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- Members of the press may be joining today’s webinar.
Who We Are

What we do: Through the expertise of our 60+ scholars and staff, CPR creates powerful tools and strategies for policymakers and the public to advance policies and processes that ensure the safety, health and well-being of people, their communities, and our environment.

Our focus areas:

- **Protecting the public** through sensible safeguards of public health, workers’ rights, consumer well-being, and the environment
- **Securing good government** that is responsive to the public’s needs
- **Creating a sustainable future** in which we all can thrive
Our Presenters

Yogin Kothari
Vice President
Boundary Stone Partners

Gretchen Goldman
Research Director
Union of Concerned Scientists

Ethan Winter
Senior Analyst
Data for Progress

Amy Sinden
CPR Board Member and Member Scholar
Early moves on OIRA’s role and cost-benefit analysis
Regulation Explosion

“American society experienced a virtual explosion in government regulation during the past decade.”

“The result has been higher prices, higher unemployment, and lower productivity growth.”

Ronald Reagan 1981
“In this present crisis, government is not the solution to our problem; government is the problem.”

— RONALD REAGAN
1993: President Clinton signs Executive Order 12866

• Continues Reagan-era framework of:
  • centralized regulatory review by OMB’s Office of Information & Regulatory Affairs (OIRA)
  • based on cost-benefit analysis.
• Softens it around the edges
  • (Benefits must “justify”—rather than “outweigh”—costs.)
MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Modernizing Regulatory Review

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:
• “It is the policy of my Administration to mobilize the power of the Federal Government to rebuild our Nation and address these and other challenges. . . . Regulations that promote the public interest are vital for tackling national priorities.”

• [OMB] should identify ways to modernize and improve the regulatory review process, to ensure that the review process does not have harmful anti-regulatory or deregulatory effects;
For nearly four decades, . . . OIRA has been charged by Presidents of both parties with reviewing significant executive branch regulatory actions. This process is largely governed by Executive Order 12866 . . . . This memorandum reaffirms the basic principles set forth in that order and in Executive Order 13563 . . . , which took important steps towards modernizing the regulatory review process. When carried out properly, that process can help to advance regulatory policies that improve the lives of the American people.
“I therefore direct the Director of OMB . . . to begin a process with the goal of producing a set of recommendations for improving and modernizing regulatory review. These recommendations should provide concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. The recommendations should also include proposals that would ensure that regulatory review serves as a tool to affirmatively promote regulations that advance these values.”
Executive Order 12,866

The objectives of this Executive order are to . . . **reaffirm the primacy of Federal agencies** in the regulatory decision-making process . . .

Costs and benefits shall be understood to include both **quantifiable measures** . . . and **qualitative measures** of costs and benefits that are difficult to quantify, but nevertheless essential to consider.

[In choosing among alternative regulatory approaches, agencies should select those approaches that **maximize net benefits** (including potential economic, environmental, public health and safety, and other advantages; **distributive impacts; and equity**)]

Each agency shall . . . propose or adopt a regulation only upon a reasoned determination that **the benefits of the intended regulation justify its costs**.
Kaldor-Hicks efficiency/
Net benefits maximization

increasingly stringent regulation

dollars

- marginal cost
- marginal benefit
- total cost
- total benefits
What’s wrong with OIRA’s formal brand of cost-benefit analysis?

• 1) Inherently incapable of examining issues of fairness, justice and distributional equity.
• 2) Assumes a world in which all (or nearly all) relevant values can be quantified and expressed in monetary terms.

• Data-set = all major EPA rulemakings from 2002 – 2015:

• In 80% of the cost-benefit analyses,
  • EPA was entirely unable to quantify whole categories of benefits that the agency itself described as “important,” “significant,” or “substantial.”

• 94% of the quantified benefits in all of those rules attributable to particulate matter.
Proposals for improved & modernized cost-benefit analysis:

• No one-size-fits-all tool:
  • it is “up to the agency to decide how to account for costs [and benefits]” based on:
    • the feasibility of quantifying and monetizing relevant costs and benefits
    • the agency’s statutory mandates.

