

COALITION FOR SENSIBLE SAFEGUARDS

Dec. 9, 2020

Dear President-Elect Biden,

The country faces enormous challenges. As you transition into your presidential term, the American public is counting on you and your administration to repair the damage from the Trump Administration's extreme and dangerous deregulatory agenda. Hundreds of rollbacks of protections under the previous administration -- imperiling our planet, endangering workers and consumers, facilitating corporate rip-offs, eroding workers' pay, enabling discrimination based on race, gender and sexual orientation and leaving our nation more unjust -- must now be undone. At the same time, the nation needs strong new safeguards to address the COVID-19, climate, economic and racial justice crises, and to rebuild the public's trust and confidence that our government agencies are working for them. In the face of a potentially divided Congress, the regulatory process will be one of the most critical avenues for your Administration to meet these challenges.

The Coalition for Sensible Safeguards (CSS) — an alliance of more than 160 consumer, labor, scientific, research, faith, community, environmental, small business, good government, civil rights, public health and public interest groups representing millions of people — supports a regulatory agenda that makes our government work for the American people, not special interests. It is especially important to ensure that the main White House regulatory office, the Office of Information and Regulatory Affairs (OIRA), take on the mission of advancing – not slowing or derailing – a strong proactive agenda for safeguarding the public, workers and the environment. CSS and the 95 under-signed groups and individuals offer the following recommendations to help ensure that our regulatory system works to protect, workers, consumers, our environment, and our economy.

Rescinding Trump's Dangerous Deregulatory Executive Action: We urge you to take immediate action to rescind harmful executive orders, and any implementing memos, that the Trump Administration put in place to spur the roll back of public protections.¹ Taking action to rescind these executive orders is a precondition to unwinding the rollbacks, and, if taken on day one, will send a strong signal that the Biden Administration embraces federal regulation and enforcement as a valuable tool to protect public health, safety, economic security, civil rights, and the environment.

¹ Just a few examples of the many executive orders include: Executive Orders 13771 (1-in, 2-out), 13777 (deregulatory task forces), 13891 (discouraging agency guidance), 13892 (standards for enforcement actions), and 13924 (suggesting waivers of regulatory requirements made during the COVID-19 pandemic should be made permanent).

At the same time, we encourage you to issue one or more executive orders to freeze all pending regulatory actions, lay the groundwork for restoring regulatory protections lost under the Trump Administration, and pave the way for the new, stronger protections that are needed to fight the COVID-19, climate, economic and racial justice crises facing our nation, among other urgent needs.

Mission-Aligned Leadership with Integrity: Nothing will better repair the public's faith and confidence in government agencies than appointing agency heads, deputies and regulators who have a deep and demonstrated commitment to the mission of the agencies they are leading. Under President Trump, agency heads and regulators routinely acted on behalf of the industries they regulated rather than serve the public interest. We urge you to appoint agency heads and regulators who are free of industry ties, who will affirmatively carry out the agency's mission to proactively protect the public and commit to science and evidence-based regulations.

An OIRA Leader to Advance the Biden Agenda: OIRA will play a critical role in implementing and ensuring the success of your regulatory agenda. We urge you to nominate an OIRA head from a diverse background who understands that strong regulation is the basis for improving the lives of Americans, and who is committed to driving forward your agenda. Previous OIRA heads have placed too much weight on the importance of overall cost to industry rather than non-monetary benefits such as reduction in disease, and not enough weight on ensuring that agencies are issuing strong regulations that are most effective at protecting the public. The result has been to delay, weaken and prevent new rules that would save lives and improve livelihoods. The next OIRA administrator should have a demonstrated track record of advocating for stronger regulatory protections, recognizing the limits and biases of economic cost-benefit analysis, and should direct agencies to issue regulations based on scientific evidence and agency career expertise.

