

COALITION FOR SENSIBLE SAFEGUARDS

U.S. Rep. Jerrold Nadler
Chairman
U.S. House of Representatives Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

U.S. Rep. Elijah Cummings
Chairman
U.S. House of Representatives Committee on Oversight and Reform
2471 Rayburn House Office Building
Washington, D.C. 20515

Feb. 11, 2019

Dear Chairman Nadler and Chairman Cummings,

The Coalition for Sensible Safeguards, an alliance of more than 160 consumer, small business, labor, scientific, environmental, health, and public interest groups representing millions of people across the country, is writing to urge the U.S. House of Representatives Committee on the Judiciary and Committee on Oversight and Reform to conduct robust oversight of the Trump administration's deregulatory agenda as an essential oversight priority in the 116th Congress.

Over the past two years, this administration has engaged in dangerous and often illegal attacks on science-based safeguards that protect hard-working Americans and our families. Not only have these attacks on public protections recklessly endangered public health and safety, they will leave regulatory agencies created to protect the public less able to fulfill their missions in the future.

Regulatory agencies under President Donald Trump have defied the missions that Congress set out for them in landmark environmental, workplace safety, consumer protection and civil rights laws. Rollbacks of public protections have occurred with a blatant disregard for independent scientific and technical analysis. For example, agencies have deliberately [hidden evidence](#) from the public that cuts against their preferred policy outcomes, [removed](#) references to harms or risks to the public in order to rationalize rollbacks of protections designed to address those risks and harms, and [manipulated](#) cost-benefit analyses in order to justify deregulation.

These attacks on protections have been driven by corporate interests. Of particular concern, many agency officials have come from the industries they are tasked with regulating, and as a result corporate capture has influenced agency decision-making. Indeed, agencies have consistently sought to justify their regulatory rollbacks on the basis that the rollbacks would

reduce or minimize costs to industry. But prioritizing the reduction of costs to industry is directly at odds with Congress' clear intent that agencies act to protect the public.

Given that this administration's attacks on regulatory safeguards have been unsupported, ill-considered and in contravention of the proper legal process, it is not surprising that the Trump administration's deregulatory actions routinely have been found to violate the law and have been struck down by courts as arbitrary, capricious and unlawful. A recent [study](#) examining court challenges to the administration's regulatory rollbacks shows that courts have overturned an astonishing ninety percent of challenged deregulatory actions. While the courts are, and will continue to be, an essential backstop against this administration's unlawful activities, it is crucial that Congress exercise its oversight authority. Congress must ensure that agencies are upholding their statutory mandates and are working for everyone in this country, especially low-income communities and communities of color that face a disproportionate burden of regulatory rollbacks, instead of just industry interests.

The Trump administration's agenda to undermine the regulatory process has manifested in many ways. For example, the administration has issued Executive Order 13771 (E.O 13771), the so-called "2-for-1 executive order," which arbitrarily requires agencies to repeal at least two existing protections for every new safeguard put in place. It is crucial that the committees hold Trump administration officials accountable for defying the rule of law by attempts to implement this and other policies that prioritize a wholesale gutting of our system of safeguards.

Both the Judiciary and Oversight and Reform Committees should carefully scrutinize the U.S. Office of Information and Regulatory Affairs (OIRA), the White House office charged with overseeing agency compliance with E.O. 13771 and reviewing the most consequential deregulatory actions before such actions are proposed or finalized. So far, the current OIRA administrator has testified before Congress only once and has yet to appear before any House committee. It is imperative that meaningful oversight of OIRA occur this Congress.

Finally, the Trump administration's attack on public protections has been accompanied by an unwillingness to vigorously enforce existing regulations and hold corporate wrongdoers accountable when they harm the public. [Enforcement actions](#) and penalties for wrongdoing have [plummeted](#), which sends a powerful message to industry participants that they can violate the law and harm consumers and the environment without any meaningful accountability.

Without any check or oversight by Congress on the Trump administration's deregulatory actions, hard-working Americans and our families will continue to be exposed to harm in the marketplace. The Coalition for Sensible Safeguards urges the Committees on Judiciary and Oversight and Reform to take the lead in bringing meaningful congressional oversight of the Trump administration's attack on evidence-based public protections and safeguards.

Respectfully,

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

Jack Gillis, Executive Director
Consumer Federation of America
Co-chair, Coalition for Sensible Safeguards