

Regulatory Reform of the U.S. Manufacturing Sector



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**Office of Management and Budget
Office of Information and Regulatory Affairs**

Regulatory Reform of the U.S. Manufacturing Sector

A Summary of Agency Responses to Public Reform Nominations

Streamlining regulation is a key plank in the President's economic program. Because manufacturing bears a disproportionate share of overall regulatory costs in the economy,¹ in February 2004 OMB initiated a government-wide effort to reform regulation of the U.S. manufacturing sector. Since U.S. manufacturers compete with firms from both developed and developing countries in an increasingly global economy, the Administration believes it is critical that any unnecessary regulatory burdens be removed.²

In OMB's draft 2004 Report to Congress on the Costs and Benefits of Federal Regulation, OMB requested public nominations of specific regulations, guidance documents and paperwork requirements that, if reformed, could result in lower costs, greater effectiveness, enhanced competitiveness, more regulatory certainty and increased flexibility. OMB expressed particular interest in reforms that address burdens on small and medium-sized manufacturers. In developing reform nominations, commenters were asked to consider: (1) whether a benefit-cost case can be made for the reform, (2) whether the agencies have the statutory authority to implement the suggested reform, (3) whether the reform gives due consideration to fair and open trade policy objectives, and (4) whether the rule or program is important. Commenters were provided 90 days to prepare their nominations and submit them to OMB.

In response to the solicitation, OMB received 189 distinct reform nominations from 41 commenters. The materials submitted by the 41 commenters are available on OMB's web site, and the 189 reform nominations are summarized in OMB's Final 2004 Report to Congress on the Costs and Benefits of Federal Regulation.³ A majority of the reform nominations address programs administered by the Environmental Protection Agency and the Department of Labor, a pattern that reflects the large impact of environmental and labor regulation on this sector of the economy.

OMB instructed federal agencies to review the merits of each of the 189 reform nominations and prepare a response for OMB by January 24, 2005. The response was to include a determination as to whether reform action is appropriate. If the agency found that the reform was worth pursuing, they were to supply a proposed time line for action and, where appropriate, a plan for public participation. OMB evaluated the reform

¹ A study by Crain and Hopkins (2001) for the SBA Office of Advocacy found that manufacturing firms face a total regulatory burden approximately 6 times greater than the average firm, and a regulatory burden per employee approximately 2 times greater than the average firm.

² Please see the Department of Commerce's report "Manufacturing in America," (available at <http://www.manufacturing.gov>), and the Council of Economic Advisors' *Economic Report of the President*, 2004 (available at <http://www.gpoaccess.gov/eop/index.html>) for more detailed discussion of the challenges facing the U.S. manufacturing sector.

³ Both the reform nominations and the final Report to Congress are available at http://www.whitehouse.gov/omb/infocoreg/repol-reports_congress.html

nominations and collaborated with federal agencies in the development of response plans. OMB also sought evaluations of the recommendations by the Advocacy Office of the US Small Business Administration and the US Department of Commerce's Office of the Assistant Secretary for Manufacturing and Services.

Overall, federal agencies and OMB have determined that 76 of the 189 nominations have potential merit and justify further action. Future actions on these reform nominations range from performing a priority investigation and reporting to OMB in order to determine appropriate next steps, to issuing modernized regulations. In several cases described below, agencies have already taken action that addresses some of the issues raised by commenters. Often these actions were taken in the time since OMB received the public reform nominations and the publication of this report.

The remainder of the report republishes OMB's summary of each priority reform nomination, including the identity of the commenter and its numerical designation. For all future actions on these reforms, we also include milestones and deadlines. OMB will oversee the reform process to make sure that agencies make adequate progress in the months and years ahead. As readers assess the information presented below, it should be emphasized that OMB and federal agencies do not necessarily agree with either the problem statement or specific solutions suggested by commenters. Before any regulatory reforms are adopted, federal agencies will suggest specific reforms through a process that entails opportunity for public participation (e.g., a notice and comment rulemaking).

Regulatory reform of the U.S. manufacturing sector is one component of OMB's multi-year effort to modernize or rescind outmoded rules. OMB's 2004 Report to Congress on the Costs and Benefits of Federal Regulation provides a progress report on the Administration's regulatory reform activities.

Reference Number	4
Agency	Department of Commerce's (DOC) National Oceanographic and Atmospheric Administration (NOAA)
Rule/Guidance	Coastal Zone Management Act of 1972; 16 U.S.C. 1455 (CZMA) Federal Consistency Regulations
Commenter	National Association of Manufacturers (9)
Summary	Under the CZMA, a State has an opportunity to review Federal permitting actions to ensure consistency with its Federally-approved management plan. These reviews however have become mired in controversy. DOC should go further than its recent proposed rule and significantly reduce the time required for Federal and State review and eliminate the open-ended information and analysis requirements that are used to delay approval indefinitely. Process modifications are needed to meet the goals of Executive Orders 13211 and 13212 regarding expediting energy project permitting and reducing burdens on energy supplies.
Response	Final rule: 2005

Reference Number	6
Agency	Department of Homeland Security (DHS)
Rule/Guidance	North American Free Trade Agreement (NAFTA) Certificates of Origin
Commenter	Motor & Equipment Manufacturers Association (41); Recreational Vehicle Industry Association (25)
Summary	Importers must possess these certificates to prove that goods qualify as originating under NAFTA and thus qualify for preferential tariff treatment. The paperwork associated with these certificates is time consuming for automotive parts companies. Moreover, the detailed information required creates difficulties among suppliers and vehicle manufacturers, given its sensitivity. Commenter recommends simplification of the certificate.
Response	DHS will provide OMB a plan and timeframe for next steps, which may include revisions to clarify the regulations or guidance on enforcement: May 2005

Reference Number	7
Agency	Department of Homeland Security (DHS)
Rule/Guidance	Maritime Security
Commenter	American Shipbuilding Association (44)
Summary	Shipyards that are subject to more stringent Department of Defense (DoD) security plan requirements should be exempted from redundant, conflicting, and burdensome US Coast Guard (USCG) maritime security rules on vessels and facilities.
Response	DHS will provide OMB a plan and timeframe for next steps, which may include revisions to clarify the regulations or guidance on enforcement: May 2005

