



July 27, 2015

The Honorable Ron Johnson  
Chairman  
U.S. Senate  
Homeland Security & Governmental Affairs  
Washington, DC 20510

The Honorable Thomas Carper  
Ranking Member  
U.S. Senate  
Homeland Security & Governmental Affairs  
Washington, DC 20510

RE: Markup of S. 1607, the Independent Agency Regulatory Analysis Act of 2015

Dear Senator:

The Coalition for Sensible Safeguards (CSS), an alliance of more than 150 consumer, small business, labor, environmental, public health, financial reform, and public interest organizations strongly urges members of the committee to oppose S. 1607, the Independent Agency Regulatory Analysis Act of 2015 (IARAA). The coalition members are 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.

Though S. 1607 may appear to make modest changes in agency procedure, the proposed legislation instead:

- reduces the accountability of independent agencies to Congress;
- increases presidential influence over agency regulations and policies
- places new, unnecessary burdens on resource-strapped agencies;
- severely hampers the capacity of independent agencies to timely protect the environment, our financial system, and public health and safety

Congress only establishes an independent agency when it determines that the policy areas affected need to be insulated from the political pressures associated with being part of the executive branch. Independent agencies are accountable to Congress. By forcing independent agencies to receive approval for new rules from the White House Office of Information and Regulatory Affairs (OIRA), this legislation would undermine the very reason these agencies were created as independent entities and give the President vast new regulatory power and control. A present or future administration would effectively be able to stop any independent agency from implementing a rule it opposes.

Moreover, S. 1607 would allow the White House to require at least 13 new analyses for each proposed rule or standard, in addition to existing cost-benefit analysis requirements. Demanding additional analyses of every rule would impose a huge burden on independent agencies and overwhelm OIRA's capacity to review regulations. OIRA already frequently misses legislative and executive order deadlines for only the executive agency rules that it currently reviews; adding new analytic requirements will further delay the development of crucial rules.

Requiring independent regulatory agencies to engage in duplicative and time-consuming cost-benefit analyses is a waste of public funds and will undermine the ability of these agencies to fulfill their mission: to protect the American public from new and emerging threats.

An example of what is at risk if S. 1607 were to become law: the Consumer Product Safety Commission (CPSC) has promulgated 14 mandatory standards for children's products since 2010 as a result of section 104 of the Consumer Product Safety Improvement Act. The promulgation of these standards is critical to ensuring that children's products like cribs and strollers not only meet strong protective safety standards but also are tested to ensure compliance with those standards. The relatively quick promulgation of these rules is in stark contrast to CPSC's other rulemakings which take vastly longer to finalize due to extensive statutory requirements to conduct cost-benefit analyses in CPSC rulemakings not subject to the CPSIA. CPSC has not completed all the mandatory standards required under section 104 and these rules would be significantly delayed or entirely thwarted if S. 1607 were implemented.

Given the jurisdiction of independent agencies, huge swaths of the economy would be left unprotected from emerging threats.

- The Securities and Exchange Commission (SEC) polices Wall Street and ensures that investors are swindled by unscrupulous fund managers.
- The Federal Communications Commission (FCC) oversees wireless communications and access to the Internet, and is tasked with guaranteeing that everyone has access to universal service.
- The mission of the Consumer Financial Protection Bureau (CFPB) is to protect the financial security of American families and consumers from a wide range of predatory and deceptive lending practices.
- The CPSC tests the safety of 15,000 different types of consumer products.
- The Nuclear Regulatory Commission (NRC) regulates nuclear reactors, nuclear materials, nuclear security, and radioactive waste.
- The Federal Trade Commission protects the public from consumer fraud.

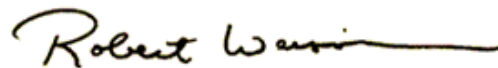
S. 1607 would negatively impact these and other independent agencies.

CSS believes that Congress created independent agencies because of the critically important work they do for the American people. This work must be protected from short-term political and industry-backed pressures. These agencies need to remain truly independent in ensure they can freely and fairly establish and enforce commonsense standards and public protections that protect every American. We strongly urge you to oppose this legislation.

Sincerely,



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



Robert Weissman, 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.*