



United States Department of Agriculture

**United States Department of Agriculture
Development of Regulations covered by Executive Order 12866
Revised Workplan Process**

December 2017

The changes outlined below are intended to couple the development and clearance of workplans, and the resulting generation of Regulation Information Numbers (RIN), to a more deliberative process for determining the Department's biannual regulatory agenda, and the corresponding regulatory budget required by Executive Order 13771.

- Seeking Input: To inform whether a rulemaking should be undertaken or not, mission areas and agencies should seek input from Departmental scientists, subject matter experts, economists, and attorneys to ensure regulatory workplans are well justified and analyzed. For actions of potential significant policy, economic or legal concern, mission areas/agencies should seek assistance *in advance* from USDA's Office of General Counsel and the Office of the Chief Economist, and, if applicable, other impacted mission areas and agencies. Workplans will have to be sufficiently developed and analyzed for the Office of the Secretary to develop a total regulatory cost allowance for USDA. Agencies should evaluate workload to determine what is feasible to complete during the timeframes projected for completion.
- Clearance by OGC: Prior to submitting a workplan to OBPA for consideration by the mission area and the Office of the Secretary, agencies will be required to obtain clearance by OGC.
- Review by the Office of the Secretary: After review by OBPA, workplan packages will be reviewed by the Office of the Secretary *en masse* during the timeframes identified below to provide a complete picture of candidates for inclusion in the upcoming agenda and to develop a total regulatory cost allowance for the Department. Only workplans approved by the Office of the Secretary will be submitted to OIRA for designation and approved as candidates for inclusion in the upcoming agenda.
- Timing for the Workplan Submissions to OBPA: Regulatory agenda data calls typically come from OIRA in late February and late July of each year. To align the development and clearance of workplans with the process for determining the Department's biannual regulatory agenda and related regulatory budget, the submission of workplan packages to the OBPA will be limited to the following one-week timeframes:
 1. The third week in November and the third week in January for the February data call; and
 2. The first week in May and the third week in June for the July data call.
- Regulatory Workplan RRO Summary Coversheet: Workplans submitted to OBPA must include the attached RRO Summary Coversheet.



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- EO 13771 Data Sheet: At the time the Mission Areas submit their proposed workplans to OBPA, they must also submit their EO 13771 data sheet identifying regulatory and deregulatory actions and the total cost allowance, which is expected to be less than zero.
- Inactive and Inherited Regulations List: At the time the Mission Areas submit their proposed workplans to OBPA, they must also submit a list of rules they propose to include in the upcoming agenda that do not require the submission of a workplan to OIRA. For example, rules currently on the inactive list, rules that did not meet their estimated publication date in a past agenda, and rules with an existing workplan not referenced elsewhere.
- Format for Workplan Submissions to OBPA: Signed workplan packages for each agency must be submitted to OBPA *en masse* inside the one-week submission period. Packages should be submitted in PDF to Julie Hetrick at Julie.Hetrick@obpa.usda.gov. Submissions should include a copy of each workplan in Word.
- Emergencies and Exceptions: In the event that a mission area determines that there is a need for a work plan to be considered outside the process identified above, the mission area Chief of Staff will need to present the workplan and describe the emergency nature or significant policy considerations for the action to the Office of the Secretary and offset any cost impacts the rule may have to ensure USDA achieves the total cost savings target. Upon approval from the Office of the Secretary, OBPA will process the workplan accordingly.
- Creation of RINs: RINs may only be created when authorized by OBPA.