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CSS Statement of Principles on Pandemic Rollbacks

An aggressive assault on public safeguards is never a good idea, but that is especially the case in the midst of a historic public health crisis like the COVID-19 pandemic. Nevertheless, the Trump administration is using the pandemic as a smokescreen to advance regulatory rollbacks that are likely to make the health and financial impacts of the pandemic worse.

1. The Coalition for Sensible Safeguards (CSS) recommends that the administration extend all open public comment periods on rulemakings unrelated to the COVID-19 pandemic except those benefiting the public interest, public health or the environment, by a minimum of 45 days after the pandemic has ended.
 - a. It is unreasonable to expect the public to be able to comment in a timely and informed manner during the pandemic, when commenters are appropriately focused primarily on protecting the health and safety of their loved ones and managing the financial impact of the crisis. The availability of electronic rulemaking dockets does not fully address these concerns, as many Americans – including the working poor, communities of color, rural communities and other historically advantaged populations – lack access to reliable broadband internet.
 - i. The administration must pause all open public comment periods and extend those periods once the emergency declaration is over.
 - ii. The administration must not open any new comment periods on newly proposed rules until the emergency declaration is over.
 - b. Even though applicable law may allow for ‘virtual’ public hearings and meetings for non-emergency matters, during periods of limited travel and connectivity due to the pandemic, virtual hearings and meetings should be postponed for 45 days after the state of emergency ends.
2. In keeping with the U.S. Office of Management and Budget [memo](#) directing agencies to focus only on mission critical work, CSS recommends that government agencies focus primarily on addressing the pandemic.
 - a. During this time, it is particularly important that the administration avoid issuing any rulemaking that worsens the health and financial condition of workers and consumers or that harms the environment.

- i. Mission critical work does not involve weakening health, safety, environmental, worker and consumer protections when many vulnerable subsets of these communities are already at heightened health and economic risk from the pandemic.
- ii. Government agencies shall continue with regulations that are routine, technical, minor, subject to legal deadlines or for which delays would cause foreseeable direct harm to public health or safety.

Deregulation and refusing to enforce the law will not solve the COVID-19 pandemic and will not help the economic recovery from the pandemic.

1. Any waivers of regulatory requirements or nonenforcement policies must be very narrow, time-limited and targeted only at issues directly created by the COVID-19 pandemic.
 - a. Broader waivers and exemptions, especially any that include or relate to requests by special interests that predate the crisis, are inappropriate and go beyond addressing the pandemic.
2. Waivers and other nonenforcement actions, when deployed, should be supported by robust transparency measures.
 - a. Agency enforcement officials should require regulated entities to provide immediate notice of their inability to comply with regulatory, statutory or permit requirements as a result of the COVID-19 pandemic, as well as claims of *force majeure* or any other form of noncompliance with existing consent decrees, settlements and administrative orders. Enforcement officials should require that all such notices clearly identify the facility or facilities at issue, the legal requirement at issue, the reason for noncompliance and the efforts undertaken to return to compliance.
 - b. Agency enforcement officials should create and make publicly available a database of (1) all notices and filings described above, (2) any requests for waivers of requirements and (3) any notices, where applicable, of acute risks and imminent threats that might result from a waiver or nonenforcement action.
 - c. Agency enforcement officials should take appropriate actions to support enhanced whistleblower protections.
3. The administration must focus on the solutions identified by public health experts.
 - a. Public health strategies are the key to fighting the COVID-19 pandemic and a faster economic recovery.
 - b. The administration must follow the advice of public health experts and not use the pandemic as an excuse to further accelerate its deregulatory agenda that benefits corporations at the expense of the public.
4. A lack of strong public health regulations has made both the health and the financial impacts of the pandemic worse.

- a. The pandemic has exposed gaps and weaknesses in protections for frontline workers, vulnerable communities and populations, and those in high pollution areas.
 - b. New, strong public health, safety and environmental regulations are needed to fill those gaps and address the weaknesses.
 - c. Stronger protections are needed for economically vulnerable consumers such as moratoriums on debt collection, negative credit reporting, usury caps to limit high interest loans, waivers of banks fees and more.
5. Policymakers must ensure that Americans have unfettered access to the courts to obtain justice if they have contracted COVID-19 as a result of the unreasonably dangerous actions of a business.
- a. The lack of clear, enforceable standards for public protections have put consumers, workers and their families at greater risk of harm.
 - b. Consumers, workers and the public must have access to courts when harm is not prevented so that they can pursue appropriate compensation for the economic and personal injuries they have suffered.

The Coalition for Sensible Safeguards is an alliance of more than 160 consumer, small business, labor, scientific, research, good government, faith, community, health, environmental and public interest groups – representing millions of Americans. We are joined in the belief that our country’s system of regulatory safeguards should secure our quality of life, pave the way for a sound economy and benefit us all.