



BOB KING, President

DENNIS WILLIAMS, Secretary-Treasurer

VICE PRESIDENTS: JOE ASHTON • CINDY ESTRADA • GENERAL HOLIEFIELD • JIMMY SETTLES

IN REPLY REFER TO

November 30, 2011

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Dear Representative:

This week, the House is expected to vote on H.R. 3010, the Regulatory Accountability Act (RAA), and H.R. 527, the Regulatory Flexibility Improvements Act. We also understand that in the near future, H.R. 10, the Regulations from the Executive in Need of Scrutiny (REINS) Act may come to the floor for a vote. The UAW strongly opposes all three of these bills. In our view, if enacted, any one of them would cause a radical weakening of our government's ability to protect the public from harm. On behalf of over one million active and retired UAW members, I urge you to vote against each of these bills.

The UAW has a long and successful history of working with Congress, our members, and employers whose workers we represent to reduce workplace injuries and illnesses. Regulations promulgated by the Occupational Safety and Health Administration at the Department of Labor have been critical in this effort. We have also supported federal regulations to protect the nation's food and drug supply, our drinking water, and the air we breathe. In short, we believe that federal regulations are a critical way to protect Americans from harm and to ensure that corporations who do the right thing are not disadvantaged in the marketplace by those who fail to adequately address workers and the public's health and safety.

RAA, H.R. 3010, amends the Administrative Procedure Act (APA) in ways that would be harmful to public protections. It would require agencies to perform scores of additional analyses and other procedural actions during the rulemaking process. As it stands now, the regulatory process is cumbersome and lengthy, and this bill would only make matters worse.

Moreover, H.R. 3010 would undermine bipartisan laws that have been on the books for years by requiring that all agencies – regardless of their legally mandated missions -- adopt the least costly rule rather than the most protective rule as is now required by the Occupational Safety and Health Act and the Mine Safety and Health Act, for example. This change would make worker and public protections secondary to the cost concerns of corporations.

Finally, H.R. 3010 would also greatly expand the courts' power over rules, and encourage prolonged litigation over the quality of the agency's underlying information and the accuracy of its cost-benefit analysis. This would make it much easier for big corporations – banks, hedge funds, major polluters – to evade their obligations to protect the public by giving them the option to challenge rules at many more points in the process.

The Regulatory Flexibility Improvements Act, H.R. 527, is touted by proponents as a bill dealing with small business regulations, but its scope is significantly broader. First, the legislation's definition of "small business" is up to 1500 employees, encompassing nearly every

employer doing business in the United States. Moreover, the bill would apply to regulations that could conceivably have an *indirect* impact on covered businesses. Thus, almost any action an agency proposes, including a guidance document designed to help a business comply with a rule, could be subject to a lengthy regulatory process. By requiring additional and wasteful analyses, this bill would make it impossible for federal agencies to protect the public and respond to emerging hazards.

H.R. 527 also establishes a small business “czar” by increasing the powers of the Chief Counsel of Small Business Advocacy. This official would become a super-regulator, with new powers to review proposed regulations and suggest alternatives. Agencies would henceforth be subject to review by both the Office of Management and Budget and the Chief Counsel, adding to regulatory delay and “paralysis by analysis.”

H.R. 10, the REINS Act, would dramatically change the federal regulatory system by requiring both houses of Congress to vote and approve any major federal rule before it could become effective. Congress already has the authority, pursuant to the Congressional Review Act, to override federal rules. The REINS Act is unnecessary.

The REINS Act is not a proposal to improve or streamline the regulatory system. The UAW submits that Congress should be seeking ways to ensure that federal agencies have the resources to enforce those laws that protect our workplaces, food safety, air and water quality, and financial security rather than creating hurdles to those measures that are already in place to protect the public.

In our judgment, H.R. 3010, H.R. 527, and H.R. 10 are dangerous proposals that will not create one new job or solve any of the pressing problems facing our country. Instead, they would waste federal resources, weaken public protections, and increase the power of big corporations over Americans.

For these reasons, we strongly urge you to oppose H.R. 3010, H.R. 527, and H.R. 10. Thank you for considering our views on this important issue, and we look forward to working with you to improve the regulatory system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Somson", followed by a long horizontal flourish.

Barbara Somson
Legislative Director