NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-105 ***OCTOBER 27, 1995***
Administration and Operations
POLICY ON REGULATORY SIMPLICITY
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1335 East-West Highway
Silver Spring, MD 20910
THE DIRECTOR

OCT 27 1995

MEMORANDUM FOR: Office, Regional, and Science Directors

FROM: Rolland A. Schmitten RAS

SUBJECT: Policy on Regulatory Simplicity

This memorandum establishes Agency policy on regulatory simplicity as recommended by the Regulatory Effectiveness Charter Team and approved by the Transition Board at its June 1995 meeting.

Background

Regulations are a primary mechanism by which the National Marine Fisheries Service (NMFS) achieves its mission. They are also the products of the Agency that most directly affect the public. Consequently, it is critically important that NMFS' regulations be understandable to the regulated public, as well as to its employees, attorneys, and enforcement agents.

NMFS should focus on the resource management goals and objectives and attempt to minimize complexities and exceptions. Exceedingly complicated and convoluted regulations are unfair to the public, result in poor compliance, cannot be easily interpreted by NMFS to the public or to its own employees, and may be less enforceable and legally defensible than more straightforward approaches. In addition, the Agency has limited resources to implement regulations and to collect and analyze the information necessary to support and enforce them. Except in the most compelling circumstances, regulatory exemptions should not be granted to small components of the regulated public to accommodate exceptional needs or concerns. Such exceptions add unnecessary and costly complexity to the regulations and make them more difficult to understand, comply with, and enforce.

NMFS' Federal Register documents should be kept as short and simple as possible. Publication costs, review and clearance times, and the public's perception of regulatory burden are negatively impacted by long, complex rule documents. The text of Federal Register documents should be kept to the minimum necessary to meet legal requirements and to inform the public of the issues that affect them. NMFS should critically review the

substance, language, and organization of all new regulations so that they are clear in their requirements and intent, and consistent with existing regulations.

Policy

For the reasons stated above, NMFS' policy on regulatory simplicity is as follows:

NMFS will adopt and implement the simplest regulatory approach possible to achieve each resource management objective. The Regional Fishery Management Councils and NMFS Offices that recommend regulations for approval and implementation must consider regulatory simplicity in selecting management measures. NMFS will not approve management measures that are excessively complex, that are designed to benefit only a small fraction of the regulated public, or that cannot be supported by NMFS data collection, analytical, and enforcement capabilities sufficiently to reasonably ensure that the regulations will be effective.