

COALITION FOR SENSIBLE SAFEGUARDS

February 11, 2014

The Honorable Spencer Bachus
Chairman
House of Representatives Subcommittee on Regulatory Reform, Commercial and Antitrust Law
Washington, DC 20515

The Honorable Hank Johnson
Ranking Member
House of Representatives Subcommittee on Regulatory Reform, Commercial and Antitrust Law
Washington, DC 20515

Dear Member:

The Coalition for Sensible Safeguards urges members of this committee to oppose “The Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2014.” This complex bill would establish a new bureaucracy empowered to dismantle long-established public health and safety standards and would make it significantly more difficult for Congress and federal agencies to implement much needed protections in the future.

This legislation clearly ignores the lessons of last month’s chemical spill in West Virginia, which demonstrated in vivid and tragic fashion the human and economic impact of allowing businesses to engage in excessively risky activities with little regulation or government oversight. In the ongoing aftermath of that spill, this committee should be looking for ways to strengthen our country’s regulatory system by identifying gaps and instituting new safeguards for the public. Instead, this legislation does the opposite.

This legislation would establish a new “regulatory review” commission which is funded at taxpayer expense and charged with the unbalanced mission of identifying duplicative, redundant or so-called “obsolete” regulations to repeal, while doing nothing to identify the numerous gaps, shortfalls, and outdated regulatory standards that leave the public vulnerable to the next public health tragedy. The main criterion to be considered is the cost of the regulations to the economy, not the benefit of the protections to the public.

Ironically, this commission would itself be redundant and duplicative given the Executive Order [Exec. Order 13,563, 76 Fed. Reg. 3821 (Jan. 21, 2011)] adopted by President Obama that already requires federal agencies to identify and remove regulations in a similarly unbalanced manner. Not only is there no justification for this commission to duplicate the administration’s retrospective review initiative, but the administration’s continuing work in this area has

significantly reduced the existing stock of unnecessary regulations that forms the central premise of this commission. Consequently, it is very likely that this legislation will result in a commission that seeks to repeal rules that are in fact continuing to protect the public.

To make matters worse, the legislation imposes a regulatory “cut-go” system that ties agency hands when public health crises require timely regulatory responses and prevents agencies from implementing legislation mandated by Congress to protect the public from emerging threats. Any agency that issues a new regulation would be required to remove an existing regulation of equal costs; no consideration is given to the benefits of regulations. Beyond impacting these basic and vital agency functions, the legislation does nothing to ensure that the regulations that survive the new “cut-go” procedures are the most cost-efficient and beneficial for the public, those that maximize the net benefits. In addition, the legislation’s “cut-go” procedures simply make no accommodation for the many regulations that are mandated by Congress with a statutory deadline. Regulatory protections that do not comply with the legislation’s “cut-go” procedures would have to be approved by each house of Congress and the President pursuant to H.R. 367, the controversial and radical “Regulations from the Executive in Need of Scrutiny Act” also known as the REINS Act. REINS would extend the prevailing dysfunction and gridlock in Congress to the regulatory system by permitting a single chamber in Congress to effectively veto new regulations. Incorporating REINS into this legislation only makes it more harmful by making it practically impossible for agencies to bypass the “cut-go” procedures, however urgent the circumstances may be.

The American public should not have to bear the enormous human and economic costs of public health and safety disasters that continue to occur far too often as a result of our broken regulatory system. This committee should be proactively looking for ways to avoid the next deregulatory tragedy by making sure the regulatory system works for America’s families, not for well-funded corporate interests and hold those who violate regulatory safeguards fully accountable. We strongly urge opposition to this legislation. It represents a significant step in the wrong direction.

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.