

BPE Global Hot Topic – October 2020 Overregulated or Insufficiently Caffeinated?

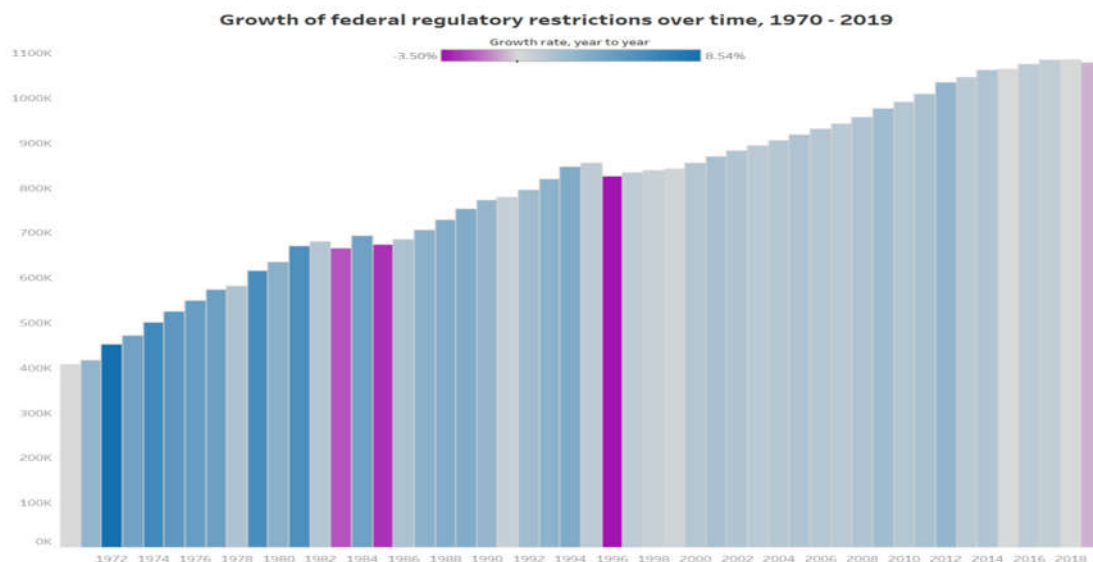


Is it just me, or do the trade-related regulations seem to keep coming in fast and furious, still?

I decided to slow down, and really think about this. Definitely we have been dealing with Section 301, and 232 tariffs, for a while now, and the Department of Commerce, Bureau of Industry and Security (BIS) seems to keep us on our toes with frequent national security related regulations, and then there are the continual adds to the lists of restricted parties maintained by BIS and OFAC.

I decided to check if there was information out there about the overall pace of US Regulatory changes since I started my career in international trade 25+ years ago, and interestingly there is a project called RegData US that does just this that had determined in 1970 you could read the US Code of Federal Regulations (CFR) in slightly less than a year (assuming you read 250 words per minute, 40 hours a week, and 50 weeks a year). And by 2016, the time required to get through the CFR had increased to three years, 177 days, and 10 hours. And, I don't know about you, but if a friend says they have a bout of insomnia along with sincerely wanting to wrap their head around what this trade compliance thing we do is, I send them off to the CFR because we know they will be both fascinated and ready to go to sleep in short order.

For those of you that are visual, check out this chart:



Source: <https://www.quantgov.org/regulatory-accumulation>



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I for one cannot wait to see where 2019 and 2020 show on the next analysis of regulations released by RegData and their project QuantGov, as the frequency has sure seemed on the rise, despite that last purple bar.

The Mercatus Center, who oversees RegData and QuantGov, has studied the impact of U.S. regulations boiled it down really well when they indicated “Regulations are supposed to keep Americans safe, but a growing rulebook may actually be making us less so. The vast number of rules alone overwhelms businesses and individuals, diverting attention away from regulation’s end goal...Regulators can make Americans safer by writing clear, simpler rules and eliminating ineffective regulations.”

As we await the time when the regulations are rolled out in a clearer and simpler fashion, in a more methodical cadence, our job’s as trade compliance practitioners more than ever require us to be in a constant position of monitoring the latest on trade compliance related regulations – i.e. proposed rules, rules awaiting comment, and final rules which are effective. And let us not forget the changes in this past year where it became apparent it is very important to also monitor the ANPRM’s, Advance Notice of Proposed Rulemaking.

With Outlook and other email providers now having focused email highlighted, and separate tabs for other categories like email that may appear to be junk or promotions, you may miss an important notification.

Here are some tips to keep current:

- 1) **Sign up for Federal Register Notifications** – You can now create both pre-configured and/or customized email notifications based on your needs, as well as RSS feeds. I would suggest signing up for key agencies impacting your job with at least the basics: U.S. Customs and Border Protection, Census Bureau, Industry and Security Bureau, Foreign Assets Control (This is how they are listed on the FedReg.)
- 2) **Sign up for alerts directly from your favorite agencies** – i.e. [BIS alerts](#) and [Treasury/OFAC notifications](#), [CBP Cargo Systems Messaging Service \(CSMS\)](#) .
- 3) **Sign up for alerts from your Global Trade Management System** – As there are changes to things like restricted parties, changes to licensing requirements, changes to duties, or changes to Free Trade Agreements, your GTM system should be sending alerts that cover the regulatory changes as well as impactful system changes.
- 4) **Sign up for alerts from industry organizations you are involved with.**
- 5) **Sign up for publications such as BPE Global’s monthly Hot Topic, or other blogs and newsletters from expert consultants or attorneys.**
- 6) **Sign up for Google Alerts on hot topics of interest i.e. Section 301, AI and export controls.**

Organizing and prioritizing what regulatory information you receive and how, will hopefully reduce the need for that second cup of coffee, and make you feel less overregulated!

Let BPE Global know if we can help you with any of your trade compliance needs. BPE Global is a global trade consulting and training firm. Renee Roe is a Director of BPE Global. You can reach Renee by email at renee@bpeglobal.com.