

# COALITION FOR SENSIBLE SAFEGUARDS

January 9, 2015

Dear Member of Congress,

RE: H.R. 185, The Regulatory Accountability Act of 2015

The Coalition for Sensible Safeguards strongly opposes H.R. 185, the Regulatory Accountability Act of 2015, and urges you to oppose the bill. The CSS coalition includes diverse labor, environmental, consumer, public health, food safety, financial reform, faith and scientific integrity groups that represent millions of Americans across the country.

The current rulemaking process is already plagued with lengthy delays, undue influence by regulated industries, and convoluted court challenges. This bill would make each of these problems substantially worse. If passed, **it would undermine our public protections and jeopardize public health by threatening the safeguards that ensure our access to clean air and water, safe workplaces, untainted food and drugs, and safe toys and consumer goods.**

The Regulatory Accountability Act (RAA), reintroduced in this Congress, does not improve or streamline our current regulatory process. In fact, it does the exact opposite. It adds 74 new analytical requirements to the Administrative Procedure Act and requires federal agencies to conduct nonsensical estimates of all the “indirect” costs and benefits of proposed rules and all potential alternatives without providing any definition of what constitutes, or more importantly, does not constitute an indirect cost. The legislation would significantly increase the demands on already constrained agency resources to produce the analyses and findings that would be required to finalize any new rule. Thus, **the RAA is designed to further obstruct and delay rulemaking rather than improve the regulatory process.**

This legislation creates even more hoops for “major” or “high-impact” rules – i.e., rules that provide society with the largest health and safety benefits. It would allow any interested person to petition the agency to hold a public hearing on any “genuinely disputed” scientific or factual conclusions underlying the proposed rule. This provision would give regulated industries multiple opportunities to challenge agency data and science and thus further stretch out the already lengthy rulemaking process.

H.R. 185 would also create a restrictive mandate of a “one-size-fits-all” presumption that every federal agency adopt the “least costly” alternative. This is a profound change **and effectively creates a “super-mandate” for all actions of executive and independent agencies which overrides twenty-five existing statutes, including the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the Consumer Product Safety**

**Improvement Act.** These laws prioritize public health, safety, and economic security, not the cost concerns of regulated entities.

Complicating the regulatory process even further, the bill would expand the scope of judicial review, encouraging **a dangerous move away from traditional judicial deference to agency experts toward a system in which courts overturn highly technical, resource-intensive agency decisions.** This could happen even though judges lack the scientific or technical expertise to effectively assess the need for or impact of a rule. This new and inappropriate role for the courts is a recipe for increased litigation, endless delays, and more uncertainty for business and the public.

The Coalition for Sensible Safeguards firmly believes (and the public agrees) that we need to modernize existing standards to take into account advancing scientific knowledge and improved understanding of the risks that certain products pose to the public.

The costs of deregulation should be obvious by now: the Wall Street economic collapse, the Upper Big Branch mine explosion in West Virginia, various food and product safety recalls, and numerous environmental disasters including the recent the Dan River coal ash spill in North Carolina and the Freedom Industries chemical spill in West Virginia demonstrate the need for a regulatory system that protects the public, not corporate interests.

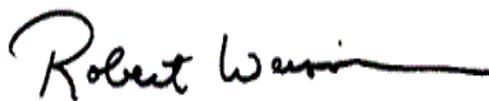
**As our [Impacts of the Regulatory Accountability Act report](#) demonstrates, the RAA will not improve the federal regulatory process; it will cripple it.**

The Coalition for Sensible Safeguards urges you to oppose H.R. 185, the Regulatory Accountability Act of 2015. It is a huge 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 Safeguard

*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.*