

**Commercial Fishing Safety Advisory Committee
(CFSAC)**

TASK STATEMENT # 01-17

Input to Support Regulatory Reform of Coast Guard Regulations—Executive Orders 13771 and 13283

I. TITLE

Input to Support Regulatory Reform of Coast Guard Regulations—Executive Orders 13771 and 13783

II. BACKGROUND

A. Executive Order 13771

On January 30, 2017, President Trump issued Executive Order 13771, *Reducing Regulation and Controlling Regulatory Costs* (82 FR 9339, Feb. 3, 2017). Executive Order 13771 and the subsequent accompanying guidance from the Office of Management and Budget (M-17-21) together establish the Administration’s deregulatory agenda and regulatory budgeting process. Accordingly, agencies are required to identify regulations and guidance for possible repeal or revision.

Generally, the U.S. Coast Guard is required to identify at least two existing regulations or guidance documents to be repealed before it publicly issues a new significant¹ proposed rule, new significant final rule (where NPRM was published under the previous Administration), or new significant guidance document. The regulations or guidance identified for repeal or revision can be either significant or non-significant.

B. Executive Order 13783

On March 28, 2017, President Trump issued Executive Order 13783, *Promoting Energy Independence and Economic Growth* (82 FR 16093, March 31, 2017). Executive Order 13783 requires agencies to review all existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law. Accordingly, agencies are required to review all existing regulations,

¹ For purposes of Executive Order 13771, significant regulations are those actions that have been identified by the Office of Management and Budget as being significant in accordance with Executive Order 12866 criteria: (1) likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligation of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in Executive Order 12866.

orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in Executive Order 13783.

III. PROBLEM STATEMENT

The U.S. Coast Guard seeks the input of industry, via CFSAC regarding the review and identification of U.S. Coast Guard regulations and guidance documents within the scope of the committee's purview in accordance with Executive Orders 13771 and 13783.

IV. TASK

Provide input to the U.S. Coast Guard on all existing regulations, guidance, and information collections that fall within the scope of the Committee's charter.

1. One or more subcommittees/working groups, as needed, will be established to work on this tasking in accordance with the Committee charter and bylaws. The subcommittee(s) shall terminate upon the approval and submission of a final recommendation to the U.S. Coast Guard from the parent Committee.
2. Review regulations, guidance, and information collections and provide recommendations whether an existing rule, guidance, or information collection should be repealed, replaced or modified. If the Committee recommends modification, please provide specific recommendations for how the regulation, guidance, or information collection should be modified. Recommendations should include an explanation on how and to what extent repeal, replacement or modification will reduce costs or burdens to industry and the extent to which risks to health or safety would likely increase.
 - a. Identify regulations, guidance, or information collections that potentially impose the following types of burden on the industry:
 - i. Regulations, guidance, or information collections imposing administrative burdens on the industry.
 - ii. Regulations, guidance, or information collections imposing burdens in the development or use of domestically produced energy resources. "Burden," for the purposes of compliance with Executive Order 13783, means "to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources."
 - b. Identify regulations, guidance, or information collections that potentially impose the following types of costs on the industry:

- i. Regulations, guidance, or information collections imposing costs that are outdated (such as due to technological advancement), or are no longer necessary.
 - ii. Regulations, guidance, or information collections imposing costs which are no longer enforced as written or which are ineffective.
 - iii. Regulations, guidance, or information collections imposing costs tied to reporting or recordkeeping requirements that impose burdens that exceed benefits. Explain why the reporting or recordkeeping requirement is overly burdensome, unnecessary, or how it could be modified.
 - c. Identify regulations, guidance, and information collections that the Committee believes have led to the elimination of jobs or inhibits job creation within a particular industry.
3. All regulations, guidance, and information collections, or parts thereof, recommended by the Committee should be described in sufficient detail (by section, paragraph, sentence, clause, etc.) so that it can readily be identified. Data (quantitative or qualitative) should be provided to support and illustrate the impact, cost, or burden, as applicable, for each recommendation. If the data is not readily available, the Committee should include information as to how such information can be obtained either by the Committee or directly by the Coast Guard.

V. DUE DATES

The Committee must provide recommendations to the Coast Guard by no later than close of business on March 30, 2018. The Committee is encouraged, however, to provide recommendations as early as possible in advance of this deadline.

VI. COAST GUARD TECHNICAL REPRESENTATIVES

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