



Highlights of [GAO-07-791](#), a report to congressional requesters

Why GAO Did This Study

Congress and presidents require agencies to review existing regulations to determine whether they should be retained, amended, or rescinded, among other things. GAO was asked to report the following for agency reviews:

(1) numbers and types completed from 2001 through 2006; (2) processes and standards that guided planning, conducting, and reporting; (3) outcomes; and (4) factors that helped or impeded in conducting and using them. GAO evaluated the activities of nine agencies covering health, safety, environmental, financial, and economic regulations and accounting for almost 60 percent of all final regulations issued within the review period. GAO also reviewed available documentation, assessed a sample of completed reviews, and solicited perspectives on the conduct and usefulness of reviews from agency officials and knowledgeable nonfederal parties.

What GAO Recommends

GAO recommends that agencies incorporate various elements into their policies and procedures to improve the effectiveness and transparency of retrospective regulatory reviews and that they identify opportunities for Congress to revise and consolidate existing requirements. In commenting on a draft of this report, SBA's Office of Advocacy agreed with and provided updated guidance in response to the recommendations. OMB reported having no comments on the draft. All others provided technical comments.

www.gao.gov/cgi-bin/getrpt?GAO-07-791.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Mathew J. Scire at (202) 512-6806 or sciremj@gao.gov.

REEXAMINING REGULATIONS

Opportunities Exist to Improve Effectiveness and Transparency of Retrospective Reviews

What GAO Found

From 2001 through 2006, the selected agencies completed over 1,300 reviews of existing regulations. The mix of reviews conducted, in terms of impetus (mandatory or discretionary) and purpose, varied among agencies. Mandatory requirements were sometimes the impetus for reviews, but agencies more often exercised their own discretionary authorities to review regulations. The main purpose of most reviews was to examine the effectiveness of the implementation of regulations, but agencies also conducted reviews to identify ways to reduce regulatory burdens and to validate the original estimates of benefits and costs.

The processes and standards guiding reviews varied across agencies and the impetus and phase of the review process. They varied by the extent to which agencies applied a standards-based approach, incorporated public participation, and provided complete and transparent documentation. For example, while almost all agencies had standards for conducting mandatory reviews, only about half of the agencies had such standards for conducting discretionary views. The extent of public involvement varied across review phases, with relatively more in the selection process for discretionary reviews. Agencies more often documented all phases of mandatory reviews compared to discretionary reviews.

The outcomes of reviews included amendments to regulations, changes to guidance and related documents, decisions to conduct additional studies, and confirmation that existing rules achieved the intended results. Mandated reviews, in particular, most often resulted in no changes. Agencies noted that discretionary reviews generated additional action more often than mandatory reviews. Agencies and nonfederal parties generally considered all of the various review outcomes useful.

Multiple factors helped or impeded the conduct and usefulness of retrospective reviews. Agencies identified time and resources as the most critical barriers, but also cited factors such as data limitations and overlapping or duplicative review requirements. Nonfederal parties said that the lack of transparency was a barrier; they were rarely aware of the agencies' reviews. Both agencies and nonfederal parties identified limited public participation as a barrier. To help improve the conduct and usefulness of reviews, agencies and nonfederal parties suggested practices such as pre-planning to identify data needed to conduct effective reviews, a prioritization process to address time and resource barriers, high-level management support, grouping related regulations together when conducting reviews, and making greater use of diverse communication technologies and venues to promote public participation.