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CPR Scholar Robert Verchick, Former EPA Official, Reacts to Congressional Letter to White House on Delayed Rules Protecting the Environment, Health & Safety

Verchick: 'The President's own White House staff is delaying rules that could improve the quality of life for millions of Americans with the stroke of a pen.'

[Late Tuesday afternoon](#), Senators Sheldon Whitehouse (D-RI), Tom Harkin (D-IA), Ben Cardin (D-MD), and Richard Blumenthal (D-CT) and U.S. Representatives Henry A. Waxman (D-CA) and Ed Markey (D-MA) sent a letter to White House Office of Management and Budget Director Sylvia Burwell urging her to take "prompt action" to implement rules and regulations held up at the Office of Information and Regulatory Affairs (OIRA). The letter notes that under Executive Order 12866, OIRA reviews of agency draft rules must be completed within 90 days, and that 14 of the 20 EPA rules currently undergoing OIRA review have been languishing for more than 90 days, 13 of them for more than a year.

According to the letter:

Fourteen of the twenty rules submitted by the Environmental Protection Agency (EPA) have been under review at OIRA for more than 90 days; thirteen have been delayed for more than a year. One particularly egregious example of OIRA delays is EPA's Guidance Identifying Waters Protected by the Clean Water Act. This guidance would clarify regulatory jurisdiction over U.S. waters and wetlands. It is an issue that has come before the U.S. Supreme Court three times and, until the Administration finalizes this guidance, will continue to create confusion, loopholes, and inconsistency for officials at the state and local level. Despite the clear need for regulatory guidance from this Administration, EPA's final guidance has been under review for 470 days, since February 21, 2012.

Nine of the ten Department of Energy (DOE) rules under review at OIRA have been there for more than 120 days. Important DOE energy efficiency standards, such as those for commercial walk-in coolers and freezers, commercial refrigeration equipment, and metal halide lamp fixtures have been pending at OIRA for more than a year.

Similarly, key worker safety standards have also been delayed for far too long. The Occupational Safety and Health Administration's (OSHA) proposed rule to protect workers from cancer-causing silica dust has been at OIRA for over two years, since February 14, 2011. OSHA's preliminary analysis indicates that the silica rule would prevent approximately 60 deaths per year from lung cancer and silicosis. According to the Centers for Disease Control and Prevention, an estimated 1.7 million additional workers are exposed to dangerous levels of silica every year. These workers may also face a lifetime of serious health problems that the completion of this rule could help to prevent.

President Obama has committed OIRA to following important disclosure rules to ensure transparency and accountability in the regulatory process. However, OIRA frequently holds onto rules without explaining its concerns, preventing agencies from taking steps to address them. If there are problems with rules or guidance submitted by any agency, those problems should be aired and addressed, not kept hidden behind closed doors.

Center for Progressive Reform Member Scholar Robert R.M. Verchick was the Deputy Associate Administrator for Policy at the EPA during the first Obama Administration and comments:

Congressional deadlock is often cited as the primary reason for government inaction, but as these key Members of Congress note in their letter, the President's own White House staff is delaying rules that could improve the quality of life for millions of Americans with the stroke of a pen.

EPA's proposed "[Chemicals of Concern List rule](#)" has been languishing at OIRA for more than three years, that for a proposal which would provide for nothing more than the simple disclosure of such potentially harmful chemicals, as phthalates, PBDEs, and BPA. Consumers and taxpayers deserve to know which cancer-causing and endocrine-disrupting chemicals are in the products they buy and use. But the President's OIRA is sitting on the rule. Action on this and the other rules bottled up at OIRA is long overdue.

[CPR has published numerous studies and reports](#) on the politicization of OIRA to the detriment of the environment, health and worker safety. Verchick holds the Gauthier ~ St. Martin Eminent Scholar Chair in Environmental Law at Loyola University, New Orleans, and Faculty Director of Loyola's Center for Environmental Law and Land Use.

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