



The Honorable Darrell Issa  
Chairman  
House of Representatives Oversight and Government Reform Committee  
Washington, DC 20515

The Honorable Elijah E. Cummings  
Ranking Member  
House of Representatives Oversight and Government Reform Committee  
Washington, DC 20515

RE: H.R. 899, the Unfunded Mandates Information and Transparency Act of 2013

The Coalition for Sensible Safeguards, an alliance of over 70 labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, strongly urges members of this Committee to oppose H.R. 899, the Unfunded Mandates Information and Transparency Act of 2013.

The bill neither improves nor streamlines the regulatory process as supporters claim. The current regulatory process is already plagued by hurdles and lengthy delays. H.R. 899 would only make this problem worse by making it even more difficult for agencies to implement safeguards already enacted by Congress. If passed, this legislation would rob the American people of many critical upgrades to public health and safety standards, especially those that ensure clean air and water, safe food and consumer products, safe workplaces, and a stable, prosperous economy.

This legislation is premised on the false notion that agencies are not properly accounting for regulatory costs, leading to overly burdensome regulations. Supporters of the bill ignore the fact that under both President Obama and former President George W. Bush, the Office of Management and Budget has consistently found that the benefits of regulations overwhelmingly outweigh their costs. For example, OMB's draft 2013 report aggregating costs and benefits of major federal regulations found that rules issued over the last ten years resulted in annual benefits ranging from \$193 billion to \$800 billion, compared to costs ranging from \$57 billion to \$84 billion.<sup>1</sup> There are few places one can go for such a positive return on investment, but U.S. health, safety, and environmental regulation is one of them. With this legislation, Congress would only be making it harder, not easier, for our government to provide much-needed health and safety protections that produce enormous benefits to the public.

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<sup>1</sup> <http://www.sensible safeguards.org/assets/documents/omb-report-backgrounder-2013-may.pdf>

Supporters claim this legislation say it addresses the need for agencies to comply with the Unfunded Mandates Reform Act (UMRA). Yet they overlook that agencies must already comply with up to 110 analytical and procedural requirements before they can act to address pressing public health and safety concerns, many of which satisfy UMRA's requirements. This legislation will add even more redundancy and duplication to an already byzantine rulemaking process that further enables "paralysis by analysis" at federal agencies.

In addition, by expanding the scope of judicial review, the legislation marks an unprecedented and dangerous move away from traditional judicial deference to agency experts and toward a system in which courts could overturn highly technical, resource-intensive agency decisions without the expertise needed to make such determinations. This new and inappropriate role for the courts is a recipe for expensive litigation, endless delays, and more uncertainty for regulated parties and the public. H.R. 899 would make agency compliance with UMRA's troublesome "least burdensome option" requirement judicially reviewable, a change that could effectively block all future rulemaking. A similar requirement exists in the Toxic Substances Control Act (TSCA), and strict judicial enforcement of this provision has all but made it impossible for the Environmental Protection Agency to establish new safeguards on hazardous chemicals.

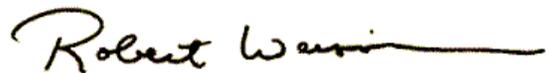
The Coalition for Sensible Safeguards firmly believes (and the public agrees) that what we need an effective system of public protections that safeguard all Americans. The government needs to update standards and enforce them vigorously to protect the public. The Wall Street economic collapse, the British Petroleum oil spill catastrophe, various food and product safety recalls, and numerous industrial disasters including the Upper Big Branch mine explosion in West Virginia and the fertilizer plant explosion in West, Texas, have all dramatically demonstrated the need for a stronger regulatory system that is more responsive to the public interest. Congress should be moving forward to protect the public from harm, not rolling back the clock and weakening important safeguards.

The Coalition for Sensible Safeguards urges you to vote against the amendment in the nature of a substitute to H.R. 899, the Unfunded Mandates Information and Transparency Act of 2013.

Sincerely,



Katherine McFate  
President and CEO, Center For Effective Government  
Co-chair, Coalition for Sensible Safeguards



Robert Weissman  
President, Public Citizen  
Co-chair, Coalition for Sensible Safeguards