



October 23, 2017

Re: Vote no on H.R. 469, the Sunshine for Regulatory Decrees and Settlements Act of 2017

Dear Representative,

The Coalition for Sensible Safeguards (CSS), which includes more than 150 diverse labor, environmental, consumer, public health, food safety, financial reform, faith, and scientific integrity groups representing millions of Americans, strongly urges you to oppose H.R. 469, the Sunshine for Regulatory Decrees and Settlements Act of 2017.

Under the guise of improving “transparency,” H.R. 469 would empower the opponents of particular regulatory safeguards to perpetuate unlawful agency inaction; it would do nothing to ensure agencies are actually following the legal deadlines previous Congresses wrote into laws. We urge you to protect the American public and the rule of law by opposing this counterproductive bill.

This so-called “sunshine” law has been promoted with fog and clouds. Most people would think that the issue is that agencies enter into agreements to finalize regulations the way the plaintiffs want. That is just not the case. Instead, the lawsuits require agencies to finalize regulations on a date in the future because the agency failed to meet a congressional directive to finalize a rule by a certain date.

By design, H.R. 469 would create a gauntlet of duplicative, burdensome, and time-consuming procedures that apply to settlements and decrees, once again slowing down the rulemaking process and preventing federal law from being effectively implemented. H.R. 469 would subject any “regulatory” decree or settlement to a lengthy new notice-and-comment process (even though agencies are already required to engage in a notice-and-comment process). It would also facilitate intervention by any individuals who declare they would be affected by the regulatory action in question and then include these parties in additional, court-supervised settlement talks.

It cannot be overstated that despite claims to the contrary, court-ordered settlements and decrees do not determine the ultimate substance of agency rules. In fact, a December 2014 Government Accountability Office (GAO) report surveyed settlements on major EPA rulemakings to see if there was a relationship between rules pushed forward through settlements and the substantive content of the completed rules.<sup>1</sup> Their findings: settlements had no influence on the content of the final rules issued.

It is clear that the actual intent of H.R. 469 is simply to ensure that critical health and safety protections continue to be delayed – by undermining the ability of the public and public interest groups to use the courts to require agencies to carry out Congress’ intent and meet the deadlines Congress has written into federal laws.

The Sunshine for Regulatory Decrees and Settlements Act is an assault on the public protections and safeguards required by the laws Congress passed to protect the health, safety, and welfare of all

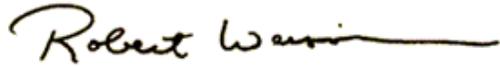
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<sup>1</sup> United States Government Accountability Office. (2014, December). *Environmental Litigation: Impact on Deadline Suites on EPA’s Rulemaking Is Limited*. (Publication No. GAO-15-34)

Americans. H.R. 469 would waste the limited time and resources of agencies, courts, and the American public.

We strongly urge you to oppose H.R. 469, Sunshine for Regulatory Decrees and Settlements Act of 2017.

Sincerely,

A handwritten signature in black ink that reads "Robert Weissman". The signature is written in a cursive style with a long horizontal flourish at the end.

Robert Weissman, President  
Public Citizen  
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.*