field Farm
	Cumming	Grub Burger	Vermont	Cabot	Goodrich's Maple Farm
	Marietta	Sigma Thermal	Virginia	Chester	VHI Transport
Idaho	Boise	City Peanut Shop	Washington	Spokane	Wemco
	Boise	True Lock Manufacturing		Spokane	Zak Designs
	Hayden	Coeur Greens	Wisconsin	Milwaukee	Lakefront Brewery
				Sheboygan	Wigwam Mills
			Wyoming	Casper	Mammoth Networks
				Laramie	Trihydro



**Small Business Forums.** The Office of Advocacy currently employs 10 regional and national advocates who are placed throughout the United States. Eight regional advocates serve the small business communities in their respective federal regions, and the two national advocates reach out to key segments of the U.S. small business economy such as rural businesses and manufacturing.

This team of advocates assists the regulatory reform effort by hosting small business forums to discuss the impact of federal regulations on small

businesses in their respective regions and industry areas. To date, thousands of small business owners and stakeholders have attended small business forums in hundreds of cities and towns.

These small business forums provide valuable insight into small businesses federal regulatory challenges and help supplement the information gathered through roundtables and online input. The list on the next pages shows where the forums took place: in 549 cities located in 46 states and 2 territories.

**Table 4. Locations of Small Business Forums, June 2017-December 2019**

<b>ALABAMA</b>	Sedona	<b>CONNECTICUT</b>	Winder	<b>KANSAS</b>
Birmingham	Surprise	East Hartford	Woodstock	Colby
Huntsville	Tempe	Hartford	<b>HAWAII</b>	Dodge City
Jamestown	Tucson	New Haven	Honolulu	Eureka
Mobile	Tulare	Norwich	Kailua	Fairway
Montgomery	Waddell	<b>DELAWARE</b>	Kakaako	Great Bend
<b>ALASKA</b>	Wickenburg	Wilmington	Kaneohe	Hutchinson
Anchorage	Yuma	<b>FLORIDA</b>	<b>IDAHO</b>	Kansas City
Fairbanks	<b>ARKANSAS</b>	Panama City	Boise	Lawrence
Homer	Cabot	Port St. Joe	Fort Hall	Leavenworth
Juneau	De Queen	Tallahassee	Meridian	Leawood
Kenai	Fayetteville	Tampa	Pocatello	Lenexa
Seward	Little Rock	<b>GEORGIA</b>	<b>ILLINOIS</b>	Leon
Wasilla	Rogers	Atlanta	Aurora	Maize
<b>ARIZONA</b>	<b>CALIFORNIA</b>	Berkley Lake	Chicago	Manhattan
Anthem	Citrus Heights	Brunswick	Springfield	Mission
Avondale	El Segundo	Chamblee	<b>INDIANA</b>	Olathe
Buckeye	Fresno	Cumming	Fort Wayne	Overland Park
Cave Creek	Fullerton	Dahlonega	Greenwood	Prairie Village
Chandler	Glendale	Duluth	Indianapolis	Topeka
Flagstaff	Los Alamitos	East Point	Lawrence	Wichita
Fountain Hills	Manhattan Beach	Johns Creek	Plainfield	<b>KENTUCKY</b>
Gilbert	Mountain View	Lawrenceville	South Bend	Elizabethtown
Glendale	Napa	Lilburn	<b>IOWA</b>	Georgetown
Goodyear	Palo Alto	Norcross	Ames	Hopkinsville
Kingman	Pasadena	Peachtree Corners	Cedar Rapids	Paducah
Mesa	Sacramento	Pine View	Des Moines	Shelbyville
Peoria	San Pedro	Sandy Springs	Grinnell	<b>LOUISIANA</b>
Phoenix	Santa Ana	Savannah	Iowa City	Addis
Prescott	Sherman Oaks	Suwanee	Pella	Baton Rouge
San Jose	Tulare	Thomasville	Sioux City	Central
San Luis	Ventura	Warner Robbins		Chalmette
Scottsdale				Covington

**Table 4. Locations of Small Business Forums, June 2017-December 2019, continued**

Denham Springs	Lansing	Mesquite	Monroe	Rome
Gonzales	Midland	Summerlin	Township	Syracuse
Hackberry	River Rouge	<b>NEW HAMPSHIRE</b>	Montville	West Chester
Henderson	Sault Ste. Marie	Concord	Morris	Williamson
Houma	Sault Tribe	Conway	Morristown	Utica
Jonesboro	Tamarack	Manchester	Mt. Laurel	<b>NORTH CAROLINA</b>
Lafayette	Business Center	Milford	New Brunswick	Greensboro
Lake Charles	Southfield	North Conway	Newark	Kannapolis
Leesville	Traverse City	Portsmouth	Paramus	Raleigh
Livingston	Troy	<b>NEW JERSEY</b>	Parsippany	Wilmington
Luling	<b>MINNESOTA</b>	Atlantic City	Paterson	<b>NORTH DAKOTA</b>
Metairie	Arden Hills	Basking Ridge	Phillipsburg	Fargo
Monroe	Bloomington	Bergen	Point Pleasant	Hankinson
Morgan City	Brooklyn Center	Bernardsville	Princeton	Jamestown
New Orleans	Brooklyn Park	Blackwood	Randolph	<b>OHIO</b>
New Roads	Burnsville	Bordentown	Rochester	Akron
Port Allen	Edina	Bridgewater	Rockaway	Archbold
Ruston	Faribault	Burlington	Skype	Avon
Shreveport	Golden Valley	Cedar Knolls	Somerset	Blacklick
Walker	Medonta Heights	Chatham	Somerville	Cambridge
Watson	Minneapolis	Chester	Sparta	Canton
West Monroe	St. Paul	Cliffside Park	Spring Lake	Chicago
Winnfield	West St. Paul	Convent Station	Summit	Cincinnati
Zachary	<b>MISSISSIPPI</b>	Edison	Toms River	Circleville
<b>MAINE</b>	Hattiesburg	Elizabeth	Trenton	Cleveland
Bangor	Jackson	Englewood Cliffs	Whippany	Columbus
Brewer	<b>MISSOURI</b>	Ewing	Willingboro	Dayton
Portland	Clayton	Flemington	Woodbridge	Dundee
<b>MARYLAND</b>	Fenton	Florham Park	<b>NEW MEXICO</b>	Greenville
Frederick	Grandview	Franklin Lakes	Albuquerque	Independence
<b>MASSACHUSETTS</b>	Kansas City	Freehold	Las Cruces	Ironton
Boston	Jefferson City	Garden City	Santa Fe	Lima
Malden	Kansas City	Garfield	<b>NEW YORK</b>	Mansfield
Mansfield	Lee's Summit	Hackettstown	Albany	Marietta
Newton	North Kansas City	Hanover	Armonk	Mechanicsburg
Salem	Oak Grove	Iselin	Buffalo	Millersburg
Scituate	St. Charles	Jersey City	Burt	Montgomery
Worcester	St. Louis	Lafayette	Canandaigua	Perrysburg
<b>MICHIGAN</b>	<b>NEBRASKA</b>	Lake Hiawatha	Cheektowaga	Portsmouth
Dearborn	Lincoln	Lake Hoptcong	East Harlem	Reynoldsburg
Detroit	Omaha	Lawrenceville	Flushing	Sidney
East Lansing	<b>NEVADA</b>	Lincroft	Jamaica	Steubenville
Flint	Boulder City	Livingston	Jamestown	Stow
Grand Rapids	Henderson	Long Valley	Javits Center	Sugarcreek
Hope	Las Vegas	Madison	Mahopac	Tipp City
Ironwood		Metuchen	New York City	Troy
		Milburn	Rochester	

**Table 4. Locations of Small Business Forums, June 2017-December 2019, *continued***

Urbana	Coudersport	<b>RHODE ISLAND</b>	<b>WASHINGTON</b>	Wellpinit
Walnut Creek	Dresher	Providence	Arlington	Woodinville
West Chester	DuBois/Sandy	<b>SOUTH CAROLINA</b>	Asotin	<b>WEST VIRGINIA</b>
Westerville	Dunmore	Anderson	Ballard	Charleston
Worthington	East Lansdowne	Easley	Bellevue	Hobet
Youngstown	Erie	Myrtle Beach	Bellingham	Logan
Zanesville	Exton	<b>TENNESSEE</b>	Bothell	Tug Valley
<b>OKLAHOMA</b>	Forest Lake	Athens	Charleston	<b>WISCONSIN</b>
Broken Bow	Friendsville	Chattanooga	Clarkston	Baraboo
Norman	Greensburg	Jackson	Edmonds	Burlington
Oklahoma City	Harrisburg	Martin	Everett	Chicago
Tulsa	Indiana	Memphis	Gig Harbor	Delavan
<b>OREGON</b>	Johnstown	Winchester	Issaquah	Eau Claire
Astoria	Kennett Square	<b>TEXAS</b>	Kenmore	Green Bay
Bend	Lancaster	Austin	Kent	Janesville
Brookings	Lebanon	Beaumont	Kirkland	Kenosha
Canby	Lebanon	College Station	Longview	LaCrosse
Canyonville	Lewisburg	Conroe	Lynnwood	Lake Geneva
Coos Bay	Lock Haven	Corpus Christi	Marysville	Lyndon Station
Enterprise	Malvern	Edinburg	Mill Creek	Madison
Grant's Pass	Mansfield	El Paso	Monroe	Marinette
Independence	McKees Rocks	Fort Worth	Mount Vernon	Milwaukee
Klamath Falls	Milford	Houston	Mountlake Terrace	New Glarus
La Grande	Montrose	Laredo	Mukilteo	Pardeeville
Lake Oswego	New Columbia	Lubbock	Ocean Shores	Pewaukee
Lincoln City	Philadelphia	Port Arthur	Olympia	Richland Center
McMinnville	Pittsburgh	San Antonio	Orting	Stevens Point
Newport	Port Richmond	Texarkana	Pasco	Superior
Portland	Punxsutawney	The Woodlands	Pomeroy	Trego
Salem	Scott Township	Weslaco	Preston	Warrens
Sisters	Scranton	<b>U.S. VIRGIN ISLANDS</b>	Puyallup	Waukesha
Tigard	Shamokin	St. Thomas	Redmond	Waupaca
Tillamook	St. Mary's	<b>UTAH</b>	Renton	Wausau
Warm Springs	Tamaqua	Provo	Richland	Wisconsin Dells
<b>PENNSYLVANIA</b>	Taylor	<b>VERMONT</b>	Seattle	
Allentown	Tioga	Burlington	Sequim	
Altoona	Towanda	<b>VIRGINIA</b>	Shoreline	
Bellefonte	Tunkhannock	Newport News	Snohomish	
Bethlehem	Tunkhannock	Richmond	Spokane	
Birchardville	Waverly		Spokane Valley	
Bradford	Waymart		Sumner	
Bristol	West Chester		Tacoma	
Clarks Summit	Wilkes-Barre		Tulalip	
Coatesville	York		Vancouver	
	<b>PUERTO RICO</b>		Walla Walla	
	San Juan			

# 4



## Insight into Small Businesses’ Experience with Regulation

*Advocacy staff documents the issues that small businesses share, and they are published as news items on the office’s website. Advocacy has published dozens of these reports on the complexities and frustrations that small businesses grapple with in regulatory compliance. Table 5 contains a list of articles about the roundtables and links to them. Table 6 lists articles on dozens of site visits. These contain state-by-state detail about regulatory impediments in the operation of small businesses. Both sets of articles illustrate small businesses’ ongoing struggles with federal regulatory compliance.*

### Roundtable Reports

From Alaska to Wyoming, Florida to Maine, Advocacy staff have listened to small business owners share their frustrations with regulations that cost money, impede business growth, or cause redundant effort. Table 5 lists the reports

on all 43 of the Regional Regulatory Reform Roundtables. Click on any of the links to read about the regulatory impediments in the real-life operation of small businesses and their ongoing struggles with regulatory compliance.

**Table 5. Regional Regulatory Reform Roundtable Reports, 2017-2019**

Date	Location	Title and Link
6/7/17	Baton Rouge, LA	Louisiana Small Biz Proclaims, “Federal Regulations are Stifling Business!”*
6/8/17	New Orleans, LA	Businesses on the Bayou are Burdened by Regulations and Paperwork A Baton Rouge Regional Regulatory Roundtable Roundup New Orleans Roundtable Hits on Common Themes Advocacy Holds Regulatory Roundtable in New Orleans
7/11/17	Boise, ID	Idaho and Washington Small Businesses Speak Out against Burdensome Regulations*
7/12/17	Spokane, WA	Advocacy Hosts Regional Regulatory Reform Roundtable in Boise, Idaho
7/13/17	Coeur d’Alene, ID	Region’s Major Industries Have Their Voices Heard at Roundtables Regulatory Roundtables get to the Coeur of the Matter

\*Summary of roundtables in the region. All articles are posted on Advocacy’s website, <https://advocacy.sba.gov>.

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**Table 5. Regional Regulatory Reform Roundtable Reports, 2017-2019, cont'd**

Date	Location	Title and Link
7/31/17	Lexington, KY	"One-Size-Fits-All Doesn't Fit!"–Small Businesses in Kentucky and Ohio Talk to Advocacy* Lexington, Kentucky Welcomes Advocacy to the (Round) Table
8/1/17	Cincinnati, OH	From Riverboats to Land Surveys, Wide Range of Issues Highlight Cincinnati Roundtable
8/2/17	Cadiz, OH	Site Visit: Small Businesses in Oil and Gas Sector Voice Challenges to Regulatory Compliance
8/3/17	Cleveland, OH	Advocacy Rolls Along with Hearing Regulatory Concerns in Cleveland
9/12/17	St. Louis, MO	"We're Being Set Up to Fail!" Small Businesses in Missouri and Kansas Are Frustrated by "Too Much Regulation"*
9/14/17	Kansas City, KS	Wide Range of Issues Highlighted at Advocacy's Regional Regulatory Roundtable in St. Louis Labor and Transportation Issues Highlighted at Kansas Roundtable
10/16/17	Glen Allen, VA	"Regulations Are So Out of Control!": Virginia Small Business Owners Speak Out Small Businesses in Virginia Urge Agencies to Pursue Sensible Regulations
11/28/17	Manchester, NH	"How Did This Happen in This Country? Small Businesses Are "Overregulated and Treated So Poorly!": Small Businesses in New Hampshire and Massachusetts Speak Up*
11/29/17	Gloucester, MA	Granite State Solidifies their Small Business Concerns at Advocacy Roundtable
11/29/17	Boston, MA	Advocacy's Boston Roundtable Brings Multiple Sectors to the Table
3/13/18	Detroit, MI	"Regulations Are Unfair and Deceptive!"*
3/16/18	Milwaukee, WI	Detroit Small Business Owners Want the Feds to be Less of a Speed Bump Advocacy Gets a Taste of the Regulatory Problems of Wisconsin Small Businesses
3/19/18	San Antonio, TX	"Stop the Madness and Fix the Mess!": Texas Small Businesses Plead for Regulatory Relief*
3/20/18	Houston, TX	Federal Procurement, NAFTA, and Agricultural Issues Highlight San Antonio Roundtable
4/10/18	Atlanta, GA	Georgia Gets Grubby at Area Roundtable Discussion*
4/30/18	Modesto, CA	The Golden State Shines a Light On Regulatory Issues: "We Are So Overregulated!"*
5/2/18	Sacramento, CA	County Seat Modesto Puts Advocacy in Regulatory Hot Seat
5/3/18	Santa Clarita, CA	
6/5/18	Tampa, FL	Advocacy Travels To Tampa To Hear From Small Businesses Overregulation Hurts Orlando Small Businesses
6/6/18	Orlando, FL	Federal Regulations Discussion Has Small Business Jumping Off the Rails
6/7/18	Jacksonville, FL	Can't the Feds and the State Work Together? Clouds of Regulations Hover Over the Sunshine State: Small Businesses in Florida Talk To Advocacy*
7/17/18	Council Bluffs, IA	Small Business Are Not Bluffing About Burdensome Regulations in Iowa
7/18/18	Des Moines, IA	"We Can't Operate in a Constant State of Regulatory Uncertainty!" Small Business Owners in the Midwest Urge Advocacy For Help*
7/19/18	Dubuque, IA	Small Business in Des Moines Face a Cornucopia of Burdensome Regulations Small Businesses From Three States Join Advocacy in Dubuque

\*Summary of roundtables in the region. All articles are posted on Advocacy's website, <https://advocacy.sba.gov>.

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**Table 5. Regional Regulatory Reform Roundtable Reports, 2017-2019, cont'd**

<b>Date</b>	<b>Location</b>	<b>Title and Link</b>
8/7/18	Casper, WY	<a href="#">Small Businesses in Wyoming and Colorado Hopeful To Find Regulatory Relief*</a>
8/8/18	Fort Collins, CO	<a href="#">Wyoming Small Businesses Ride The Federal Regulatory Rodeo</a>
8/9/18	Colorado Springs, CO	<a href="#">Broad Range of Issues Highlight Fort Collins Roundtable</a> <a href="#">Colorado Springs Roundtable Highlights a Wide Range of Regulatory Issues</a>
9/11/18	Princeton, NJ	<a href="#">“Regulations Are An Impediment To Everything We Are Trying To Do!” Small Businesses in Pennsylvania, New York and New Jersey Ask For Relief*</a>
9/12/18	Scranton, PA	<a href="#">Wide Range Of Regulatory Issues Highlight New Jersey Roundtable</a>
9/13/18	Poughkeepsie, NY	<a href="#">Advocacy Hears From Small Businesses In Scranton, PA</a> <a href="#">Advocacy Hears From Poughkeepsie Small Businesses</a>
4/29/19	Oklahoma City, OK	<a href="#">“Forty Percent of Our Budget Goes to Regulatory Compliance!” Small Businesses in Oklahoma, Arizona, and Nevada Plead for Regulatory Relief</a>
5/1/19	Phoenix, AZ	<a href="#">Advocacy Hosts Spirited Regulatory Reform Roundtable in Phoenix, Arizona</a>
5/2/19	Summerlin, NV	<a href="#">Wide Range of Issues Discussed at Nevada Roundtable</a> <a href="#">Employment, Finance Issues Highlight Oklahoma City Roundtable</a>
6/4/19	Jonesboro, AR	<a href="#">“I Can’t Keep the Lights on With the Costs of These Rules!” Small Businesses in Arkansas, Tennessee, and Mississippi Ask Advocacy for Help with Federal Regulations</a>
6/5/19	Memphis, TN	<a href="#">Flooding Concerns, Agricultural Issues Underscore Advocacy’s Arkansas Roundtable</a>
6/6/19	Jackson, MS	<a href="#">Labor Shortages Have Small Businesses Singing the Blues at Memphis Roundtable</a> <a href="#">Pharmacy and Other Small Business Issues Dominate Mississippi Roundtable</a>
7/10/19	Anchorage, AK	<a href="#">Concerns Raised about Natural Resources, Labor Force, and Broadband at Anchorage Roundtable*</a>
7/16/19	Bangor, ME	<a href="#">“Do We Want Small Businesses to Stay in Business or Do We Want to Drive Them Out?” Small Business Owners in the New England Area Tell Advocacy Their Regulatory Concerns</a>
7/17/19	North Conway, NH	<a href="#">Small Business Roundtable in Bangor, Maine, Focuses on Labor Force and Regulatory Issues</a>
7/18/19	Burlington, VT	<a href="#">North Conway Regulatory Roundtable – Federal Regulatory Issues and Trees: Both Plentiful</a> <a href="#">Granite State Solidifies their Small Business Concerns at Advocacy Roundtable</a> <a href="#">Advocacy Meets with Burlington Smalls – A Call for OSHA Regulations</a>

## Site Visit Input and Follow-Up Reports

Advocacy’s attorneys, economists, and regional advocates wrote follow-up articles after their small business site visits. They describe the unique

businesses and their owners, as well as their discussions of regulatory issues and obstacles. Advocacy staff made 96 site visits to businesses in 24 states from 2017 to 2019. Table 6 contains links to dozens of site visit reports.

