

ConsumersUnion®

POLICY & ACTION FROM CONSUMER REPORTS

March 1, 2017

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

Dear Representative:

Consumers Union, the policy and mobilization arm of Consumer Reports, strongly urges you to **vote no** on the following bills expected to be considered on the House floor this week:

- **H.R. 998**, the Searching for and Cutting Regulations that are Unnecessarily Burdensome (SCRUB) Act;
- **H.R. 1004**, the Regulatory Integrity Act of 2017; and
- **H.R. 1009**, the OIRA Insight, Reform, and Accountability Act.

Instead of improving the regulatory process, each of these bills would inhibit agencies from carrying out the laws Congress has passed—and make it more difficult for them to protect the public from threats such as tainted food, hazardous products, dirty air and water, and predatory financial schemes.

H.R. 998, the SCRUB Act, would establish an unfocused and unnecessary, yet powerful, government commission charged with reviewing all federal rules, assessing their costs, and selecting those that should be repealed. While it is important to ensure that regulations are still achieving their purposes, this is a task that agencies already are ordered to and do undertake. Retrospective reviews should maintain a primary focus on policy objectives. Cost considerations, including regulated entities' compliance burdens, should not override and disregard the protective purposes for which a regulation was initially developed.

Nevertheless, the SCRUB Act places cost considerations front and center. The bill sets a goal for the commission to reduce cumulative costs by 15%, which could lead to the repeal of essential safety, health, and environmental rules even if the benefits of these protections greatly exceed their costs. Through passage of a joint resolution, Congress could eliminate dozens of critical safeguards placed on a list by the commission, without any thoughtful consideration or debate by legislators about the merits and importance of the specific rules. The bill also would establish a nonsensical regulatory “cut-go” system, under which agencies would not be permitted to issue a rule, even if it is urgently needed to protect the public, without offsetting costs by repealing other, potentially unrelated rules that the commission has recommended for elimination. Combined, these provisions clearly would prioritize companies' interest in lowering their costs over the interest of consumers and the public in sensible protections.

H.R. 1004, the Regulatory Integrity Act of 2017, is a highly ambiguous bill that could chill legitimate agency communications with the public. The legislation is described as a bill “to require the publication of information relating to pending regulatory actions,” yet there has been no indication that

agencies either are failing to publish this information or are publishing it in an inappropriate or unlawful manner. By using vague language to strictly prohibit a range of public communications—those that “emphasize the importance” of an agency action, unless the communications have the “clear purpose of informing the public of the substance or status” of the action—H.R. 1004 could prevent agencies from giving the public the information they need to give informed input on rules that will affect their lives.

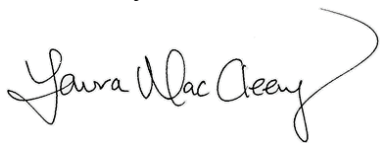
H.R. 1009, the OIRA Insight, Reform, and Accountability Act, is a bill that would rigidify the rulemaking process in ways that could be highly damaging to agencies’ important work protecting the public. Since the 1980s, the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget has overseen the review and implementation of federal rules. Its primary role has been to ensure that rules are promulgated in a manner consistent with several executive orders governing the rulemaking process. Too often, however, OIRA’s unofficial position as a regulatory gatekeeper has led to extensive delays and a flawed application of cost-benefit analysis that shortchanges consideration of the public benefits of many rules.

We are very concerned by several aspects of H.R. 1009:

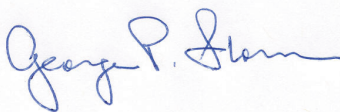
- The bill would thoroughly undermine independent agencies—established by Congress to be insulated from the political pressures associated with being under the control of the President—by giving OIRA the power to review and reject rules those agencies propose. *They would no longer be independent.*
- Additionally, the bill could lead to conflicting statutes and the improper replacement of an agency’s judgment with OIRA’s, since key provisions fail to indicate that compliance with OIRA procedures is required only as consistent with applicable law.
- Finally, the bill could greatly expand litigation against agency rules, by subjecting federal regulatory planning principles to judicial review, leading to increased uncertainty in the marketplace.

Consumers Union opposes the three bills addressed in this letter because they would make it unreasonably difficult for agencies to enforce sensible laws that incentivize good business practices and prevent corporate misbehavior. While we stand ready to support constructive efforts to reduce delays and costs while preserving important protections and upholding consumer priorities, the three bills we address today do not meet this standard, and we strongly urge you to **vote no** on **H.R. 998, 1004, and 1009.**

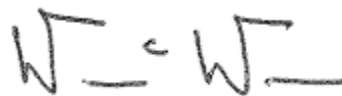
Sincerely,



Laura MacCleery
Vice President
Consumer Policy and Mobilization
Consumer Reports



George P. Slover
Senior Policy Counsel
Consumers Union



William C. Wallace
Policy Analyst
Consumers Union