



POLICY & ACTION FROM CONSUMER REPORTS

January 12, 2015

U.S. House of Representatives
Washington, D.C. 20515

Dear Representative:

Consumers Union, the public policy and advocacy arm of Consumer Reports, urges you to **vote no** on **H.R. 185**, the Regulatory Accountability Act of 2015, which we understand the House will consider this week. This bill is a dangerous proposal that would do severe damage to a wide array of consumer protections.

Congress has charged federal agencies with protecting American families from problems such as tainted food, hazardous products, dirty air and water, unsafe drugs, and predatory financial schemes. It established these agencies, such as the Food and Drug Administration, Consumer Product Safety Commission, Environmental Protection Agency, and Consumer Financial Protection Bureau, so that public protections could be overseen by civil servants with specific technical and scientific expertise. In issuing regulations, these agencies must follow the provisions of the law being implemented as well as existing robust requirements for transparency, flexibility, and efficiency.

The current regulatory process is far from perfect. Too often, crucial protections are subject to significant delays, protracted court challenges, and excessive industry influence.

Rather than streamlining this process, the Regulatory Accountability Act of 2015 would make current problems even worse. Under H.R. 185, agencies would be required to undertake dozens of additional, unnecessary analyses within the rulemaking process, which could grind proposed rules to a halt and drain agencies' already-limited resources. The bill would also increase the power of the courts to second-guess the experts in the rulemaking process by expanding the issues on which judges could intervene to include the quality of the underlying information an agency relies on to justify a rule. Collectively, these measures would create significant regulatory and legal uncertainty for businesses, increase the cost of rulemaking to taxpayers, and prevent the executive branch from having the flexibility needed to revisit older regulations and adapt them to changing circumstances.

However, the most damaging part of H.R. 185 is a mandate effectively requiring federal agencies to adopt the least costly version of a proposed rule, regardless of the impact on public health and safety, the health of our financial system, or the quality of our environment. Currently, landmark laws like the Clean Air Act, Consumer Product Safety Act, and Securities Exchange Act require implementing agencies to prioritize the public interest. If passed, H.R.

185 would override these and numerous other laws by requiring agencies to value the cost concerns of regulated industries over the long-term benefits to consumers, which do not necessarily fit within a traditional cost-benefit analysis. The bill would also require independent agencies – those that Congress decided should be relatively insulated from political pressures – to submit to a one-size-fits-all process for cost-benefit analysis established by the Office of Management and Budget’s regulatory division, which answers to the President.

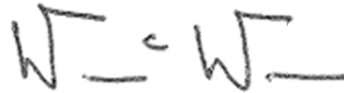
Like the bill’s proponents, and like the Obama Administration, we believe regulations should be smart, clear, and cost-effective. However, H.R. 185 does not accomplish this objective. Instead of improving the regulatory process, the Regulatory Accountability Act of 2015 would make it dramatically more costly and time-consuming, and far less effective at protecting health, safety, and other critical consumer priorities.

We strongly urge you to stand up for critical public protections and **vote no** on **H.R. 185**.

Sincerely,



Ellen Bloom
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Washington Office



William C. Wallace
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