



May 16, 2017

Dear Senator:

The Environmental Defense Action Fund strongly opposes S. 951, the Regulatory Accountability Act (RAA) of 2017, which would sabotage bedrock health and safety protections for Americans, with far-reaching consequences.

The RAA is a drastic overhaul of the Administrative Procedure Act that would severely hamper the ability of agencies to implement public safeguards authorized by Congress. The Act would add dozens of new requirements, many of which are duplicative. Significant rules already undergo detailed economic analyses, including formal cost-benefit analyses that take months or even years to complete. Additional requirements would add little new information and would grind the process to a halt. Because the Administrative Procedure Act applies so broadly to countless vital federal protections and policies, the scope of RAA's impact would be sweeping and the consequences may not be fully understood for years.

One of the many damaging provisions of the Act would require any new safeguard to meet an onerous cost-based test, and preclude agencies from adopting more protective standards unless they could meet yet more analytic requirements. These burdensome, ambiguous analytic requirements would leave any safeguard vulnerable to litigation and paralyze important efforts to keep Americans safe.

Just last year, Congress recognized the inherent failure of onerous cost-based tests in protecting the public from dangerous chemicals in household products. The Toxic Substances Control Act's (TSCA) "least burdensome" requirement prevented the Environmental Protection Agency (EPA) from restricting even the most dangerous chemicals. EPA was unable to protect the public from asbestos, even after decades of study and more than 40,000 pages of research, due to the insurmountable burden of proving a rule is indeed the "least burdensome" option. Recognizing the inadequacy of this requirement, lawmakers reformed TSCA, eliminating the "least burdensome" requirement with overwhelming bipartisan support. Yet, the RAA would re-impose a provision – requiring that any rule be the "most cost-effective" – that could have the same impact on all agencies, and could make it impossible for agencies to issue health protective rules or defend them against legal challenges.

S. 951 would impose paralysis by analysis across government by tying up bedrock health and safety protections in enormous amounts of red tape.

We strongly urge you to oppose S. 951, the Regulatory Accountability Act of 2017.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth B. Thompson". The signature is written in a cursive, slightly slanted style.

Elizabeth B. Thompson, President  
Environmental Defense Action Fund