Reference Number	12
Agency	Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA)
Rule/Guidance	Motor Vehicle Brakes
Commenter	National Association of Manufacturers (9); National Marine Manufacturers Association (38)
Summary	Outdated "brake" rules need to be amended to permit the limited lawful use of "surge brakes" on small-to-medium sized trailer and tow-vehicle combinations since they meet the federal regulatory requirements for stopping distance and holding on a 20 percent grade and have a record of safety. Trailers with surge brakes can be used by consumers but not for commercial uses (such as where a marina owner would transport a boat for a boat owner for repair). The mandated electric brakes are not workable in conditions where the trailer would be submerged in water such as in a boat trailer.
Response	Proposed rule: September 2005 Final action: September 2006

Reference Number	14
Agency	Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA)
Rule/Guidance	Hours of Service
Commenter	SBA Office of Advocacy (39)
Summary	<p>Current rules set maximum on-duty hours per 24-hour period and per work week for commercial truck drivers; also set minimum number of hours between days of work and between weeks. Drivers may only work 11 hours before taking a 10 hour break; the rule allows one day per week on which drivers may be working up to 16 hours. Drivers may work up to 70 hours within an eight-day period but must take a break of at least 34 hours before beginning a new eight-day period. For businesses that deliver products locally, redefining on-duty hours to allow deliveries to be made beyond the 11-hour maximum will save costs for businesses whose primary business is not trucking.</p>
Response	<p>Published proposed rule: February 4, 2005 Final rule: August 2005</p>

Reference Number	16
Agency	Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA)
Rule/Guidance	Lighting & Reflective Devices
Commenter	National Association of Manufacturers (9); Motor & Equipment Manufacturers Association (41)
Summary	This rule, which sets forth minimum safety standards for automotive lighting equipment, has been amended frequently during the past 30 years and is now difficult to understand and comply with. The standard should be revised to make it more clear and concise, which will decrease confusion about NHTSA's enforcement of the imported non-compliance product clause.
Response	Proposed rule: December 2005 Final rule: October 2007

Reference Number	18
Agency	Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA)
Rule/Guidance	Occupant Ejection Safety Standard
Commenter	Public Citizen (2)
Summary	Address window glazing, side curtain and side impact airbags and increase strength of door locks and latches.
Response	Published proposed rule on side impact protection: May 17, 2004. Proposed rule establishing occupant containment performance requirements: December 2006 Final action: 2007

Reference Number	22
Agency	Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA)
Rule/Guidance	Vehicle Compatibility Standard
Commenter	Public Citizen (2)
Summary	Include standard metric rating to evaluate vehicle mismatch; establish compatible bumper heights; mitigate harm done by "aggressive" design.
Response	NHTSA will submit to OMB a report on the status of research in this area: June 2005

Reference Number	26
Agency	Equal Employment Opportunity Commission
Rule/Guidance	Employer Information Report (EEO-1)
Commenter	U.S. Chamber of Commerce (19)
Summary	Employers with greater than 100 employees are required to file an employer information report (EEO-1) annually regarding employees and their demographics. The commenter seeks to ensure that the form minimizes burden, and asks that reporting on occupational categories be aggregated to the extent possible.
Response	Proposed revisions to EEO-1: June 11, 2003 Final notice: Spring 2005

Reference Number	28
Agency	Environmental Protection Agency (EPA)
Rule/Guidance	Document AP-42: "Coke Production" Emission Factors (EF)
Commenter	American Coke and Coal Chemicals Institute (3)
Summary	An improved process is needed for updating Section 12.2 of AP-42 (Coke Production) in collaboration with the industry. This guidance document contains critical emission factors, has been under revision for nearly 10 years, and is posted in draft form on an agency web site. However, the agency has no realistic plan for finalization. The updating process should include industry test data and greater stakeholder involvement to resolve issues.
Response	<ol style="list-style-type: none"> 1. Model test plan and report software: 3rd quarter fiscal year 2005 2. Revise emissions factors development process: 4th quarter fiscal year 2005 3. Report on emissions factors uncertainty assessment: 4th quarter fiscal year 2005

Reference Number	30
Agency	Environmental Protection Agency
Rule/Guidance	Document AP-42: Science and Site-Specific Conditions
Commenter	National Association of Manufacturers (9)
Summary	The agency's AP-42 document contains emission factor information that is not sufficient. AP-42 should be improved by stating more clearly that site-specific data are preferable to category-wide averages for use in applicability and permitting determinations, using updated test results, and assisting state and local regulatory agencies in interpreting AP-42 data consistently and accurately.
Response	<ol style="list-style-type: none"> 1. Model test plan and report software: 3rd quarter fiscal year 2005 2. Revise emissions factors development process: 4th quarter fiscal year 05 3. Report on emissions factors uncertainty assessment: 4th quarter fiscal year 05

Reference Number	33
Agency	Environmental Protection Agency
Rule/Guidance	Clean Up Standards for Polychlorinated Biphenyls (PCBs)
Commenter	Motor and Equipment Manufacturers Association (41)
Summary	Clean up of PCBs at member companies have imposed substantial costs without consideration of the actual risk posed by the PCB. EPA should allow risk-based screening of sites to assure that clean up is necessary.
Response	EPA will supply OMB a plan and timeframe for next steps, which may include revisions to clarify the regulations: September 2005

Reference Number	34
Agency	Environmental Protection Agency
Rule/Guidance	Common Company Identification Number in EPA Databases
Commenter	Deere & Company (1)
Summary	Different EPA programs, each of which deals with different environmental media (air, water, and so forth), may use a different identification number for the same manufacturing facility/company. Confusion about the identity of facilities would be reduced if a common identification number were used.
Response	<ol style="list-style-type: none"> 1. Identify all facilities currently regulated by EPA and work to uniquely number the facilities with a Facility Registration System identification number: end of 2005 2. Work with 30 states to share this unique facility identification number: end of 2005 3. Work with remaining States as the States are ready to accept the common unique identification number: begin in 2006 until completion 4. Ensure that all new facility level databases created for EPA programs utilize the Facility Registration System identification number. Two upcoming databases are for Underground Injection Controls: 3rd quarter 2005, and Institutional Controls: 4th quarter 2005.