• Prohibit calculation of net benefit unless all significant categories of benefit and cost can be effectively and non-controversially monetized

• Forbid monetization of benefits (or costs) for which prices are not set in existing markets

• Use a “+B” or a “+C” to indicate where significant benefits or costs could not be quantified

• Require an analysis of distributional impacts and of relevant equity and justice considerations

• Analyze cumulative burdens suffered by historically marginalized groups and frontline communities
The Biden Administration’s First 100 Days:
Scientific Integrity and the Regulatory Process

Gretchen T Goldman
@GretchenTG

Union of Concerned Scientists
Attacks on Federal Science Under the Trump Administration

- Restrictions on Conference Attendance: 7
- Sidelining Scientific Advisory Committees: 10
- Politicization of Grants and Funding: 13
- Rolling Back Data Collection or Data Accessibility: 17
- Censorship: 39
- Studies Halted, Edited, or Suppressed: 47
- Anti-Science Rules/Regulations/Orders: 58

Total attacks: 197
Strengthening Science Under Biden

Anti-Science Executive Orders Rescinded

- Two for one
- NEPA restrictions
- Advisory committee cuts
- Elimination of DEI work
- Creation of Schedule F
Presidential Memo on Scientific Integrity

Agency Science Leadership
- Scientific Integrity Officers
- Chief Science Officers
- Qualified nominees for agency leadership

Review of Scientific Integrity
- Scientific Integrity Taskforce
- Public input process
- Review of Science Advisory Committees
Biden Administration Progress on Science in Federal Rulemaking

We’ve seen great progress toward:

- Letting scientists lead
- Prioritizing diversity in federal science
- Reversing damage from previous administration

Some progress could be better, including:

- Preventing conflicts of interest
- Collaborating on environmental justice
- Involving the public in rulemaking

ource: ucsusa.org/resources/Biden-science-tracker
Biden Science Leadership in First 100 Days

The bar chart compares the top science positions announced or nominated (blue) and appointed or confirmed (red) by G.W. Bush, Obama, Trump, and Biden in their first 100 days.
Nominations
OMB Director
OIRA Administrator
Legislative Activity
Congressional Review Act
Ambitious Regulatory Agenda

Regulatory Reform
So What’s Next?

• Making Good On Day One Promises
So What’s Next?

• Making Good On Day One Promises

• Nominations
So What’s Next?

• Making Good On Day One Promises

• Nominations

• Regulatory Reform Legislation
Thank you!

Yogin Kothari
Vice President
Boundary Stone Partners
@YoginInDC
Methodology

From January 6 to January 7, 2021, Data for Progress conducted a survey of 1156 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is ±2.9 percentage points.
Summary Highlights

- Voters back additional regulations on a number of climate-related and business practice issues

- Voters want the federal government to take a more active role in combating climate change: 70% want the EPA to prioritize greenhouse gas emissions reductions and 64% want federal permitting decisions to consider climate pollution

- Voters believe all lives should be assigned equal value and want regulations to equally benefit present and future generations

- Voters are not dissuaded by messaging about slower economic growth: 58% support stronger health and safety regulations and 63% want to regulate Big Banks even when told it might reduce economic growth
<table>
<thead>
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<th>Issue</th>
<th>More</th>
<th>Not sure</th>
<th>Less</th>
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<tbody>
<tr>
<td>Drinking water pollution</td>
<td>74%</td>
<td>13%</td>
<td>14%</td>
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<tr>
<td>Consumer product safety</td>
<td>71%</td>
<td>16%</td>
<td>12%</td>
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<tr>
<td>Managing large technology firms and protecting consumer privacy data</td>
<td>70%</td>
<td>19%</td>
<td>11%</td>
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<tr>
<td>Air pollution</td>
<td>68%</td>
<td>13%</td>
<td>18%</td>
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<tr>
<td>Workplace safety</td>
<td>67%</td>
<td>21%</td>
<td>13%</td>
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<tr>
<td>Greenhouse gas emissions</td>
<td>56%</td>
<td>22%</td>
<td>22%</td>
</tr>
<tr>
<td>Business practices or products of large banks</td>
<td>54%</td>
<td>30%</td>
<td>17%</td>
</tr>
<tr>
<td>Fossil fuel extraction</td>
<td>47%</td>
<td>26%</td>
<td>27%</td>
</tr>
</tbody>
</table>

Jan 6 to Jan 7, 2021 survey of 1156 likely voters
Voters Believe All Lives Should Be Assigned Equal Value

When thinking about how regulations are written, what comes closer to your view, even if neither is exactly right?

