117TH CONGRESS
2D SESSION

S. 3843

To require the Environmental Protection Agency to issue analyses on the environmental and economic impacts of rules and rulemakings of the Environmental Protection Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2022

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

A BILL

To require the Environmental Protection Agency to issue analyses on the environmental and economic impacts of rules and rulemakings of the Environmental Protection Agency, 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 Transparency

5 Act of 2022".

6 **SEC. 2. REPORT.**

7 (a) DEFINITIONS.—In this section:

1   (1) ADMINISTRATOR.—The term "Adminis-

2   trator" means the Administrator of the Environ-

3   mental Protection Agency.

4   (2) DATA OF ECONOMIC HARM.—The term

5   "data of economic harm", with respect to a major

6   EPA-promulgated rule or rulemaking, means data,

7   facts, and figures that can be measured, traced, and

8   validated with respect to the economic harm that is

9   anticipated to be caused by the major EPA-promul-

10   gated rule or rulemaking.

11   (3) DATA OF ENVIRONMENTAL HARM.—The

12   term "data of environmental harm", with respect to

13   a major EPA-promulgated rule or rulemaking,

14   means data, facts, and figures that can be meas-

15   ured, traced, and validated with respect to the envi-

16   ronmental harm that would be caused without the

17   promulgation or issuance of the major EPA-promul-

18   gated rule or rulemaking.

19   (4) MAJOR EPA-PROMULGATED RULE OR RULE-

20   MAKING.—The term "major EPA-promulgated rule

21   or rulemaking" means a final rule or policy of the

22   Administrator—

23   (A) the promulgation of which was not ex-

24   plicitly authorized by an Act of Congress; and

1   (B) that increases the control or influence

2   of the Federal Government over the property or

3   constitutional rights of an individual as com-

4   pared to before the date of promulgation of the

5   rule or policy, as determined by the Adminis-

6   trator.

7   (5) SMALL BUSINESS.—The term "small busi-

8 ness" means a privately owned corporation, partner-

9 ship, or sole proprietorship that has—

10   (A) fewer than 1,500 employees; and

11   (B) not more than $38,500,000 in average

12   annual receipts.

13   (b) REPORT REQUIRED.—Not later than 30 days

14 after the date on which a major EPA-promulgated rule

15 or rulemaking is promulgated, the Administrator shall

16 submit to Congress and make publicly available a report

17 that describes, with respect to the major EPA-promul-

18 gated rule or rulemaking, an analysis of—

19   (1) the data of environmental harm; and

20   (2) the data of economic harm with respect to

21   small businesses.

○