



PRESS RELEASE

Attorney General Frosh Joins Coalition of 12 Attorneys General in Opposing Regulatory Rollbacks that Would Jeopardize Americans' Health and Safety

Proposed Bill Would Leave Americans without Critical Protections from Toxic Chemicals, Predatory Marketing Practices, Dangerous Labor Conditions, Unsafe Food and Drugs, and More

BALTIMORE, MD (June 26, 2017) – Maryland Attorney General Brian E. Frosh, as part of a coalition of 12 Attorneys General, today wrote U.S. Senate leadership expressing “strong opposition” to S. 951, the proposed Regulatory Accountability Act of 2017 (RAA), which would jeopardize the health, safety, and well-being of the American public. In a letter addressed to Senate leadership, the coalition contends that the RAA would bring the federal regulatory process “to a grinding halt,” thereby obstructing the implementation of laws that protect Americans from toxic chemicals, predatory marketing practices, dangerous labor conditions, unsafe food and drugs, and much more.

“The proposed Regulatory Accountability Act would strip away Americans’ protections from dangerous drugs, toxic chemicals in our food and toys, and make them more vulnerable to predatory business practices,” said Attorney General Frosh.

Click here to read the full [letter](#).

The RAA was introduced in the Senate in April 2017. The Act’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:

- increase the likelihood that so-called “high impact” rules and “major” rules will be subject to lengthy and burdensome trial-type hearings that advantage deep-pocketed special interests over the general public;
- give the federal agencies unreviewable discretion to determine a rule is “high-impact” or “major,” which would then trigger cumbersome new procedural rules and stymie the adoption of critical public safeguards; and

- require proposed rules to undergo a new ill-defined “most cost-effective” standard of analysis that will invite litigation from special interests seeking to block, delay, and weaken proposed federal regulations, whether they be to protect the environment, public health, workplaces, or food and drug safety.

The letter provides a striking example of how an equally prohibitive standard derailed a decade-long effort to regulate the notoriously deadly material asbestos. In 1989, after studying the regulation of asbestos for over 10 years and amassing a 100,000-page administrative record, EPA announced a final rule banning virtually all asbestos-containing products under the Toxics 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.

Through the “most cost-effective” standard and many other provisions of the bill, the coalition argues that the RAA “would introduce unnecessary, unwieldy, and costly impediments into federal rulemaking that would dramatically increase the time necessary to put public safeguards in place, exclude the public from the rulemaking process, and lead to avoidable and prolonged litigation that favors deep-pocketed special interests.”

The letter urges the Senate leadership to oppose passage of the RAA. In addition to Maryland, the letter was signed by Attorneys General from California, Delaware, Iowa, Maine, Massachusetts, New York, Oregon, Rhode Island, Vermont, Washington, and District of Columbia.