Reference Number	35
Agency	Environmental Protection Agency
Rule/Guidance	Enforcement and Compliance History Online (ECHO) Website
Commenter	American Iron and Steel Institute (34)
Summary	The agency's ECHO web site provides inaccurate information to the public about the environmental performance of facilities. The agency should correct current errors and establish a process for updating the site on a timely basis.
Response	Improve ECHO text explanations in order to guard against misinterpretation: June 2005

Reference Number	36
Agency	Environmental Protection Agency
Rule/Guidance	Electronic Formats for Agency Forms
Commenter	National Association of Manufacturers (9)
Summary	Some forms used by manufacturers are being made available in only one format (e.g., Word Perfect) while many manufacturers use a different format (e.g., Microsoft Word). Making forms available in multiple electronic formats would reduce conversion burdens on manufacturers.
Response	<ol style="list-style-type: none"> 1. Identify what existing regulatory form formats are currently available: July 2005 2. Determine if it is reasonable to assume most regulated entities for each form have access to software needed to view and respond in the identified format: October 2005 3. For each regulatory form, determine value and cost of offering the form in additional formats: December 2005 4. For those forms where conversion to other formats is warranted, make form available in new format: February 2006

Reference Number	38
Agency	Environmental Protection Agency
Rule/Guidance	Expand the Comparable Fuels Exclusion (CFE) under the Resource Conservation and Recovery Act (RCRA); 42 U.S.C. s/s 321 et seq
Commenter	National Association of Manufacturers (9); American Chemistry Council (31)
Summary	The CFE excludes from hazardous waste regulation those wastes that can be and are burned as fuels, and that are not more hazardous than the fossil fuels that facilities would otherwise use. The agency should enhance this exclusion by reducing the analytical requirements, including enactment of a flexible demonstration for non-halogenated organic constituents that can be shown to be destroyed in a well-operated, efficient combustion system.
Response	<ol style="list-style-type: none"> 1. Discuss and receive input from stakeholders on potential approaches: November 2005 2. Proposed rule: Summer 2006 3. Final rule: Summer 2007

Reference Number	39
Agency	Environmental Protection Agency
Rule/Guidance	Export Notification Requirements
Commenter	National Association of Manufacturers (9); American Chemistry Council (31)
Summary	Companies are required to notify EPA when exporting substances or products that contain chemicals listed on the Export Notification 12(b) list under the Toxic Substances Control Act (TSCA); 15 U.S.C. s/s 2601 et seq. Since current rules do not have a low-level cutoff, many minor substances or product ingredients trigger large amounts of paperwork. To reduce this burden, a low-level cutoff should be added to 12(b).
Response	Proposed rule: January 2006

Reference Number	42
Agency	Environmental Protection Agency
Rule/Guidance	Hazardous Waste Rules Should Be Amended to Encourage Recycling
Commenter	National Association of Manufacturers (9); American Petroleum Institute (12); Synthetic Organic Chemical Manufacturers Association (17); National Paint and Coatings Association (18); U.S. Chamber of Commerce (19); Alliance of Automobile Manufacturers (23); Specialty Graphic Imaging Association (27); American Chemistry Council (31); IPC - The Association Connecting Electronics Industries (32); SBA Office of Advocacy (39)
Summary	Under current rules under the Resource Conservation and Recovery Act (RCRA), certain waste streams are regulated as hazardous wastes, even when they are being recycled. The agency should clarify that a material that is being sent for recycling is not subject to regulation as a hazardous waste because it is not being "discarded". This reform would increase recycling rates while reducing the costs of managing hazardous wastes.
Response	Final rule: November 2006 If re-proposed, final rule: Winter 2008

Reference Number	43
Agency	Environmental Protection Agency
Rule/Guidance	Lead Reporting Burdens Under the Toxic Release Inventory (TRI) Program
Commenter	National Federal of Independent Business (8); National Association of Manufacturers (9); Synthetic Organic Chemical Manufacturers Association (17); National Paint and Coatings Association (18); The Policy Group (28); IPC - The Association Connecting Electronics Industries (32); The Copper and Brass Fabricators Council (45)
Summary	The 2001 rule adding lead and lead compounds to the list of persistent, bioaccumulative and toxic chemicals caused a lowering in the annual reporting threshold for lead from 10,000 to 100 pounds of use per year. The result has been that thousands of small businesses must file Form R to the federal government, even though their emissions of lead into the environment are minor or even zero. EPA should reexamine the justification for lowering the reporting threshold and the 2001 rule should be amended to reduce the substantial paperwork burden on small lead emitters.
Response	Provide OMB with a report on the status of applying the Metals Framework to Lead and Lead Compounds: September 2005

Reference Number	44
Agency	Environmental Protection Agency
Rule/Guidance	Maximum Achievable Control Technology (MACT) Standard for Chromium Emissions
Commenter	The Policy Group (28)
Summary	In 2002 the agency proposed revisions to the MACT standard governing chromium emissions from metal finishing operations. The proposal provides more flexibility for new sources, more flexibility in the legal treatment of technical violations, and more compliance flexibility (e.g., use of other technologies). The proposal should be finalized to allow facilities to take advantage of these provisions.
Response	Published final rule: July 2004

Reference Number	45
Agency	Environmental Protection Agency
Rule/Guidance	Polychlorinated Biphenyl (PCB) Remediation Wastes
Commenter	Utility Solid Waste Activities Group (7)
Summary	The agency should clarify that all PCB remediation waste containing small amounts of PCBs can be disposed, on its as-found concentration, in a municipal solid waste landfill. This clarification will reduce the costs of disposal without causing environmental harm.
Response	<ol style="list-style-type: none"> 1. Internal review and stakeholder consultations of the PCB regulations for cleanup and disposal of remediation wastes: May 2005 2. Submit plan on next steps to OMB: September 2005

Reference Number	46
Agency	Environmental Protection Agency
Rule/Guidance	Permit Use of New Technology to Monitor Leaks of Volatile Air Pollutants
Commenter	National Association of Manufacturers (9); U.S. Chamber of Commerce (19)
Summary	Current rules for monitoring leaks and fugitive emissions, specified in Method 21, require an operator to visit and screen each regulated component to determine if it is leaking. This process is labor intensive, expensive, and not particularly accurate. Method 21 should be replaced with a more technologically-advanced approach to emissions monitoring such as the use of optical imaging devices.
Response	Proposed rule or guidance: March 2006 Final rule or guidance: March 2007

