



February 7, 2017

Mr. Dominic Mancini
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue NW
Washington, DC 20503

RE: Regulations of Particular Concern to Small and Independent Businesses

Following the Memorandum for the Heads of Executive Departments and Agencies regarding a Regulatory Freeze Pending Review, issued by Assistant to the President and Chief of Staff, Reince Priebus, on January 20, 2017, and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs issued on January 30, 2017, the National Federation of Independent Business (NFIB) submits the regulatory actions listed below as those of particular concern to small businesses.

NFIB is the nation's leading small business advocacy association, representing small and independent businesses in Washington, DC, and all 50 state capitals. A nonprofit, nonpartisan organization founded in 1943, NFIB's mission is to promote and protect the right of its members to own, operate, and grow their businesses.

We ask the Administration to take appropriate action to revoke or withdraw the following actions:

Final Actions

- Wage and Hour Division, Department of Labor: Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees (81 FR 32391) ("Overtime Rule")
- Office of Labor-Management Standards, Department of Labor: Interpretation of the "Advice" Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act (81 FR 15924) ("Persuader Rule")

- Occupational Safety and Health Administration, Department of Labor: Interpretation letter regarding whether non-union workers may authorize a union representative under the Occupational Safety and Health Act (February 21, 2013) (“Walkaround Rule”)
- Department of the Army, Corps of Engineers, Department of Defense; Environmental Protection Agency: Clean Water Rule: Definition of “Waters of the United States” (80 FR 37054) (“WOTUS Rule”)
- Environmental Protection Agency: Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (and related rules) (80 FR 64662) (“Clean Power Plan”)

Proposed Actions

- Internal Revenue Service, Department of the Treasury: Estate, Gift, and Generation-Skipping Transfer Taxes; Restrictions on Liquidation of an Interest (81 FR 51413)
- Employee Benefits Security Administration, Department of Labor: Annual Reporting and Disclosure (81 FR 47496)
- National Highway Traffic Safety Administration/Federal Motor Carrier Safety Administration, Department of Transportation: Federal Motor Vehicle Safety Standards; Federal Motor Carrier Safety Regulations; Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices (81 FR 61942)

These regulatory actions pose undue burdens on small and independent businesses, and we ask the Administration to take swift measures to address each. While these actions are not an exhaustive list of the regulatory concerns of such businesses, we hope these serve as a starting point as the Administration begins to reverse decades of regulation hampering the growth of small businesses and their creation of jobs.

Sincerely,



Daniel Bosch
Senior Manager, Regulatory Policy