



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

United States House of Representatives
Washington, DC 20515

November 30, 2011

Dear Representative:

The Union of Concerned Scientists, representing more than 300,000 members and supporters nationwide, strongly urges you to oppose H.R. 10, the Regulations from the Executive In Need of Scrutiny (REINS) Act; H.R. 527, the Regulatory Flexibility Improvement Act; and H.R. 3010, the Regulatory Accountability Act, as they come to the House for a floor vote in the coming days.

While the three pieces of legislation seem to be very different, they are fundamentally the same: Each would make it nearly impossible for federal scientific agencies to fulfill their legislative mandates and fully utilize the best available scientific information to protect public health, safety and the environment.

Furthermore, the legislation would increase regulatory uncertainty by highly politicizing the process by which rules are promulgated.

Federal agencies propose regulations that are grounded in independent science and are already subject to a long review process that offers opportunity for public comment. This process requires special consideration of the impacts of regulations on small businesses.

The current process is far from perfect. Deep-pocketed special interests can too easily influence the rulemaking process to their own benefit at the expense of public health and the environment. But these bills will make this imperfect process far worse.

Consider the specifics of each piece of legislation:

- The REINS Act would require both houses of Congress to approve any rule with an annual economic impact of \$100 million or more within a timeline of 70 legislative days. With few exceptions, if Congress fails to act, the rule cannot move forward until the next Congress convenes. Given the partisan gridlock that now affects both chambers, REINS would effectively make it impossible for federal agencies to move forward with meaningful public protections. The work of agency scientists and other staff to carefully craft a rule and respond to public comment would be wasted effort. And the climate for receptivity to regulations could change drastically from one Congress to the next, creating greater uncertainty for businesses.
- H.R. 527, the Regulatory Flexibility Improvement Act, purports to benefit small business. But this bill's reach would include any regulation that could possibly affect any small business, even if only indirectly. Virtually any action an agency proposes – even a

guidance document designed to help a business comply with a rule – could be subject to an egregiously lengthy process. By erecting so many hurdles, H.R. 527 would make it much harder for agencies to respond to emerging hazards – be it the new strains of E. coli bacteria in beef or a defective toy newly on the market.

- H.R. 3010 would upend 65 years of administrative process. Agencies would be required to adopt the least costly rule, not the most protective rule, overriding bipartisan laws—like the Clean Air Act and Clean Water Act—that for years have protected the public and have earned strong public support. H.R. 3010 would add 60 procedures to the regulatory process, and likely would add years to the time for a proposed rule to take effect.

H.R. 3010 also threatens to make the science underlying federal agency regulation more vulnerable to court challenges, taking the evaluation of the science out of the hands of experts and threatening the scientific integrity of the regulatory process. If H.R. 3010 had been in effect twenty years ago, it is doubtful that the United States, acting in concert with other nations, would have been able to quickly ban the CFCs (chloroflourocarbons) in refrigerants and hair spray that were creating a dangerous hole in the earth's ozone layer. The legislation creates a framework that virtually guarantees that agencies will not be able to move forward with any effort to protect the public. It represents a step backwards for federal science and for our system of public protections.

Please oppose each of these bills.

Sincerely,

A handwritten signature in cursive script that reads "Francesca Grifo".

Francesca Grifo
Director and Senior Scientist
Scientific Integrity Program
Union of Concerned Scientists