

Advocacy encourages EPA to incorporate consideration of small entities into Benefit-Cost Analysis for Clean Air Act rules

On June 11, 2020 the Environmental Protection Agency (EPA) published a proposed rule titled “Increasing Consistency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process.” This proposed rule would require Benefit-Cost Analysis (BCA) for all significant Clean Air Act rulemakings as a way of increasing consistency across Clean Air Act rules and transparency in the factors that EPA considers in rulemaking decisions.

On August 3, 2020, Advocacy submitted a public comment letter recommending that EPA incorporate into this proposed rule elements of its statutory obligations under the Regulatory Flexibility Act. This would provide the public with a clearer picture of how EPA considers the impacts on small entities in Clean Air Act rulemaking.

- EPA should conduct a BCA when it must conduct analyses under the Regulatory Flexibility Act, even if it would otherwise not be significant.
- EPA should include a description of the small entities affected by a rule, and where feasible, numbers of small entities, in the BCA.
- EPA should present the costs and benefits of regulating small entities separately from aggregate economic impacts to show the consideration of alternatives that minimize the impacts on small entities.

A complete copy of Advocacy’s letter to EPA is available [here](#). For more information please contact Assistant Chief Counsel [Dave Rostker](#).

