COALITION FOR SENSIBLE SAFEGUARDS

July 23, 2013

The Honorable Bob Goodlatte
Chairman
House of Representatives Committee on the Judiciary
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
House of Representatives Committee on the Judiciary
Washington, DC 20515

Dear Representative Goodlatte and Representative Conyers,

This Wednesday, the House Judiciary Committee will be marking up several bills that would dramatically reduce the effectiveness of our regulatory system. The Coalition for Sensible Safeguards (CSS) strongly opposes these threats to public health and safety.

Unfortunately, this is not the first time we've seen these bills. The Regulatory Accountability Act, the Regulatory Flexibility Improvements Act, the Sunshine for Regulatory Decrees and Settlements Act, and the Responsibly And Professionally Invigorating Development (RAPID) Act were all introduced in the previous Congress, and there is a common thread running through these dangerous bills. Because wide public support has made opponents wary of explicitly criticizing public protections, attacks over the last few years have been focused on the rulemaking process itself, adding burdensome and redundant cost-benefit requirements and procedural road blocks that would result in even more delayed and stuck public health and safety rules. These bills are extreme in the evisceration of critical public safeguards.

We have in the past made clear our strident opposition to each of these bills, and we write today to reiterate this position. Each of these bills make it more difficult for the Consumer Product Safety Commission, the Consumer Financial Protection Bureau, the Environmental Protection Agency and other federal agencies to protect consumers, public health and safety, and the environment.

The modestly revised **Regulatory Accountability Act** reintroduced in this Congress does not improve or streamline our current regulatory process. In fact, the bill adds numerous new analytical requirements to the Administrative Procedures Act and second guesses the doctors, scientists and law enforcement officails by requiring them to conduct nonsensical estimates of all the "indirect" costs and benefits of a proposed rule (What are the boundaries of what can be counted as an indirect cost of a federal rule?). The bill would significantly increase the labor and time required to produce the analyses and findings that would be required to pass any new rule. The RAA is designed to further obstruct and delay implementing public safeguards rather than improve the regulatory process.

The **Regulatory Flexibility Improvements Act (RFIA)** adds a host of new analytical requirements for agency policy actions – including rulemakings and guidance documents – that might affect a large number of small businesses, even if that effect is "indirect." Because the bill defines "indirect effects"

broadly, this bill would mandate wasteful new analyses that could be applied to virtually any action an agency attempts to undertake, no matter how tenuous the connection to small business interests.

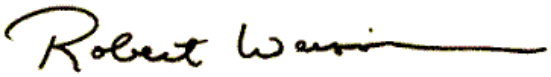
The RFIA also ties the hands of agencies by forcing them to hold up actions until new analyses are completed. The RFIA would eliminate these common sense procedures, instead forcing agencies to delay needed protections until the analysis is finished. Imagine if emergency regulations to protect miners had to be delayed until the agency could finish this onerous and highly speculative analysis–lives could be lost and people could be needlessly injured.

The **Sunshine for Regulatory Decrees and Settlements Act** targets consent decrees and settlement agreements that spur agencies to move forward with overdue—and congressionally mandated—regulatory actions. Despite their importance in providing citizens and the courts with an efficient means of ensuring agency accountability, the Sunshine for Regulatory Decrees and Settlements Act would require such settlements and decrees to run a gauntlet of burdensome and time-consuming procedures that are redundant, at best.

While the bill's proponents claim that these provisions are necessary to preserve public involvement in agency deliberations, this is false. "Regulatory" decrees and settlements require public officials to move forward with the rulemaking process—a process that guarantees both notice of proposed regulations and the opportunity for public comment. They do not determine—and could not determine—the ultimate substance of agency rules.

Finally, the **RAPID Act** incorporates measures that demonstrate a failure to learn from recent disasters. The massive British Petroleum oil spill in the Gulf was one of the largest ecological catastrophes in history, but the RAPID Act, included in this legislation, would make it easier for companies to acquire permit approvals without addressing critical environmental and health and safety concerns. This would increase the likelihood of future disasters.
We urge you to forcefully oppose these bills.

Sincerely,



Katherine McFate,
President and CEO, Center For Effective Government
Co-chair, Coalition for Sensible Safeguards

Public Citizen
President, Public Citizen
Co-chair, Coalition for Sensible Safeguards

The Coalition for Sensible Safeguards is an alliance of consumer, labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, as well as concerned individuals, joined in the belief that our country's system of regulatory safeguards provides a stable framework that secures our quality of life and paves the way for a sound economy that benefits us all