

Re: Department of Commerce Proposal to Remove Redundant, Obsolete, or Inefficient Regulatory Provisions

I submit this comment in opposition to the Department of Commerce's proposal to remove regulatory provisions characterized as "redundant, obsolete, or inefficient."

While agencies may periodically review regulations, categorical deregulation framed as streamlining carries significant legal and policy risks, particularly where substantive protections are removed without individualized analysis.

I. Failure to Distinguish Procedural from Substantive Protections

The proposal does not adequately distinguish between:

Truly obsolete procedural provisions, and Substantive requirements that continue to

**serve oversight, transparency, or
accountability functions**

**Removing regulations solely because they
are inconvenient, duplicative in part, or
infrequently enforced does not render
them obsolete.**

**Legal Standards Governing Regulatory
Repeal**

**Administrative Procedure Act, 5 U.S.C. §§
551, 553, 706**

**Perez v. Mortgage Bankers Ass'n, 575 U.S.
92, 105–06 (2015) (procedural
requirements for rule changes)**

**California v. U.S. Dep't of Energy, 585 F.3d
1143, 1151–52 (9th Cir. 2009) (agency
repeal must be reasoned and supported)**

**II. APA Concerns: Lack of Reasoned
Analysis**

**The Administrative Procedure Act requires
agencies to provide a reasoned
explanation for the removal of each**

regulatory requirement.

A generalized assertion of inefficiency is insufficient where:

The regulation protects public, economic, or civil interests

Stakeholders have relied on the provision

The removal alters regulatory outcomes, not merely formatting

See FCC v. Fox Television Stations, 556 U.S. 502 (2009).

RELIANCE INTERESTS AND

DEREGULATION

FCC v. Fox Television Stations, Inc., 556 U.S. 502, 515–16 (2009)

Encino Motorcars, LLC v. Navarro, 579 U.S. 211, 221–22 (2016)

State Farm, 463 U.S. at 42–44

III. Deregulatory Creep and Precedent Risk

Broad “cleanup” rules are often used as a foot in the door for more aggressive deregulation, establishing precedent for

future removals without substantive justification.

This approach risks:

Incremental erosion of statutory protections

Reduced transparency

Weakened enforcement capability

PRETEXTUAL STREAMLINING

Department of Homeland Security v.

Regents of the Univ. of Cal., 591 U.S. 1, 20–24 (2020) (pretextual reasoning and failure to consider consequences)

Office of Mgmt. & Budget, Regulatory Impact Analysis Guidelines (cost–benefit and transparency requirements)

IV. Public Interest and Accountability

Commerce regulations often govern:

Trade

Technology

Data integrity

Economic fairness

Removing guardrails under the guise of efficiency without demonstrating net public benefit undermines accountability and public trust.

V. Request

The Department should:

Withdraw this proposal, or

Re-propose changes on a provision-by-provision basis with individualized justification and impact analysis

Absent that, this rulemaking risks being arbitrary, capricious, and contrary to law.

Respectfully submitted,

[Your Name]

Concerned Member of the Public