FOR IMMEDIATE RELEASE - January 30, 2017
Contact: Derek Sylvan | (212) 998-6085 | derek.sylvan@nyu.edu

In response to President Trump’s executive order on reducing regulation, Richard Revesz, director of the Institute for Policy Integrity at NYU School of Law, has released the following statement:

This “one in, two out” policy is a deeply flawed and irrational approach to regulation. Judging a regulation based solely on its costs, without considering benefits, is illogical. Yet the order makes no mention of accounting for a regulation’s benefits, which are often carefully quantified by the issuing agency. The executive order’s separate requirement that all regulations’ costs in a given fiscal year must sum to zero, regardless of their benefits, is similarly arbitrary and dangerous.

The wording of this executive order is likely to cause confusion and chaos. It is unclear how the order applies to new rules that federal agencies are legally required to issue, or how it will treat deregulatory actions. It is also unclear how the order asks agencies to weigh costs; some new regulations, such as energy efficiency rules, are projected to generate cost savings for consumers.

Since the Reagan administration, Presidents of both political parties have worked to improve the quality of federal regulatory decisionmaking. In particular, the Office of Information and Regulatory Affairs (OIRA) has promoted sophisticated analytical methods to ensure that regulations are properly vetted and that they will move forward only if their benefits to society justify their compliance costs.

Regulations help improve the quality of life for Americans: they ensure food safety, protect clean water, and make airplanes and cars safer. Making regulations more efficient and less costly is a worthy goal, but this executive order will not help achieve it. Instead, this order will likely hurt the American public and hinder the functioning of the government.

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The Institute for Policy Integrity at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts, legislatures, and executive agencies.