Reference Number	47
Agency	Environmental Protection Agency
Rule/Guidance	Pretreatment Streamlining Rule Under the Clean Water Act; 33 U.S.C. ss/1251 et seq
Commenter	The Policy Group (28); SBA Office of Advocacy (39); Motor and Equipment Manufacturers Association (41)
Summary	In 1999 the agency proposed a rule to streamline pretreatment requirements to remove unnecessary burdens on Publicly Owned Treatment Works (POTWs), industry and agencies. The proposal provides flexibility to POTWs to set either mass-based or concentration-based limits, exempts Categorical Industrial Users if their discharges are below thresholds, and revises noncompliance criteria for extenuating circumstances that cause delay in paperwork filings. This rule should be finalized because it reduces burdens on POTWs without negatively impacting the environment.
Response	Final rule: June 2005

Reference Number	48
Agency	Environmental Protection Agency
Rule/Guidance	Provide More Flexibility in the Management of Wastewater Treatment Sludge to Encourage Recycling
Commenter	The Policy Group (28); IPC - The Association Connecting Electronics Industries (32); SBA Office of Advocacy (39)
Summary	Under the Resource Conservation and Recovery Act (RCRA), metal precipitate sludge is considered an F006 listed hazardous waste when a manufacturing facility ships it off site for metals recovery. This determination discourages reuse, recycling and reclamation by increasing the cost of recycling these valuable materials. The agency should exempt recycled electroplating sludge from hazardous waste management requirements to reduce management costs while protecting the environment.
Response	Proposed rule: December 2005 Final rule: June 2006

Reference Number	51
Agency	Environmental Protection Agency
Rule/Guidance	Remove Regulatory Disincentive to Recycle Spent Hydrotreating and Hydrorefining Catalysts
Commenter	American Petroleum Institute (12)
Summary	A conditional exclusion from hazardous-waste rules should be provided for the recycling of spent hydrotreating and hydrorefining catalysts. By encouraging recycling, this exclusion would improve environmental quality while reducing the costs of managing wastes.
Response	Respond to petition: December 2005

Reference Number	52
Agency	Environmental Protection Agency
Rule/Guidance	Reporting and Paperwork Burden in the Toxic Release Inventory (TRI) Program
Commenter	Deere & Company (1); National Association of Manufacturers (9); American Petroleum Institute (12); National Small Business Association (24); Specialty Graphic Imaging Association (27); Society of Glass and Ceramic Decorators (33); SBA Office of Advocacy (39)
Summary	The required TRI database contains thousands of reports that show little or no release of toxic chemicals, an indication that expensive and time-consuming reports are required with little environmental benefit. Burden-reduction reforms are needed such as raising the reporting thresholds on the amount of material that can be used without triggering a report.
Response	Phase I, forms modification rule: Published proposed rule: January 10, 2005 Final rule: June 2005 Phase II, burden reduction rule: Proposed rule: August 2005 Final rule: December 2006

Reference Number	54, 55, 56, 57, 58
Agency	Environmental Protection Agency
Rule/Guidance	Spill Prevention Control and Countermeasures (SPCC) Rule
Commenter	Utility Solid Waste Activities Group (7); National Association of Manufacturers (9); Synthetic Organic Chemicals Manufacturing Association (17); National Paint and Coatings Association (18); General Electronic Company (26); American Furniture Manufacturers Association (35); SBA Office of Advocacy (39); American Public Power Association (42); Copper and Brass Fabricators Council (45)
Summary	<p>EPA finalized a Spill Prevention, Control, and Countermeasures (SPCC) rule in July 2002. This rule was designed to prevent discharges of oil into navigable waters of the United States, and to contain those spills after they occur. Facilities subject to the rule must prepare and implement plans to prevent such discharges and respond to spills.</p> <p>Several comments were received on this rule. Among the comments: that EPA should allow a professional engineer to certify that certain systems are "environmentally equivalent" to the mandatory integrity testing (18); that EPA should eliminate the applicability of the professional engineer requirements for small facilities, reduce the stringency of some requirements, especially for smaller tanks, and more narrowly define whether a spill would have the possibility of "reaching a waterway" (39, 45); and that the rule ought to have special provisions for oil-filled electrical equipment, because such equipment is widely used with low risk of environmental harm (7, 9, 26, 42).</p>
Response	<ol style="list-style-type: none"> 1. Guidance to EPA inspectors for implementation of the 2002 rule: July 2005 2. Proposed rule relating to the September 2004 Notice of Data Availability (NODA) for "certain" facilities and oil-filled and process equipment: August 2005 3. Final rule relating to NODA: February 2006 4. Proposed rule for SPCC regulatory modifications: June 2006 5. Final rule to revise 2002 SPCC rule: June 2007

Reference Number	59
Agency	Environmental Protection Agency
Rule/Guidance	Water Permit Rules
Commenter	National Association of Manufacturers (9); American Chemistry Council (31)
Summary	The current rule sets mass-based effluent limits into water by multiplying average process wastewater flow by the regulated concentrations. If a company implements a water conservation project, it will be penalized when the permit is renewed. Permittees should be permitted to retain mass limits when permits are renewed if process wastewater flows have been reduced for purposes of water conservation. If process wastewater flows are decreased for other reasons, the mass-based emission limits can be adjusted per the current rule.
Response	EPA will analyze options for promoting water conservation through the use of mass-based limits as part of its annual review of existing effluent guidelines pursuant to Section 304(m) of the Clean Water Act, and publish the results of this review in its next preliminary biennial plan, scheduled for signature in August 2005.

