

118TH CONGRESS
2D SESSION

H. R. 7900

To establish a regulatory review process for rules that the Administrator of the Environmental Protection Agency plans to propose, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2024

Mr. FINSTAD (for himself, Mr. JOHNSON of South Dakota, Mr. BACON, Mrs. HINSON, Mr. SCOTT FRANKLIN of Florida, Mr. VAN ORDEN, Mr. NEWHOUSE, Mrs. FISCHBACH, Mr. AUSTIN SCOTT of Georgia, Mr. WILLIAMS of Texas, Mr. FLOOD, and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a regulatory review process for rules that the Administrator of the Environmental Protection Agency plans to propose, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “EPA Accountability
5 to Farm Country Act”.

1 **SEC. 2. REGULATORY REVIEW BY THE SECRETARY OF AG-**
2 **RICULTURE.**

3 (a) REVIEW OF REGULATORY ACTIONS.—The Sec-
4 retary shall review each covered publication not later than
5 30 days after the date on which such publication is issued
6 to determine whether the covered publication may have a
7 major economic impact on production or prices of agricul-
8 tural commodities, retail food prices, or otherwise on the
9 agricultural economy.

10 (b) INFORMATION GATHERING.—If the Secretary de-
11 termines a covered publication may have a major economic
12 impact on production or prices of agricultural commod-
13 ities, retail food prices, and otherwise on the agricultural
14 economy, within 30 days of such determination, the Sec-
15 retary shall—

16 (1) convene a review panel for analysis of the
17 regulatory action that is the subject of the covered
18 publication that includes—

19 (A) the Secretary;

20 (B) an employee of the Department of Ag-
21 riculture;

22 (C) an employee of the Environmental Pro-
23 tection Agency that is designated by the Admin-
24 istrator;

25 (D) an employee from the Office of Infor-
26 mation and Regulatory Affairs within the Office

1 of Management and Budget that is designated
2 by the Director of the Office of Management
3 and Budget; and

4 (E) four active producers from different
5 geographic areas of the United States, and that
6 represent a cross-section of agricultural com-
7 modities grown in the United States;

8 (2) notify the Committee on Agriculture of the
9 House of Representatives and the Committee on Ag-
10 riculture, Nutrition, and Forestry of the Senate—

11 (A) that such a review panel is being con-
12 vened; and

13 (B) which covered publication is to be con-
14 sidered by such review panel;

15 (3) solicit from the Administrator any informa-
16 tion the Secretary determines necessary to facilitate
17 a review of the covered publication; and

18 (4) issue an economic impact statement for the
19 publication item that contains a detailed estimate of
20 potential costs to the agriculture sector of the
21 United States.

22 (c) DUTIES OF THE ADMINISTRATOR.—The Adminis-
23 trator shall provide any information solicited by the Sec-
24 retary under subsection (b)(3) for purposes of facilitating
25 a review of the covered publication involved.

1 (d) DUTIES AND REPORT OF THE REVIEW PANEL.—

2 (1) DUTIES.—A review panel convened under
3 subsection (b) with respect to a covered publication
4 shall—

5 (A) review any information or material ob-
6 tained by the Secretary and prepared in connec-
7 tion with the covered publication, including any
8 draft proposed guidance, policy, memorandum,
9 regulation, assessment, decision, or statement
10 of general applicability and future effect;

11 (B) collect advice and recommendations
12 from agricultural entity representatives with re-
13 spect to such publication; and

14 (C) compile and analyze such advice and
15 recommendations.

16 (2) REPORT.—Not later than 60 days after the
17 date a review panel is convened under subsection (b)
18 with respect to a covered publication, the review
19 panel shall submit to the Secretary, the Adminis-
20 trator, the Committee on Agriculture of the House
21 of Representatives, and the Committee on Agri-
22 culture, Nutrition, and Forestry of the Senate a re-
23 port, which shall be made publicly available by the
24 Secretary, describing—

1 (A) the economic impact statement for the
2 covered publication issued under subsection
3 (b)(4);

4 (B) the findings of the review panel; and

5 (C) any recommendations of the Adminis-
6 trator to limit the scope of the covered publica-
7 tion to ensure the regulatory action that is the
8 subject of such publication does not have a
9 major economic impact on production and
10 prices of agricultural commodities, retail food
11 prices, and otherwise on the agricultural econ-
12 omy.

13 (e) ECONOMIC IMPACT OF REGULATORY AGENDA.—
14 Any regulatory action that is the subject of a covered pub-
15 lication that has been reviewed by a review panel under
16 subsection (b) that has been determined to have a major
17 economic impact or affects a substantial number of agri-
18 cultural entities shall not be finalized until the Adminis-
19 trator implements the recommendations made by the re-
20 view panel, as described in subsection (d).

21 (f) DEFINITIONS.—In this section:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

1 (2) COVERED PUBLICATION DEFINED.—The
2 term “covered publication” means a publication that
3 gives notice that the Administrator of the Environ-
4 mental Protection Agency is preparing, or plans to
5 prepare, any guidance, policy, memorandum, regula-
6 tion, assessment, decision, or statement of general
7 applicability and future effect, including—

8 (A) any regulatory agenda of the Environ-
9 mental Protection Agency published pursuant
10 to section 602 of title 5, United States Code;

11 (B) any regulatory plan or agenda pub-
12 lished by the Environmental Protection Agency
13 or the Office of Management and Budget pur-
14 suant to an Executive order, including Execu-
15 tive Order 12866; and

16 (C) any other publication issued by the Ad-
17 ministrator of the Environmental Protection
18 Agency or the Director of the Office of Manage-
19 ment and Budget that may reasonably be fore-
20 seen to contain such a notice.

21 (3) MAJOR ECONOMIC IMPACT.—The term
22 “major economic impact” means, with respect to a
23 regulatory action that is the subject of a covered
24 publication, that the action would—

1 (A) have an annual effect on the economy
2 of the United States of \$50,000,000 or more;

3 (B) cause a major increase in costs or
4 prices for agricultural entities, consumers, indi-
5 vidual industries, Federal, State, or local gov-
6 ernment agencies, or geographic regions; or

7 (C) cause significant adverse effects on
8 employment, investment, productivity, innova-
9 tion, or the ability of United States-based enter-
10 prises to compete with foreign-based enterprises
11 in domestic and export markets.

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture.

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