**Table 6. Site Visit Recaps, 2017-2019**

Date	Location	Company	Title and Link
6/7/17	Maurice, LA	Dale Martin Offshore	<a href="#">Louisiana Towing Vessel Operator Unhappy With New Coast Guard Regulations</a>
6/7/17	Shreveport, LA	Ayers Career College	<a href="#">Education Issues Heard At Baton Rouge Regional Regulatory Roundtable</a>
6/7/17	Baton Rouge, LA	Tin Roof Brewing Company	<a href="#">Advocacy Staff Tours Tin Roof Brewing Company In Baton Rouge</a>
6/8/17	New Orleans, LA	Blaine Kern’s Mardi Gras World	<a href="#">Advocacy Visits Mardi Gras World; The Small Business Spreads ‘Carnival’ to the Rest of the World</a>
6/9/17	New Orleans, LA	WeChem	<a href="#">Advocacy Tours Small Chemical Manufacturing And Distribution Plant In New Orleans</a>
6/9/17	Port Fouchon, LA	Greater Lafourche Port Commission	<a href="#">Port Fouchon – A Service Port For Domestic Deep Water Oil And Gas</a>
7/11/17	Boise, ID	City Peanut Shop	<a href="#">Advocacy Goes Nuts For City Peanut Shop</a>
7/11/17	Meridian, ID	Big D Ranch	<a href="#">Small Farm Brings Big Business For Idaho’s Treasure Valley</a>
7/12/17	Spokane, WA	Zak Designs	<a href="#">Advocacy Has A Colorful Conversation With Zak! Designs</a>
7/12/17	Spokane, WA	Wemco	<a href="#">Wemco ‘Manufactures Productivity’</a>
7/14/17	Colville, WA	Vaagen Brothers Lumber	<a href="#">Saw Mill Complains Of Feds Lumbering Around</a>
7/31/17	Newport, KY	BB Riverboats	<a href="#">BB Riverboats Owner Steamed About Federal Regulations</a>
7/31/17	Lexington, KY	Salter’s Alliance Farm	<a href="#">Farm Owner Jockeys For Regulatory Relief</a>
8/1/17	Lebanon, OH	FECON Inc.	<a href="#">Advocacy Meets With Mulching Manufacturer</a>
8/4/17	Solon, OH	Chagrin Valley Soap & Salve	<a href="#">Small Business Feeling Chagrin At Potential Product Rules</a>
8/4/17	Willoughby, OH	ProBuilt Homes	<a href="#">Advocacy Builds Engagement With Home Developer</a>
8/4/17	Brecksville, OH	Caruso’s Coffee	<a href="#">Cool Beans: Advocacy Visits Small Coffee Roaster In Northeast Ohio</a>
9/12/17	St. Louis, MO	Chocolate, Chocolate, Chocolate	<a href="#">Advocacy Hears Small Business Concerns At Chocolate, Chocolate, Chocolate</a>
9/14/17	Kansas City, MO	Watco Companies Kaw River Railroad	<a href="#">Short Line Railroad Warns Of “Death By A Thousand Cuts” Caused By Federal Regulations Tailored Only To Bigger Rail Companies</a>

Note: Articles are are posted on Advocacy’s website, <https://advocacy.sba.gov>.

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**Table 6. Site Visit Recaps, 2017-2019, continued**

<b>Date</b>	<b>Location</b>	<b>Company</b>	<b>Title and Link</b>
9/14/17	Lenexa, KS	Lightbulbs, Etc.	<a href="#">Advocacy Receives A Warm Welcome At Light Bulbs Etc.</a>
10/16/17	Chester, VA	VHI Transport	<a href="#">Advocacy Visits Small Transportation Company Following Virginia Roundtable</a>
11/28/17	Manchester, NH	Red Arrow Diner	<a href="#">Order Up! Advocacy Visits the Red Arrow Diner To Discuss Its Regulatory Challenges</a>
11/29/17	Gloucester, MA	Massachusetts Fishermen's Partnership	<a href="#">Advocacy Discusses Regulatory Challenges Facing Fishermen During Visit With the Massachusetts Fishermen's Partnership</a>
3/13/18	Plymouth, MI	E&E Manufacturing Company	<a href="#">Family Business Puts the Pedal To the Metal On Reducing Regulations</a>
3/13/18	Detroit, MI	RBV Contracting	<a href="#">RBV Contracting Digs Detroit</a>
3/13/18	Detroit, MI	Architectural Salvage Warehouse of Detroit	<a href="#">Architectural Salvage Warehouse Preserves the History Of Detroit</a>
3/13/18	Farmington Hills, MI	Vicount Industries	<a href="#">Michigan Company Shapes Constructive Criticism For NAFTA Revision</a>
3/15/18	Sheboygan, WI	Wigwam Mills	<a href="#">Wigwam Knocks the Socks Off Its Competitors In Unraveling Apparel Industry</a>
3/15/18	Waterloo, WI	Crave Brothers Farm; Crave Brothers Farmstead Cheese Factory	<a href="#">Don't Bilk The Cow: Wisconsin Dairy Farmers Concerned With NAFTA Renegotiations</a>
3/15/18	Watertown, WI	Rosy-Lane Holsteins LLC	<a href="#">Don't Bilk The Cow: Wisconsin Dairy Farmers Concerned With NAFTA Renegotiations</a>
3/16/18	Milwaukee, WI	Lakefront Brewery	<a href="#">Let the Beer Flow: A Milwaukeean Brewer's Story of Domestic And International Growth</a>
3/19/18	Houston, TX	Everest Valve Company; Axistrade (2 companies)	<a href="#">Houston Has A Regulatory Problem That Advocacy Aims To Solve</a>
3/19/18	Galveston, TX	Ocean Star Offshore Energy museum; Gulf Copper	<a href="#">Museum Brings Offshore Oil Industry Concerns Ashore</a>
3/19/18	Houston, TX	The Original Ninfa's on Navigation	<a href="#">Advocacy Staff Learns About Role Of NAFTA During Visit With Owners Of Concord Supply</a>
3/19/18	San Antonio, TX	Concord Supply	<a href="#">Plant Spins Regulatory Concerns Round And Round With Advocacy</a>
3/22/18	Austin, TX	Gold Rush Vinyl	<a href="#">Plant Spins Regulatory Concerns Round And Round With Advocacy</a>
4/10/18	Marietta, GA	Sigma Thermal	<a href="#">Georgia Small Businesses Partner With Advocacy To Hold Hot Roundtable</a>
4/30/18	Westley, CA	Great Pacific Nut Company	<a href="#">Advocacy Learns About Walnut Grower And Processor In California</a>
4/30/18	Salida, CA	Flory Industries	<a href="#">Some Federal Regulations Are Just Plain Nutty</a>

Note: Articles are are posted on Advocacy's website, <https://advocacy.sba.gov>.

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**Table 6. Site Visit Recaps, 2017-2019, continued**

<b>Date</b>	<b>Location</b>	<b>Company</b>	<b>Title and Link</b>
5/1/18	Stockton, CA	Ross Roberts Truck Repair, Inc.	SBA Loans Give Entrepreneurs A Hand Up
5/3/18	Valencia, CA	King Henry's	Advocacy takes a Bite out of Snack Company's Regulatory Concerns
5/4/18	Santa Barbara, CA	Seek Thermal	Southern California Small Business Owners are Hot about Senseless Regulations
6/5/18	Tampa, FL	In the News	Florida Small Business Makes Headlines With Their Plaque Company
6/5/18	Tampa, FL	Urban E Recycling	Tampa Recycler Turns Old Electronics Into Precious Materials
6/5/18	Tampa, FL	81Bay Brewing Co.	Ale in A Day's Work
6/5/18	Thonotosassa, FL	Ameriscape Services	Advocacy Visits Small Landscaping Company in Tampa Bay Area
6/5/18	Lutz, FL	B3 Medical	B3 Medical–Federal Regulations Give Health Clinic A Headache
6/6/18	Oviedo, FL	Black Hammock Adventures	Central Florida Small Business Owner Chomps Down On Excessive EPA Rules
6/6/18	Orlando, FL	Citizens Bank of Florida	Citizens Bank of Florida Believes Others Have Competitive Advantage
6/6/18	Seminole County, FL	Yarborough Ranches	Planting Skilled Labor Troublesome For Family Farm
6/8/18	Cedar Key, FL	Aquaculture visit at FWC Senator Kirkpatrick Marine Lab	Small Business Hatches Ideas To Ease Its Industry's Regulatory Burdens
7/17/18	Council Bluffs, IA	Rasmussen Mechanical Svcs	Small Mechanical Services Company in Council Bluffs, Iowa
7/17/18	West Des Moines, IA	Focus OneSource	Iowa Company Focusing On Helping Small Businesses Comply With Regulations
7/17/18	Manning, IA	Puck Custom Enterprises, Inc.	Puck Enterprises in Iowa
7/18/18	Cedar Rapids, IA	Great Clips	Great Clips! Entrepreneur Franchisee Provides Career Opportunities For Stylists
7/18/18	Cedar Rapids, IA	Lion Bridge Brewing Company	Tax Reform Passed By Congress Gives Small Brewery High "Hops"
8/6/18	Gillette, WY	Mammoth Networks	Mammoth Networks
8/7/18	Laramie, WY	Trihydro	Environmental and Engineering Firm in Laramie, WY
8/7/18	Fort Collins, CO	Rocky Mountain Adventures	Rocky Mountain Adventure in Colorado
8/8/18	Buena Vista, CO	Elk Mountain Ranch	Elk Mountain Ranch in Colorado

Note: Articles are are posted on Advocacy's website, <https://advocacy.sba.gov>.

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**Table 6. Site Visit Recaps, 2017-2019, continued**

<b>Date</b>	<b>Location</b>	<b>Company</b>	<b>Title and Link</b>
8/9/18	Colorado Springs, CO	Bristol Brewing Company	<a href="#">Bristol Brewing Co. in Colorado</a>
8/9/18	Florissant, CO	Florissant Fossil Beds National Monument	<a href="#">Florissant Fossil Beds National Monument</a>
9/10/18	Philadelphia, PA	Di Bruno Bros. House of Cheese	<a href="#">Di Bruno Bros. House Of Cheese In Pennsylvania</a>
9/10/18	Philadelphia, PA	Pat's King of Steaks, Geno's Steaks	<a href="#">Cheesesteak Warriors Team Up To Fight Burdensome Regulations</a>
9/11/18	Budd Lake, NJ	KB Ingredients	<a href="#">The Sweet Smell Of Success – Smells Like Pumpkin Pie At KB Ingredients</a>
9/11/18	Edison, NJ	Argent Associates	<a href="#">Argent Controls</a>
9/12/18	Dunmore, PA	Road Scholar Transport	<a href="#">Road Scholar Transport: Safety And Security The Key Concerns</a>
9/12/18	Dickson City, PA	Red Line Towing, Inc.	<a href="#">Advocacy Discusses Red Tape At Red Line Towing, Inc.</a>
9/13/18	Wappinger Falls, NY	Honey Bee Child Care	<a href="#">Nanny State: New York Daycare Service Perseveres Despite State Level Regulations And Taxation</a>
9/13/18	Goshen, NY	Pawelski Farms	<a href="#">A Farmer's Growing Appreciation For Tax Cuts</a>
9/13/18	Poughkeepsie, NY	ServiceMaster Restore by NEST	<a href="#">Starting A New Business Takes A Community Effort</a>
9/14/18	Brooklyn, NY	Red Hook Winery	<a href="#">In The Shadow Of Lady Liberty</a>
5/2/19	Las Vegas, NV	The Hydrant Club	<a href="#">Regulations are Doggone Burdensome at The Hydrant Club</a>
7/10/19	Palmer, AK	Williams Reindeer Farm	<a href="#">Reindeer Farm in Palmer, Alaska Faces Unusual Business Obstacles</a>
7/9/19	Fairbanks, AK	Cold Climate Housing Research Center	<a href="#">Advocacy Visits Cold Climate Housing Research Center</a>
7/8/19	Anchorage and Fairbanks, AK	Blue & Gold Board Shop/ Trax Outdoor	<a href="#">Local Outdoor Businesses in Alaska Share Concerns With Advocacy</a>
7/8/19	Anchorage and Fairbanks, AK	Wild Scoops/East Ramp Pizza/Caffe D'Arte	<a href="#">Alaska Restaurant Industry Had Regulatory Issues To Discuss With Advocacy Staff</a>
7/9/19	Fairbanks, AK	Alaska Center for Energy and Power	<a href="#">Advocacy Hears Unique Energy Challenges At Alaska Energy And Power</a>
7/9/19	Fairbanks, AK	Fairbanks & Steese Fire Departments	<a href="#">Advocacy Visits Fairbanks Area Fire Officials To Discuss Possible OSHA Rulemaking</a>
7/8/19	Anchorage and Fairbanks, AK	Ted Stevens Anchorage International/Fairbanks International	<a href="#">Advocacy Visits Anchorage &amp; Fairbanks Airports To hear From Airport Officials</a>
7/17/19	Cabot, VT	Goodrich's Maple Farm	<a href="#">Maple Syrup Farm Owner Encounters Sticky Situation With Friends Across Border</a>

Note: Articles are are posted on Advocacy's website, <https://advocacy.sba.gov>.

# 5

## Federal Agency Follow Up and Progress Reports



*When Executive Orders 13771 and 13777 launched the era of federal emphasis on deregulation, Advocacy set out with renewed purpose to communicate small businesses' priorities for regulatory reform. This section presents Advocacy's follow-up efforts with federal agencies, as well as instances of regulatory reform progress made so far.*

Advocacy's extensive national outreach has produced detailed complaints about the excessive costs and difficulties of small business compliance with numerous federal rules. Advocacy has acted on this information in a concerted fashion: communicating with the head of each agency head and their regulatory reform officer, and conveying information in numerous ways to each agency's rule writing officials. Through one-on-one phone calls and meetings, teleconferences, webinars, and small business meetings, Advocacy's attorneys are diligently pursuing needed reforms. This engagement process has begun to yield results.

### ***Formal Communications With Federal Agencies on Behalf of Small Business***

Soon after the Regional Regulatory Reform Roundtables began, Advocacy started providing feedback to the federal agencies responsible for the rules with the highest number of complaints. In 15 letters to the heads of regulatory agencies, Advocacy enumerated the small business concerns and suggested fixes for specific rules.

Advocacy has since sent additional follow-up letters. All of these are publicly available on Advocacy's regulatory reform website, <http://advocacy.sba.gov/regulation/regulatory-reform>. Table 7 list these 26 letters. A sample of one of them is reproduced in Appendix D.

**Table 7. Formal Letters to Agency Heads and Regulatory Reform Officers**

Agency and Link	Date	Issues Raised
<b>2017</b>		
Department of Agriculture	10/2/17	Delays in Forest Service issuance of permits for timber salvage. About 20 duplicative and outdated rules dealing with poultry handling and other topics
Department of Education	10/3/17	Difficulty complying with gainful employment regulation, regional wage variations, and schools' limited control over the data used to calculate compliance.
Department Energy	9/28/17	Energy efficiency standards and the Energy Star program.
Environmental Protection Agency	9/29/17	Chemical regulations; lead paint rule; land disposal and management regulations; Toxic Release Inventory, issues with the Clean Air Act and Clean Water Act, waters of the U.S. rule.
Federal Communications Commission	9/25/17	Barriers to rural broadband deployment.
Department of Health and Human Services	10/3/17	Affordable Care Act, Food Safety Modernization Act, and food labeling rules. Includes specific reform requests for Centers for Medicare and Medicaid Services and the Food and Drug Administration.
Department of Homeland Security	10/4/17	Deferred Action for Childhood Arrivals, Form I-9 Employment Verification process, H-2A and H-2B Visa programs, and the International Entrepreneur Rule. Issues with various Coast Guard safety and security plan rules.
Department of Housing and Urban Development	10/4/17	HUD's 2016 rules concerning criminal background checks.
Department of the Interior	9/29/17	Designation of critical habitats, Endangered and Threatened Species Act compensatory mitigation policy and litigation, and habitat conservation plans. Federal coal leasing issues.
Department of Justice	10/4/17	Title III of the Americans with Disabilities Act regarding public accommodations; Title III of the ADA as applied to passenger vessels.
Department of Labor	10/4/17	Fiduciary rule, H-2A and H-2B Visa Programs, federal paid sick leave for government contractors, OSHA electronic recordkeeping and reporting, Examinations of Working Places in Metal and Nonmetal Mines rule, and issues under the Fair Labor Standards Act.
Small Business Administration	10/23/17	System for Award Management, eligibility of HUBZone status to accommodate a partial overseas workforce, and single certification process for women-owned small business, HUBZone businesses, small disadvantaged businesses, and service-disabled veteran contractors.
Department of State	10/4/17	Inter-country adoptions and recent executive orders targeting the Summer Work Travel Program and Exchange Visitor Programs.

Note: Letters are posted on Advocacy's website, <https://advocacy.sba.gov>.