Reference Number	61
Agency	Environmental Protection Agency
Rule/Guidance	Annual Reporting of Pesticide Information
Commenter	National Association of Manufacturers (9)
Summary	Current pesticide reporting forms impose extraneous administrative costs because they require reporting of how many pesticide devices and filters are produced and they define pesticide devices in an overly broad manner. The agency should reconsider the estimates of burden and whether such information is needed.
Response	Already posted revised forms on website. Will post revised device policy on EPA website: February 2005

Reference Number	68
Agency	Environmental Protection Agency
Rule/Guidance	Cooling Water Intake Structures, Phase III
Commenter	American Public Power Association (42)
Summary	EPA is developing a rule to reduce impingement and entrainment of aquatic organisms at the cooling water intake structures for manufacturing facilities and smaller electric utility generating plants (<50 mdg). These standards are unlikely to yield net benefits and no further Federal action is necessary with respect to these facilities.
Response	Published proposed rule: November 1, 2004 Final rule: May 2006

Reference Number	75
Agency	Environmental Protection Agency
Rule/Guidance	Electronic Filing by Manufacturing Firms
Commenter	American Furniture Manufacturers Association (35)
Summary	The agency, in collaboration with state regulators who administer federal air quality rules, should develop and implement user-friendly, multi-media electronic filing systems as a means of reducing paperwork burden on manufacturers. Encouraging commonality of forms and electronic filing procedures, coupled with use of compatible software between state and federal regulators, is essential to burden reduction.
Response	Review electronic reporting options supported by EPA's central data exchange, and report to OMB: December 2005

Reference Number	83
Agency	Environmental Protection Agency
Rule/Guidance	Leak-Detection and Repair Regulatory Programs
Commenter	National Association of Manufacturers (9)
Summary	The same manufacturing facility often faces multiple leak-detection and repair programs under different EPA rules. The paperwork associated with these programs is burdensome. EPA should amend existing rules so that only one leak-detection and repair program is required for any given plant.
Response	Proposed rule: March 2006 Final rule: March 2007

Reference Number	86
Agency	Environmental Protection Agency
Rule/Guidance	Method of Detection Limit/Minimum Level (MDL/ML) Procedure under the Clean Water Act
Commenter	National Association of Manufacturers (9); Inter-Industry Analytic Group (14); Alliance of Automobile Manufacturers (23)
Summary	The agency's MDL/ML procedure used for establishing low-level detection of chemical constituents results in a high rate of false positives. When used for compliance purposes, this data may inaccurately characterize a discharger's effluent as being non-compliant. Although the agency's Technical Support document confirms that the MDL/ML approach is unsuitable for compliance determinations, it appears this approach is being used for compliance and may continue to be used for compliance. This practice should halt.
Response	<ol style="list-style-type: none"> 1. EPA has initiated a stakeholder process of forming a Federal Advisory Committee (FAC). This process will be completed by Summer 2006. 2. Conclude pilot project: November 2006 3. Proposed rule: Spring 2007 4. Final rule: Spring 2008

Reference Number	87
Agency	Environmental Protection Agency
Rule/Guidance	Operating Permits Under the Clean Air Act; 42 U.S.C. s/s 7401 et seq
Commenter	National Association of Manufacturers (9)
Summary	All major and some minor stationary sources must file for operating permits under Title V of the Clean Air Act. The growing number of requirements under Title V, coupled with the growth of state permit programs, has created confusion and additional burden. The Title V permitting process should be reviewed and amended to clarify language, make permit language more concise, and reduce costs to firms seeking permits.
Response	<ol style="list-style-type: none">1. Final public meeting: held on February 7, 20052. Public comment period closes: March 31, 20053. Final report prepared: December 2005

Reference Number	88
Agency	Environmental Protection Agency
Rule/Guidance	Potential to Emit (PTE) Test
Commenter	Deere & Company (1); Motor and Equipment Manufacturers Association (41)
Summary	Use of the PTE test in implementing the Clean Air Act treats sources with real-world emissions below the statutory threshold as "major sources" subject to the full extent of major source regulations. EPA should eliminate the "potential to emit" test because it does not reflect real world emissions.
Response	Proposed rule: January 2006 Final rule: January 2007

Reference Number	90
Agency	Environmental Protection Agency
Rule/Guidance	Prohibit Use of Mercury in Automobile Manufacturing
Commenter	American Iron and Steel Institute (34)
Summary	The agency should move to prohibit the use of mercury in automobile manufacturing to minimize environmental impact of mercury to facilitate recycling.
Response	<ol style="list-style-type: none"> 1. Conduct preliminary analysis of the use of mercury-containing switches in convenience lights and braking systems installed in new cars and identify viable non-mercury alternatives for use in TSCA rulemaking and voluntary activities: Spring 2005 2. Begin discussions with stakeholders on possible options for regulatory and voluntary action, e.g., TSCA Section 5 SNUR for discontinued uses of mercury switches in new cars, voluntary removal of mercury-containing switches in existing cars, and expansion of other current voluntary mercury-reduction initiatives: Summer 2005 3. Make determination on appropriate regulatory or voluntary approaches for addressing mercury switches and other parts in automobiles: November 2005

Reference Number	92
Agency	Environmental Protection Agency
Rule/Guidance	Reduce the Inspection Frequency from Weekly to Monthly for Selected RCRA Facilities
Commenter	Deere & Company (1)
Summary	EPA should reduce the frequency of inspections of RCRA large quantity generator accumulation areas. The risk to the environment from a release from a well-engineered Large Quantity Generator Accumulation Area is less than previously thought. Thus, burden reduction could be achieved under the RCRA if the inspection frequency for these facilities was reduced from weekly to monthly.
Response	<ol style="list-style-type: none">1. Published proposed rule on burden reduction: January 17, 20022. Published Notice of Data Availability taking comments on less frequent inspections: October 29, 20033. Final rule: November 2005

Reference Number	97
Agency	Environmental Protection Agency
Rule/Guidance	Reportable Quantity (RQ) Threshold for Nitrogen Oxide and Dioxide at Combustion Sources
Commenter	National Association of Manufacturers (9); American Chemistry Council (31)
Summary	The current rule sets the RQ for nitrogen emissions too low for combustion sources (e.g., the flares used to control emissions of volatile organic compounds), triggering reporting burdens on owners/operators of combustion facilities and administrative burden on the NRC and state and local reporting entities. The RQ should be raised.
Response	Proposed rule: September 2005 Final rule: September 2006

