

The Reagan Retrospective Review of Regulations

Background

- The Reagan retrospective review program had three components:
 - Postponement of regulations that were promulgated but had not gone into effect, “Midnight Regulations”
 - Early actions on troublesome regulations
 - Retrospective Review of Existing Regulations

Question and Answers

- *What forms did the Reagan Administration send out to obtain nominees for retrospective review?*

The document titled “Materials on President Reagan’s Program for Regulatory Relief.” ([Compendium](#)) is a compendium of many of the key materials which implemented the Reagan program.

Page 97 is the letter sent to small business groups. Page 99 describes the information requested.

Note that bounds were placed on respondent submissions, e.g., no more than ten nominees and all responses were to be limited to one page.

- *What is meant by the second category, “early actions on existing regulations”?*

These actions are described on page 63 of the Compendium. They consisted in large part of regulations which were in the pipeline but not issued in final form. The Reagan Administration wanted to

demonstrate the strength of their commitment to regulatory relief by making some early hits.

- *Which regulations were subjected to an intense retrospective review, how many were subjected to this process?*

See page 79 of the Compendium. It should be noted that OMB assumed overall management responsibility for the retrospective review program in lieu of it assuming a more passive role such as monitoring the program.

- *The Reagan retrospective review program is often cited as the most successful of such programs, why?*

There were several reasons for its success, (1) OMB was in charge, and (2) there were periodic reports to the [public](#) and the [Congress](#).

- *Some thirty years have passed since the Reagan retrospective review program was initiated; are there alternatives to the Reagan approach as a result of the emergence of new tools”*

Yes. See the [Five Governors of the Regulatory State](#)

One in particular has particular applicability to the retrospective review of regulations, the Data [Information] Quality Act (DQA).

In lieu of, or as a complement to, asking the private sector for nominees for retrospective review, OMB could announce that it would be [involved](#) in decisions made regarding any DQA petition filed on an existing regulation for which the petitioner designates as a candidate for retrospective review.

Basing retrospective review on the DQA allows for a more participatory role by the regulated community.

In addition the emergence of the [Interactive Public Docket](#) (IPD), which is shadow docket maintained by the private sector, breaks the [government monopoly](#) over the regulatory docket for retrospective review. NGO's state that the IPD “tilts” the debate toward the regulated community; legal scholars [disagree](#).