

AFL-CIO * AFSCME * American Association for Justice * Americans for Financial Reform * Caney Fork Headwaters Association * Center for American Progress * Center for Biological Diversity * Center for Effective Government * Center for Foodborne Illness Research & Prevention (CFI) * Center for Justice & Democracy * Center for Progressive Reform * Center for Responsible Lending * Center for Science and Democracy at the Union of Concerned Scientists * Coalition for Sensible Safeguards * Consumer Federation of America * Cumberland Countians for Ecojustice * Earthjustice * Economic Policy Institute * Environmental Action Center * Food & Water Watch * International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW) * National Disability Rights Network * National Employment Law Project * Natural Resources Defense Council * Network for Environmental & Economic Responsibility Of United Church * NETWORK, A National Catholic Social Justice Lobby * Protect All Children's Environment * Public Citizen * Sierra Club * United Food and Commercial Workers, International * Voices for Progress

October 6, 2015

Dear Senator:

The undersigned organizations strongly oppose the proposed legislation detailed below that the Homeland Security and Government Affairs Committee will consider on October 7th. We urge you to vote against these damaging bills, which threaten the nation's vital health, safety, environmental, and financial protections. These protections ensure that our food is safe to eat, our water is clean to drink, our air is healthy to breathe, our consumer products are not dangerous, workers are protected from hazards on the job, investors are confident in the economy, and so much more.

All these proposed bills are based on the false premise that providing these commonsense protections hurt the economy. In fact, the Office of Management and Budget (OMB) has consistently found that the benefits of these regulations overwhelmingly outweigh their costs. For example, OMB's draft 2014 report to Congress aggregating costs and benefits of major federal regulations found that rules issued between 2003 and 2013 resulted in benefits ranging from \$217 billion to \$863 billion, compared to costs ranging from \$57 billion to \$84 billion.

In fact, regulatory delay and inaction is the true threat to our economy and leads to preventable deaths, injuries, illnesses, damage to the environment, unfair competition, and an unstable financial system. Each of these proposals will lead to further regulatory delay and inaction by adding costly, time-consuming and completely unnecessary procedural hurdles to an already extensive rulemaking process. The cumulative impact of all of the proposals would amount to a virtual shutdown of our regulatory system due to regulatory paralysis.

The result will only benefit wealthy regulated entities and special interests writing the rules and regulating themselves, with families, workers, consumers, small businesses and the public paying the price. Also, there is no evidence that any of these bills will create one new job or help one small business.

We strongly oppose these proposed bills:

S. 1607, Independent Agency Regulatory Analysis Act: this bill would effectively undermine Congressionally chartered independent agencies by putting them under the influence of the Office of the President and would make it harder for them to do their work free from political interference. It would give the President the power to impose multiple new analytical requirements on independent agencies and to engage in unprecedented interference with their regulations, through intrusive reviews by the Office of

Information and Regulatory Affairs (OIRA). While independent agencies would not be required to comply with OIRA's assessment of how well the agency fulfilled these analytical requirements, there would be great pressure on the independent agencies to alter their rules to avoid incurring OIRA's criticisms, or risk having these criticisms become part of the rulemaking record where they could be used to question the agency's decisions during judicial review. This bill would essentially cripple independent agencies, including the Consumer Financial Protection Bureau, the Consumer Product Safety Commission, the Federal Communications Commission, and the Federal Trade Commission.

S. 708, Regulatory Improvement Act: falsely equates the process for identifying "unnecessary" regulations with previous efforts like identifying unnecessary military bases and would form a non-expert and unaccountable commission to conduct this task. The commission would enjoy broad powers to review regulations, assess their effectiveness, and submit recommendations to cut or gut regulations for an up-or-down vote to Congress. The only beneficiaries? Businesses that ignore or delay compliance, hoping to influence the commission.

S. 1820, Early Participation in Regulations Act: would require all agencies, including independent agencies, to issue an advanced notice of proposed rulemaking for all their major rules. The requirement ignores the fact that agencies already use advance notice when it is appropriate for the rule. They shouldn't be required to perform this time-consuming process for every significant rule, since the normal rulemaking process already gives the public and special interests many opportunities for public comment, and to influence the shape of a final rule. This requirement would further delay crucial rules and increase industry's ability to inordinately influence them.

S. 1818, Principled Rulemaking Act: is portrayed as a mere codification of two Executive Orders, but in fact it further undermines the rulemaking process. It would codify the numerous burdensome requirements contained in the orders-- many of which are biased against protecting the public, vague, and in some cases mutually inconsistent -- and would have the disastrous effect of making compliance subject to judicial review. In many instances, the legislation also removes flexibility in the Executive Orders with narrower, inflexible language. Particularly concerning, this bill would in effect rewrite dozens of public interest laws containing congressional mandates that require agencies to prioritize public health and safety and the preservation of the environment, clean air, and clean water over concerns for industry profits. **It also would make federal agency science much more vulnerable to judicial review.**

In addition, we recognize that **S. 1817, Smarter Regulations Through Advance Planning and Review Act**, includes several improvements from earlier drafts which we appreciate. However, the bill continues to impose on under-funded agencies the obligation to do retrospective reviews for which they are not resourced -- interfering with their ability to follow Congressional mandates to adopt needed new standards to protect the American people. As the bill moves forward, we hope to continue to work with Senators to improve it.

We strongly urge Congress to focus its attention on reforms to ensure that federal agencies effectively implement and enforce laws designed to protect our food supply, water, air quality, financial security, public health, consumer products, worker safety and public health - not throwing up roadblocks to sensible safeguards.

Sincerely,

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Center for Responsible Lending
Center for Science and Democracy at the Union of Concerned Scientists
Coalition for Sensible Safeguards
Consumer Federation of America
Cumberland Countians for Ecojustice
Earthjustice
Economic Policy Institute
Environmental Action Center
Food & Water Watch
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)
National Disability Rights Network
National Employment Law Project
Natural Resources Defense Council
Network for Environmental & Economic Responsibility Of United Church
NETWORK, A National Catholic Social Justice Lobby
Protect All Children's Environment
Public Citizen
Sierra Club
United Food and Commercial Workers, International
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