

Biden DOL Tosses Trump-Era “PRO Good Guidance Rule”

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As expected, one of the first orders of business from the U.S. Department of Labor under the Biden administration was to scrap the 2020 “[PRO Good Guidance Rule](#),” which imposed heightened burdens on the agency in connection with issuing guidance.

The rule, issued last August in response to Trump’s [Executive Order 13891](#)—which directed federal agencies to curtail and streamline guidance practices—required the DOL to post to an online searchable database any guidance documents on which the agency expected the public to rely. It also required that any future guidance considered “significant” go through a public notice-and-comment process similar to that required for more formal rulemaking. The DOL noted at the time that it had rescinded approximately 3,200 guidance documents in creating the database.

Hours after being sworn in, [President Biden revoked EO 13891](#), among other Trump-era Executive Orders, and on January 22, the DOL [withdrew the Pro Good Guidance Rule](#). Citing the Biden administration’s policy “to use robust regulatory action to address national priorities,” the DOL noted that the rule “deprives the [DOL] and subordinate agencies of necessary flexibility in determining when and how best to issue public guidance ... and unduly restricts the [agency].”

Businesses that enjoyed the DOL’s relatively laissez-faire approach to regulation and enforcement over the last four years should keep a close watch on what the agency does in the coming months to implement President Biden’s “[Empower Workers](#)” platform.

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- **Allan S. Bloom**

Partner