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Senators Introduce Burdensome Legislation to Delay Crucial Public Safeguards, Make It Harder to Enforce Nation's Laws

Today, Sens. Rob Portman (R-OH) and Heidi Heitkamp (D-ND) introduced a bill that could undermine decades of progress in environmental, consumer protection, and labor law in the United States. The Senate version of the burdensome Regulatory Accountability Act of 2017 (RAA) proposes a drastic overhaul of our nation's well-settled rulemaking process, overrides legal standards that put health and safety before corporate profit, and risks disrupting law enforcement activities at dozens of federal agencies. It would rig the rulemaking process to delay protections for communities across the country and tee up wasteful litigation when the protections are finally established.

"The name of the game with the Regulatory Accountability Act is to delay the enforcement of bedrock public interest laws and to tilt the playing field further in favor of corporate interests," said Rena Steinzor, Member Scholar at the Center for Progressive Reform. "Nowhere is this objective clearer than in its mandate that certain rulemakings undergo a process known as 'formal, on-the-record rulemaking hearings.' This procedural hassle was wisely dispensed with decades ago because it was impractical. Everyday Americans certainly wouldn't be participating in these hearings, and those who face looming threats to their health and safety can't afford the delays they would cause."

The bill would foist dozens of new analytical and procedural requirements on all agencies – including independent regulatory agencies like the Consumer Financial Protection Bureau – that they would have to satisfy before issuing new protective safeguards. The assumption is that these requirements are necessary to ensure agency accountability, but this is a myth. There are already so many requirements that it takes four to eight years for agencies to complete their most complex rulemakings, and in some cases, the process can last more than a decade. Delays are often measured in months or years, but the real costs are paid by the families of workers who die on the job, children suffering asthma attacks, and innocent consumers sickened by tainted foods. Complying with the Senate version of the Regulatory Accountability Act of 2017 would make this situation worse.

"Complicated bills always have unintended consequences, and the RAA is no exception," said Thomas McGarity, Board Member at the Center for Progressive Reform. "In their race to gum up the regulatory process as much as possible, the bill's authors included several new burdensome requirements that agencies must satisfy before issuing what are known as 'guidance documents.'"

These documents help businesses understand how to comply with regulations. If enacted, this bill could well prevent agencies from providing such assistance."

"Corporate special interests support the RAA precisely because it will make it even more difficult for agencies to hold bad actors responsible for the dangers they impose on workers and consumers, including cancer-causing chemicals, tainted food, and lead in drinking water," concluded Sidney Shapiro, Vice President of the Center for Progressive Reform. "Like President Trump's anti-regulatory executive orders, the RAA prioritizes corporate profits over the public interest. That flips our environmental and public health laws on their heads and leaves us all at risk."

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