



Regulation and Public Health: How the Stop Corporate Capture Act (H.R. 1507) Can Strengthen Health Rights

Strong public health protections are a foundational element of modern healthcare. From reproductive rights protections to implementation of programs like Medicare and Medicaid, agencies are responsible for shaping our most critical public health safeguards through the rulemaking process. The Covid-19 pandemic has only sharpened the focus on the need for strong, robust public health protections that reflect accurate, up-to-date science and serve the public interest.

The continued advancement of these protections is at risk due to decades of neglect and underinvestment in the regulatory system. Public interest groups like healthcare reform advocates are consistently underrepresented in the public comment process, due to a lack of transparency and the [outsized influence](#) of special interest lobbyists peddling sham science. In some cases, such pressure can begin even before the information is publicly available. In 2011, research conducted into proposed rules on hazardous air pollutants found that industry groups were [170 times more in touch](#) with EPA than public interest groups during informal communications before the draft rules were noticed. With healthcare groups and the electorate at such a severe disadvantage during rulemaking, final regulations are more likely to be swayed in favor of groups like private insurance and big pharma at the expense of public health.

To effectively center healthcare reform voices in crafting strong rulemakings, the regulatory system must be updated and repaired. The Stop Corporate Capture Act (SCCA) offers a robust roadmap to democratize this process by increasing accountability for agencies and corporations, promoting sound science on health and safety and restoring the public's ability to fully engage in rulemaking proceedings.

SCCA would increase transparency and accountability in the rulemaking process while promoting social justice

SCCA would require improved documentation of any changes made to draft rules after they are submitted to OIRA, including clear attribution of the source of those changes. Additionally, SCCA would establish an Office of the Public Advocate to promote public awareness of new rulemakings. This office would be tasked with researching and assessing the social equity impacts of the rulemaking process.

SCCA would promote scientific integrity and crack down on corporate influence

Corporations disproportionately dominate the public comment process during new rulemakings, often using flawed and financially influenced studies and reports. SCCA would require disclosure of funding sources for all studies and reports provided in public comments and impose heightened disclosure requirements for studies that have been peer-reviewed. SCCA would also impose civil penalties on corporations that deliberately use false information to influence regulators during the rulemaking process.

SCCA would codify Chevron deference and empower agencies

Forty years ago, the Supreme Court in *Chevron* mandated that the judicial branch defer to expert agencies' statutory interpretation when Congress' intent is not clear. Because the conservative majority on the Supreme Court is threatening to take that power away from agency officials who are responsive to the public and give it to unelected judges, SCCA would prevent that judicial power grab and center subject matter expertise in cases involving regulations, limiting the potential for political beliefs to influence the outcome of such cases.

For additional information, contact Rachel Weintraub at rweintraub@sensiblesafeguards.org and visit the Coalition for Sensible Safeguards' page on the Stop Corporate Capture Act: <https://sensiblesafeguards.org/issues/scca>

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