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**Table 7. Formal Letters to Agency Heads and Regulatory Reform Officers, cont'd**

Agency and Link	Date	Issues Raised
Department of Transportation	10/12/17	Design and production approvals from the Federal Aviation Administration; Compliance, Safety, Accountability and Safety Measurement System; and Electronic Logging Devices. Conflicting and confusing Federal Railroad Administration rules.
Department of the Treasury	9/28/17	Exempting small private companies from the penalties and requirements associated with deferred compensation arrangements under Internal Revenue Code section 409A; simplifying tax and inventory accounting rules; accounting for the small business impact when implementing legislative changes arising from tax reform; and revising the Basel III rules related to capital requirements on bank lending.
<b>2018</b>		
Federal Communications Commission	8/1/18	Definitions and regulations under the Telecommunications Consumer Protection Act, streamlining regulation to reduce barriers to infrastructure deployment, promoting investment in the 3550-3700 MHz band, and USTelecom Petition for Forbearance under 47 U.S.C § 160(c).
Department of Energy	10/17/18	Energy efficiency standards; Energy Star programming; Federal Energy Regulatory Commission oversight and proposed rule on distributed energy resources; energy efficiency process rule.
Small Business Administration and Department of Agriculture	10/17/18	Taking action on the Small Business Timber Set-Aside Program; finalizing the set-aside portion of the rule to provide a high enough volume of available timber to help small businesses stay in business.
Department of the Treasury	10/12/18	Contradictory Form 1099-C instructions; the disclosure of preparer information for Form 5500; repeal of duplicative and burdensome Treasury regulation § 1.401(a)-5(b), the “Top 25” rule; update instructions to Form 5330 clarifying that the late deposit of 403(b) plan deferrals is not subject to an excise tax; expanding self-correction options for participant loan failures in the IRS Employee Plans Compliance Resolution System (EPCRS).
Environmental Protection Agency	10/17/18	Multiple federal agency rules for handling regulated chemical substances, consistent small business definition for all federal agencies, hazardous waste regulations applicable to airbags.
Department of Education	10/18/18	Progress on the Gainful Employment regulation. Regarding the agency’s proposed rulemaking on Institutional Accountability/Borrower Defenses to Repayment, Advocacy recommends that the agency publish a supplemental certification with a valid factual basis showing no significant impact on small entities, or else publish an initial regulatory flexibility analysis.
Department of the Interior	10/30/18	Endangered Species Act reform, National Park Service commercial use authorization fees, candidate conservation agreements, National Park Service and Bureau of Land Management permits, Bureau of Land Management mineral trespass, and Fish and Wildlife Service habitat conservation plans.

Note: Letters are are posted on Advocacy’s website, <https://advocacy.sba.gov>.

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**Table 7. Formal Letters to Agency Heads and Regulatory Reform Officers, cont'd**

Agency and Link	Date	Issues Raised
Department of Agriculture	11/07/18	National Organics Program: concerns with requirements for personal care products; fraudulent labeling of imported goods and liability connected to them. High costs of the electronic animal ID program for small entities. Changes needed to modernize crop insurance program.
Department of Labor	11/16/18	Nineteen issues of concern; four areas of improvement. Concerns include fiduciary rule; electronic ERISA notices; H-2A, H-2B visa programs; federal contracting issues (minimum wage, affirmative action, hospital reimbursements); communication tower safety; electronic recordkeeping and reporting; silica and beryllium rules, OSHA inspections and enforcement; mine inspections; overtime rule; companion care rule; tipping rule. Improvements include exemption for recreational companies on federal lands, definition of independent contractor and joint employment; rescinded part of the persuader rule.
Department of Homeland Security	11/16/18	Shortages, high costs, and slow processing times of H-1B visas (science, engineering and IT workers); H-2A visas (temporary agricultural workers); and H-2B visas (temporary non-agricultural workers). Coast Guard vessel safety and security plans are designed for large complex operations and impose outsize burdens on small entities.
Department of Justice	11/16/18	Title III of the ADA. Small businesses and municipalities feel that rules for accessibility of public accommodations and websites are vague, and they have been targets of litigation on these issues. Owners of small passenger vessels feel that accessibility regulations may conflict with Coast Guard-mandated safety features, especially for older vessels.

Note: Letters are are posted on Advocacy's website, <https://advocacy.sba.gov>.

## **Staff Level Regulatory Reform Follow-Up**

In addition to these letters, Advocacy’s regulatory staff continue to have meetings, conference calls, and detailed discussions with federal regulatory officials. Advocacy presents small business feedback from the various roundtables and works with the agencies on potential solutions and burden reductions as their Regulatory Reform Task Forces are making decisions. These contacts help Advocacy amplify the voice of the small businesses who have participated in Regional Regulatory Reform activities.

## **Small Business Regulatory Progress Reports**

Since Advocacy launched its nationwide regulatory reform effort, several developments have resulted in burden reduction and cost savings for small businesses. The following section describes some examples of progress toward reform. These include improvements on rules discussed during Advocacy’s current regulatory reform efforts, as well as progress on rules that small businesses had brought to Advocacy’s attention previously.<sup>1</sup>

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### **1. Consumer Financial Protection Bureau—Home Mortgage Disclosure Act**

The Consumer Financial Protection Bureau’s Home Mortgage Disclosure Act rule requires small businesses to collect a significant amount of data. Small lenders have told Advocacy that the number of data points that need to be collected make the rule burdensome. Advocacy met with CFPB to discuss the issue and submitted a letter detailing the small business concerns.

On September 13, 2017, the CFPB issued a temporary amendment to the rule. It exempts financial institutions that originate between 100 and 499 open-end lines of credit in either of the two preceding calendar years from the requirement

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<sup>1</sup> Unless otherwise noted, these descriptions were current as of December 2019. Appendix G contains the formal names and citations of regulations.

to collect, report, and disclose data on open-end lines of credit. The exemption lasts until June 30, 2020.

In May 2018, Congress passed and President Trump signed the Economic Growth Regulatory Relief and Consumer Protection Act. The law eases regulations imposed by Dodd-Frank, including some Home Mortgage Disclosure Act relief for small banks.

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### **2. Consumer Financial Protection Bureau—Payday, Title, and Certain High-Cost Installment Loans**

Small businesses have complained to Advocacy that the Consumer Financial Protection Bureau’s Payday Lending Rule restricts how small dollar lenders can lend money and that it will force them out of business. Advocacy was very active in this rulemaking. Advocacy participated in the agency’s small business review panel preceding the rulemaking. Advocacy later submitted comments asking the agency to consider the potential effects of the regulation on small entities. In January 2018, the CFPB announced that it would reconsider the rulemaking.

On February 14, 2019, the CFPB issued two proposed rules regarding the Payday Lending rule. One proposed a delay in the compliance date of the rule. The other proposed rescinding the ability to repay provisions of the rule. Advocacy submitted comments on both proposed rules. On June 17, 2019, the CFPB issued a final rule to delay the August 19, 2019 compliance date.

#### ***From an Independent Pharmacy . . .***

“The CMS rules are killing us. We understand the need for regulations, but putting a small business in a bind, that is already strapped, isn’t sustainable.”

—A small pharmacy owner in Jonesboro, Arkansas.

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### **3. Department of Commerce/National Oceanic and Atmospheric Administration— Magnuson National Standard Number 2**

Magnuson National Standard Number 2 states that “Conservation and management measures shall be based upon the best scientific information available.” The fishing industry is concerned that there are flaws in the science that the agency uses to regulate the industry. Fishermen attending Advocacy’s roundtable expressed these concerns. Advocacy contacted the Department of Commerce about the issue and obtained an explanation for the industry.

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### **4. Department of Commerce/National Oceanic and Atmospheric Administration— Payment for Onboard Monitors for the Fishing Industry**

This rule requires fishers to have an onboard observer when they are at sea. In the past, the federal government paid for the observers. In recent years, the fishers were required to pay for the observers. Small fishing operations, especially in New England, have told Advocacy about their concerns with this regulation. In March 2018, a legislative change allowed for the onboard monitoring program to be fully funded by the National Oceanic and Atmospheric Administration, relieving small businesses of this cost.

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### **5. Department of Education— Gainful Employment**

The stated objective of the Department of Education’s Gainful Employment regulation was to require schools to ensure their career training programs actually prepare students for well-paying jobs that allow them to repay for their student loans. Advocacy heard from small educational institutions during the Regulatory Reform Roundtables that while they supported the overall objective of the regulation with respect to ensuring quality educational programs, the agency’s requirements and associated metrics bore little rational connection to measures of quality. Advocacy submitted a comment letter detailing small business concerns. The agency established

rulemaking committees to rework the Gainful Employment regulation through a negotiated rulemaking. On July 1, 2019, the agency rescinded the Gainful Employment regulation with the exception of subpart Q of the Student Assistance General Provisions.

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### **6. Department of Health and Human Services/ Centers for Medicare and Medicaid Services— ICD-9-CM Compliant Codes for Inpatient Rehabilitation Facilities; 60 Percent Rule**

The Centers for Medicare and Medicaid Services is transitioning from ICD-9 Medicare billing codes to ICD-10. The agency believes this will result in much greater specificity and clinical information, improved ability to measure health care services, and decreased need to include supporting documentation with claims. Attendees at Advocacy’s regional roundtables, and stakeholders that submitted written regulatory reform comments to Advocacy, requested that CMS restore certain ICD-9 codes because some codes were inadvertently eliminated during the transition to ICD-10. This has resulted in payment penalties for late-patient assessment submissions.

Advocacy has been following this issue for years. In fact the office filed a public comment letter on November 3, 2003, when CMS published the 75 percent rule affecting inpatient rehabilitation facilities, asking that CMS reduce the regulatory burden associated with the use of reimbursement codes. Recently, Advocacy communicated the stakeholders’ ICD-9 regulatory reform suggestions to CMS. In the 2018 inpatient rehabilitation facility prospective payment system rule, CMS reversed certain ICD-10 diagnosis codes and removed a 25 percent payment penalty for late-patient assessment submissions. These changes provide the relief requested by the stakeholders in this situation.

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### **7. Department of Interior/Bureau of Land Management— Hydraulic Fracturing Regulations**

On March 26, 2015, the Bureau of Land Management published a final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian

Lands.” The rule established new requirements for operator planning, drilling plans, surface use plans, enhanced record keeping requirements, and operational requirements.

Manufacturers and builders complained that states have long been the primary regulators of hydraulic fracturing and should remain in that role. They were concerned that federal regulations could harm any potential gains resulting from increased exploration of shale oil and gas. They believed that where there is a perceived deficiency in any one state’s regulatory mechanisms, the federal government should work with the state to fill in the gap rather than imposing one-size-fits-all federal rules on states where no deficiency exists.

On December 29, 2017, BLM published a final rule rescinding the 2015 BLM rule. This final rule effectively eliminates the burden described by stakeholders and provides for consistency and clarity on the state-federal issue.

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#### **8. Department of Interior/Fish and Wildlife Service— Mitigation Policy**

On November 21, 2016, the Fish and Wildlife Service published an update to its Mitigation Policy, which guides its recommendations on mitigating the adverse impacts of land and water developments on fish, wildlife, plants, and their habitats. The 2016 policy set a goal of net benefit for natural resources, or at a minimum, no net loss. The agency stated that it would apply a landscape-scale approach to mitigation that was to serve as an umbrella policy under which the agency could issue more detailed guidance directing various activities in the future.

Small entities stated that the new policy would increase costs and limit their ability to start, expand, and operate their businesses due to costly permitting and new mitigation requirements. They stated that the guidance added more confusion, and that the agency should instead withdraw it in favor of guidance that clarifies specific guidelines for conservation plans, streamlines the process, and

does away with the untenable goal of no-net-loss for natural resources.

In response to various executive orders on November 6, 2017, the agency requested public comment on this and other mitigation policies. Advocacy held a webinar with the agency to encourage specific small business feedback on December 12, 2017. After reviewing the public comments, the agency announced on July 30, 2018, that it would be withdrawing this policy, thus restoring previous agency guidance and removing the untenable goals for small businesses.

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#### **9. Department of Interior— Endangered Species Act Revised Regulations for Listing Species and Designating Critical Habitat; Prohibitions to Threatened Wildlife and Plants; and Interagency Cooperation**

On July 25, 2018, the Department of the Interior’s Fish and Wildlife Service and the Department of Commerce’s National Marine Fisheries Service issued two proposed rules related to policies and procedures under the Endangered Species Act. A third rule was issued on the same date solely by the Fish and Wildlife Service. The rules aimed to update policies and procedures under the Act to make them more streamlined and less burdensome. Advocacy wrote a lengthy comment letter on all three rules stating that we supported the proposed revisions to the policies and procedures with some modifications.

On August 27, 2019 all three proposed rules were finalized, and many if not all of Advocacy’s suggestions were reflected in these final rules. The final rule for listing and designating critical habitat modifies several definitions that are otherwise unclear, including creating a regulatory framework for “foreseeable future.” It also clarifies that the standards for listing and delisting of species are the same. The rule also clarifies when designation of a critical habitat may not be prudent and the definition of physical or biological feature and revises the processes and standards for designation of unoccupied critical habitat. This helps to alleviate some of the uncertainty regarding how long

in the future the agency can look when making a determination on species conservation.

The final rule for interagency cooperation revises the definition of adverse modification and effects of the action, establishes a stand-alone definition of environmental baseline, and other policies to improve and shorten the consultation process so that businesses receive decisions in a timelier manner.

The final rule for prohibitions to threatened wild-life and plants issued solely by the Fish and Wildlife Service aims to add consistency to the procedure currently being used by the National Marine Fisheries Service. The rule rescinds current regulations that automatically apply prohibitions for endangered species to threatened species, and instead forces the agency to determine protections for threatened species on a case-by-case basis. This rule aims to add consistency to current policies while also ensuring that only those protections that are needed are applied.

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#### **10. Department of Interior— Moratorium on Leasing of Federal Coal**

In January 2016, the Department of Interior announced a moratorium on the leasing of coal on federal lands while it considered updates to the federal government’s coal leasing process. The moratorium prohibited leasing on federal lands by small power plants, industries that service coal plants, small utility companies and municipalities, and those manufacturing plants that rely on coal to power their facilities.

#### ***From a Trucking Company . . .***

“The regulations are taking the passion out of running a business.”

—Owner of a small trucking  
company in Houston

On March 29, 2017, the moratorium was revoked by DOI’s Secretarial Order number 3338. This increased the potential for small businesses to enter the market and allowed those already in the market to remain competitive.

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#### **11. Department of Interior— Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation**

In July 2016, the Department of Interior published a final rule allowing its Office of Natural Resource Revenue to change a payer’s calculations of value and deductions, and establishing inappropriate limits on deductions, including elimination of significant deduction for subsea transportation of product. This valuation structure was burdensome on small coal plants, gas plants, and the industries that service them. Small entities felt that it established inappropriate limits on deductions. The final rule was repealed on August 7, 2017, reducing costs and regulatory burdens for small businesses.

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#### **12. Department of Labor— Overtime Rule**

Advocacy has been very involved with the Department of Labor’s Overtime rule, which sets the minimum salary for the “white collar” exemption from overtime pay under the Fair Labor Standards Act (FLSA). When DOL first released their proposed rule in 2015, the agency set the minimum salary threshold at \$50,440. Advocacy recommended that DOL consider the impact of the rule on small businesses, especially in the low-wage regions in the South and in industries such as retail where profit margins are thin, and to reconsider yearly updates to the salary threshold. When DOL released the 2016 final rule, the agency set the minimum salary threshold at \$47,476. The 2016 final rule never became effective due to legal challenges.

In 2019, DOL released a proposed and final rule that set the minimum salary threshold at \$35,308. At Advocacy Roundtables, most small businesses commented that this lower threshold would have a much smaller impact on them. DOL estimates

that the cost savings from lowering the overtime threshold and by not adopting an automatic updating mechanism from the 2016 proposal is anticipated to save the United States economy \$534.8 million. By assessing what percent of the affected workforce is employed by small business, the Office of Advocacy estimates that this change will result in an annualized cost savings of \$204.6 million for small businesses.

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### **13. Department of Labor— Companion Care Rule**

In 2015, DOL changed the companion-care services exemption to minimum wage and overtime requirements under the Fair Labor Standards Act, limiting the use of this exemption to those employed by the family or household using those services. Under this rule, home care agencies providing these services were required to pay minimum wage and overtime to their workers. Small businesses across the country told Advocacy that these changes would devastate their businesses, and reported business losses in general hourly services. The rule made it almost impossible for small home care companies to provide live-in care.

In 2018 and 2019, Advocacy facilitated meetings between DOL and small business representatives from the Private Care Association and the National Association for Home Care and Hospice. These organizations sought to repeal the 2015 final regulations.

In addition, the Private Care Association asked DOL to provide guidance stating that registries are not employers under FLSA and subject to these requirements. (These registries are companies that facilitate matches between clients and caregivers.) On July 13, 2018, DOL issued Field Assistance Bulletin No. 2018-4, which reaffirmed DOL's position that registries are typically not employers under the FLSA. This document provided specific examples of common registry business practices that may establish the existence of an employment relationship under the FLSA.

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### **14. Department of Labor— Definition of Independent Contractor**

In 2015, DOL issued a guidance document narrowing the definition of an independent contractor and expanding the number of employees subject to the Fair Labor Standards Act's requirements, including overtime. Small businesses expressed concern with this guidance document, stating it was costly and burdensome. Advocacy communicated these concerns to DOL in meetings on regulatory reform. On June 7, 2017, DOL withdrew this guidance document.

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### **15. Department of Labor— Definition of Joint Employer**

In 2016, DOL issued an Administrator's Interpretation, which established an expanded definition of joint employment between two companies who determine the working conditions of employees under the Fair Labor Standards Act (FLSA) and the Migrant and Seasonal Agricultural Worker Protection Act. Small businesses expressed concern with the interpretation, as it classified many more businesses as joint employers who were subject to enforcement actions on overtime and other FLSA requirements. Advocacy communicated these concerns to DOL in meetings on regulatory reform. On June 7, 2017, DOL withdrew this guidance document.

#### ***From a Metal Plating Company . . .***

"I don't think the people who write regulations actually understand the tremendous difficulties of running a business. We are competing with China and Mexico who don't have these costly regulations. We just can't compete."

*—The owner of a small metal  
plating company.*

On January 12, 2020, DOL announced a final rule to update its regulations interpreting joint employer status under the FLSA, with an effective date of the final rule is March 16, 2020. The final rule adopts a four-factor balancing test to determine joint employment focused on direct control of the employee.

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**16. Department of Labor—  
Family and Medical Leave Act (FMLA) Reform**

Small businesses expressed concern with the implementation of the Family and Medical Leave Act (FMLA), which allows eligible employees of covered employers (with 50 or more employees) to take up to 12 weeks of unpaid, job-protected leave for specified family and medical reasons. The main concern was with abuse of the intermittent leave provisions of the FMLA, which allows leave on a reduced-time or intermittent basis. Some employers cited abuse of this intermittent provision; and the lack of proper documentation from medical providers for this type of leave. In its Regulatory Agenda, DOL announced plans to release a Request for Information on the FMLA in April 2020.

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**17. Department of Labor—  
H-2A Visa Program**

Small businesses expressed concern with the high costs and slow processing times for obtaining H-2A visas for temporary agricultural guest workers. In September 2019, DOL and DHS finalized a rule that modernizes the H-2A program, by rescinding the expensive requirement that the employer advertise its job opportunity in a print newspaper of general circulation and allowing online job registries and databases.

