



February 27, 2017

RE: Floor vote of H.R. 998, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017 (SCRUB Act)

Dear Representative:

The Coalition for Sensible Safeguards urges members to oppose H.R. 998, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017 (SCRUB Act).

H.R. 998 would establish a new bureaucracy empowered to dismantle long-established science-based public health and safety standards and would make it significantly more difficult for Congress and federal agencies to implement essential future protections. Along with previous bills that have passed the House and the President's Executive Orders instituting a regulatory freeze and requiring the removal of two rules for every one that is finalized, this legislation demonstrates a concerted attack on the process that Congresses have instituted to protect Americans from those risks that they cannot protect themselves.

The [Union Pacific oil train explosion](#) in Oregon and the [Belle Fourche oil pipeline leak](#) in North Dakota in 2016, vividly demonstrate the continuing need for oversight and enforcement of safety and environmental standards. Our private industrial infrastructure is aging, increasing the risks of spills, leaks, and explosions that endanger entire communities. We should be looking for ways to strengthen oversight, not weaken inspections and enforcement mechanisms. This legislation moves us in the wrong direction.

H.R. 998 would establish a new Presidentially appointed "regulatory review" commission funded at taxpayer expense and charged with identifying duplicative, redundant or so-called "obsolete" regulations to repeal and would do nothing to identify the numerous gaps, shortfalls, and outdated regulatory standards that leave the public vulnerable to the next public health tragedy. Unless prohibited by authorizing legislation, agencies seek to develop regulations that consider the costs to affected industries while maximizing public benefits. But this commission makes costs to affected industries primary. Under H.R. 998, the commission's goal to achieve a 15 percent reduction in the cumulative cost of regulations would result in the repeal of critical health, safety, and environmental safeguards, even *when the benefits of these rules are significant, appreciated by the public, and far outweigh the costs.*

To make matters worse, the SCRUB Act creates a "cut-go" system that is completely divorced from real issues. H.R. 998 says that any agency that issues a new regulation would be required to remove an existing regulation of equal or greater cost. This proposal in particular fundamentally misunderstands how science-based public health protections work. If there was scientific evidence that a product was dangerous or a chemical hazardous in the past, that product and that chemical are still public health threats today. Under this proposal if new evidence finds that another substance widely used in commerce today is harmful to infants, regulators would have to find some other protection, which still needs to be

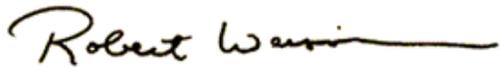
enforced, to cut before protecting young children. This one-size-fits-all approach is short-sighted and ties the hands of agency staff when public health crises or new threats arise.

Beyond hampering the ability of agencies to enforce existing laws, there is nothing in H.R. 998 to ensure that the regulations that survive are the most beneficial to the public and maximize the net benefits to society. In fact, under the bill, an agency can select only rules identified by the commission for repeal, even if the agency has identified a rule that is better suited for elimination. Nor do the proposed “cut-go” procedures take into account the many regulations that are mandated by Congress with a statutory deadline or rules subject to court-ordered deadlines. The SCRUB Act makes it impossible for agencies to bypass the “cut-go” procedures, no matter how urgent the circumstances may be.

The American people – and in particular communities of color who already face the greatest public health and safety threats - are the ones who bear the human, emotional, and economic impacts of disasters that continue to occur far too often. Congress should be proactively looking for ways to hold those who violate regulatory safeguards fully accountable for their actions in order to reduce the likelihood of another tragedy. We can create a regulatory system that works for America’s families and encourages American companies to run safe, forward-looking businesses. This legislation would not move us in that direction.

We strongly urge opposition to H.R. 998, the SCRUB Act.

Sincerely,

A handwritten signature in black ink that reads "Robert Weissman". The signature is written in a cursive style with a long, horizontal flourish at the end.

Robert Weissman, President
Public Citizen
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.