Reference Number	101
Agency	Environmental Protection Agency
Rule/Guidance	Sulfur and Nitrogen Monitoring at Stationary Gas-Fired Turbines
Commenter	National Association of Manufacturers (9)
Summary	The current New Source Performance Standards (NSPS) require monitoring of sulfur and nitrogen content of fuel being fired in gas turbines. However, there is negligible sulfur and little nitrogen in natural gas. The requirements should be rescinded, which would reduce the need to submit paperwork showing no emissions. For facilities with Clean Air Act Title V permits, if there are excess emissions, they would be reported under the Title V deviation reports and thus there is no need for a separate NSPS report.
Response	Final rule published: April 14, 2004 EPA has initiated additional conversations with commenter to determine whether the promulgated rule addresses the commenter's concerns. EPA will report to OMB on the status of these discussions: May 2005

Reference Number	103
Agency	Environmental Protection Agency
Rule/Guidance	Systematic Program for Developing and Validating Analytic Methods
Commenter	Inter-Industry Analytic Group (14); American Public Power Association (42)
Summary	The agency's process for deciding what analytic methods to develop and to approve is not transparent to the public. Costly and time-consuming disputes among regulated entities have been spawned over how to develop analytic methods and how to use them when making compliance decisions. The agency should, first, develop a systematic process for determining what analytic methods should be developed for regulatory use and, second, develop formal criteria for validating and adopting analytic methods.
Response	<ol style="list-style-type: none"> 1. EPA has initiated a stakeholder process of forming a Federal Advisory Committee (FAC). This process will be completed by Summer 2006. 2. Conclude pilot project: November 2006 3. Proposed rule: Spring 2007 4. Final rule: Spring 2008

Reference Number	108
Agency	Environmental Protection Agency
Rule/Guidance	Deferral of Duplicative Federal Permitting
Commenter	The Policy Group (28)
Summary	Currently, metal finishing facilities comply with federal air emission standards that are implemented through state and local permits. However, if action is not taken, in late 2004 duplicative federal permitting requirements would automatically be added, with no environmental benefit. The agency should develop a rule that permanently exempts metal finishing facilities from cumbersome federal permitting requirements, saving time and money for both the agency and the regulated industry.
Response	Proposed rule: March 2005 Final rule: August 2005

Reference Number	110
Agency	Environmental Protection Agency
Rule/Guidance	Superfund Amendments and Reauthorization Act (SARA); 42 U.S.C. 9601 et seq Title 312 and 313 Programs
Commenter	American Iron and Steel Institute (34)
Summary	The SARA 312 and 313 programs are misleading to the public and burdensome to manufacturers. The agency should initiate rulemaking to make reporting biennial (313 one year, 312 due the next), eliminate reports of chemicals managed at landfills and through deep well injection, and focus reporting on toxic (rather than criteria) air pollutants.
Response	EPA will consider this comment within the TRI burden reduction rulemakings: Phase I, forms modification rule: Published proposed rule: January 2005 Final rule: June 2005 Phase II, burden reduction rule: Proposed rule: August 2005 Final rule: December 2006

Reference Number	112
Agency	Environmental Protection Agency
Rule/Guidance	Vapor Recovery at Gasoline Stations
Commenter	American Petroleum Institute (12)
Summary	Emissions may occur in the gap between the station's nozzle and the vehicle fill pipe during the re-fueling of vehicles of service stations. Two redundant systems have been required for controlling these emissions: one on the vehicle, the Onboard Vapor Recovery System, and one at the station, Stage II Vapor Recovery Systems. As more vehicles are produced with onboard vapor recovery systems, the regulations on the service stations should be phased out to reduce unnecessary burdens (e.g., the cost of maintaining, inspecting and managing the paperwork for the vapor recovery systems).
Response	EPA will submit analysis on the cost-effectiveness of Stage II controls to OMB: September 2005

Reference Number	116
Agency	Environmental Protection Agency
Rule/Guidance	Publicly Owned Treatment Work (POTW) removal credits
Commenter	Copper and Brass Fabricators Council (45)
Summary	<p>Under the national pre-treatment program, industrial facilities that discharge to POTWs must meet pretreatment standards that generally include concentration limits on specific pollutants. The CWA provides that if a particular pollutant can be removed by the treatment processes at the POTW, the POTW may grant a “removal credit” to the facility that reduces the level of treatment required at the facility to account for the treatment that will occur anyway at the POTW. Before a POTW can grant removal credits to its industrial dischargers, however, it must obtain “removal credit authority” from EPA. The commenter states that the procedures established in 40 CFR 403.7 companies must follow to get authority for removal credits are unreasonable and extremely difficult to obtain. Recommends revisions to more accurately reflect the total removal by the POTW, and modifications to facilitate the granting of authority when justified.</p>
Response	Develop internal issue paper on options to facilitate use of removal credits: March 2005

Reference Number	117
Agency	Environmental Protection Agency
Rule/Guidance	Categorical Wastewater Sampling and Testing
Commenter	Copper and Brass Fabricators Council (45)
Summary	40 CFR 403-471 requires dischargers to sample and test for certain categorical pollutants. Under EPA interpretations, some dischargers must test for elements they don't use. For example, some copper forming dischargers must test for chromium and lead, but do not use those chemicals. Categorical dischargers should not be required to test for all pollutant in the category when it can be independently shown that no possibility exists for certain pollutants to be in the discharge.
Response	Final rule: June 2005

Reference Number	118
Agency	Environmental Protection Agency
Rule/Guidance	Definition of Volatile Organic Compound
Commenter	Copper and Brass Fabricators Council (45)
Summary	<p>The definition of volatile organic compound (VOC) as found in 40 CFR 51.100(s) has no volatility element and therefore disregards whether a compound is even volatile at all. The rule defines VOCs very broadly as any carbon compound, but appropriately narrows the definition somewhat by limiting VOCs to those carbon compounds that "participate in atmospheric photochemical reactions." Of particular concern are ozone precursors; photochemical activity is one measure of an organic compound's ability to be an ozone precursor, but it is not the only measure. As applied by EPA, all organic compounds are assumed to be participants in atmospheric photochemical reactions. The comment suggests including a vapor pressure threshold (such as 0.1 mm Hg in the VOC Emissions Standards for Consumer Products Rule, 1996) below which a carbon compound would not be considered volatile and would not meet the definition of VOC.</p>
Response	Advanced notice of proposed rulemaking: May 2005

