

February 3, 2015

Dear Representative,

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

Our organizations strongly urge you 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 numerous procedural 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

There are few sources of such a large 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 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 ignore 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 corporations special access to information about a rule and an opportunity to submit feedback to the agency *before* a rule is even proposed, but the legislation would shut the American people out of this early review. 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, further politicizing the rulemaking

¹ http://www.whitehouse.gov/sites/default/files/omb/inforeg/2014_cb/draft_2014_cost_benefit_report-updated.pdf.

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

process and diverting agency staff and resources from working on more critical national priorities.

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. This change would result in judges with little to no economic or scientific expertise having to second-guess the content of agency cost-benefit and scientific analyses, which 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 businesses and the public.

This legislation would also fundamentally undermine the independence of independent agencies by subjecting them to regulatory review at the White House Office of Information and Regulatory Affairs (OIRA). OIRA would be able to hold up any independent agency rule until it 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.

We firmly believe (and the public agrees) that we need stronger enforcement of existing regulations and an effective system of public protections that holds corporations 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, the Duke Energy 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 to protect the public from harm, not rolling back the clock and weakening important safeguards.

Again, we urge you to vote against H.R. 50, the Unfunded Mandates Information and Transparency Act of 2015.

Sincerely,

AFL-CIO

American Federation of State, County and Municipal Employees

Americans for Financial Reform

Center for Effective Government

Center for Science and Democracy at the Union of Concerned Scientists

Center for Science in the Public Interest

Coalition for Sensible Safeguards

Consumer Federation of America

Consumers Union

Earthjustice

Food & Water Watch

Greenpeace

ICWUC - International Chemical Workers Union Council
Institute for Agriculture and Trade Policy
International Union, United Automobile, Aerospace & Agricultural Implement Workers of
America (UAW)
Labor & Employment Committee of National Lawyers Guild.
League of Conservation Voters
National Council for Occupational Safety and Health
Physicians for Social Responsibility
Public Citizen
Sciencecorps
Sierra Club
U.S. PIRG
United Steelworkers