



January 27, 2015

The Honorable Jason Chaffetz
Chairman
House of Representatives
Oversight & Government Reform Committee
Washington, DC 20515

The Honorable Elijah E. Cummings
Ranking Member
House of Representatives
Oversight & Government Reform Committee
Washington, DC 20515

RE: H.R. 50, the Unfunded Mandates Information and Transparency Act of 2015

Dear Representative Chaffetz and Representative Cummings,

The Coalition for Sensible Safeguards, an alliance of over 150 labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, strongly urges members of the Committee to oppose H.R. 50, the Unfunded Mandates Information and Transparency Act of 2015 (UMITA).

The bill neither improves nor streamlines the regulatory process. The current regulatory process is already plagued by hurdles and lengthy delays. H.R. 50 would make it even more difficult for agencies to implement laws already enacted by Congress. If passed, this legislation would rob the American people of many critical upgrades to public health and safety standards, especially those that ensure clean air and water, safe food and consumer products, safe workplaces, and a stable, prosperous economy.

This legislation is premised on the false notion that agencies are not properly accounting for regulatory costs. Supporters of the bill ignore the fact that the Office of Management and Budget (OMB) has consistently found that the benefits of regulation 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.¹

Importantly, this report clarifies that the benefits derived from major regulations have vastly exceeded their costs, even using the most conservative estimates. There are few places one can go for such a positive return on investment, but U.S. health, safety, and environmental regulation is one of them. With this legislation, Congress would be making it harder, not easier, for our

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http://www.whitehouse.gov/sites/default/files/omb/inforeg/2014_cb/draft_2014_cost_benefit_report_updated.pdf

government to provide much-needed health and safety protections that produce enormous benefits to the public.

Supporters claim that this legislation is needed to force agencies to comply with the Unfunded Mandates Reform Act (UMRA). Yet they overlook that agencies must already comply with up to 110 analytical and procedural requirements before they can act to address pressing public health and safety concerns.² Many of these steps satisfy UMRA's requirements. This new legislation will add even more redundancy and duplication that will cause further delay at federal agencies and more regulatory uncertainty for America's businesses.

This bill would also grant businesses a right to information about a rule and an opportunity to submit feedback to the agency before a rule is even proposed, but the bill would not require this information be shared with the public at the same time. The bill would also require agencies to perform retrospective analyses at the request of any chairman or ranking minority member of any standing or select committee of the House or Senate. Such requests could potentially require agencies to perform a long list of retrospective reviews, diverting agency staff and resources from working on more critical national priorities and politicizing the rulemaking process.

In addition, by expanding the scope of judicial review, the legislation marks an unprecedented and dangerous move away from traditional judicial deference to agency experts toward a system in which courts overturn highly technical, resource-intensive agency decisions without the expertise needed to make such decisions. For example, placing judges who have little to no economics or scientific expertise in the role of second-guessing agency cost-benefit and scientific analyses does nothing to improve such analyses. Instead, this new and inappropriate role for the courts is a recipe for increased litigation, endless delays, and more uncertainty for regulated parties and the public.

This legislation would also fundamentally undermine the independence of independent agencies by subjecting them to the regulatory review office at the Office of Management and Budget. The Office of Information and Regulatory Affairs (OIRA) would be able to hold up any independent agency rule until OIRA is satisfied that the agency has complied with the numerous new analytical and cost-benefit requirements under H.R. 50. Thus, the bill would render these agencies independent in name only.

The Coalition for Sensible Safeguards firmly believes (and the public agrees) that we need stronger enforcement of existing regulations and an effective system of public protections that holds corporations and industry accountable for reckless and negligent behavior.

The costs of deregulation should be obvious by now: the Wall Street economic collapse, various food and product safety recalls, and numerous disasters including the recent the Dan River coal ash spill in North Carolina and the Freedom Industries chemical spill in West Virginia demonstrate the need for a regulatory system that protects the public, not corporate interests. Congress should be moving forward to protect the public from harm, not rolling back the clock and weakening important safeguards.

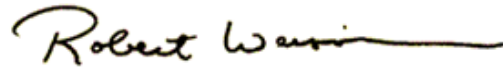
² <https://www.citizen.org/documents/Regulations-Flowchart.pdf>

Again, the Coalition for Sensible Safeguards urges you to vote against the amendment in the nature of a substitute to H.R. 50, the Unfunded Mandates Information and Transparency Act of 2015.

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

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.