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**18. Department of Labor—  
Minimum Wage for Federal Contractors**

The minimum wage for federal contractors and subcontractors was raised to \$10.10 per hour as a result of Executive Order 13658 and a rule issued by DOL. The rule also affected individuals with federal contracts in connection to leases on federal

property, lands, and military installations, including restaurants, retail enterprises, and outdoor recreational companies. Advocacy wrote a comment letter on the rule when it was proposed. In 2018, small businesses in the outdoor recreation industry expressed concern with this rule, which required them to pay higher wages and overtime to workers who often lead weeklong backpacking trips in national parks. Advocacy set up a meeting with DOL and stakeholders in the outdoor recreation industry to discuss possible regulatory reforms. On May 25, 2018, the Trump Administration issued Executive Order 13838, which created an exemption to the wage requirements for recreational services on federal lands. The exempted seasonal recreational services include river running, hunting, fishing, horseback riding, camping, mountaineering activities, recreational ski services, and youth camps. On September 26, 2018, DOL released a final rule implementing the E.O.

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**19. Department of Labor—  
Private Apprenticeship Programs**

At almost every roundtable, small businesses were concerned with the lack of workers in every skill level; many businesses recommended expanding DOL's apprenticeship programs. In June 2019, DOL published a proposed rule to create an apprenticeship program run by private-sector partners recognized by the agency. DOL issued a final rule on March 11, 2020, which is effective on May 11, 2020.

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**20. Department of Labor—  
Tip Credit Regulations Under the Fair Labor Standards Act (FLSA)**

Small businesses in the restaurant industry were concerned about Department of Labor regulations governing tip credits. The FLSA allows an employer to count a limited amount of the tips its "tipped employees" receive as credit towards the minimum wage obligation, this is called a "tip credit." In October 2019, the DOL released a proposed rule that implements changes to tip regulations due to the Consolidated Appropriations

Act of 2018. The proposed rule allows employers who pay the full minimum wage (and do not take a tip credit) to implement a mandatory “nontraditional” tip pool in which employees who do not customarily and regularly receive tips, such as cooks and dishwashers, may participate. The Act prohibits employers, managers, and supervisors from keeping tips received by employees; regardless of whether the employers take a tip credit or not.

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### **21. Department of Labor/Occupational Safety and Health Administration— Electronic Recordkeeping and Reporting of Workplace Injuries and Illnesses**

On May 12, 2016, the Occupational Safety and Health Administration issued a final rule requiring employers to submit injury and illness reports to OSHA electronically. OSHA stated that it planned to make this electronic information publically available through a dedicated website. The rule also has anti-retaliation provisions that require reasonable reporting policies and purport to ban safety incentive programs and post-accident drug testing,

Small businesses representatives have complained that various provisions of the rule are illegal, that making the data publicly available can create a false impression of a company’s safety record, and it could jeopardize confidential business information.

#### ***From a Cigar Store Owner. . .***

“The FDA has put a cloud over our business...It’s not fair to expect small businesses to comply with the rules that were made for big businesses.”

—A small premium cigar store  
owner in North Conway,  
New Hampshire.

On July 30, 2018, OSHA published proposed changes to the rule that would eliminate the electronic submission of some of the information, but retain the requirement to submit summary data electronically. OSHA also sought comment on whether employers must include their employer identification number in the data collection. This might enable the Bureau of Labor Statistics (BLS) to match OSHA-collected data with the BLS’s Survey of Occupational Injury and Illness data, and could eliminate the need for employers to report injury and illness data to two agencies.

Advocacy filed a public comment letter on the proposed rule on September 27, 2018. Advocacy also attended OSHA’s public hearing on the original proposed rule, has discussed this rule at several Advocacy roundtables, and attended various Executive Order 12866 review meetings on the rule.

On January 25, 2019, OSHA issued a final rule that rescinded the requirement that employers with fewer than 250 employees electronically submit information from OSHA’s Forms 300 and 301, but they will continue to submit information from their Form 300A. OSHA’s final rule also requires employers to submit their employer identification number along with their injury and illness data submissions.

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### **22. Department of Labor/Occupational Safety and Health Administration— Occupational Exposure to Beryllium**

On January 9, 2017, OSHA issued its final rule lowering the permissible exposure limit (PEL) for occupational exposure to beryllium, a naturally occurring mineral that can cause—through contact or inhalation—beryllium sensitization, chronic beryllium disease, and possibly lung cancer.

Attendees at Advocacy’s roundtables raised this rule as a concern for their industries. They said that construction and shipyards (except abrasive blasting) had not been represented in the Small Business Advocacy Review panel on beryllium in 2008 and should not have been included in the final beryllium rule. They felt that OSHA had

insufficient information about beryllium that occurs naturally in soil, stone, and other construction materials. The final rule is subject to stayed litigation.

OSHA has extended the compliance date several times, and on June 27, 2017, published a proposed rule that would revoke the ancillary provisions for the construction and shipyard sectors, but retain the new, stricter exposure standards for both sectors. OSHA stated that it would not enforce the final rule for shipyards and construction without further rulemaking. With respect to the final rule for general industry, OSHA has been negotiating with litigants and may propose to clarify revisions to that rule. Advocacy has participated in the rulemaking since its earliest stages in 2008, and the office filed public comments on the latest proposed deregulatory action for maritime and construction.

On September 30, 2019, OSHA issued a final rule stating that it would not eliminate the ancillary provisions for the construction and shipyard sectors, but also published a proposed rule on October 8, 2019, that it believes will limit the rule to certain welding and abrasive blasting activities in construction and shipyards and address the issue of trace amounts of beryllium in natural materials.

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### **23. Department of Labor/Occupational Safety and Health Administration— Occupational Exposure to Crystalline Silica**

On March 25, 2016, OSHA published its final rule on Occupational Exposure to Respirable Crystalline Silica. Respirable crystalline silica refers to very fine particles of sand that can become lodged deep in the lungs and can cause silicosis or lung cancer through long term inhalation exposure. OSHA issued two separate standards: one for construction and one for general industry and maritime. Small business representatives—particularly in the foundry and construction industries—complained that OSHA’s new rule was not based on a demonstration of significant risk and that compliance with the rule was neither technically nor economically feasible. Small business representatives from the construction industry also complained

that the standards put in place for dust control are not workable and need substantial revision. Following publication of the final rule, several industry groups sued OSHA to overturn the rule; however, the U.S. Court of Appeals for the D.C. Circuit upheld the final rule and litigation has concluded.

This issue has been brought up by attendees at several of Advocacy’s Regional Regulatory Reform Roundtables, and Advocacy filed public comments on the proposed rule.

Advocacy has been continuously involved with this rulemaking since 2003. On August 15, 2019, OSHA published a request for information asking whether Table 1 in the silica construction standard should be expanded and on the effectiveness of engineering and work practice control methods not currently included on Table 1.

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### **24. Department of Labor/Occupational Safety and Health Administration— Safety Rules for Telecommunications Towers**

Small businesses at Advocacy’s roundtables have frequently brought up the issue of OSHA regulation of telecommunications towers. Small businesses in the telecommunication tower construction and maintenance industry would like OSHA to adopt industry consensus standards for communication tower safety, rather than developing a separate regulatory standard. They are concerned that OSHA will exceed industry standards and promulgate a rule that is unduly costly, burdensome, and conflicting.

OSHA is considering the promulgation of worker safety regulations for the construction and maintenance of telecommunications towers, as well as the installation, maintenance, and replacement of equipment on or attached to them. While OSHA has indicated that it will focus primarily on telecommunication towers, the agency also plans to consider including other structures (e.g., buildings, rooftops, water towers, billboards, etc.) that have telecommunications equipment on or attached to them.

OSHA convened a Small Business Advocacy Review panel for this rulemaking on August 15, 2018, following several Advocacy roundtable meetings that included presentations by the National Association of Tower Erectors (NATE). The panel was completed on October 11, 2018 and the final report was transmitted to the head of OSHA. The next step will be the publication of a proposed rule by OSHA.

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## **25. Departments of Labor and Homeland Security— H-2B Visa Program**

The H-2B visa program allows employers facing a shortage of U.S workers to hire temporary foreign workers to complete non-agricultural jobs in seasonal businesses. At almost every Advocacy regional roundtable, small businesses have expressed concern with the statutory limit of 66,000 H-2B workers per year. In 2018, the Departments of Labor and Homeland Security received more applications than the 33,000 visas allowed in the first half of the year. As of March 2018, DOL had received applications for over 140,000 H-2B workers. Both DHS and DOL instituted a lottery process for these visas.

In March 2018, President Trump signed into law a spending bill which included a provision that allows DHS in consultation with DOL to raise the number of H-2B visas from 66,000 cap by over 60,000 extra workers. However, the agencies had to create rulemakings to approve these numbers.

On April 14, 2018, Advocacy wrote a comment letter to DHS and DOL, recommending that the agencies authorize this increase. In May 2018, DHS, in consultation with DOL, published a final rule creating a one-time increase in the number of H-2B visas, adding 15,000 more visas and allowing more small businesses to take advantage of this program.

In 2019, Congress increased the capacity for this visa in the omnibus spending bill, subject to agency approvals. On May 8, 2019, DHS and DOL published a temporary final rule increasing the numerical limit by up to 30,000 additional visas

through the end of fiscal year 2019. In November 2019, the two agencies also finalized a rule that modernizes the H-2B program, by rescinding the expensive requirement that the employer advertise its job opportunity in a print newspaper of general circulation and allowing online job registries and databases.

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## **26. Dept of Transportation/Federal Aviation Administration— Small Unmanned Aircraft Systems (Small Drones)**

On June 28, 2016, the Federal Aviation Administration issued a final rule allowing the commercial operation of small unmanned aircraft systems (small UAS or drones) in the National Airspace System (NAS). The rule addressed the operation of small UAS and the certification of remote pilots.

Small UAS—defined as weighing less than 55 pounds—have tremendous potential commercial applications and benefits, including crop monitoring and inspection; power-line and pipeline inspection; construction, tower, and antenna inspections; search and rescue operations; bridge inspections; aerial surveying and photography; and medical and supply delivery. The final rule, however, placed significant operational limitations on small UAS operations, including a visual line-of-sight limit, a prohibition on nighttime flight, a 400-foot altitude limit, a 100 mph maximum speed, and a ban on flights from a moving vehicle or over people.

This issue has been discussed by small businesses at a number of Advocacy’s regional roundtables. Small businesses—particularly in the agricultural, construction, and land surveying/mapping industries—can provide reasonable protection from a falling drone. They feel that the operational limits—particularly the visual line-of-sight limit—are prohibiting many innovative and beneficial services they would like to provide.

Advocacy has attended numerous FAA stakeholder meetings on this issue, hosted a small business roundtable on the original proposed rule, and filed public comments on the original proposed rule. FAA has announced its plans to issue a proposed

rule to allow for the operation of small UAS over people in certain circumstances. FAA's draft proposed rule is under review at OMB.

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### **27. Department of Transportation/Federal Motor Carrier Safety Administration—Hours of Service of Drivers**

A variety of commercial trucking rules have been raised during Advocacy's roundtables, most significantly opposition to FMCSA's mandate to install electronic logging devices (ELDs), concerns over the agency's CSA (Compliance, Safety, Accountability) program and its SMS (Safety Measurement System) methodology, and a desire for greater flexibility in the Hours of Service of Drivers rules.

Regarding the Hours of Service of Drivers rules, two issues have been raised repeatedly. First is a desire by carriers and commercial drivers for greater flexibility in the Hours of Service regulations. Second is the need for FMCSA to address commercial drivers who haul livestock and other related items (e.g., living animals, hazardous materials, explosives, fireworks, etc.). These carriers argue that it is not feasible or safe to stop when hauling these items due to the special nature of their cargo, and that greater flexibility in the Hours of Service rules are needed.

Currently, most commercial drivers are allowed to drive a maximum of eleven hours in a

#### ***From an Independent Pharmacy . . .***

*"When a small business looks at a Goliath, we just don't have enough rocks to slay the monster!"*

*—An independent small pharmacy owner in Jackson, Mississippi.*

fourteen-hour period, and there are other restrictions on maximum weekly hours driven and reset provisions. To address concerns with the Hours of Service rules, on February 6, 2019, FMCSA published for comment an application for exemption from certain provisions of the Hours of Service rule for livestock and related drivers. Advocacy submitted public comments supporting the application because it would provide greater flexibility without sacrificing safety. FMCSA also published a proposed rule on August 22, 2019 on the general Hours of Service rules providing greater flexibility for drivers without affecting safety. Advocacy also filed public comments supporting these changes.

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### **28. Department of Treasury, Internal Revenue Service—Employee Plans Compliance Resolution System**

Small businesses told Advocacy the IRS should allow self corrections to employee retirement plans, without having to obtain IRS written approval that the corrections were made through the Voluntary Correction Program (VCP) or an audit initiated by the IRS. Both of these options were time consuming and costly. With Revenue Procedure 2019-19 the IRS expanded the Self Correction Program (SCP) to include self-correction of: (1) loans that do not meet the exceptions of IRC section 72(p)(2); (2) defaulted loans; (3) failure to obtain spousal consent for a plan loan as required by plan terms; and (4) correcting the number of plan loans to a participant that exceed the number of loans permitted by written plan terms. These plan failures now are easily self-corrected, and it will save plan sponsors time and money being able to do so.

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### **29. Department of Treasury, Internal Revenue Service—Estate Valuation**

On August 4, 2016, the Internal Revenue Service published a notice of proposed rulemaking concerning estate, gift, and generation-skipping transfer taxes and restrictions on liquidation of an interest. The notice included the elimination

of most of the valuation discounts for businesses operating under section 2704(b). The current law permits certain discounts for lack of control (minority interests) and lack of marketability that are commonly applied to lower the value of transferred interests for gift, estate, and generation-skipping tax purposes. On November 1, 2016, Advocacy submitted a public comment letter conveying small business concerns about the estate valuation proposal. Small business stakeholders indicated to Advocacy that the proposed regulations would be such a large departure from current IRS policy and industry practice that expensive new business valuations would need to be completed for closely held businesses. Even more problematic for small business owners, by eliminating valuation discounts, the proposed regulations would negatively affect succession planning for many small businesses. As an example, the proposed regulations would result in higher estate taxes on small family businesses, possibly forcing them to either liquidate the business or sell large or controlling interests to non-family members.

On October 4, 2017, the Department of Treasury announced recommended actions to withdraw, partially revoke, or revise eight regulations identified as posing an undue burden on taxpayers, which included withdrawing the proposed regulations under section 2704 that would have eliminated valuation discounts.

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### **30. Environmental Protection Agency— Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act**

On January 13, 2017, the Environmental Protection Agency revised its Risk Management Plan under the Clean Air Act with new requirements for facilities that store hazardous chemicals. This rule affects hundreds of small manufacturers. Small facilities that use and handle chemicals were concerned that some of the rule's requirements added unnecessary burdens and substantial costs without improving safety. Industry members submitted a petition to amend the new rule in June 2017.

Advocacy has engaged with the agency on behalf of the small entities. EPA published a proposed rule to address the small business concerns on May 30, 2018. During EPA's reconsideration review of the 2017 final rule, Advocacy emphasized its previous recommendations that the agency should remove some of the costliest provisions. On December 19, 2019, EPA finalized the proposed changes effectively rescinding the costly 2017 amendments. This action resulted in a total cost savings for small businesses of approximately \$40.25 million.

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### **31. Environmental Protection Agency— Airbag Regulatory Status Under RCRA**

According to EPA, some undeployed airbag modules and airbag inflators are considered hazardous waste under the Resource Conservation and Recovery Act (RCRA) due to their reactive and ignitable characteristics. As such, they are subject to EPA's permit requirements regarding the treatment, storage and disposal of hazardous waste. According to EPA, the deployment of the airbag removes the reactivity and ignitability characteristics. Defective or recalled airbags that have been removed from vehicles present problems under RCRA. Small businesses expressed confusion and frustration with EPA's position.

Advocacy has worked with the agency to address the small business concerns with the treatment of airbags under RCRA. On July 19, 2018, EPA issued a memorandum providing clarification on

#### ***From a Cattle Farmer . . .***

“Regulatory challenges are the largest hurdle we face on an annual basis in terms of making decisions for our business....The challenge just to understand the many regulations consume so much of our time.”

—A cattle farmer in  
Oklahoma City.

the regulatory status of undeployed airbag modules and inflators. Next, on November 30, 2018, EPA published an interim final rule where the agency provided a conditional exemption from its hazardous waste regulations under RCRA for the collection of recalled airbag wastes. The exemption prevents those involved in removing or replacing the airbags from moving up to a “larger quantity generator” category which triggers additional requirements. The issuance of both the July and November 2018 memos provided small business stakeholders with the necessary clarity and certainty.

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### **32. Environmental Protection Agency – Chemical Data Reporting Requirements and Update to TSCA Section 8(a) Small Manufacturer Definition**

The EPA’s Chemical Data Reporting (CDR) requirements under the Toxic Substance Control Act (TSCA) require manufacturers and importers of chemicals listed in the TSCA inventory to report data on chemical manufacturing, processing, and use every four years. Small businesses identified several issues with the regulations as burdensome and unnecessary such as the reporting requirements for recycling or reuse of inorganic byproducts. Small businesses also expressed concerns regarding EPA’s current small manufacturer definition, which provides an exemption from reporting, as being outdated and not adequately capturing small businesses as they exist today. This stems from the larger concern about inconsistent small business definitions among federal agencies. The current definition does not match the industry-based small business standards established by the Small Business Administration that are used by most federal agencies.

On April 25, 2019, EPA published proposed revisions to its CDR requirements. Among the changes, EPA proposed to exempt specific byproducts that are recycled on-site and to allow category reporting for inorganic byproducts. EPA also proposed to update its small manufacturer definition for inflation but also sought comments on an alternative size standard based on the SBA’s

industry-based standard. On December 12, 2020, EPA submitted a draft final rule for its CDR revisions for interagency review at OIRA; Advocacy is currently engaged in this review. The agency plans to finalize its proposed changes to update the small manufacturer definition in a separate rulemaking.

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### **33. Environmental Protection Agency – Disposal of Coal Combustion Residuals**

On April 17, 2015, the EPA published a final rule to regulate the disposal of coal combustion residuals (CCR) as solid waste under subtitle D of the Resource Conservation and Recovery Act. Small coal-fired power plants are concerned that the rule’s deadlines require them to make irreversible decisions based on standards that may not be final. For example, under the existing regulations, some facilities will be required to close their coal ash impoundments (ponds containing coal ash), yet these may later be eligible for flexibilities via an approved state permit program.

Advocacy has worked with EPA on this issue. On March 15, 2018, EPA proposed a rulemaking to address some of the small business concerns including reducing the scope of the required closures. Advocacy submitted a comment letter to urge the agency to align the compliance deadlines with the anticipated reconsiderations of the rule’s provisions and to provide any flexibilities that would be available in a state permit program under the self-implementing rule. On July 30, 2018, the agency finalized part of its proposed rule. The final rule provides regulated entities flexibility with regard to complying with performance standards and allowed the additional time for compliance. As a result, small businesses will avoid significant CCR unit closure costs.

Most recently, EPA issued additional proposed rulemakings in response to court decisions to address unlined impoundments, CCR beneficial use, and modifying closure deadlines. Advocacy continues to engage with the agency and small business stakeholders to ensure that performance-based standards and flexible timelines are retained for compliance in any final rule revision.

