

February 11, 2011

The Honorable John Conyers Jr.
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Conyers:

We urge you to show your support for consumer protection, worker safety and health, the environment, civil rights, economic stability, and quality health care for all by opposing H.R. 10. This misguided bill would jeopardize crucial public protections by further complicating the rulemaking process and politicizing decisions about health and welfare. Please vote against H.R. 10 when it comes before the House Judiciary Committee.

H.R. 10, the Regulations from the Executive in Need of Scrutiny Act introduced by Rep. Geoff Davis, would require Congress to approve all new major regulations before they can take effect. H.R. 10 would threaten new safeguards by causing unnecessary delay. Agencies already rigorously analyze their rules and perform numerous internal and external checks, including a public comment period. H.R. 10 would force a resolution of approval for each major rule through congressional committees. If a resolution is not cleared by committee, approved by both chambers, and signed by the president within 70 legislative days, the rule is nullified and the current Congress is barred from considering the same or similar regulation. Although H.R. 10 contains language that would limit debate in the Senate, concerns remain that the bill has not gone far enough to prevent filibusters or holds. With the Congress unable to pass many non-controversial bills in such a time period, this is an impossibly high burden.

Examples of recent, major regulations that would have fallen prey to this bill include a Food and Drug Administration standard to prevent salmonella contamination in eggs, new money-saving energy efficiency standards for home appliances, and a requirement that miners have access to underground refuges in the event of a mine collapse.

Further delaying the rulemaking process would prove costly. Congress recognized the need for action when it passed recent laws that delegate to agencies responsibilities for protecting children from toxic toys, families from tainted food, consumers from financial exploitation, and sick children from being denied health insurance due to a pre-existing condition. To subject agencies to congressional review would not only be wasteful; it could be damaging or even deadly.

H.R. 10 would also give special interests another opportunity to undermine public protections. Special interest lobbyists already affect rules at the agency level, but their channels of access and influence are even more well-worn in Congress. As a result, scientific and technical decisions agencies make when writing rules would be subject to additional political manipulation.

H.R. 10 is also a dramatic and possibly unconstitutional shift in the separation of powers. Congress already sanctions regulation when it writes federal law. Any agency error or misinterpretation is subject to judicial review. H.R. 10 would allow Congress to intrude upon the responsibilities of the other branches of government.

The bill has been referred to the Judiciary Committee and a markup is expected soon. Please show that you stand in the public's corner by voting against H.R. 10.

Sincerely,

350.org

AFL-CIO

AhEeCOSH

Alliance for a Just Society

American Federation of Government Employees

American Federation of State, County and Municipal Employees

American Lung Association

American Rivers

ARISE CHICAGO

Arkansas Interfaith Committee for Worker Justice

Association of Flight Attendants-CWA, AFL-CIO

BlueGreen Alliance

Breast Cancer Action

California Rural Legal Assistance Foundation

Center for Biological Diversity

Center for Science in the Public Interest

Clean Air Watch

Clean Water Action

Community Organizations in Action

Consumer Federation of America

Consumers Union

Defenders of Wildlife

Dēmos

Earth Day Network

Earthjustice

Easter Seals

Environment America

Environmental Defense Fund

Equal Justice Center

Families USA

Friends of the Earth

Gray Panthers

Greenpeace USA

Health Access California

Health Care for America Now

Interfaith Worker Justice
Interfaith Worker Justice Committee of Colorado
International Union, United Automobile, Aerospace, & Agricultural Implement Workers of America (UAW)
League of Conservation Voters
National Association of Consumer Advocates
National Audubon Society
National Consumers League
National Council for Occupational Safety and Health
National Gay and Lesbian Task Force Action Fund
National Women's Health Network
Natural Resources Defense Council
OMB Watch
Our Bodies Ourselves
People for the American Way
Pesticide Action Network North America
Physicians for Social Responsibility
ProgressNow
Public Citizen
Reproductive Health Technologies Project
Republicans for Environmental Protection
RICOSH
Safe Tables Our Priority (S.T.O.P.)
Sierra Club
South Florida Interfaith Worker Justice
Southern Environmental Law Center
The National Consumer Voice for Quality Long-Term Care
The TMJ Association
The Wilderness Society
Transport Workers Union of America AFL-CIO
U.S. PIRG
Union of Concerned Scientists, Scientific Integrity Program
United Steelworkers
United Support & Memorial for Workplace Fatalities
USAction
Voces de la Frontera
Women's Voices for the Earth
Workers Interfaith Network