Reference Number	119
Agency	Environmental Protection Agency
Rule/Guidance	Thermal Treatment of Hazardous Waste Guidance
Commenter	Copper and Brass Fabricators Council (45)
Summary	<p>Under current guidance, hazardous waste generators are allowed to treat without permit if the treatment is conducted in compliance with standards applicable to "tanks and containers." EPA, however, no longer allows "thermal treatment" of hazardous waste in this instance. EPA included evaporation of water under this thermal treatment prohibition, primarily because direct-fired units were being used by some for incineration and combustion. The commenter stated that the prohibition of incineration and combustion is reasonable; however, the overbroad interpretation now prevents other reasonable methods, such as evaporation, that reduces the volume of hazardous waste. If allowed, evaporation could reduce the volume of hazardous waste generated and transported by as much as 95% and allow the remainder to be shipped offsite for conventional treatment. The reduced shipping volume would not only reduce cost, but also reduce risk to the environment.</p>
Response	Provide OMB with a report on the risks and benefits of adopting this recommendation: February 2006

Reference Number	121
Agency	Federal Communications Commission (FCC)
Rule/Guidance	"Do Not Fax" Rule
Commenter	National Federal of Independent Business (8); National Association of Manufacturers (9); U.S. Chamber of Commerce (19); National Small Business Association (24); SBA Office of Advocacy (39)
Summary	The "Do Not Fax" rule prevents businesses from using one of their most effective means of advertisement by requiring prior written consent, a stronger standard than that for telemarketers. The rule should be withdrawn or the standard should be changed from requiring "written consent" to allowing faxes in cases of "previous existing business relationships."
Response	Final rule is not effective until July 1, 2005. FCC action on petitions for reconsideration of the rule is pending.

Reference Number	122
Agency	Federal Communications Commission (FCC)
Rule/Guidance	Broadband
Commenter	Heritage Foundation (5)
Summary	FCC has pending proceedings concerning the regulatory treatment of broadband - one to determine whether broadband is classified as a "telecommunications service" or "information service," another on whether telephone companies providing broadband should be regulated as "dominant" providers . These should be decided expeditiously in a way that reduces or eliminates regulation.
Response	Supreme Court action on classification issue addressed by commenter expected by July 2005; FCC resolution of rulemakings after that time.

Reference Number	125
Agency	Department of Health and Human Services (HHS)
Rule/Guidance	Health Insurance Portability and Accountability Act of 1996 (HIPAA); 42 U.S.C. 201 note
Commenter	Motor & Equipment Manufacturers Association (41)
Summary	HIPAA amended the Internal Revenue Code to improve portability and continuity of health insurance coverage in the group and individual markets, and to simplify the administration of health insurance. Implementation of HIPAA has been problematic because companies have had to deal with multiple effective dates and the need to reengineer existing processes to eliminate or reduce exposure. Considerable time and money have been spent trying to comply with these complex requirements. The compliance burden should be reduced.
Response	Proposed rule on transactions modification standard: Fall 2005 Final rule on transactions modification standard: Fall 2006

Reference Number	134-137,139,141-144
Agency	Department of Labor (DOL), Employment Standards Administration (ESA)
Rule/Guidance	Reform of Family and Medical Leave Act (FMLA); 29 U.S.C. 2611-2615
Commenter	FMLA Technical Corrections Coalition (4); Heritage Foundation (5); National Federation of Independent Business (8); National Association of Manufacturers (9); U.S. Chamber of Commerce (19); American Furniture Manufacturers Association (35); Motor & Equipment Manufacturers Association (41); Society for Human Resource Management (46);
Summary	Commenters recommended reform of almost every aspect of FMLA. Recommendations included: requiring employees to take intermittent leave in one-hour increments; allowing employers to disqualify employees for perfect attendance awards because of FMLA leave; allowing employers 5 days to designate a request as FMLA leave; modifying the definition of “serious health condition”; harmonizing HIPAA, FMLA, and the Americans with Disabilities Act of 1990 (ADA), P.L. 101-336 privacy requirements; allowing employers to directly contact health care providers for FMLA determinations; clarifying that employers may substitute paid leave for FMLA leave; modifying penalty provisions specified in the FMLA regulations; and allowing employers to substitute “light duty” for FMLA leave.
Response	In its December 2004 Regulatory Plan and Regulatory Agenda, ESA announced its intention to publish a proposed rule in 2005 that will revise FMLA regulations to address issues raised by the Supreme Court’s decision in <i>Ragsdale v. Wolverine Worldwide, Inc.</i> , 122 S. Ct. 1155 (2002), and the decisions of other courts.

Reference Number	145
Agency	Department of Labor (DOL)
Rule/Guidance	Permanent Labor Certification
Commenter	U.S. Chamber of Commerce (19)
Summary	The commenter recommends that the new labor certification application process to bring permanent alien workers into the US be finalized and streamlined to reduce burden on employers. Specifically, the commenter would like DOL to implement a pilot program tested in the 1990s that allows for particular types of labor market tests, to minimize administrative burden on employers.
Response	This goal was integrated into the Permanent Labor Certification final rule: published on December 27, 2004 and effective on March 28, 2005

Reference Number	151
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Annual Training Requirements for Separate Standards
Commenter	American Furniture Manufacturers Association (35)
Summary	Both EPA and OSHA require annual employee training for specific standards related to a variety of requirements. The cost of training is a major annual expense and not always productive. A single, integrated program should be developed.
Response	The Department will provide OMB with a report on training requirements: May 2005

Reference Number	152
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Coke Oven Emissions
Commenter	American Coke and Coal Chemicals Institute (3); American Iron and Steel Institute (34)
Summary	The OSHA standard that applies to the control of employee exposure to coke oven emissions is in need of major revision to account for the development of new technology, the obsolescence of antiquated technology and the results of 25 years of exposure monitoring data. Additionally, the personnel monitoring of lead/cadmium should be reduced. Updating the standard would allow the industry to more effectively utilize its resources.
Response	Standards Improvement Project Phase II final rule, published on January 6, 2005, streamlined the Coke Oven Emissions standard. OSHA is considering a phase III rulemaking to further update many of their standards.