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### **34. Environmental Protection Agency— Once-In, Always-In**

Under the Clean Air Act, the EPA regulates the emissions of hazardous air pollutants (HAPs) from industrial sources. Generally, EPA imposes the most stringent requirements on major sources and less stringent requirements on smaller emitters, known as area sources. Many small businesses are classified as major sources, and under a 20-year-old EPA policy known as “once-in always-in,” a business has been unable to reduce its emissions and be reclassified as an area source.

Small businesses have complained that this policy imposes significant costs while discouraging innovation and investment that could reduce air emissions. Small business representatives raised this as a problem in the SBREFA panels for the Mercury and Air Toxics Rule and the Brick Industry Hazardous Air Pollutants Rule, as well as in recent Advocacy regulatory reform roundtables.

On January 25, 2018, EPA reversed the policy in a guidance memorandum signed by the Assistant Administrator of EPA’s Office of Air and Radiation. On July 26, 2019, EPA published a proposed rule to codify the policy change. Small businesses will benefit from this change slowly, as they implement changes to their industrial processes to lower their uncontrolled emissions below the major source threshold.

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### **35. Environmental Protection Agency— Pesticides; Agricultural Worker Protection Standard Revisions**

The EPA finalized updates and revisions to its existing worker protection regulation for pesticides on November 2, 2015.

Small businesses expressed concerns with the rule’s minimum age requirement stating that it will reduce workforce in some states, particularly on small farms. They are also concerned with EPA’s designated representative requirement explaining that the rule lacks a verification method for the designated representative and does not provide any restrictions on how the information will be used. Moreover, small businesses are also

concerned that the requirement for agricultural employers, which requires employers to keep workers and other persons out of certain areas defined as application exclusion zones during pesticide application, does not include clarity on how the rule would be enforced.

Advocacy previously engaged with the agency during the rulemaking process. On December 21, 2017, EPA announced that it initiated a rulemaking process to revise certain requirements in the final rule. However, on November 1, 2019, EPA proposed changes to clarify and simplify its application exclusion zone requirements in response to stakeholder and state agency feedback as result of the regulatory reform outreach processes.

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### **36. Environmental Protection Agency— Pesticides; Certification of Pesticide Applicators**

The EPA finalized updates to its existing regulation concerning the certification of applicators of restricted use pesticides on January 4, 2017. Small businesses expressed concerns with the rule’s minimum age requirement because not all states have a required minimum age of 18 and it would require states to enact legislation to comply with the requirement. They also felt it would reduce the workforce in some states, with particular impact on small farms.

Advocacy has engaged with the agency to revise or eliminate the minimum age requirement, leaving it up to the states. On December 19, 2017, EPA announced that it initiated a rulemaking process to revise the minimum age requirements in the final rule. On June 18, 2018, EPA submitted a proposed rule to OMB, which was subsequently withdrawn. At the direction of Congress, EPA is prohibited from revising the minimum age requirement until 2021.

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### **37. Environmental Protection Agency— Steam Electric Effluent Limitation Guidelines (ELG)**

The Steam Electric Effluent Limitation Guidelines affect hundreds of coal-fired power plants that are required to upgrade their units to address water

pollution. Small businesses have raised this issue as a big concern.

In April 2017 Advocacy submitted a regulatory petition to the EPA, asking it to reduce the stringency of the requirements for small plants whose compliance costs would be very high compared with the pollution reduction achieved. EPA granted the petition in April 2018. It subsequently extended the compliance deadlines for the rule while it reconsiders the rule requirements. Rule revisions could save small firms hundreds of millions of dollars in annual costs.

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### **38. Environmental Protection Agency— Small Business Size Standards, Fees Rule**

The EPA has discretion to define small businesses for the purpose of collecting fees and providing exemptions from recordkeeping requirements under the Toxic Substance Control Act (TSCA). These definitions do not match the industry-based small business standards established by the Small Business Administration that are used by most federal agencies.

Small businesses expressed concerns about inconsistent small business definitions among federal agencies. Specifically, small businesses noted that EPA's definition for small manufacturers under TSCA was outdated and did not capture small businesses as they exist today.

Advocacy engaged with the EPA and SBA to revise EPA's small business size standards under TSCA. On September 27, 2018, EPA signed its final rule on the fee collecting rule under TSCA. The rule established a fee schedule for a business that is required to submit information to EPA under several sections of TSCA. In this rule, EPA revised its small business definition to align with the SBA's small business standards. The new definition will qualify more small businesses for a reduced fee.

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### **39. Environmental Protection Agency, U.S. Army Corps of Engineers— Clean Water Act, Waters of the U.S. Rule**

On April 21, 2014, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers published a proposed rule revising the definition of Waters of the United States pursuant to the Clean Water Act. Advocacy and some small entities wrote comment letters stating that the agencies improperly certified the rule, and that it would have a significant economic impact on a substantial number of small entities. The rule was finalized on June 29, 2015 and was scheduled to take effect on August 28, 2015; however, due to several competing litigation interests and different court rulings on the matter, the rule was stayed in some but not all states, creating confusion and an inconsistent regulatory map. On July 27, 2017, the agencies published a proposed rule to repeal the 2015 final rule. Advocacy submitted a comment letter in support of the repeal stating that it would provide regulatory certainty to small entities. A supplemental notice of proposed rulemaking was published on July 12, 2018. Advocacy once again commented on this proposed rulemaking stating that Advocacy supported the proposal, and that an additional consideration for justification to repeal the 2015 final rule was the improper Regulatory Flexibility Act certification issued by the agencies.

On October 22, 2019, the agencies published a long-awaited final rule to repeal the 2015 Clean Water Rule entitled, "Definition of Waters of the United States." The repeal of this rule restores pre-2015 regulations. The rule is aimed at providing certainty to those parties affected by Clean Water Act permitting requirements. The agencies also published a proposed rule revising the definition on February 14, 2019. The agencies are still reviewing comments on this proposed rule at the time of this report.

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#### **40. Federal Communications Commission— ISP Privacy Rules**

In 2014, the Federal Communications Commission reclassified broadband Internet as a “communications service” under Title II of the Communications Act. This reclassification gave the FCC the authority to regulate Internet service providers (ISPs) like telecommunications companies. In 2016, the FCC issued final regulations to protect the privacy of broadband customers using its new authority. The proposed regulations included: (1) requirements to provide notice of privacy policies, (2) requirements to obtain customer approval for the use and disclosure of customer proprietary information (PI), (3) conditions for disclosure of aggregate customer PI, (4) requirements to protect the security and confidentiality of customer PI, (5) data breach notification requirements, (6) other practices implicating privacy, and (7) dispute resolution provisions.

Small Internet service providers (ISPs) argued that the rules were disproportionately burdensome and that they unfairly restricted ISPs from engaging in commercial activities that were permitted for companies not classified as ISPs, putting them at a competitive disadvantage.

Advocacy forwarded these concerns to the FCC. In 2017 Congress used the Congressional Review Act to prevent the FCC from implementing these rules. Additionally, the FCC reclassified broadband as an “information service,” which limits its authority to propose rules like this in the future.

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#### **41. Federal Communications Commission— Mobility Fund Phase II Challenge Process**

The purpose of the FCC’s Mobility Fund is to improve coverage of current-generation or better mobile voice and Internet service for consumers in areas where such coverage is currently missing, and to do so by supporting private investment. The Mobility Fund uses a reverse auction to make one-time support available to service providers to extend mobile coverage in specified unserved areas. Providers are able to challenge the FCC’s determination that an area is not eligible for support.

Advocacy has heard persistent concerns from small rural wireless advocates that the process for determining whether an area is ineligible for support because it is already “served” is flawed, and that the challenge process for areas that are presumptively ineligible was too burdensome for small entities to utilize.

Following the conclusion of the FCC’s one-time data collection, and subsequent challenge process, the FCC found significant errors in its Mobility Fund Phase II eligibility maps. These errors overstated coverage in many areas, making them ineligible for FCC funds. In December 2019, Chairman Pai announced that the FCC would make \$9 billion in Universal Service Fund support available for a new 5G Fund to replace the planned Mobility Fund Phase II.

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#### **42. Federal Communications Commission— Net Neutrality**

In 2014, the FCC reclassified Internet service providers as communications providers under Title II of the Communications Act. The decision to classify broadband Internet service as a Title II service gave the agency authority to adopt various rules to ensure net neutrality, including enhanced network transparency requirements. Advocacy reached out to small service providers who would be affected by this rule who were concerned about the potential compliance burdens.

Advocacy filed comments with the FCC recommending that the agency exempt small businesses from these rules. The FCC adopted a small business exemption from its enhanced transparency requirements in early 2017, and then ultimately withdrew the entire set of rules and reclassified broadband as a Title I information service—setting new, less burdensome rules for ISPs under that authority.

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#### **43. Federal Communications Commission— Pole Attachments (One Touch-Make Ready)**

Advocacy spoke with a number of small competitive local exchange carriers about the need for the FCC to adopt so-called “one-touch-make-ready” pole attachment policies. This approach would simplify

the process by which companies wishing to string aerial fiber on existing utility poles obtain permission and make the necessary preparations prior to starting work.

Advocacy met with representatives of the FCC chairman's office in August 2018 and shared support for its proposal to adopt one-touch-make-ready policies. Subsequently, the FCC voted to approve final rules adopting the measures.

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#### **44. Federal Communications Commission— Removing Barriers to Wireless Infrastructure Deployment**

Small wireless carriers have told Advocacy that the costs of certain environmental, historic, and tribal reviews make the widespread deployment of small-cell technology needed to launch 5G networks too costly. Under existing FCC regulations, a company would have to conduct the same reviews when installing a small-cell device that it would when building a macro-cell tower. Some industry analysts estimate that these reviews would impose over \$1.5 billion in costs related to small-cell deployment.

Advocacy published a blog highlighting these concerns and supporting an exemption for small business: "Advocacy Urges the FCC to Preserve Small Business Choice in Communications Services." The FCC initiated a proceeding in 2017 seeking input on reducing barriers to infrastructure deployment. In March 2018, the FCC finalized regulatory reforms that would exempt small-cell deployment from most of these reviews. This will help speed the deployment of next-generation wireless networks by reducing costs associated with deployment.

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#### **45. Federal Communications Commission— US Telecom Petition**

On May 4, 2018, USTelecom filed a petition with the FCC requesting a grant of nationwide forbearance from regulations regarding the unbundling and resale mandates imposed on incumbent local exchange carriers (ILECs) under the 1996 Telecommunications Act, among other regulatory

requirements. Advocacy staff encountered a number of concerned small businesses at its regulatory reform roundtables and conducted significant outreach to understand the impact that a grant of nationwide forbearance would have on small competitive carriers and the deployment of next generation broadband networks in rural areas. Advocacy forwarded these concerns to the FCC over many months, and ultimately USTelecom withdrew some of the most problematic aspects of its request in summer of 2019. The FCC made a much more limited grant of forbearance to USTelecom that minimized impacts to small entities.

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#### **46. National Labor Relations Board— Joint Employment**

Small businesses at Advocacy's regional roundtables expressed concern with the 2015 National Labor Relations Board decision in *Browning-Ferris Industries*, 362 NLRB No. 186 (2015), which expanded the definition of joint employer between two companies who determine the working conditions of a group of employees. Under this decision, an employer could be considered a joint employer and liable for violations under the National Labor Relations Act when the employer has indirect control of its employees. This overruled the longstanding NLRB precedent that required that an employer had to have direct control of an employee to be considered a joint employer. Small franchise owners expressed concern that the decision would alter the franchisor-franchisee relationship; it would increase franchisors' liability, thereby increasing the price of a franchise and limiting franchisors' ability to provide human resources and legal advice to franchisees. Advocacy communicated these concerns to the NLRB in internal meetings and communications on regulatory reform.

On September 14, 2018, the NLRB published a proposed rule which returned the standard for the joint-employer relationship back to the longstanding precedent: an employer must possess and actually exercise substantial direct and immediate control over the essential terms and conditions of employment such as hiring, firing, discipline, supervision, and direction. In this rule, the NLRB

identified the following types of small entities most likely to be affected by this rule: contractors, subcontractors, suppliers and users of temporary help services, franchisees, and labor unions. On February 26, 2020, the NLRB finalized its rule, and it will be effective April 27, 2020.

# Appendix A. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs<sup>1</sup>

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Budget and Accounting Act of 1921, as amended (31 U.S.C. 1101 et seq.), section 1105 of title 31, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

**Section 1. Purpose.** It is the policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources. In addition to the management of the direct expenditure of taxpayer dollars through the budgeting process, it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward that end, it is important that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

**Sec. 2. Regulatory Cap for Fiscal Year 2017.** (a) Unless prohibited by law, whenever an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed.

(b) For fiscal year 2017, which is in progress, the heads of all agencies are directed that the total incremental cost of all new regulations, including repealed regulations, to be finalized this year shall be no greater than zero, unless otherwise required by law or consistent with advice provided in writing by the Director of the Office of Management and Budget (Director).

(c) In furtherance of the requirement of subsection (a) of this section, any new incremental costs associated with new regulations shall, to the extent per-

mitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Any agency eliminating existing costs associated with prior regulations under this subsection shall do so in accordance with the Administrative Procedure Act and other applicable law.

(d) The Director shall provide the heads of agencies with guidance on the implementation of this section. Such guidance shall address, among other things, processes for standardizing the measurement and estimation of regulatory costs; standards for determining what qualifies as new and offsetting regulations; standards for determining the costs of existing regulations that are considered for elimination; processes for accounting for costs in different fiscal years; methods to oversee the issuance of rules with costs offset by savings at different times or different agencies; and emergencies and other circumstances that might justify individual waivers of the requirements of this section. The Director shall consider phasing in and updating these requirements.

**Sec. 3. Annual Regulatory Cost Submissions to the Office of Management and Budget.** (a) Beginning with the Regulatory Plans (required under Executive Order 12866 of September 30, 1993, as amended, or any successor order) for fiscal year 2018, and for each fiscal year thereafter, the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations described in section 2(c) of this order, and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation.

(b) Each regulation approved by the Director during the Presidential budget process shall be included in the Unified Regulatory Agenda required under Executive Order 12866, as amended, or any successor order.

(c) Unless otherwise required by law, no regulation shall be issued by an agency if it was not included on the most recent version or update of the published Unified Regulatory Agenda as required under Executive Order 12866, as amended, or any successor

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<sup>1</sup> *Executive Order 13,771, Reducing Regulation and Controlling Regulatory Costs*, <https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs>.

order, unless the issuance of such regulation was approved in advance in writing by the Director.

(d) During the Presidential budget process, the Director shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new regulations and repealing regulations for the next fiscal year. No regulations exceeding the agency's total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director. The total incremental cost allowance may allow an increase or require a reduction in total regulatory cost.

(e) The Director shall provide the heads of agencies with guidance on the implementation of the requirements in this section.

Sec. 4. Definition. For purposes of this order the term "regulation" or "rule" means an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, but does not include:

- (a) regulations issued with respect to a military, national security, or foreign affairs function of the United States;
- (b) regulations related to agency organization, management, or personnel; or
- (c) any other category of regulations exempted by the Director.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the

United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Donald J. Trump  
The White House,  
January 30, 2017

# Appendix B. Executive Order 13777, Enforcing the Regulatory Reform Agenda

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to lower regulatory burdens on the American people by implementing and enforcing regulatory reform, it is hereby ordered as follows:<sup>2</sup>

Section 1. Policy. It is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.

Sec. 2. Regulatory Reform Officers. (a) Within 60 days of the date of this order, the head of each agency, except the heads of agencies receiving waivers under section 5 of this order, shall designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. These initiatives and policies include:

- (i) Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), regarding offsetting the number and cost of new regulations;
- (ii) Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended, regarding regulatory planning and review;
- (iii) section 6 of Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), regarding retrospective review; and
- (iv) the termination, consistent with applicable law, of programs and activities that derive from or implement Executive Orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been rescinded.

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<sup>2</sup> Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, <https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda>.

(b) Each agency RRO shall periodically report to the agency head and regularly consult with agency leadership.

Sec. 3. Regulatory Reform Task Forces. (a) Each agency shall establish a Regulatory Reform Task Force composed of:

- (i) the agency RRO;
- (ii) the agency Regulatory Policy Officer designated under section 6(a)(2) of Executive Order 12866;
- (iii) a representative from the agency's central policy office or equivalent central office; and
- (iv) for agencies listed in section 901(b)(1) of title 31, United States Code, at least three additional senior agency officials as determined by the agency head.

(b) Unless otherwise designated by the agency head, the agency RRO shall chair the agency's Regulatory Reform Task Force.

(c) Each entity staffed by officials of multiple agencies, such as the Chief Acquisition Officers Council, shall form a joint Regulatory Reform Task Force composed of at least one official described in subsection (a) of this section from each constituent agency's Regulatory Reform Task Force. Joint Regulatory Reform Task Forces shall implement this order in coordination with the Regulatory Reform Task Forces of their members' respective agencies.

(d) Each Regulatory Reform Task Force shall evaluate existing regulations (as defined in section 4 of Executive Order 13771) and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law. At a minimum, each Regulatory Reform Task Force shall attempt to identify regulations that:

- (i) eliminate jobs, or inhibit job creation;
- (ii) are outdated, unnecessary, or ineffective;
- (iii) impose costs that exceed benefits;
- (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

- (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

(e) In performing the evaluation described in subsection (d) of this section, each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.

(f) When implementing the regulatory offsets required by Executive Order 13771, each agency head should prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force has identified as being outdated, unnecessary, or ineffective pursuant to subsection (d)(ii) of this section.

(g) Within 90 days of the date of this order, and on a schedule determined by the agency head thereafter, each Regulatory Reform Task Force shall provide a report to the agency head detailing the agency's progress toward the following goals:

- (i) improving implementation of regulatory reform initiatives and policies pursuant to section 2 of this order; and
- (ii) identifying regulations for repeal, replacement, or modification.

Sec. 4. Accountability. Consistent with the policy set forth in section 1 of this order, each agency should measure its progress in performing the tasks outlined in section 3 of this order.

(a) Agencies listed in section 901(b)(1) of title 31, United States Code, shall incorporate in their annual performance plans (required under the Government Performance and Results Act, as amended (see 31 U.S.C. 1115(b))), performance indicators that measure progress toward the two goals listed in section 3(g) of this order. Within 60 days of the date of this order, the Director of the Office of Management and

Budget (Director) shall issue guidance regarding the implementation of this subsection. Such guidance may also address how agencies not otherwise covered under this subsection should be held accountable for compliance with this order.

(b) The head of each agency shall consider the progress toward the two goals listed in section 3(g) of this order in assessing the performance of the Regulatory Reform Task Force and, to the extent permitted by law, those individuals responsible for developing and issuing agency regulations.