- All lives should be assigned an equal monetary value, regardless of a person's age, race, gender, and wealth
- Regulators should assign different monetary values to people's lives based on age, race, gender, and wealth

**Topline**
- 74%: All lives should be assigned an equal monetary value, regardless of a person's age, race, gender, and wealth
- 10%: Regulators should assign different monetary values to people's lives based on age, race, gender, and wealth
- 16%: Don't know

**Partisanship**
- Democrat:
  - 80%: All lives should be assigned an equal monetary value, regardless of a person's age, race, gender, and wealth
  - 7%: Regulators should assign different monetary values to people's lives based on age, race, gender, and wealth
  - 13%: Don't know
- Independent/Third Party:
  - 75%: All lives should be assigned an equal monetary value, regardless of a person's age, race, gender, and wealth
  - 11%: Regulators should assign different monetary values to people's lives based on age, race, gender, and wealth
  - 14%: Don't know
- Republican:
  - 68%: All lives should be assigned an equal monetary value, regardless of a person's age, race, gender, and wealth
  - 12%: Regulators should assign different monetary values to people's lives based on age, race, gender, and wealth
  - 20%: Don't know

Jan 6 to Jan 7, 2021 survey of 1,156 likely voters
Voters Back Considerations On Climate When Writing Regulations

Some people are proposing that when new regulations are written, government agencies be required to consider how this rule would impact the climate.

When thinking about this proposal, which statement comes closer to your view, even if neither is exactly right?

- Agencies should be required to consider the impact on the climate when writing new regulations
- Agencies should not be required to consider the impact on the climate when writing new regulations

**Topline**

- 71% Agree
- 9% Don't Know
- 20% Disagree

**Partisanship**

- **Democrat**
  - 82% Agree
  - 7% Don't Know
  - 11% Disagree

- **Independent/Third Party**
  - 74% Agree
  - 9% Don't Know
  - 16% Disagree

- **Republican**
  - 57% Agree
  - 11% Don't Know
  - 32% Disagree

Jan 6 to Jan 7, 2021 survey of 1156 likely voters

DATA FOR PROGRESS
Voters Overwhelmingly Want The EPA To Prioritize Reducing Greenhouse Gas Emissions

Which statement comes closer to your view, even if neither is exactly right?

- The Environmental Protection Agency (EPA) should prioritize the reduction of greenhouse gas emissions that contribute to climate change
- Reducing greenhouse gas emissions should not be a priority of the Environmental Protection Agency (EPA)

**Topline**
- 70% for reducing greenhouse gas emissions
- 11% for not being a priority
- 20% don't know

**Partisanship**
- **Democrat**
  - 86% for reducing greenhouse gas emissions
  - 7% for not being a priority
  - 8% don't know
- **Independent/Third Party**
  - 70% for reducing greenhouse gas emissions
  - 11% for not being a priority
  - 19% don't know
- **Republican**
  - 52% for reducing greenhouse gas emissions
  - 15% for not being a priority
  - 33% don't know

Jan 6 to Jan 7, 2021 survey of 1,156 likely voters

DATA FOR PROGRESS
A Majority Of Voters Think The EPA Should Do More To Enforce The Clean Air Act

Do you think that the Environmental Protection Agency (EPA) should be doing more or less to enforce the Clean Air Act to cut down on pollution and reduce the amount of greenhouse gases emitted into the atmosphere?

- The EPA should be doing more
- The EPA is already doing the right amount
- The EPA should be doing less
- Don't know

**Topline**
- 55% The EPA should be doing more
- 28% The EPA is already doing the right amount
- 8% The EPA should be doing less
- 8% Don't know

**Partisanship**
- **Democrat**
  - 75% The EPA should be doing more
  - 15% The EPA is already doing the right amount
  - 5% The EPA should be doing less
- **Independent/Third Party**
  - 56% The EPA should be doing more
  - 27% The EPA is already doing the right amount
  - 7% The EPA should be doing less
  - 10% Don't know
- **Republican**
  - 34% The EPA should be doing more
  - 42% The EPA is already doing the right amount
  - 14% The EPA should be doing less
  - 10% Don't know

Jan 6 to Jan 7, 2021 survey of 1156 likely voters
Voters Favor Expediting The Review Process Of New Climate Change Related Regulations

Which statement comes closer to your view, even if neither is exactly right?

- The government should speed up the review process of new regulations related to climate change because it's important we take action quickly to protect our environment.
- We should leave the existing review process of new regulations unchanged because it is working well now and doesn't need fixing.

