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Coalition of Labor, Public Interest Groups Fault OIRA, Offer Slate of Regulatory Reforms

By Stephen Lee

The federal rulemaking system is too much under the sway of regulated industries, a coalition of some 150 worker and public interest groups said in a recent report.

“White House staff say they just want to be sure the I's are dotted and T's crossed, but some rules have been delayed for more than a year,” said Katherine McFate, president of the Center for Effective Government and co-chair of the Coalition for Sensible Safeguards. “There's been a regulatory drought for years, and the public pays the price when delays occur.”

The June 11 report spotlighted eight rulemakings it said have been unduly held up, including the Occupational Safety and Health Administration's silica rule, which was sent to the White House Office of Information and Regulatory Affairs more than two years ago and has not moved forward since.

“As we wait, American workers die,” the report read.

At least 146 people died of silicosis in 2008, according to the coalition. Moreover, 27 out of every 1,000 workers exposed to silica will contract silicosis-induced lung cancer, the coalition said, quoting OSHA.

EPA Rule Also Cited

Other rulemakings cited in the report included an Environmental Protection Agency rulemaking on unregulated coal ash disposal sites, a Labor Department rule to extend minimum wage and overtime protections to home care workers, and a Food and Drug Administration proposal to ensure the safety of imported food.

To reduce regulatory delays, Congress should enact reforms to curb lobbyists' role in blocking public protections, the coalition said. According to the report, OIRA review is the most hidden phase of the federal rulemaking process, and is “where big business lobbyists often exert their biggest influence.”

Specifically, Congress should require OIRA to identify all substantive changes made to rules and indicate which parties requested them.

Congress should also bar presidentially appointed personnel from working on standards that could “uniquely affect and potentially benefit former employers or clients,” enable the public to “dislodge” rules that OIRA has held for more than 120 days, and establish criminal penalties for severe cases in which corporate officers knowingly and recklessly endanger the public's health or safety, the coalition said.

“The public overwhelmingly supports cleaner air and safer workplaces, but powerful industries that would be inconvenienced by new safeguards have often been able to stop them in their tracks in the rulemaking process,” Robert Weissman, president of Public Citizen and co-chair of the coalition, said in a statement. “We're still suffering the effects of an economic downturn caused largely by severe under regulation of financial markets, and here we are having a debate about whether we should regulate or not.”

For More Information

The Coalition for Sensible Safeguards report is available at <http://www.sensiblesafeguards.org/assets/documents/down-the-regulatory-rabbit-hole.pdf>.