Reference Number	153
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Flammable Liquids
Commenter	National Association of Manufacturers (9); National Marine Manufacturers Association (38)
Summary	The current rule cites the National Fire Protection Association standards set in 1969 for spray application of flammable and combustible liquids and should be updated to reflect current technology.
Response	OSHA has undertaken a major project to review and update as necessary all of its standards that are based on national consensus standards. The flammable liquids standard will be considered during this update process.

Reference Number	155
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Hazard Communication Training
Commenter	National Association of Manufacturers (9)
Summary	The current format and detail of the information in this program is overwhelming for small business. Some of the recommended procedures in this guidance document are too complicated for small businesses with limited resources. OSHA should develop a simplified approach with more information on how to obtain referenced source material.
Response	OSHA posted new proposed guidance documents on their website in 2004, which were in part meant to simplify training procedures. Guidance document will be completed in 2005.

Reference Number	156
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Hazard Communication/Material Safety Data Sheets (MSDS)
Commenter	Deere & Company (1); National Association of Manufacturers (9); American Furniture Manufacturers Association (35)
Summary	Material Safety Data Sheets should be prepared in a consistent format by chemical suppliers throughout the U.S. A consistent format would allow the regulated community to find information on MSDS's more quickly and therefore save time and money. Additionally, quality of the information provided should be improved to reduce the risk of unintended employee exposure.
Response	Proposed guidance for preparation of MSDSs and an enforcement initiative will be posted on OSHA's website: 2005 Final guidance: February 2006

Reference Number	157
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Hexavalent Chromium
Commenter	The Policy Group (28); SBA Office of Advocacy (39)
Summary	OSHA is required by court order to propose a new standard with regard to worker exposure to hexavalent chromium. Consistent with its obligations under Small Business Regulatory Enforcement Fairness Act, P.L. 104-121 (SBREFA), OSHA should make efforts to minimize the impact of the new standard on small business. It should consider scientific data, costs, and economic impact.
Response	Final rule: January 18, 2006

Reference Number	159
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Sling Standard
Commenter	U.S. Chamber of Commerce (19); Associated Wire Rope Fabricators (42)
Summary	Companies in the lifting, rigging and loading industry typically use slings made of wire rope to lift objects by crane. The current OSHA standard is 30 years old and is outmoded when compared to the consensus standard promulgated by the American Society of Mechanical Engineers (ASME). The standard should be updated to reflect the ASME consensus.
Response	OSHA has undertaken a major project to review and update as necessary all of its standards that are based on national consensus standards. Guidance on the sling standard: February 2006 Rulemaking on the sling standard will be considered during this project at a later date.

Reference Number	160
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Guardrails Around Stacks of Steel
Commenter	American Iron and Steel Institute (34)
Summary	Employers are required to provide either guardrails or tie-off protection to workers who must perform their duties 48 inches or greater above the ground. These requirements are infeasible for operations that exist in steel and steel products companies where individuals need to stand on "stacks" of product to rig bundles for crane lifts. The rules should provide employers with some flexibility by adding the term "where practical" to the standard.
Response	OSHA currently has a rulemaking open on Walking and Working Surfaces, and will provide OMB with a report on this issue: May 2005

Reference Number	169
Agency	Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)
Rule/Guidance	Walking and Working Surfaces
Commenter	Copper and Brass Fabricators Council (45)
Summary	<p>Under some circumstances, 29 CFR 1910.24 requires the use of fixed ladders when spiral stairways or ship stairs would be safer. The regulations define requirements for stairs in certain circumstances, while permitting an exception for fixed ladders where they are commonly used. No allowance, however, is made for the use of ship stairs (shallow stairs with handles separated from the tread) or spiral stairs, unless they are wrapped around a structure with at least a five foot diameter. OSHA previously proposed to allow ship stairs; however, it was never promulgated.</p>
Response	<p>OSHA currently has a rulemaking open on Walking and Working Surfaces, and will provide OMB with a report on this issue: May 2005</p>

Reference Number	175
Agency	Department of the Treasury/Department of Homeland Security (DHS)
Rule/Guidance	Duty Drawback
Commenter	National Association of Manufacturers (9)
Summary	Drawback is the refund of Customs duties and other taxes and fees paid to U.S. Customs at the time of importation. The refund is administered after the exportation or destruction of either the imported product or the article that has been manufactured from the imported product. The Duty Drawback paperwork is so time consuming that some member companies forego the refund because the process costs are higher than the amount they can claim. Commenter recommends that the recordkeeping requirements be standardized, saving manufacturers significant amounts of money and time.
Response	Customs is working with members of the trade to streamline and simplify drawback as part of the Automated Commercial Environment (ACE) project. Amendment of the current statute will be necessary.

Reference Number	178
Agency	Department of the Treasury, Internal Revenue Service (IRS)
Rule/Guidance	Election to Expense Certain Depreciable Business Assets
Commenter	SBA Office of Advocacy (39)
Summary	<p>Businesses can currently "expense" up to \$100,000 in equipment in any given year under section 179 of the Internal Revenue Code. This allows a reduction in recordkeeping and significant capital cost recovery benefits as well as cash flow assistance. Under current law the limit is scheduled to revert to \$25,000 for 2005 and thereafter. The commenter requests OMB support for legislation to have the "expensing" limits (enacted in 2003) made permanent.</p>
Response	<p>A recommendation to make the \$100,000 limit permanent is included in the Administration's FY 06 budget</p>

Reference Number	188
Agency	United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS)
Rule/Guidance	Ready to Eat Meat Establishments to Control for Listeria Monocytogenes
Commenter	National Association of Manufacturers (9); SBA Office of Advocacy (39); William Russell & Associates, Inc. (30)
Summary	The interim final rule requiring ready to eat meat manufacturers to control for Listeria monocytogenes within their establishments is proving to be more costly than USDA estimated, causing substantial harm to small manufacturers. In addition, the benefits were overestimated. The rule should be rescinded and a new rulemaking should be undertaken to consider less burdensome alternatives to both the rule and the Hazard Analysis and Critical Control Point (HACCP) system with a return to the pre-HACCP regulatory regime. As a less preferred alternative, the Listeria rule should be amended to replace the current regulatory requirements for small and very small processor with a pre-HACCP regulatory environment.
Response	The rule in question is an interim final rule. The comment period for this rule closed on January 31, 2005 Final rule: Spring or Summer 2005