

February 14, 2012

Dear Senator:

On behalf of our twelve labor and environmental partners and their over 14 million members, the BlueGreen Alliance strongly urges you to oppose pending legislation that would undermine our system of public protections.

Three bills pending before the Senate —S. 299, the Regulations from the Executive in Need of Scrutiny Act, S. 1606 the Regulatory Accountability Act and S. 1938, the Regulatory Flexibility Improvements Act —represent an ideological attack on a system of public protections that have been keeping Americans, their families, and their environment safe for generations. To encumber regulatory processes designed for public good for the sake of straw man political maneuvering is short-sighted at the least and dangerous at its worst.

The Regulations from the Executive In Need of Scrutiny (REINS) Act will fundamentally change the entire regulatory process. REINS would place Congress directly into the rulemaking process by requiring major rules to be reviewed and voted upon by Congress before going into effect. This effectively sets up Congress as the gatekeeper on regulations; without Congressional approval within 70 days with no alterations, a rule would be tabled until the next congressional session.

The REINS Act does not protect public interest when determining approval. Politics would dictate all regulatory actions rather than scientific judgment or expertise of agencies. This would allow for more big business opposition and influence over major rule approval, a process that is supposed to be based on objective agency science and expertise, and would potentially block needed protections. The REINS Act creates a redundant rulemaking process since Congress already has the first and last word under the current framework. However, the addition of the REINS Act would force Congress to refight previous debates over rules, further wasting time and money and halting the implementation of necessary safeguards.

The Regulatory Accountability Act (RAA) presents the biggest threat to environmental standards, workplace safety rules, public health, and financial reform regulations seen in decades. Seen as a drastic overhaul of the Administrative Procedure Act, the RAA would override more than 40 years of landmark labor, health, safety, and environmental legislation.

The RAA will threaten needed protections, including new financial reform standards and rules that will protect the public and workers from toxic pollution. All rules will

undergo additional cost-benefit analyses in addition to what is currently being carried out. These cost-benefit analyses will not only severely slow the regulatory process, but force agencies to adopt the “least costly rule,” which places dollars and cents above public health and worker safety.

Finally, the Regulatory Flexibility Improvements Act (RFIA) amends the Regulatory Flexibility Act of 1980 to revise the definition of “rule” and define “economic impact” with respect to a proposed or final rule. Under this legislation, agencies would be required to conduct more extensive regulatory impact analyses before enacting regulations.

RFIA will mandate that agencies consider conflicting or overlapping rules, expand the role of panels of small business representatives in the rulemaking process, and require agencies to review existing regulations periodically. Similar to other regulatory attacks, it is effectively slowing down the rulemaking process that has put so many safeguards for public health and safety in place.

This legislation would undermine the EPA and other agencies’ ability to protect public health. The new considerations for agencies are intricate and highly speculative, creating added layers to regulatory decisions that will delay safeguard creation and risk the health and safety of workers and citizens.

It is imperative that Congress maintain a responsible regulatory approach to protect our workers, our families, and our environment while maintaining our economy’s competitive edge in the 21st century, and it is with these goals in mind that the BlueGreen Alliance urges you to oppose these measures.

Sincerely,



David A. Foster
Executive Director, BlueGreen Alliance