Sec. 5. Waiver. Upon the request of an agency head, the Director may waive compliance with this order if the Director determines that the agency generally issues very few or no regulations (as defined in section 4 of Executive Order 13771). The Director may revoke a waiver at any time. The Director shall publish, at least once every 3 months, a list of agencies with current waivers.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Donald J. Trump  
The White House,  
February 24, 2017

# Appendix C. Office of Advocacy Memorandum to Heads of Agencies, March 30, 2017

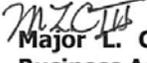
U.S. SMALL BUSINESS ADMINISTRATION  
**OFFICE OF ADVOCACY**

REGULATION • RESEARCH • OUTREACH

## MEMORANDUM

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**TO:** Heads of Agencies

**FROM:**  Major L. Clark, III Acting Chief Counsel for Advocacy, U.S. Small Business Administration

**DATE:** March 30, 2017

**SUBJECT:** Implementation of Executive Orders 13771, "Reducing Regulation and Controlling Regulatory Costs," and 13777, "Enforcing the Regulatory Reform Agenda"

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As required by Executive Order (EO) 13272<sup>1</sup>, I am writing to advise you of the activities of the Office of Advocacy (Advocacy) related to recent Executive Orders on the reduction of regulatory burdens and offer additional assistance related to these new policies. Advocacy strongly endorses the principles and policies of these Executive Orders and urges that they be implemented consistent with the Regulatory Flexibility Act (RFA)<sup>2</sup> in order to reduce the regulatory burdens and the disproportionate impacts of regulations on small entities.

Congress established the Office of Advocacy under Pub. L. No. 94-305 to advocate the views of small entities before federal agencies and Congress. Because Advocacy is an independent office within the U.S. Small Business Administration (SBA), the views expressed by Advocacy do not necessarily reflect the position of the Administration or the SBA.<sup>3</sup> The RFA, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), gives small entities (businesses, organizations, and local governments) a voice in the federal rulemaking process and requires agencies to consider the impacts of their rulemakings on small entities. Under EO 13272, Advocacy provides training to agencies on the RFA.

Over the coming months, Advocacy will be making available additional assistance and tools to implement Executive Orders 13771 and 13777 and engaging in outreach to small entities to identify opportunities to reduce burdens on small entities. Advocacy will also be seeking additional opportunities to train policy officials and regulatory staff on the RFA and its importance in the implementation of these EOs.

<sup>1</sup> Executive Order 13272, signed August 13, 2002 (67 Fed. Reg. 53,461 (August 16, 2002)). Section 2(a) requires the Chief Counsel for Advocacy to "notify agency heads from time to time of the requirements of the [Regulatory Flexibility] Act."

<sup>2</sup> 5 U.S.C. § 601, *et. seq.*

<sup>3</sup> 15 U.S.C. § 634a, *et. seq.*



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[www.sba.gov/advocacy](http://www.sba.gov/advocacy)

To initiate Advocacy assistance to your agency in the implementation of EO 13771, EO 13777, and the Regulatory Flexibility Act, please provide me with the names of the officials you have designated as the Regulatory Policy Officer, named under EO 12866, section 6(a)(2), and the Regulatory Reform Officer, named under EO 13777, section 2(a).

This information should be sent to Charles Maresca, Director of Interagency Affairs, SBA Office of Advocacy, [Charles.Maresca@sba.gov](mailto:Charles.Maresca@sba.gov), as it is available. Please also contact me or Mr. Maresca if you have any questions about this memorandum or your agency's compliance with the RFA.

Thank you for your consideration of these requests. I look forward to a productive effort to reduce the regulatory burdens on small entities.

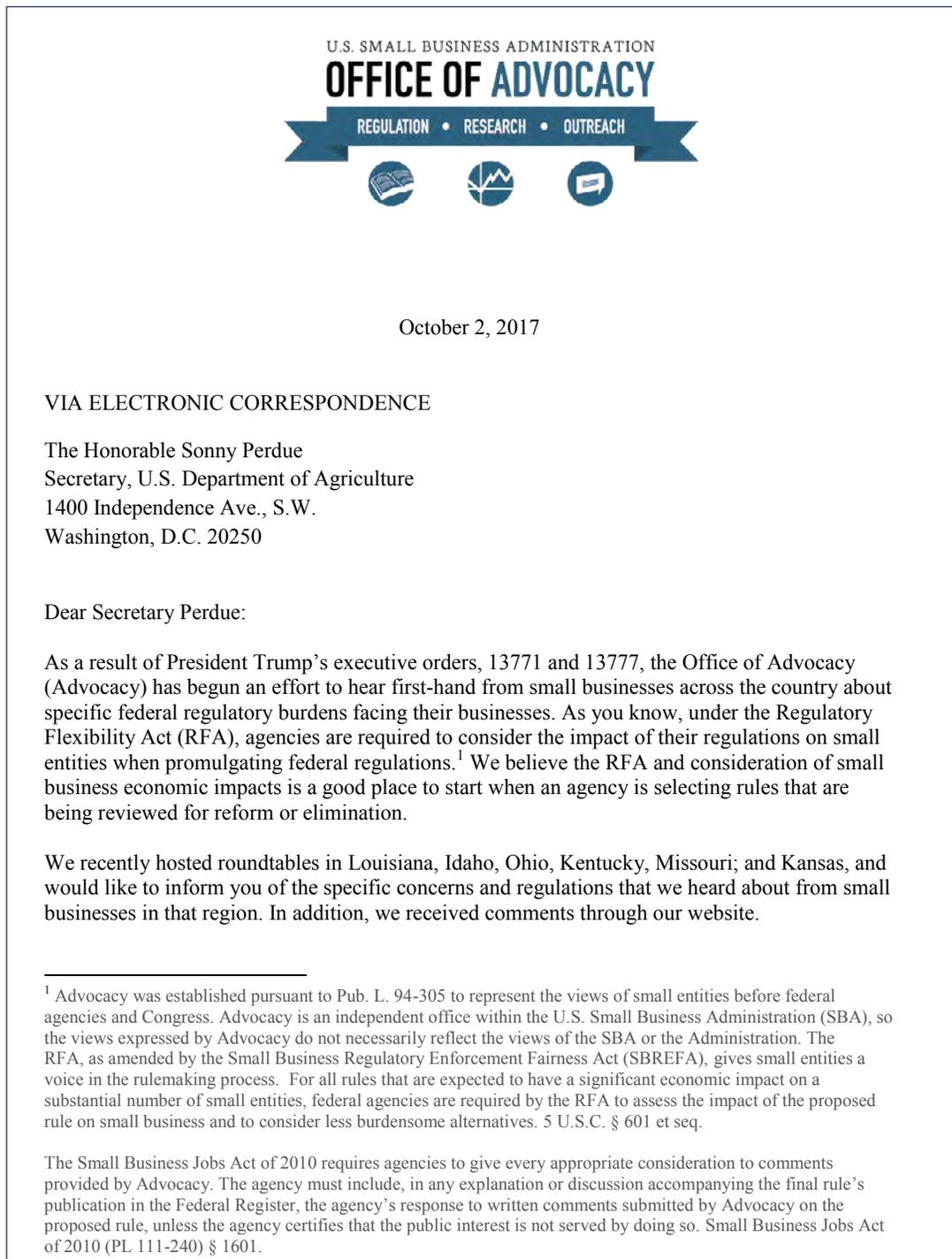
cc: Dominic Mancini, Acting Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget



# Appendix D. Letters to Heads of Agencies

Advocacy has sent 22 letters to the heads of agencies and their regulatory reform officers. The complete list of letters appears in Table 6, along with individual links. A sample letter is included

here. The list of letters also appears on Advocacy's Regulatory Reform webpage: <http://advocacy.sba.gov/regulation/regulatory-reform>.



## Summary of Concerns from Roundtables and Website

- **FSIS Regulation 9 C.F.R. § 418.2—misbranding of products**  
Advocacy has heard from stakeholders that this regulation should be revised. Small entities stated that the regulation requires any issue related to misbranding or be reported by the shipping and/or receiving establishment to the relevant FSIS District Office. Stakeholders suggested placing the reporting onus on the shipping entity rather than the shipping and receiving entity.
- **FSIS Regulation 9 C.F.R. § 310.25 (a)- contamination with microorganisms**  
Stakeholders indicated that the rule requiring generic E. coli testing adds cost to operations but provides little benefits. Stakeholders stated that inspectors rarely review results and reviews of establishment data show little relation to public health objectives. In addition, newer technologies for screening and process control assessments have been developed and are used, which results in more meaningful and robust data. Stakeholders have indicated that the rule should be revised.
- **FSIS Regulation 9 C.F.R. § 381.91- contamination**  
Advocacy has heard from small entities that this rule should be amended to eliminate the need to rinse poultry salvage parts with 20-50 ppm chlorine. Stakeholders indicate that there is little scientific data supporting the need to use chlorine and the prescriptive nature of the rule contradicts a HACCP approach. They stated that a facility should have to address hazards of concern and in doing so companies may and should consider alternatives to rinsing with chlorine.
- **FSIS Regulation 9 C.F.R. § 381.65 (g)- controlling contamination through slaughter and dressing operation**  
Stakeholders indicated that the regulation includes prescriptive and burdensome sampling requirements for poultry slaughter establishments. They stated that requiring plants to sample 1/22,000 carcasses is burdensome and unnecessary. Stakeholders also indicated that a facility should collect data to support its processes and what best serves public health may not include sampling at this frequency, particularly for APC or other generic organisms. When SIP was in place, Salmonella sampling was necessary but with the new poultry inspection system the need for such testing has been eliminated. In addition, each poultry facility has over two years' of data now under the NPIS system. Stakeholders believe the required testing does not add value or enhance food safety and ask that it be revised.
- **FSIS Regulation 9 C.F.R. §381.36-facilities**  
Stakeholders indicated that most provisions in this section no longer apply under the new poultry inspection system (NPIS), and therefore the regulations should either be repealed or revised.
- **FSIS 9 C.F.R. § 381.66-temperatures and chilling and freezing procedures**  
Advocacy heard from stakeholders that the temperature and chilling regulations are outdated and should be repealed or revised.

- **FSIS 9 C.F.R. § 381.67- slaughter inspection rate maxims**  
Stakeholders indicated that under NPIS the line configuration provisions no longer apply.
- **FSIS 9 C.F.R. § 381.76- post mortem inspection**  
Stakeholders indicated that this regulation is not about food safety but product quality and should be rescinded.
- **FSIS 9 C.F.R. § 381.79-passing of carcasses and parts**  
Advocacy heard from stakeholders that this regulation is superfluous and not needed.
- **FSIS 9 C.F.R. § 381.80-93- relating to several diseases**  
Stakeholders indicated that these regulations are outdated and not in use because plant programs accomplish the same objectives more efficiently. The regulations should be rescinded.
- **FSIS Specific Risk Materials Rules**  
Advocacy heard from stakeholders that certain components addressing the issues involving removal of SRM (i.e., the feed ban) should remain, but that the Agency should review the science regarding the risk and reassess the cost and effectiveness of the SRM removal/disposal regulations, including those relating to non-ambulatory disabled livestock (NADL). Stakeholders stated that the rule imposes a cost exceeding the benefits and results in added food waste. They stated that at a minimum, the Agency should allow public health veterinarians to make a professional case-by-case disposition.
- **Organic Standards**  
Advocacy heard from one stakeholder about the need to properly enforce organic standards rules for labeling and that there should be better enforcement and policing of entities that mislabel products that are not USDA certified. Advocacy also heard from stakeholders in the fishing industry about the need to finalize the organic aquaculture standard for fish, as well as develop an organic standard for shellfish.
- **Forest Service Timber on Federal Lands**  
Several stakeholders indicated that Forest Service should make more timber available for purchase on federal lands. They also spoke about the need to speed up the process for sales of wildfire salvage timber, indicating that the current NEPA process delays the sales to the point where the wood is no longer salvageable. Furthermore, they stated that Forest Service should offer every sale as a set-aside first, and then open it up if no small business bids. Furthermore they stated that stewardship should be counted in small business calculations, and that the NEPA process for bids should be streamlined so that it is not as costly or burdensome.

The Office of Advocacy looks forward to working with your agency to reduce the burden of federal regulations on behalf of the small businesses that have asked us to be their voice in this regulatory reform process. We hope that you will include these specific rules when you compile your list of rules to review. Advocacy would be happy to meet with you or your representative so

that we may detail the concerns and help suggest less burdensome alternatives for small business as rules are being considered for revision. I have provided the contact information for Assistant Chief Counsels **Linwood Rayford** and **Prianka Sharma** below.

As we continue to hear from small businesses across the country at our regional regulatory reform roundtables or through our outreach from our regulatory reform website, we will update you with additional summaries from those locations.

Thank you for considering small business impacts as a vital part of your regulatory reform efforts and for including the Office of Advocacy as an important part of the process.

Sincerely,

*/s/ Major L. Clark, III*

Major L. Clark, III  
Acting Chief Counsel for Advocacy

Assistant Chief Counsel, Linwood Rayford  
Linwood.Rayford@sba.gov  
(202) 401-6880  
\* FSIS, FNS

Assistant Chief Counsel, Prianka Sharma  
Prianka.Sharma@sba.gov  
(202) 205-6938  
\*AMS, APHIS, GIPSA, NOS, Forest Service, NCRS

# Appendix E. Roundtable Requests from Congress and the Public

COMMITTEE ON  
THE BUDGET  
  
COMMITTEE ON EDUCATION  
AND THE WORKFORCE  
  
COMMITTEE ON  
SMALL BUSINESS  
  
CHAIRMAN OF SUBCOMMITTEE ON  
ECONOMIC GROWTH, TAX,  
AND CAPITAL ACCESS



**David Brat**  
**Congress of the United States**  
7th District, Virginia

1628 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2815  
(202) 225-0011 (F)

4201 DOMINION BOULEVARD  
SUITE 110  
GLEN ALLEN, VA 23060  
(804) 747-4073  
(804) 747-5308 (F)

9104 COURTHOUSE ROAD  
P.O. BOX 99  
SPOTSYLVANIA, VA 22553  
(540) 507-7216  
(540) 507-7019 (F)

WWW.BRAT.HOUSE.GOV

July 14, 2017

Major L. Clark, III  
Acting Chief Counsel, Office of Advocacy  
Small Business Administration  
409 3rd St, SW  
Washington, DC 20416

Dear Acting Chief Counsel Clark,

I am writing to request that the Small Business Administration schedule a Regulatory Reform Roundtable in the near future in Virginia's 7<sup>th</sup> Congressional District.

As Chairman of the House Small Business Subcommittee on Economic Growth, Tax, and Capital Access, and as an economist, I understand how unnecessary regulations can hinder a business's ability to succeed. Many of these businesses are in my economically diverse district, which includes the counties of Culpeper, Orange, Spotsylvania, Louisa, Goochland, Powhatan, Henrico, Chesterfield, Amelia, and Nottoway, Virginia.

I often hear from small business owners in my district about how burdensome federal regulations are directly harming their economic livelihood. I believe it's important that the Administration hear from them as well. Since no Regulatory Reform Roundtables have been hosted in Region III yet, I would like to request one be held in my district.

Thank you in advance for your attention to this letter. If you or your staff have any questions, please contact my Legislative Aide, Jay Kronzer, at 202-225-2815.

Sincerely,

Dave Brat  
Chairman  
Subcommittee on Economic Growth, Tax, and  
Capital Access

PRINTED ON RECYCLED PAPER

**JEFF DENHAM**  
10TH DISTRICT, CALIFORNIA

E-MAIL VIA WEBSITE:  
Denham.house.gov

HOUSE AGRICULTURE COMMITTEE  
HOUSE NATURAL RESOURCES COMMITTEE

HOUSE TRANSPORTATION AND  
INFRASTRUCTURE COMMITTEE  
CHAIRMAN, SUBCOMMITTEE ON RAILROADS,  
PIPELINES AND HAZARDOUS MATERIALS

**Congress of the United States**  
**House of Representatives**

Washington, DC

January 18, 2018

Major L. Clark, III  
Acting Chief Counsel, Office of Advocacy  
U.S. Small Business Administration  
409 3<sup>rd</sup> St., SW  
Washington, DC 20416

Dear Acting Chief Counsel Clark,

I am writing to request that the U.S. Small Business Administration's Office of Advocacy schedule a Regulatory Reform and Jobs Roundtable in the near future in California's 10<sup>th</sup> Congressional District.

As a small business owner myself, I know that burdensome federal regulations can harm business, restrict job creation and depress economic growth. Many such businesses are in my economically diverse district, which includes San Joaquin and Stanislaus counties.

I frequently hear from small business owners and entrepreneurs in the California 10<sup>th</sup> district about how government over-regulation is restricting job creation. I believe it's important that the Administration hear from them as well. Since no Regulatory Reform and Jobs Roundtables have been hosted in Region IX as of yet, I would like to request one be held in my district.

Thank you in advance for your attention to this letter. If you or your staff have any questions, please contact Walker Barrett on my staff at 202-225-4540.

Sincerely,



Jeff Denham  
United States Representative

MODESTO  
4701 SISK ROAD, SUITE 202  
MODESTO, CA 95356  
PHONE: (209) 579-5458  
FAX: (209) 579-5028

CONNECT  
YOUTUBE.COM/REPJEFFDENHAM  
TWITTER.COM/REPJEFFDENHAM  
FACEBOOK.COM/REPJEFFDENHAM

WASHINGTON, DC  
1730 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-4540  
FAX: (202) 225-3402

**TOM RICE**  
7TH DISTRICT, SOUTH CAROLINA

WASHINGTON OFFICE:  
223 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
TEL: (202) 225-9895  
FAX: (202) 225-9690



HOUSE COMMITTEE ON  
WAYS AND MEANS  
SUBCOMMITTEE ON TRADE  
SUBCOMMITTEE ON SOCIAL SECURITY

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4007

January 29, 2018

Major L. Clark, III  
Acting Chief Counsel, Office of Advocacy  
U.S. Small Business Administration  
409 3<sup>rd</sup> St., SW  
Washington, DC 20416

Dear Acting Chief Counsel Clark,

I am writing to request that the U.S. Small Business Administration's Office of Advocacy schedule a Regulatory Reform and Jobs Roundtable in the near future in South Carolina's 7<sup>th</sup> Congressional District.

Small businesses play a vital role in the communities of the 7<sup>th</sup> District. Creating jobs is my number one priority in Congress. As such, I am constantly engaging with local businesses and stakeholders to find ways to grow the economy. Too often, I hear about federal regulations that restrict economic growth and job creation.

In order to discuss ways to cut red tape and create jobs, I would like to request a Regulatory Reform and Jobs Roundtables to be held in my district.

Thank you in advance for your attention to this letter. If you or your staff have any questions, please contact Walker Truluck on my staff at 202-225-9895.

