

GUIDING THROUGH CHANGE

Understanding Policy Shifts in the Trump Administration



UNDERSTANDING
POLICY SHIFTS
IN THE TRUMP
ADMINISTRATION

K&L GATES

Call For Deregulatory Ideas

April 17, 2025



Agenda

The Trump Administration's
deregulatory initiative

What is ripe for repeal?

Process and practical tips

The Deregulatory Initiative



Our Focus Today

OFFICE OF MANAGEMENT AND BUDGET

Request for Information: Deregulation

AGENCY: Executive Office of the President, Office of Management and Budget (OMB).

ACTION: Notice of request for information (RFI).

SUMMARY: OMB solicits ideas for deregulation from across the country. Commenters should identify rules to be rescinded and provide detailed reasons for their rescission. OMB invites comments about any and all regulations currently in effect.

DATES: Consideration will be given to written comments received by May 12, 2025.



OMB seeks proposals to
rescind or replace
regulations that stifle
American businesses and
American ingenuity.





Extremely Broad RFI

Comments requested on rules that are “unnecessary, unlawful, unduly burdensome, or unsound.”

RFI Examples of Reasons for Recission

1. Inconsistent with statutory text
2. Inconsistent with the Constitution
3. Costs exceed benefits
4. Outdated or unnecessary
5. Burden American businesses in unforeseen ways



White House Direction to Agencies



What's Ripe to Repeal or Replace?

Think Big and Small

- Can involve everything from the definition of a showerhead to whether greenhouse gases harm health
- Can include procedural matters (e.g., modes of publication, informational requests)
- Any rule could be considered

Evolution of Deregulation



UNLEASHING PROSPERITY THROUGH DEREGULATION

The White House | January 31, 2025

Stop: E.O. 14192
Regulatory Cap -10-to-1

IMPLEMENTING THE PRESIDENT'S "DEPARTMENT OF GOVERNMENT EFFICIENCY" DEREGULATORY INITIATIVE

The White House | February 19, 2025

Review: E.O. 14219
Implementing DOGE

DIRECTING THE REPEAL OF UNLAWFUL REGULATIONS

Presidential Memoranda | April 9, 2025

Cut: Presidential Memo
to Agencies



President Trump is directing agencies to prioritize that review under 10 recent watershed Supreme Court cases, and to repeal regulations that are unlawful under those cases.



10 Cases – Priorities for Deregulation

1. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)
2. *West Virginia v. EPA*, 597 U.S. 697 (2022)
3. *SEC v. Jarkesy*, 603 U.S. 109 (2024)
4. *Michigan v. EPA*, 576 U.S. 743 (2015)
5. *Sackett v. EPA*, 598 U.S. 651 (2023)
6. *Ohio v. EPA*, 603 U.S. 279 (2024)
7. *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021)
8. *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023)
9. *Carson v. Makin*, 596 U.S. 767 (2022)
10. *Roman Cath. Diocese v. Cuomo*, 592 U.S. 14 (2020)



[Link: WHITE HOUSE FACT SHEET](#)

10 Cases – 3 Buckets: Regulations to Prioritize



- Regulations that are unconstitutional
- Regulations that exceed statutory authority
- Regulations that are not properly explained

Process and Tips

Process for Repeal or Replacement

- Expected process for submitting proposals, review, and next steps
- Comments are public
 - Personal information
 - Business Confidential Information
 - Other sensitive data
 - Copyrighted material
 - Proprietary Information
- Confidential comments?

What Makes for a Good Letter?

“[P]rovide detailed reasons for their rescission.”

- Connect the dots: Why is it inconsistent with statute or the Constitution; too expensive; outdated or unnecessary; or burdensome to business?
- Do the work for the agency: give them what they need for a repeal notice or offer replacement text
- Use facts and law to persuade



How NOT to Convince Them

- “I hate this regulation...”
- “I hate the government...”
- “It’s not fair...”



Examples

- Waters of the US Rule
- Migratory Bird Rule
- Employee vs Independent Contractor: Multiple agencies
- State vs federal role in “cooperative federalism” under multiple federal laws



Key Resources & Personnel

[The Notice](#)

[OMB Regulatory Czar Jeff Clark](#)

[Where to file and find comments](#)



Questions?



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