

**Center for Biological Diversity * Citizens for Pennsylvania's Future * Clean Water Action
Climate Solutions * Defenders of Wildlife * Earthjustice * Environment America
Greenpeace USA * National Audubon Society * League of Conservation Voters
Natural Resources Defense Council * Physicians for Social Responsibility * Sierra Club
Southern Environmental Law Center * Union of Concerned Scientists
Voices for Progress* World Wildlife Fund**

May 23, 2011

The Honorable Ed Whitfield, Chairman
The Honorable Bobby Rush, Ranking Member
Committee on Energy and Commerce
Subcommittee on Energy and Power
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Whitfield and Ranking Member Rush,

On behalf of the millions of members, activists and supporters our organizations represent, we urge you to oppose H.R. 1705, the “Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011,” or “TRAIN Act.”

The TRAIN Act is a thinly disguised attack on the Clean Air Act and other public health and environmental protection laws. The bill sets its sights on delaying and weakening long-overdue Environmental Protection Agency (EPA) action to curb dangerous air and water pollution from the nation’s power plants and other industrial polluters. It is important to recognize what is at stake. In 2010 alone, the Clean Air Act saved over 160,000 lives. By 2020 that number will swell to over 230,000 lives saved. Nonetheless, power plant pollution alone still causes tens of thousands of premature deaths and hundreds of thousands of cases of serious illness each year. EPA is finally carrying out its obligation to protect our most vulnerable citizens by requiring power plants and other big polluters to use available and affordable pollution controls. Congress should be supporting this mission, not undermining it.

The TRAIN Act should be renamed the “Red Tape Act of 2011.” The bill would create a new committee of back-seat drivers to duplicate the economic analysis, interagency consultation, and regulatory review already conducted under the supervision of the Office of Management and Budget (OMB). It would erect a redundant layer of bureaucracy on top of existing, effective regulatory review laws and executive orders. It would create an unnecessary committee of cabinet secretaries and other high-level officials to duplicate the analyses already required by Executive Orders 12866 (Regulatory Planning and Review), 13132 (Federalism), 13175 (Consultation with Tribal Governments), 13045 (Protection of Children), 13211 (Energy Consequences), 12898 (Environmental Justice) and a plethora of laws already on the books, including the Paperwork Reduction Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Congressional Review Act.

The bill requires the new committee to use available methods consistent with OMB Guidance Circular A-4, which EPA and OMB are already required to employ. This alone proves the bill's duplicative nature and raises the question of what motivation lies behind the bill other than to provide a new forum for delay to those who want to weaken or delay the health protections due under the Clean Air Act. These health safeguards are over a decade overdue already and more delay will just mean many thousands of preventable deaths and diseases.

It has been clear for generations that strengthening health protections is compatible with a growing economy. Big power companies and other industries have repeatedly argued that Clean Air Act rules will destroy the economy, but for 40 years these arguments have been proven false again and again. The Subcommittee should oppose this bill in order to protect public health and our environment.

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Cc: Energy and Commerce Committee