Sincerely,

Tom Rice  
Member of Congress

GRAND STRAND REGIONAL OFFICE:  
2411 NORTH OAK STREET  
SUITE 405  
MYRTLE BEACH, SC 29577  
TEL: (843) 445-6459  
FAX: (843) 445-6418

RICE.HOUSE.GOV  
FACEBOOK.COM/REP.TOMRICE  
TWITTER.COM/REP.TOMRICE  
YOUTUBE.COM/REP.TOMRICE  
INSTAGRAM.COM/REP.TOMRICE

PRINTED ON RECYCLED PAPER

PEE DEE REGIONAL OFFICE:  
1831 WEST EVANS STREET  
SUITE 300  
FLORENCE, SC 29501  
TEL: (843) 679-9781  
FAX: (843) 679-9783

JOE WILSON  
2ND DISTRICT, SOUTH CAROLINA

ASSISTANT MAJORITY WHIP

COMMITTEES:  
ARMED SERVICES  
CHAIRMAN, READINESS  
FOREIGN AFFAIRS

EDUCATION AND THE WORKFORCE  
VICE-CHAIR  
HOUSE REPUBLICAN POLICY

Congress of the United States  
House of Representatives

COUNTIES:  
AIKEN  
BARNWELL  
LEXINGTON  
ORANGEBURG\*  
RICHLAND\*  
(\*PARTS OF)

January 30, 2018

Major L. Clark, III  
Acting Chief Council, Office of Advocacy  
Small Business Administration  
409 3<sup>rd</sup> St, SW  
Washington, DC 20416

Dear Acting Chief Counsel Clark,

I am writing to request that the Small Business Administration schedule a Regulatory Reform Roundtable in South Carolina's 2<sup>nd</sup> Congressional District.

The success of small businesses in the 2<sup>nd</sup> District is key to economic prosperity and stability in the community. I am always working on ways to grow the economy and promote job creation to ensure their continued success.

In visiting with my constituents, I often hear how burdensome federal regulations are directly limiting economic growth and job creation. I believe it is of the utmost importance that the Administration hear from them as well. Since no Regulatory Reform Roundtables have been hosted in South Carolina's 2<sup>nd</sup> Congressional District yet, I would like to request one be held in my district.

Thank you in advance for your attention to this letter. If you or your staff have any questions, please contact Leah Grace Denny on my staff at (202) 225-2452.

Sincerely,



Joe Wilson  
Member of Congress

JW/lid  
MIDLANDS OFFICE:  
1700 SUNSET BLVD. (US 378), SUITE 1  
WEST COLUMBIA, SC 29169  
(803) 939-0041  
FAX: (803) 939-0078

1436 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4002  
(202) 225-2452  
FAX: (202) 225-2455  
[www.joewilson.house.gov](http://www.joewilson.house.gov)

AIKEN OFFICE:  
1930 UNIVERSITY PARKWAY, SUITE 1600  
AIKEN, SC 29801  
(803) 642-6416  
FAX: (803) 642-6418

# United States Senate

WASHINGTON, DC 20510

COMMERCE, SCIENCE  
AND TRANSPORTATION

FOREIGN RELATIONS

HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

February 7, 2018

Major L. Clark, III  
Acting Chief Counsel, Office of Advocacy  
Small Business Administration  
409 3<sup>rd</sup> Street SW  
Washington, DC 20416

Dear Acting Chief Counsel Clark,

I am writing to request the Small Business Administration hold a Regulatory Reform Roundtable in the near future in my home state of Wisconsin.

As I travel around Wisconsin, countless constituents in the small business community tell me how overregulation is the greatest obstacle to their economic growth and opportunities. It is no secret that complying with federal regulations is significantly burdensome for small businesses due to limited resources. According to our best estimates, it costs American businesses, collectively, as much as \$2 trillion dollars annually to comply with federal regulations. To put it into perspective, this is equivalent to a loss of \$14,000 per household.

The size and scope of our current regulatory system is threatening America's economic prosperity. I believe it is important for the SBA to hear directly from small business owners outside the Beltway. Holding this roundtable in Wisconsin would provide an opportunity for the SBA to work with real small business owners to discuss the regulatory harm and potential solutions that will help my constituents and small businesses nationwide.

Thank you in advance for your consideration.

Sincerely,



Ron Johnson  
United States Senator

# Oviedo~Winter Springs

## Regional Chamber of Commerce

376 North Central Ave., Oviedo, FL 32765  
P.O. Box 621236, Oviedo, FL 32762  
Ph: 407-365-6500 Fax: 407-650-2712  
[www.OviedoWinterSprings.org](http://www.OviedoWinterSprings.org)

### CHAMBER TRUSTEES



### PARTNERS IN PROGRESS



Major L/ Clark, III  
Acting Chief Counsel, Office of Advocacy  
Small Business Administration  
409 3rd St., SW  
Washington, DC 20416

Dear Acting Chief Counsel Clark,

I, on behalf of our Economic Development Committee, am writing to request that the SBA Office of Advocacy conduct a Regional Regulatory Reform Roundtable in Seminole County.

The success of small business in Seminole is key to our economic success. Thus, we want to do everything possible to help them succeed including removing harmful federal regulatory barriers.

The members of our chamber often tell us how burdensome federal regulations are to their individual businesses. That is why we think your important effort to hear directly from small businesses should include central Florida, specifically Oviedo-Winter Springs.

We don't believe the Office of Advocacy has held a roundtable in the state of Florida yet, so we respectfully request that you consider scheduling one in early June this year.

If you have any questions or need any further information or assistance in setting up a roundtable in Oviedo-Winter Springs, please feel free to contact me.

Thank you for your consideration.

Bridget Lake  
President/CEO  
Oviedo-Winter Springs Regional Chamber of Commerce  
[Bridget@oviedowintersprings.org](mailto:Bridget@oviedowintersprings.org)  
(407) 278-4870

# Appendix F. Roundtables in the News

## Unleashing the job-creating potential of the American entrepreneur

By Sen. Jim Risch

July 12, 2017 11:10 PM

Small-business owners need real regulatory relief. They need an advocate to force government agencies to consider the impact of regulations on their businesses. They need a chance to look up from the massive piles of paperwork required by each of the thousands of new regulations passed over the last eight years. And, most importantly, they need Washington out of their way.

The estimated cost of compliance with federal regulations is disproportionately shouldered by small businesses. Federal agencies don't understand how much new regulations increase costs and uncertainty in the business world. Over the last eight years, small businesses in Idaho and across the country have overwhelmingly pleaded for a break from the regulations they've been suffering under. Regulators have continued to pile on more rules, leading to more difficult compliance and higher penalties. It is up to Congress to step in and break this cycle.

As Chairman of the Senate Committee on Small Business and Entrepreneurship, I have introduced two bills that will help small businesses finally enjoy relief from burdensome federal regulations: the Advocacy Empowerment Act and the Hearing Small Businesses Act. These bills would give the Office of Advocacy at the Small Business Administration (SBA) the authority it needs to hold the government accountable for how their actions impact small businesses.

The Office of Advocacy is an independent branch of the SBA that exists to prevent regulations from crushing small businesses. This office stands up for small businesses, giving them a way to speak directly with the federal agencies that make regulations. Advocacy works with agencies to find ways to regulate without further devastating America's 28 million small businesses. The Office of Advocacy has asked for tools to help give businesses a break, and it is time for Congress to deliver these.

My legislation requires federal agencies to monitor their regulations' impact on small businesses. These bills give the Office of Advocacy the power to make sure agencies have considered how many small businesses will be affected by a regulation, if additional regulations overlap, and other alternatives to making an additional regulation. This legislation also will allow small businesses to provide direct input on interim final rules, which are agency rules that could be issued and go into immediate effect.

Making it easier for small businesses to start and flourish should not be a partisan issue. I have been disappointed to see so many of my colleagues call for regulatory reform but fail to advance meaningful solutions to get it done. These two bills provide small, common-sense reforms that directly deliver the tools that the Office of Advocacy has asked for in order to effectively do its job of speaking for small businesses. Business owners across the country have been forced to choose between growing their business and devoting time, money, and man hours to complying with federal rules for far too long. It is up to those of us in Congress to do what is in the best interest of business owners across the country.

*Idaho's Republican Sen. Jim Risch is chairman of Senate Committee on Small Business and Entrepreneurship.*

Source: *The Idaho Statesman*, <https://www.idahostatesman.com/opinion/readers-opinion/article161100514.html>

## TAKING AIM AT THE RULES

July 14, 2017 at 5:00 am |

[Print Article](#)



LOREN BENOIT/PressMichael Boeck of Tri-Pro Forest voices his concerns about forest resources and protecting small businesses during a regulation roundtable talk put on by the Office of Advocacy of the Small Business Administration Thursday morning at the Best Western Plus Coeur d'Alene Inn.



By BRIAN WALKER

Hagadone News Network

COEUR d'ALENE — Mark Freeman tapped the show-and-tell method to drive home his point on how environmental regulations are strapping his wood stove company.

The president and CEO of Kuma Stoves in Garwood on Thursday brought a display of two pipes — one 15 times longer than the other — to illustrate the same ratio of how much the EPA has required stove emissions to be reduced in recent years.

"If the auto industry did that, you all may have had to walk here today," he told officials with the Office of Advocacy of the Small Business Administration during a regulatory roundtable attended by about 50 at the Best Western Plus Coeur d'Alene Inn. "Enough is enough."

The SBA hosted the event to hear how federal regulations are hampering small businesses. Input from Thursday's roundtable and others will be compiled into a report for Congress to review when considering to cut regulations under a directive from President Donald J. Trump.

Freeman said the EPA has not been willing to come to the negotiating table with the wood stove industry when it comes to further reducing emissions, so the sides are tied up in litigation.

"We need some help; we need relief," Freeman said. "The emission target is unreasonable and onerous."

The ripple effect, he said, will be a negative economic impact.

"It will make stoves more expensive, so fewer people will buy them," he said. "We can't punish rural Americans who need this fuel. I believe my business is not only at stake but our industry is at stake."

Freeman said he's not against clean air standards, but regulations need to be reasonable.

Shawn Keough, executive director of Associated Logging Contractors, said her industry also made a plea in 2015 to the SBA about a burden it faces with the Small Business Timber Set Aside Program.

"We have not seen that issue resolved," she said. "We wonder if anyone is truly listening."

The program tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property.

Keough, also a Republican state senator from Sandpoint, said her trade association would like to see an amendment to the set-aside program. She said it should include timber volume sold as part of a stewardship services contract in the calculation for the timber sale share for small business.

"It is not that the work isn't there to be done," she said. "It's that the challenge for small businesses like ours to secure this work, coupled with other regulatory burdens within the U.S. Forest Service, make it difficult for our small businesses to compete on the same playing field with big business."

Another regulatory issue the timber industry faces is that of restoration after a wildfire on national forest land.

"The regulations binding the hands of the U.S. Forest Service often mean that it is at least one year and more likely longer before all the i's are dotted and t's crossed on the paperwork required to start salvaging of dead burned trees," Keough said.

"As a result, the trees lose their value as the wood deteriorates rapidly. In turn, potential purchasers of that wood such as logging contractors and sawmills won't buy the trees because the value is no longer there. This sets up a vicious circle."

Hugh Himmelreich, branch manager of Century Travel Service, said consolidation of contracts has hurt his business. The workforce for the travel management agency has dropped from 40 to 17.

"We've lost more than 50 percent of our contracting business due to consolidation," he said.

Doug Wolford, of Washington Trust Bank, said regulations are also an ongoing concern in the banking industry.

"My fear is that they'll have a negative impact on my ability to extend credit to small businesses," he said.

...

In case you missed it

If there are federal regulations that are hampering your small business and you were unable to attend Thursday's regulatory roundtable in Coeur d'Alene, the Office of Advocacy of the Small Business Administration still wants to hear your concerns at <http://bit.ly/2uT9Mrq>.

## Are federal, state regulations hurting Northeast Ohio businesses? Owners discuss problems

Updated Aug 4, 2017; Posted Aug 4, 2017



By [Emily Bamforth, cleveland.com](#), [ebamforth@cleveland.com](mailto:ebamforth@cleveland.com)

CLEVELAND, Ohio -- Federal and state regulations touch everything from whether truck drivers need to get tested for sleep apnea to requiring more than 1,500 hours of training to become a cosmetologist.

Some small business owners are sick of it. At a Cleveland roundtable presented by the Office of Advocacy of the Small Business Association, people aired their concerns to officials who are looking for real-world examples of how regulations are burdening small businesses in America.

In Ohio, 99.6 percent of Ohio businesses qualify as small businesses, defined as businesses with fewer than 500 employees. Employees of those businesses total 2.1 million, making up 46 percent of employees, according from the Office of Advocacy.

The roundtable comes at a time where government officials are contemplating rolling back or reforming regulations. President Donald Trump [signed an executive order in January trying to cut down on federal regulations](#), saying agencies should cut two regulations for every new one.

Ohio Republican Senator Rob Portman was part of introducing the bipartisan [Regulatory Accountability Act](#), which requires cost-benefit analysis for all regulations and aims to improve transparency.



### Read more: [Sen. Rob Portman's push to peel back regulations meets fierce criticism](#)

U.S. Sen. Rob Portman has tried to change government regulation since he became a senator. Now he has his best chance.

Here are some of the regulations that small business owners felt were limiting their success:

#### The Affordable Care Act



Some small businesses say government regulations are making it hard to succeed and take care of employees (MaxPixel)

Not being able to afford to provide health care was a common complaint among the business owners who spoke. As [health care reform stutters and starts in Congress](#), many business owners are anxiously awaiting the results. If some form of change doesn't pass, some owners are afraid they won't be able to provide health care at all.

Frank Destro, who owns U.S. Industrial Sales Inc., which helps manufacturers sell their wares, said the healthcare expenses for his business have increased 25 percent per year since the Affordable Health Care Act passed.

"It prevents me from hiring people," he said.

Patricia Miller, owner of SpaceBound, a technology product company, said employers typically want to be able to provide the best benefits for their employees but that the additional costs that come with these kinds of regulations force employers to cut somewhere else.

She also said that in the grand scheme of things, officials could benefit from listening to small business owners, because they know what employees need.

#### Overtime pay regulations

Expansions in overtime pay rules under the Obama administration left some employers having to change the way that they do business. Many cited a proposed 2016 rule -- eventually [blocked in court](#) -- that allowed full-time salaried employees to [earn overtime if they make up to \\$47,476 a year](#).

Miller said this stops employers from using discretion when it comes to their employees due to having to document hours to show they're complying with federal overtime rules. If an employee has an emergency, it's a lot more difficult to shift hours around, she said.

#### Lack of streamlining processes and unnecessary rules

A large part of administrative burdens comes from having to hire accountants and lawyers to make sure businesses are compliant, attendees said.

Tony Fiore, government affairs director for the Ohio State Council of Society for Human Resource Management, said technology could help streamline submitting information and other processes that take up time for business owners.

For example, being able to verify if someone is able to work in the United States. Making it possible to check out a potential employee's status quickly from a phone or app would make life easier for small business owners, he said.

Modernizing laws like the Fair Labor Standards Act is also key, Fiore added.

"We can't have 1930's labor laws governing the policy of the 2030 labor laws, that's just not feasible," he said.

[View Comments \(35\)](#)

# Appendix G. Formal Titles of Regulations in this Report

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
60 Percent Rule	HHS/ CMS	ICD-9-CM Compliant Codes for Inpatient Rehabilitation Facilities (IRF) 60% Rule; Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Fiscal Year 2018	82 Fed. Reg. 36238 (proposed on August 3, 2017) (to be codified at 42 CFR Part 412)
ADA Accessibility of Passenger Vessels	DOJ	Nondiscrimination on the Basis of Disability by Public Accommodations on Passenger Vessels	28 CFR Part 36
Affirmative Action Requirements for Federal Contractors	DOL	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities	41 CFR Part 60-741
Affordable Care Act Compliance Paperwork Burdens	Treasury / IRS	Employers with at Least 50 Employees	Form 1095-C
Affordable Care Act Compliance Paperwork Burdens	Treasury / IRS	Self-insured Employers with Fewer than 50 Employees	Form 1095-B
Affordable Care Act Rules; Difficulty Determining Full-Time Versus Part Time Employment For ACA Coverage	HHS / DOL / IRS	Shared Responsibility For Employers Regarding Health Coverage	26 U.S. Code § 4980H(c)(4)
Affordable Care Act Rules; Reducing Cost Of Coverage; Purchasing Coverage Across State Lines	HHS / DOL / IRS	Executive Order Promoting Healthcare Choice and Competition Across the United States	Exec. Order 13813 of Oct 12, 2017
Basel III Rules Related To Capital Requirements On Bank Lending	Treasury	Minimum Capital Requirements	12 CFR 3.10
Beryllium Rule	DOL/ OSHA	Proposed Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyards	82 Fed. Reg. 29182 (June 27, 2017)
Calculation of Star Ratings	HHS/ CMS	Calculation of Star Ratings	42 CFR 422.166
Coal Combustion Residuals (CCR) Rule	EPA	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One)	83 Fed. Reg. 36435 (July 30, 2018)
Communication Towers	DOL/ OSHA	OSHA has re-initiated its Small Business Advocacy Review panel on Communication Tower Safety	
Companion Care Rule	DOL	Application of the Fair Labor Standards Act to Domestic Service	29 CFR Part 552; 76 Fed. Reg. 81190 (December 27, 2011)

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Compliance Costs associated with DFARS, Part 252	SBA	Defense Federal Acquisition Regulation Supplement Part 252—Solicitation Provisions and Contract Clauses	DFARS 252.204-7012 - Safeguarding Covered Defense Information and Cyber Incident Reporting
Confined Spaces	DOL/ OSHA	Confined Spaces in Construction	29 CFR Part 1926
Conflict Minerals	SEC	Requirement of report regarding disclosure of registrant’s supply chain information regarding conflict minerals.	17 CFR Part 240, 240.13p-1
Criminal Background Check Rules	HUD	Guidance on Criminal Background Checks	Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016).
Data Used to Determine Fishing Allocations	DOC/ NOAA	Magnuson-Stevens Fishery Conservation and Management Act Provisions: Fisheries of the Northeastern U.S.; Northeast Multispecies Fishery; Framework Adjustment 57	50 CFR Part 648 (New England Fishery) 16 USC 1851 (a)(2)(Magnuson Stevens Act, National Standard 2)
Definition of Destruction or Adverse Modification of Critical Habitat	DOI	Definitions	50 CFR Part 402.02
Definition of Independent Contractor	DOL	US Secretary Of Labor Withdraws Joint Employment, Independent Contractor Informal Guidance	U.S. Dep’t of Labor, Release No. 17-0807-NAT (June 7, 2017)
Definition of Joint Employer	DOL	US Secretary Of Labor Withdraws Joint Employment, Independent Contractor Informal Guidance	U.S. Dep’t of Labor, Release No. 17-0807-NAT (June 7, 2017)
Design and Production Approvals	DOT	Certification Procedures for Products and Articles	14 CFR Part 21
Drones	DOT/ FAA	Operation and Certification of Small Unmanned Aircraft Systems	14 CFR Part 107, Subpart B
Drones	DOT/ FAA	Small Unmanned Aircraft Systems (Small Drones); Department Regulatory and Deregulatory Agenda; Semiannual Summary	83 Fed. Reg. 27161; Operations of Small Unmanned Aircraft over People RIN: 2120-AK85
Electronic Logging Devices (ELDs)	DOT/ FMCSA	Electronic Logging Devices and Hours of Service Supporting Documents	49 CFR Parts 395, Subpart B
Electronic Recordkeeping and Reporting	DOL/ OSHA	Tracking of Workplace Injuries and Illnesses	83 Fed. Reg. 36494 (proposed July 30, 2018)(to be codified at 29 CFR Part 1904)
Emissions Standards for Oil and Gas Production	EPA	Review of the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources	40 CFR Part 60
Endangered and Threatened Species Act Compensatory Mitigation Policy And Litigation	DOI	Endangered and Threatened Wildlife and Plants; Endangered Species Act Compensatory Mitigation Policy; Withdrawal	83 Fed. Reg. 36469 (effective July 30, 2018) (to be codified at 50 CFR Chapter I)

