



March 20, 2015

The Honorable Bob Goodlatte
Chairman
House of Representatives
Judiciary Committee
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
House of Representatives
Judiciary Committee
Washington, DC 20515

RE: Mark-up of H. R. 1155, the Searching for & Cutting Regulations that are Unnecessarily Burdensome Act of 2015

Dear Representative Goodlatte and Representative Conyers:

The Coalition for Sensible Safeguards urges members of the committee to oppose H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2015 (SCRUB Act). We are an alliance of more than 150 consumer, small business, 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.

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 essential future protections.

The Dan River coal ash spill in North Carolina and the Freedom Industries chemical spill in West Virginia last year vividly demonstrate the continuing need for oversight and enforcement of safety standards. Our private industrial infrastructure is aging, increasing the risks of spills, leaks, and explosions that endanger whole communities. We should be looking for ways to strengthen oversight of these facilities, not weaken inspections and enforcement mechanisms. This legislation moves us in the wrong direction.

The SCRUB Act would establish a new "regulatory review" commission funded at taxpayer expense and charged with the 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or so-called "obsolete" regulations to repeal, and would do nothing to identify the numerous gaps, shortfalls, and outdated regulatory standards that leave the public vulnerable to the next public health tragedy.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 would only consider the costs to affected industries while ignoring the benefits of oversight. Under the bill, 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.*

Moreover, the commission would be redundant and duplicative since an existing Executive Order¹ already requires federal agencies to identify and remove outdated or ineffective regulations. The administration's retrospective review initiative, and its continuing work in this area, has significantly reduced the existing stock of unnecessary regulations. Thus, a new commission would be duplicative and expensive, and a costly waste of public funds.

To make matters worse, the legislation creates a "cut-go" system that is completely divorced from real issues. The legislation says that any agency that issues a new regulation would be required to remove an existing regulation of equal or greater cost. So if the science finds that a substance widely used in commerce is harmful to infants, regulators would have to find some other protection 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 occur.

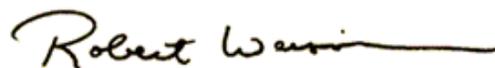
Beyond hampering the ability of agencies to enforce existing laws, there is nothing in the legislation to ensure that the regulations that survive are the most beneficial to the public and maximize the net benefits to society. In fact, under the bill, an agency can select only rules identified by the 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 are the ones who bear the human, emotional, and economic impacts of health and safety disasters that continue to occur far too often. This committee should be proactively looking for ways to hold those who violate regulatory safeguards fully accountable for their deeds, in order to reduce the likelihood of another tragedy. We can create a regulatory system that works for America's families, and encourages American businesses to run safe, forward-looking businesses. This legislation would not move us in that direction. We strongly urge opposition to the SCRUB Act.

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

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¹ Exec. Order 13,563, 76 Fed. Reg. 3821 (Jan. 21, 2011).