



March 1, 2017

Dear Representative:

The undersigned public health and medical organizations urge you to oppose H.R. 998, the SCRUB Act; H.R. 1004, the Regulatory Integrity Act; and H.R. 1009, the OIRA Insight, Reform, and Accountability Act. Each of these bills would make it harder for federal agencies to protect public health as required by current law.

Consistent with requirements adopted by Congress, strong federal safeguards adopted under the Clean Air Act save lives. These rules go through extensive review, analysis, and public and expert input before they are finalized and often take years to be developed. Imposing delays and roadblocks in the federal rulemaking process will result in premature deaths and health problems that could have been prevented.

H.R. 998 would arbitrarily require federal agencies to sacrifice existing safeguards even as they seek to address new problems in their efforts to protect the public. The bill would establish a commission, appointed by the president, to identify regulations to recommend for repeal – based on their costs to industry, not the lifesaving health benefits to the American people, even when those health benefits far outweigh the costs. The bill would then require federal agencies to repeal rules from that list to offset the cost of any new rules they set, something the drafters call “cut-go.”

The idea that federal agencies would have to repeal existing safeguards in order to set new ones is antithetical to their mandates to protect the public. For example, under the Clean Air Act, the U.S. Environmental Protection Agency (EPA) is required to set national air pollution standards based on what the current science says is necessary to protect public health. If this bill becomes law, EPA could be forced to choose between failing to update an outdated, weak air pollution standard, or arbitrarily repealing another safeguard, like limits on mercury and other air toxics. This bill blatantly ignores that in repeated reviews under administrations from both parties, the

benefits of rules under the Clean Air Act consistently outweigh their costs – the bill would not take this net benefit into account.

H.R. 1004 would restrict federal agencies' ability to seek or offer additional information to aid in their work on rules, guidances, and other safeguards, many of which protect public health. The legislation bars agencies from issuing public communications that emphasize the importance of a particular agency action unless they have a clear purpose of informing the public of the substance or status of the action. This vague language could be interpreted to prevent agencies from sharing important information with the public – such as the results of an analysis showing projected health benefits of an updated air pollution standard – or for requesting public input about specific situations or groups that the rule might impact. The bill's potential chilling effect on agencies' communications with the public is a move toward less transparency, not more.

H.R. 1009 would effectively repeal core health protections in the Clean Air Act. The bill codifies requirements around federal rulemaking that are currently part of existing executive orders, but does not codify critical caveats that these requirements do not supersede existing law. At risk here are the health-based limits on how much air pollution is considered safe to breathe. Just as a doctor diagnoses a patient based on what disease they have, not how much it costs to treat their disease, EPA bases its national air pollution limits, called standards, on what the science shows is safe. Congress intentionally wrote the Clean Air Act to require EPA to set national air pollution standards for the most widespread air pollutants solely on the basis of what is necessary to protect public health. Congress specifically directed EPA to consider costs and feasibility in evaluating efforts to meet those standards. Decades of cleaner air have proven that Congress's decision was correct. But H.R. 1009 would supersede this core requirement of the Clean Air Act by imposing rulemaking requirements that prioritize estimates of compliance costs.

Our organizations urge you to oppose H.R. 998, the SCRUB Act; H.R. 1004, the Regulatory Integrity Act; and H.R. 1009, the OIRA Insight, Reform, and Accountability Act. These bills would make it harder to protect the health of Americans from the dangers of air pollution and other hazards.

Sincerely,

Allergy & Asthma Network  
American Lung Association  
American Public Health Association  
American Thoracic Society  
Asthma and Allergy Foundation of America  
Children's Environmental Health Network  
Health Care Without Harm  
National Council of Asian Pacific Islander Physicians  
National Environmental Health Association  
National Hispanic Medical Association  
National Medical Association  
Physicians for Social Responsibility  
Trust for America's Health