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Faulting OIRA as Anti-Regulatory, Groups Urge Tough Questioning of OIRA Nominee

By Cheryl Bolen

Several public interest and government watchdog groups April 26 expressed wariness about the nomination of Howard Shelanski to serve as administrator of the Office of Information and Regulatory Affairs, an office they say has a history of blocking needed regulation.

Shelanski, who was nominated by President Obama on April 25, is currently the director of the Bureau of Economics at the Federal Trade Commission (81 DER A-15, 4/26/13).

Rena Steinzor, president of the Center for Progressive Reform and a professor of law at the University of Maryland Carey School of Law, has been a longtime critic of OIRA, a unit of the Office of Management and Budget that oversees federal regulations.

“We’ll certainly take a close look at his record in the days ahead, but one thing is certain: The Senate will need to conduct a thorough and searching confirmation process, one aimed at ensuring that OIRA stops being the place where badly needed safeguards for health, safety and the environment go to die,” Steinzor wrote in a blog posted to the CPR site.

The nomination will be considered by the Senate Committee on Homeland Security and Government Affairs, and the full Senate must then vote to confirm Shelanski to the position.

But Steinzor and the heads of several other liberal-leaning organizations urged the committee to ask tough questions during the nomination process, to ensure Shelanski intends to work in the public interest.

OIRA Said to Have Pro-Industry Bias

The Coalition for Sensible Safeguards issued a statement in which several of its leaders voiced concerns about the nomination.

The CSS describes itself as an alliance of consumer, small business, labor, scientific, research, good-government, faith, community, health, environmental, and public interest groups who support regulatory safeguards.

Robert Weissman, president of Public Citizen, accused OIRA of stalling food safety and worker safety rules, as well as energy efficiency standards.

“Industry interests go to OIRA as a last resort when a federal agency is preparing to issue a rule that might inconvenience them. OIRA's role has been to weaken regulations, never strengthen them,” Weissman said.

Katherine McFate, president and chief executive officer of the Center for Effective Government, said the country needs an OIRA administrator dedicated to the public's interest and with a proactive vision for tackling health and safety threats.

“We need someone who will look at the Texas fertilizer plant explosion, the BP oil spill, the financial collapse and ask, ‘What kinds of rules do we need in place to prevent this from happening in the future?’ ” McFate said.

Rachel Weintraub, legislative director and senior counsel at Consumer Federation of America, said the public needs a regulatory system that functions effectively to protect them from dangerous products and anti-competitive practices.

“We need OIRA and its leadership to prioritize those goals and lead the way for the implementation of necessary consumer protections,” Weintraub said.

Shelanski's Background Questioned

Steinzor wrote that Shelanski has spent his career working in the arenas of antitrust and telecommunications, which are far removed from the core of OIRA oversight that is most controversial.

“Hopefully, this background means he will approach health and safety issues with an open mind. On the other hand, Dr. Shelanski is also listed as an ‘expert’ in the Mercatus Center's Technology Policy Program,” Steinzor wrote.

According to Steinzor, the Mercatus Center is an industry-funded think tank that is well known for advocating anti-regulatory policies.

Steinzor urged the government affairs committee to ask Shelanski tough questions.

“For example, as OIRA Administrator, will Dr. Shelanski see it as his job to advance the public interest or to appease regulated industries? Who does Dr. Shelanski think should be in charge of the substance of EPA's regulatory decision-making: the EPA Administrator or the OIRA Administrator?” she wrote.

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