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NEWS

U.S. SENATOR FOR KANSAS

FROM:

SENATE MAJORITY LEADER

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REGULATORY REFORM

DOLE REBUTS "DISTORTIONS" OF REGULATORY REFORM BILL; BIPARTISAN LEGISLATION BALANCES COMMON SENSE REFORM WITH NEED TO PROTECT HEALTH, SAFETY, & ENVIRONMENT

Now that we have begun consideration of regulatory reform, the defenders of the status quo have settled on the weapon of last resort: fear. Thus, we have reporters and pundits pronouncing in strident tones the "rollback of 25 years of environmental protection," the likelihood of increased outbreaks of e. coli food poisoning, and the horror of "placing a price tag on human life."

The "sky is falling" is undoubtedly next.

The only problem with these arguments is that they are false. Not just false in some small way, but false in every way. Apparently the "Chicken Littles" who have engaged in these scare tactics did not even bother to read the legislation.

Setting the Record Straight: Look At The Facts

Had they done so, they would realize that most of the bill merely codifies executive orders issued by every president since the Ford administration. Had they done so, they would realize that this is a bipartisan piece of legislation that balances common sense reform with the need to protect health, safety, and the environment.

So, here are a few of the "facts" (quoting directly from the legislation) conveniently ignored by these distortions:

Our regulatory reform legislation protects existing environmental, health and safety laws.

Our legislation makes explicit that regulatory reform measures "supplement and [do] not supersede" existing environmental, health and safety requirements. Congress chooses the goals and all we ask is that among several options achieving those goals, that the one imposing the least possible burden be selected.

However, a cost-benefit analysis of proposed regulations is not required before issuing rules that address "an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources." If nonquantifiable benefits to "health, safety, or the environment" call for a more costly regulatory alternative, the agency is free to make that choice as well. And rules subject to a proposed Congressional 60-day review period may be implemented without delay if "necessary because of an imminent threat to health or safety or other emergency."

Some "rollback."

Our regulatory reform legislation protects food safety.

Perhaps the most cowardly argument has been the one that suggests that our legislation would, in the words of one overly-distraught commentator, mount "an all out assault on food safety regulations" and block implementation of the Agriculture Department's proposed meat inspection regulations. Does any reasonable person really believe that any politician, Democrat or Republican, is trying to gut food safety laws? Of course not. But for those who have made a career on scare tactics, this argument will apparently do.

All of the protections in the bill noted above apply here too (especially the one exempting a regulation from any delay if there is "an emergency or health or safety threat"). But there are several additional ironies. First, the Agriculture Department already conducted a cost-benefit analysis of the meat inspection rule and it passed. Second, in the entire bill the only time "health inspections" are mentioned it is to exempt them from risk assessment requirements under this bill.

(more)

Our regulatory reform legislation does not "place a price tag on human life."

The argument that regulatory reform would place a price tag on human life, usually carries with it the notion that some lives will be "worth more" than others. This is a cynical argument and is completely at odds with what the bill actually would accomplish.

First, not only does the bill avoid putting a price tag on human life, it explicitly recognizes that some values are not capable of quantification. Thus, both "costs" and "benefits" are defined in the legislation to include "nonquantifiable" costs and benefits. The legislation also provides that in performing a cost-benefit analysis, there is no requirement to do so "primarily on a mathematical or numerical basis." And, second, agencies may choose higher cost regulations where warranted by "nonquantifiable benefits to health, safety or the environment."

Challenging Opponents To Read Legislation

I have quoted from the bill wherever possible. It is interesting that opponents of the bill never do. That no doubt would be inconvenient. But I challenge the bill's opponents to stop distorting the truth, and start seeking it. They can begin by reading the bill. To help them, I've prepared a brief summary of provisions that address protections for health, safety and the environment that I will include with this statement in the record.

Then opponents can start telling us why they are really upset by regulatory reform. I suspect it has less to do with threats to the environment and more to do with the threat to federal power in Washington, D.C. The most costly regulations are usually the ones that impose a "government knows best" requirement, and there is an entire culture devoted to telling the American people that they know best. Our legislation is a direct threat to that smug assertion. (By golly, we ordinary Americans hope you agencies don't take it too personally, but we would really like you to show us why a rule imposing hundreds of millions of dollars makes sense and was the only way to do it).

Opponents are right in one respect: this is one of the most important pieces of legislation this Congress will address. Americans pay more in regulatory costs than they do to Uncle Sam through income taxes. Over-regulation costs the American family an estimated \$6,000 a year. I believe we can ensure regulations that both promote important goals like food safety and also minimize costs wherever possible, and I believe it is our obligation to do so. In that respect, I am an optimist. I have never succumbed to the chirpings of the Chicken Littles and I don't intend to start now.

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* Remarks delivered on Senate floor, approximately 12:05 p.m.

S. 343: RESPONSIBLE REGULATORY REFORM THAT PROTECTS HEALTH, SAFETY & THE ENVIRONMENT

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a) -- Cost-benefit requirements "supplement and [do] not supersede" health, safety and environmental requirements in existing laws.

Sec. 628(d) -- Requirements regarding "environmental management activities" also "supplement and [do] not supersede" requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c) (1) (A) -- Cost-benefit analyses and risk assessments are not required if "impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources."

Sec. 624(b) (3) (B) -- An agency may select a higher cost regulation when "nonquantifiable benefits to health, safety or the environment" make that choice "appropriate and in the public interest."

Sec. 624(b) (4) -- Where a risk assessment has been done, the agency must choose regulations that "significantly reduce the human health, safety and environmental risks."

Sec. 628(b) (2) -- Requirements for environmental management activities do not apply where they would "result in an actual or immediate risk to human health or welfare."

Sec. 629(b) (1) -- Where a petition for alternative compliance is sought, the petition may only be granted where an alternative achieves "at least an equivalent level of protection of health, safety, and the environment."

Sec. 632(c) -- Risk assessment requirements do not apply to a "human health, safety, or environmental inspection."

S. 343 DOES NOT DELAY HEALTH, SAFETY AND ENVIRONMENTAL RULES

Sec. 622(f) and Sec. 632(c) -- Cost-benefit and risk assessment requirements are not to delay implementation of a rule if "impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources."

Sec. 533(d) -- Procedural requirements under the Administrative Procedures Act may be waived if "contrary to the public interest."

Sec. 628(b) (2) -- Requirements for major environmental management activities are not to delay environmental cleanups where they "result in an actual and immediate risk to human health or welfare."

Sec. 801(c) -- Congressional 60-day review period before rule becomes final may be waived where "necessary because of an imminent threat to health or safety or other emergency."

S. 343 DOES NOT PLACE A "PRICE TAG ON HUMAN LIFE"

Sec. 621(2) -- "Costs" and "benefits" are defined explicitly to include "nonquantifiable," not just quantifiable, costs and benefits.

Sec. 622(e) (1) (E) -- Cost-benefit analyses are not required to be performed "primarily on a mathematical or numerical basis."

Sec. 624(b) (3) (B) -- An agency may choose a higher cost regulation when "nonquantifiable benefits to health, safety or the environment" dictate that result.