Rebalancing the Regulatory Framework: In order to fundamentally re-orient OIRA's mission toward encouraging agencies to adopt regulations that will be the most effective at protecting the public, we urge you to consider repealing and replacing, or making significant reforms to, Executive Order 12866. That order's primary focus on a hyper-formalistic form of cost-benefit analysis has prevented agencies from issuing regulations supported by scientific evidence and agency experts, and allowed exaggerated corporate projections of cost to dominate regulatory decision-making to the exclusion of such important factors such as agencies' legal authority, non-monetary benefits, relevant scientific evidence, and the best judgment of agency experts. CSS and the under-signed groups and individuals share your deep commitment to science-driven policy decisions, yet such a commitment will be difficult to achieve unless significant reforms are made to bring greater transparency and accountability to the OIRA regulatory review process by the new head of OIRA.

CSS and the under-signed groups and individuals believe embracing the changes we recommend will ensure that government agencies are able to focus on protecting the public by accomplishing your bold regulatory agenda.

Sincerely,

AFL-CIO
Alianza Nacional de Campesinas
Amalgamated Transit Union
American Economic Liberties Project
American Family Voices
American Federation of State County and Municipal Employees (AFSCME)
American Sustainable Business Council
Americans for Financial Reform
Americans for Tax Fairness
Autistic Self Advocacy Network
BCTGM International Union
Breast Cancer Prevention Partners
Campaign for a Commercial-Free Childhood
Campaign for America's Future
Care For Crash Victims
Center for Auto Safety
Center for Biological Diversity
Center for Justice & Democracy
Center for Progressive Reform
Citizens' Environmental Coalition, NY
Citizens for Reliable and Safe Highways (CRASH)
Coalition for Sensible Safeguards
Consumer Action
Consumer Federation of America
CRLA Foundation
Demand Progress
Earthjustice
Economic Policy Institute
Environmental Working Group
Friends of the Earth U.S.
Gary D. Bass
Government Accountability Project
Government Information Watch
Greenpeace US
Institute on Taxation and Economic Policy
Interfaith Center on Corporate Responsibility
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)
Jacobs Institute of Women's Health
Jane Lipscomb, PhD
Joan Claybrook, Former Administrator, National Highway Traffic Safety Administration
Jobs to Move America
Jonathan Rosen, MS CIH FAIHA

KidsAndCars.org
League of Conservation Voters
Massachusetts Coalition for Occupational Safety & Health
Mississippi Workers' Center for Human Rights
National Association of Consumer Advocates
National Association of Letter Carriers, AFL-CIO
National Consumer Law Center (on behalf of its low income clients)
National Council for Occupational Safety and Health
National Education Association
National Employment Law Project
National Federation of Federal Employees
National LGBTQ Task Force
National Nurses United.
National Parks Conservation Association
National Women's Law Center
Natural Resources Defense Council
New America's Open Technology Institute
New Jersey Association on Correction
New Progressive Alliance
New York Committee for Occupational Safety and Health (NYCOSH)
Open The Government
Oxfam America
Pamela Gilbert, Former Executive Director, Consumer Product Safety Commission
Parents Against Tired Truckers (P.A.T.T.)
People's Parity Project
PhilaPOSH
PODER-Austin, TX
Poverty & Race Research Action Council
Project Blueprint
Public Citizen
Public Justice Center
Public Knowledge
Rachel Carson Council
Revolving Door Project
Safer States
Sascha Meinrath, X-Lab
Sciencecorps
Shaw Institute
Sheet Metal Occupational Health Institute Trust Inc. (SMOHIT)
Sierra Club
South Carolina Small Business Chamber of Commerce
Stuart Appelbaum, Retail, Wholesale and Department Store Union (RWDSU)
The Freedom BLOC

The National Association for Rural Mental Health
The National Association of County Behavioral Health and Developmental Disability
Directors
The Truck Safety Coalition (TSC)
Union of Concerned Scientists
United Steelworkers
Utility Workers of America
Voices for Progress
Waterkeeper Alliance
Women's Voices for the Earth
Wyoming State Legislative Board - Brotherhood of Locomotive Engineers and Trainman