

CAPITAL ROUNDUP

SPECIAL REGULATION EDITION

REGULATION	REGULATING AGENCY	SUMMARY OF REGULATION AND WHAT IT MEANS TO YOU	STATUS
Ozone National Ambient Air Quality Standards	 Environmental Protection Agency	Beginning in 2009, EPA moved to reconsider the National Ambient Air Quality Standards (NAAQS) for ground-level ozone standards from 75 parts per billion to between 60 and 70 parts per billion, despite the fact that stricter standards were implemented in 2008 and that EPA is not required to review the standards again until 2013. By EPA's own estimates, its proposed stricter standard would cost between \$20 billion and \$90 billion annually. A recent study shows that this EPA "do-over" could cost upward of \$1 trillion every year between 2020 and 2030 and could sacrifice more than 7 million jobs in the next decade.	On September 2, 2011, President Obama requested that EPA withdraw the draft NAAQS and wait until 2013 to reconsider the ozone standard.
Union and Labor Rights Posters	 National Labor Relations Board	For the first time, the National Labor Relations Board (NLRB) issued a rule that requires private employers to prominently display posters telling workers about their right to form a union and engage in other union activities without reprisal. The posters also inform employees of their right to work together collectively even without forming a union but do not inform them of the consequences of unionizing or how to oust an unwanted union.	The new rule takes effect on November 14, 2011.
Coal Ash	 Environmental Protection Agency	EPA is in the process of determining whether to regulate the storage of coal ash, a byproduct of the coal burning process, as either a solid waste or a hazardous waste. Coal ash is used in cement, concrete, wallboard, roofing materials, paints and plastics, and for highway projects. A hazardous substance designation would likely deter manufacturers and consumers from using coal ash in any application, thus harming the beneficial reuse industry.	EPA Administrator Lisa Jackson told Congress in March that the agency will not make a decision on coal ash in 2011 because it needs more time to review public comments.
Ambush Election Rules	 National Labor Relations Board	Under NLRB's proposed ambush election rules, the scheduling of an election could have to occur in as few as 10 to 21 days following the filing of a petition, down from the current median period of 38 days. Among the many proposed technical changes to the rules is a requirement that an employer establish its position on all issues related to the union election within 7 days. Any issue not raised by the employer within 7 days is waived, and the employer will be barred from raising it again. The proposed rules would come at the expense of due process and free speech rights of employers and employees and would increase legal and compliance costs, particularly for small employers.	The Chamber submitted comments opposing NLRB's ambush election rules on August 22, 2011.
Revision of the "Advice" Exemption	 Department of Labor	In June, the Department of Labor proposed rules that would limit employers' ability to retain legal counsel during union organizing campaigns. It would do so by virtually eliminating the "advice" exemption to the Labor-Management Reporting and Disclosure Act and requiring employers to report the hiring of legal counsel to advise them under the law's "persuader" reporting requirements. Opponents argue that revision of the "advice" exemption is little more than an attempt to use disclosure regulations to bully employers into refraining from exercising their free speech rights.	The comment period ended on September 21, 2011.
Defining Larger Participants in Certain Consumer Financial Products and Services Markets	 Consumer Financial Protection Bureau	Under the Dodd-Frank financial regulatory reform law, the Consumer Financial Protection Bureau (CFPB) has extraordinary broad jurisdiction to regulate consumer financial products and services offered by nonbank companies such as mortgages, payday lending, and private student lending companies. For all other markets—like consumer installment loans, money transmittal, and debt collection—CFPB generally can supervise only larger participants, which remain undefined.	The CFPB is required to issue an initial "larger participant" rule no later than July 21, 2012.

Information is current as of press time. For the very latest, go to www.uschambermagazine.com.



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