GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF THE ATTORNEY GENERAL

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Attorneys General Oppose Dangerous Regulatory Rollback Bill

'Regulatory Accountability Act' Would Make it Much Harder to Implement Regulations Protecting the Environment, Consumers, Workers, Public Health, and Safety

WASHINGTON, D. C. – Attorney General Karl A. Racine has joined a coalition of 12 attorneys general in a letter to Senate leaders expressing "strong opposition" to a bill that would jeopardize the health, safety, and well-being of the American public. The proposed Regulatory Accountability Act of 2017 (RAA), the attorneys general say, would bring the federal regulatory process "to a grinding halt," thereby obstructing the implementation of regulations that protect Americans from toxic chemicals, predatory marketing practices, dangerous labor conditions, unsafe food and drugs, and much more.

"We urge the Senate to oppose this irresponsible legislation, which would give well-heeled special interests the upper hand in the regulatory process and endanger our people," said Attorney General Racine. **"Federal laws and regulations protect District residents from being exposed to toxic chemicals or being taken advantage of by unscrupulous business practices. Our ability to implement these essential protections would be severely undermined by the proposed Regulatory Accountability Act."**

The RAA (S. 951) was introduced in the Senate in April. The bill's stated purpose is to reform the federal regulatory process "to cut red tape so federal programs operate as intended, and are effective and efficient."

While the attorneys general recognize the laudable goal of promoting effective regulation, their letter forcefully argues that the many "ill-conceived and reckless provisions" of the RAA work against this goal by serving to "bollix, stymie, and derail the implementation of popular and necessary laws." They point to several troubling provisions of the bill, including those that:

- Give federal agencies unreviewable discretion to determine whether a rule is "high impact" or "major," which would then trigger cumbersome new procedural rules;

- Increase the likelihood that regulations deemed “high impact” or “major” will be subject to lengthy and burdensome trial-type hearings that advantage deep-pocketed special interests over the general public; and
- Require proposed rules to undergo an ill-defined new “most cost-effective” standard of analysis that will invite litigation from special interests seeking to block, delay, and weaken proposed federal regulations.

The letter was led by New York Attorney General Eric Schneiderman and signed by the attorneys general of New York, California, Delaware, the District of Columbia, Iowa, Maine, Maryland, Massachusetts, Oregon, Rhode Island, Vermont, and Washington state.

Click here to read the full letter.

The letter provides a striking example of how, in the past, a similarly prohibitive standard to that proposed in the RAA derailed a decade-long effort to regulate the notoriously deadly material asbestos. In 1989, after studying the regulation of asbestos for more than 10 years and amassing a 100,000-page administrative record, EPA announced a final rule banning virtually all asbestos-containing products under the Toxic Substances Control Act. The asbestos industry and its supporters filed a lawsuit challenging EPA’s action. While the court agreed with EPA that “asbestos is a potential carcinogen at all levels of exposure,” it found the agency had failed to demonstrate that it had met the standard for analysis – the “least burdensome alternative” – required by the act, and vacated the rule.

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