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Endangered Species Act Rules	DOI/ FWS	Endangered and Threatened Wildlife and Plants; Revision of the Regulations for Listing Species and Designating Critical Habitat	83 Fed. Reg. 35193 (proposed on July 25, 2018) (to be codified at 50 CFR Part 424)
Endangered Species Listing of the Lesser Prairie Chicken	DOI	Endangered and Threatened Wildlife and Plants	50 CFR Part 17
Endangered Species Listing of the Northern Long-Eared Bat	DOI	Endangered and Threatened Wildlife and Plants	50 CFR Part 17
Endangered Species Listing of the Northern Spotted Owl	DOI	Endangered and Threatened Wildlife and Plants	50 CFR Part 17
Endangered Species Listing of the Rusty Patched Bumble Bee	DOI	Endangered and Threatened Wildlife and Plants	50 CFR Part 17
Energy Efficiency Standards and Energy Star programming	DOE	Part 430—Energy Conservation Program For Consumer Products	10 CFR 430
Energy Efficiency Standards And Energy Star Programming For Automatic Commercial Ice Makers	DOE	Part 431—Energy Efficiency Program For Certain Commercial And Industrial Equipment	10 CFR 431, Subpart H
Energy Efficiency Standards And Energy Star Programming For Compressors	DOE	Part 431—Energy Efficiency Program For Certain Commercial And Industrial Equipment	10 CFR 431, Subpart T
Energy Efficiency Standards And Energy Star Programming For Refrigerated Bottled or Canned Beverage Vending Machines	DOE	Part 431—Energy Efficiency Program For Certain Commercial And Industrial Equipment	10 CFR 431, Subpart Q
Energy Efficiency Standards And Energy Star Programming for Walk-In Coolers and Walk-In Freezers	DOE	Part 431—Energy Efficiency Program For Certain Commercial And Industrial Equipment	10 CFR 431, Subpart R
Estate Valuation	Treasury	Estate, Gift, and Generation-Skipping Transfer Taxes; Restrictions on Liquidation of an Interest	82 Fed. Reg. 48779 (withdrawal of notice of proposed rulemaking)
Exchange Visitor/ Summer Work Travel Program Programs	STATE	Exchange Visitor Program-Summer Work Travel	82 Fed. Reg. 4,120 (proposed Jan. 12, 2017) (to be codified at 22 CFR pt. 62)
Fall Protection for the Construction Industry	DOL/ OSHA	Subpart M—Fall Protection	29 CFR part 1926, subpart M
Fiduciary Rule	DOL	Definition of the Term “Fiduciary”	29 CFR Part 2510
Food Labeling Rules	HHS	Food Labeling: Revision of the Nutrition and Supplement Facts Labels	21 CFR Part 101
Food Labeling Rules	HHS	Food Labeling: Serving Sizes of Foods that Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments	21 CFR Part 104
Form I-9- Employment Verification Process	DHS	Verification of identity and employment authorization	8 CFR Part 274a.2

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Food Safety Regulations—Controlling Contamination Through Slaughter And Dressing Operation	USDA/FSIS	Poultry Products Inspection Regulations	9 CFR § 381.65 (g)
Food Safety Regulations—Disposition of Condemned Livestock	USDA/FSIS	Disposition of Condemned Livestock	9 CFR § 309.13
Food Safety Regulations—National Organic Program	USDA/FSIS	National Organic Program	7 CFR Part 205
Food Safety Regulations— Post Mortem Inspection	USDA/FSIS	Poultry Products Inspection Regs; Post Mortem Inspection; Disposition of Carcasses and Parts	9 CFR § 381.76- post mortem inspection
Food Safety Regulations—Contamination	USDA/FSIS	Poultry Products Inspection Regulations	9 CFR § 381.91
Food Safety Regulations—Contamination with Micro-organisms	USDA/FSIS	Post-Mortem Inspection	9 CFR § 310.25 (a)
Food Safety Regulations—Facilities	USDA/FSIS	Poultry Products Inspection Regulations	9 CFR §381.36
Food Safety Regulations—Misbranding of Products	USDA/FSIS	Recalls	9 CFR § 418.2
Food Safety Regulations—Passing of Carcasses and Parts	USDA/FSIS	Poultry Products Inspection Regs; Post Mortem Inspection; Disposition of Carcasses and Parts	9 CFR § 381.79
Food Safety Regulations—Relating to Several Diseases	USDA/FSIS	Poultry Products Inspection Regs; Post Mortem Inspection; Disposition of Carcasses and Parts	9 CFR § 381.80-93-
Food Safety Regulations—Slaughter Inspection Rate Maximums	USDA/FSIS	Poultry Products Inspection Regulations	9 CFR § 381.67
Food Safety Regulations—Temperatures and Chilling and Freezing Procedures	USDA/FSIS	Poultry Products Inspection Regulations	9 CFR § 381.66
FSMA Rules (Food Safety Modernization Act)	HHS	Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and Issue Certifications	21 CFR Parts 1, 11, and 16
FSMA Rules (Food Safety Modernization Act)	HHS	Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food	21 CFR Parts 1, 11, 16, 106, 110, 114, 117, 120, 123, 129, 179, and 211
Gainful Employment Rule	ED	Gainful Employment Regulation	34 CFR § 66.403, et seq.
H-1B Visas	DHS	Buy American and Hire American	Exec. Order No. 13,788, 82 Fed. Reg. 18,837 (April 18, 2017)
H-1B Visas	DHS	Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Aliens Subject to the Numerical Limitations	76 Fed. Reg. 11686 (proposed on March 03, 2011) (to be codified at 8 CFR pts. 214 and 299)
H-2A and H-2B Visa Programs	DOL / DHS	Temporary Employment of Foreign Workers in the United States; Nonimmigrant Classes	20 CFR Part 655; 8 CFR Part 214

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Hard Rock Mining	EPA	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry	83 Fed. Reg. 7556 (February 21, 2018)
Harvest Sales on Federal Lands/ Timber Set-aside Rule	SBA/ USDA/ DOI	Small Business Timber Set-Aside Program	81 Fed. Reg. 66199 (proposed on September 26, 2016)(to be codified at 13 CFR Part 121)
Home Mortgage Disclosure Act	CFPB	Home Mortgage Disclosure (Regulation C)	12 CFR Part 1003
Hours of Service	DOT/ FMCSA	Hours of Service; Notice of Public Listening	49 CFR Part 395; 83 Fed. Reg. 45204
HUBZone	SBA	HUBZone Program	13 CFR Part 126
Hydraulic Fracturing (Fracking)	DOI	Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule	43 CFR Part 3160
International Adoptions	STATE	Intercountry Adoptions	81 Fed. Reg. 62,321 (proposed on Sept. 08, 2016) (to be codified at 22 CFR Part 96)
International Entrepreneur Rule	DHS	Removal of International Entrepreneur Parole Program	83 Fed. Reg. 24415 (proposed May 29, 2018) (to be codified at 8 CFR pts. 103, 212, 274a)
IRS Form 1099 C, Cancellation of Debt	Treasury/ IRS	Information reporting for discharges of indebtedness by certain entities.	26 CFR § 1.6050P-1
Joint Employment	NLRB	The Standard for Determining Joint Employer Status	83 Fed. Reg. 46681 (proposed on Sept. 14, 2018) (to be codified at 29 CFR Chapter I)
Lead Renovation Repair and Painting (LRRP) Program Rules	EPA	Lead-based Paint Poisoning Prevention in Certain Residential Structures	40 CFR Part 745, Subpart E
Minimum Wage	DOL	Fair Labor, Minimum Wage	29 USC § 206
Minimum Wage for Contractors	DOL	Establishing a Minimum Wage for Contractors	Exec. Order No. 13,658, 79 Fed. Reg. 9849 (February 12, 2014)
Minimum Wage for Contractors	DOL	Establishing a Minimum Wage for Contractors, Notice of Rate Change in Effect as of Jan. 1, 2019	83 Fed. Reg. 44906 (September 4, 2018)
Mobility Fund Phase II Challenge Process	FCC	FCC Establishes Challenge Process For Mobility Fund Phase II To Promote Access To Mobile Broadband Services In Rural America	Order on Reconsideration and Second Report and Order (FCC 17-102)
Mobility Fund Phase II Challenge Process	FCC	Procedures for the Mobility Fund Phase II Challenge Process	83 Fed. Reg. 13417 (March 29, 2018)
Moratorium on Enforcement of Federal Contractor Requirements Against Hospitals	DOL	TRICARE Subcontractor Enforcement Activities	Directive 2014-01, U.S. Department Of Labor, Office of Federal Contract Compliance Programs
Moratorium on Leasing of Federal Coal	DOI	Secretary of the Interior - Order 3348 Subject: Concerning the Federal Coal Moratorium	Secretarial Order 3348, Concerning the Federal Coal Moratorium (March 29, 2017)
Mortgage Servicing, Regulation Z	CFPB	Mortgage Servicing Rules Under the Truth in Lending Act (Regulation Z)	12 CFR Part 1026

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Multiple Device Reporting	HHS/ FDA	Multiple Device Reporting	21 CFR Part 803
National Environmental Policy Act (NEPA) Compliance	USDA	National Environmental Policy Act (NEPA) Compliance	36 CFR Part 220
Net Neutrality	FCC	Restoring Internet Freedom; ISP Privacy Rules Net Neutrality (Enhanced Network Transparency Requirements under the FCC 2014 Open Internet Order)	83 Fed. Reg. 7852 (proposed on February 22, 2018 )(to be codified at 47 CFR Parts 1, 20, and 8)
Nonhazardous Secondary Materials (NHSM)	EPA	Solid Wastes Used As Fuels Or Ingredients In Combustion Units	41 CFR Part 241
Nonhazardous Secondary Materials (NHSM)	EPA	Standards Of Performance For New Stationary Sources	40 CFR Part 60
Oil, Natural Gas, and Coal Valuation Rule	DOI	Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform	30 CFR parts 1202 and 1206
Payment for Onboard Observers Program	DOC/ NOAA	Payment for Onboard Observers Program. At-Sea Onboard Monitoring for the Fishing Industry. Magnuson-Stevens Act	16 USC 1881b
Once-In, Always-In	EPA	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	84 FR 36304 (July 26, 2019)
Overtime Rule	DOL	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees (EAP Exemption) under the Fair Labor Standards Act	29 CFR Part 541; 81 Fed. Reg. 32,391 (May 23, 2016)
Paid Sick Leave For Federal Contractors	DOL	Establishing Paid Sick Leave for Federal Contractors	Exec. Order No. 13,706, 80 Fed. Reg. 54,697 (September 7, 2015); 29 CFR Part 13
Payday Lending	CFPB	Payday, Vehicle Title, and Certain High-Cost Installment Loans	12 CFR part 1041
Persuader Rule	DOL	Rescission of Rule Interpreting “Advice” Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act	83 Fed. Reg. 33826 (effective August 16, 2018)(to be codified at 29 CFR 405 and 406)
Pesticides; Agricultural Worker Protection Standard Revisions	EPA	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements and Notice About Compliance Dates	82 Fed. Reg. 60576 (December 21, 2017)
Pesticides; Certification of Pesticide Applicators	EPA	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	82 Fed. Reg. 60195 (December 19, 2017)
Positive Train Control (PTC) Exemption	DOT	Requirements for Positive Train Control Systems	49 CFR § 236.1005
Process Safety Management	DOL/ OSHA	Executive Order - Improving Chemical Facility Safety and Security	Exec. Order No. 13,650, 78 Fed. Reg. 48029 (August 1, 2013)
Process Safety Management	DOL/ OSHA	Hazardous Materials	29 CFR Part 1910, Subpart H
Quality System Regulation	HHS/ FDA	Quality System Regulation	21 CFR Part 820

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Recall Reporting	HHS/ FDA	Recall Reporting	21 CFR Part 806
Regulation D	SEC	Eliminating the Prohibition Against General Solicitation and General Advertising in Rule 506 and Rule 144A Offerings	17 CFR Parts 230, 239 and 242
Removing Barriers to Wireless Infrastructure Deployment	FCC	Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment	83 Fed. Reg. 19440 (May 03, 2018)
Removing Barriers to Wireless Infrastructure Deployment	FCC	Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment	83 Fed. Reg. 46812 (September 14, 2018)
Requirements for inpatient CAH Services (Critical Access Hospitals)	HHS/ CMS	Requirements for inpatient CAH services	42 CFR 424.15
Risk Management Program (RMP) Rule	EPA	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act	83 Fed. Reg. 24850 (May 30, 2018)
Risk Reduction and Crew Size Proposed Rules	DOT	Risk Reduction Program	80 Fed. Reg. 10949 (proposed on February 27, 2015)(to be codified at 49 CFR 271)
Risk Reduction and Crew Size Proposed Rules	DOT	Train Crew Staffing	81 Fed. Reg. 13917 (proposed March 15, 2016)(to be codified at 49 CFR 218)
Safety Measurement System	DOT	Withdrawal of Proposed Enhancements to the Safety Measurement System	83 Fed. Reg. 32949 (July 16, 2018)
Section 409A	Treasury / IRS	Application of Section 409A and effective dates. Exempting Small Private Companies from the Penalties and Requirements Associated with Deferred Compensation Arrangements Under Internal Revenue Code Section 409A	26 CFR § 1.409A-6
Service Disabled Veteran Contractors	SBA	Eligibility Requirements for the SDVO SBC Program	13 CFR Part 125, Subpart B
Silica Rule	DOL/ OSHA	Occupational Exposure to Respirable Crystalline Silica	29 CFR Parts 1910, 1915, and 1926
Small Business Excluded from Some R&D contracts Because They Are Not Related to the Small Business Innovation Research and Development (SBIR) Program	SBA	Federal Acquisition Regulation - Subpart 19.5—Set-Asides for Small Business	19.502-2 Total Small Business Set-Asides
Small Disadvantaged Business (SDB)	SBA	8(a) Business Development/Small Disadvantaged Business Status Determinations	13 CFR Part 124
Standards for the Electronic Health Record Technology Incentive Program	HHS/ CMS	Standards For The Electronic Health Record Technology Incentive Program	42 CFR Part 495
Steam Electric	EPA	Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	82 Fed. Reg. 43494 (September 18, 2017)

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
Steam Electric	EPA	SBA Petition for Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	<a href="https://www.epa.gov/sites/production/files/2017-04/documents/sba_petition_for_effluent_limitations_guidelines_and_standards_for_the_steam_electric_power_generating_point_source_category.pdf">https://www.epa.gov/sites/production/files/2017-04/documents/sba_petition_for_effluent_limitations_guidelines_and_standards_for_the_steam_electric_power_generating_point_source_category.pdf</a>
Stormwater Permits - Multi-Sector General Permit	EPA	Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities	80 Fed. Reg. 34403
Stormwater Permits - Multi-Sector General Permit	EPA	NPDES Multi-Sector General Permit (MSGP) for Industrial Stormwater (2015)	40 CFR Part 122
System For Award Management	SBA	System for Award Management.	48 CFR Part 52, Subpart 52.204-7
Tax and Inventory Accounting Rules	Treasury	Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule	12 CFR Parts 208, 217, and 226
Tip Rules	DOL	Tip Regulations Under the Fair Labor Standards Act (FLSA)	82 Fed. Reg. 59562 (proposed on December 15, 2017) (to be codified at 29 CFR 531)
Tobacco Deeming	HHS/ FDA	Clarification of When Products Made or Derived From Tobacco Are Regulated as Drugs, Devices, or Combination Products	21 CFR Parts 201, 801, and 1100
Tobacco Deeming	HHS/ FDA	Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act	21 CFR Parts 1100, 1140, and 1143
Toxic Substance Control Act (TSCA) Fee Rule	EPA	Fees for the Administration of the Toxic Substance Control Act	83 Fed. Reg. 52694 (October 17, 2018)
Toxics Release Inventory	EPA	Toxic Chemical Release Reporting: Community Right-To-Know	40 CFR Part 372
Training, Qualification, and Oversight for Safety-Related Railroad Employees	DOT	Training, Qualification, and Oversight for Safety-Related Railroad Employees	49 CFR Part 243
US Coast Guard Safety and Security Plan Rules	DHS	Vessel Security	46 CFR 140.660
Wood Heaters	EPA	Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces	40 CFR Part 60, Subpart AAA
WOTUS, Waters of the United States	EPA, CORPS	Addition of an Applicability Date to 2015 Clean Water Rule	33 CFR 328, 40 CFR 110, 112, 116-17, 122, 230, 232, 300, 302, 401
WOTUS, Waters of the United States	EPA, CORPS	Clean Water Rule: Definition of “Waters of the United States”	80 CFR 37053, 33 CFR 328, 40 CFR 110, 112, 116-17, 122, 230, 232, 300, 302, 401

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## Appendix G. Formal Titles of Regulations in this Report, continued

Issue	Agency	Title of Proposed or Enacted Rule	Citation to Rule
WOTUS, Waters of the United States	EPA, CORPS	Recodification of Preexisting Rule	83 Fed. Reg. 32227 (July 12, 2018)

### **Agency Abbreviations**

CFPB	Consumer Financial Protection Bureau	FSIS	Food Safety and Inspection Service
DHS	Department of Homeland Security	FWS	Fish and Wildlife Service
DOC	Department of Commerce	HHS	Department of Health and Human Services
DOI	Department of Interior	IRS	Internal Revenue Service
DOJ	Department of Justice	NOAA	National Oceanic and Atmospheric Administration
DOL	Department of Labor	OSHA	Occupational Safety and Health Administration
DOT	Department of Transportation	SBA	Small Business Administration
EPA	Environmental Protection Agency	SEC	Securities and Exchange Commission
FAA	Federal Aviation Administration	STATE	Department of State
FCC	Federal Communications Commission	TREASURY	Department of Treasury
FDA	Food and Drug Administration	CORPS	U.S. Army Corps of Engineers
FMCSA	Federal Motor Carrier Safety Administration	USCIS	Citizenship and Immigration Service
FS	Forest Service	USDA	Department of Agriculture

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