



BURR ALERT

President Trump's "One In, Two Out" Executive Order Signals Regulatory and Employment Policy Shift

By H. Carlton Hilson

February 2017

Amidst a first-week flurry of executive orders on trade, immigration, and construction of a U.S.-Mexico border wall, President Trump signed an executive order aimed at peeling back many Obama-era regulations. On Monday, January 30, 2017, President Trump signed a so-called "One In, Two Out" executive order directing federal agencies, among other things, to nix two regulations for every one they implement. The order also requires that new 2017 regulations have a zero net cost after factoring in money saved through repeals, and gives the White House Office of Management and Budget the final word on whether cost savings goals are sufficiently achieved. Importantly, the order explicitly exempts regulations dealing with military, national security, or foreign affairs and regulations affecting agencies' organization, management, or personnel from its reach.

The "One In, Two Out" executive order represents one of President Trump's first steps toward fulfilling campaign promises to encourage job growth and relieve regulatory requirements. It also represents a significant philosophy shift from the Obama Administration. The order will "begin our effort to reduce regulation. We will be reducing them big league, reducing their damaging effect on small business, the economy and our entrepreneurial spirit," President Trump said while signing the executive order.

Many Obama-era employment regulations now stand squarely in the crosshairs. Among those that could be soon targeted for repeal are the U.S. Department of Labor's ("DOL") 2016 revision to the white-collar overtime exemption, the Occupational Safety and Health Administration's ("OSHA") new workplace injury reporting rule, and the Equal Employment Opportunity Commission's ("EEOC") recent changes to its EEO-1 annual data collection.

Of course, simply identifying regulations in need of repeal and actually repealing them are very different. The process of repealing a regulation is similar to the long process of implementing them in the first place, and may often take months or years to be finalized. Though this reality may lessen employers' expectations, President Trump's executive order could lead federal agencies to simply push for passage of fewer new regulations during his administration.

We will continue to monitor these developments and any updates that follow.

If you would like more information, please contact:

[H. Carlton Hilson](#) in Birmingham at 205-458-5195 or chilson@burr.com
or the Burr & Forman attorney with whom you regularly work.