**Topline**

- 60% in favor of speeding up the review process
- 11% do not know
- 29% against speeding up the review process

**Partisanship**

- **Democrat**
  - 81% in favor of speeding up the review process
  - 6% do not know
  - 12% against speeding up the review process

- **Independent/Third Party**
  - 59% in favor of speeding up the review process
  - 16% do not know
  - 26% against speeding up the review process

- **Republican**
  - 38% in favor of speeding up the review process
  - 14% do not know
  - 48% against speeding up the review process

Jan 6 to Jan 7, 2021 survey of 1156 likely voters
Voters Want Regulations To Equally Benefit Present And Future Generations

When thinking about how the government writes regulations, which statement comes closer to your view, even if neither is exactly right?

- Regulators should weigh the value of a regulation's benefits for future generations the same as for present generations. For instance, the value of protecting air and water should be the same for people living now as well as for generations to come.
- Regulators should place a greater value on benefits that can be delivered right now to people currently alive, and place less value on benefits for future generations.

**Topline**
- 65% Agree
- 11% Don't Know
- 24% Disagree

**Partisanship**
- **Democrat**
  - 68% Agree
  - 7% Don't Know
  - 24% Disagree
- **Independent/Third Party**
  - 70% Agree
  - 14% Don't Know
  - 16% Disagree
- **Republican**
  - 59% Agree
  - 13% Don't Know
  - 28% Disagree

Jan 6 to Jan 7, 2021 survey of 1156 likely voters
A Majority Of Voters Back Stronger Health and Safety Regulations, Even If It Means Less Economic Growth

When thinking about how regulations are written, which statement comes closer to your view, even if neither is exactly right?

While I don't expect regulations to prevent all harms, I do think we should do the best we can to protect people's health and safety, even if that means we should give up some economic growth. I don't think money can substitute for individual well-being.

We must prioritize economic growth and that means accepting that there will be additional deaths or illnesses that might otherwise have been prevented through stronger regulations. If there is additional economic growth by limiting regulations, it would be worth the trade-off.

**Topline**

- 58%: While I don't expect regulations to prevent all harms, I do think we should do the best we can to protect people's health and safety, even if that means we should give up some economic growth. I don't think money can substitute for individual well-being.
- 11%: We must prioritize economic growth and that means accepting that there will be additional deaths or illnesses that might otherwise have been prevented through stronger regulations. If there is additional economic growth by limiting regulations, it would be worth the trade-off.
- 32%: Don't know

**Partisanship**

- **Democrat**
  - 61%: While I don't expect regulations to prevent all harms, I do think we should do the best we can to protect people's health and safety, even if that means we should give up some economic growth. I don't think money can substitute for individual well-being.
  - 7%: We must prioritize economic growth and that means accepting that there will be additional deaths or illnesses that might otherwise have been prevented through stronger regulations. If there is additional economic growth by limiting regulations, it would be worth the trade-off.
  - 32%: Don't know

- **Independent/Third Party**
  - 63%: While I don't expect regulations to prevent all harms, I do think we should do the best we can to protect people's health and safety, even if that means we should give up some economic growth. I don't think money can substitute for individual well-being.
  - 12%: We must prioritize economic growth and that means accepting that there will be additional deaths or illnesses that might otherwise have been prevented through stronger regulations. If there is additional economic growth by limiting regulations, it would be worth the trade-off.
  - 25%: Don't know

- **Republican**
  - 52%: While I don't expect regulations to prevent all harms, I do think we should do the best we can to protect people's health and safety, even if that means we should give up some economic growth. I don't think money can substitute for individual well-being.
  - 13%: We must prioritize economic growth and that means accepting that there will be additional deaths or illnesses that might otherwise have been prevented through stronger regulations. If there is additional economic growth by limiting regulations, it would be worth the trade-off.
  - 35%: Don't know

Jan 6 to Jan 7, 2021 survey of 1,156 likely voters
Voters Overwhelmingly Favor Prioritizing Clean Air Over Economic Growth

When thinking about how regulations are written, which statement comes closer to your view, even if neither is exactly right?

- We should ensure that we have air that is safe to breathe even if it means that economic growth may at times be slowed.
- We must prioritize economic growth even if that means Americans breathe dirtier air.

**Topline**
- 76% (Blue)
- 11% (Gray)
- 13% (Red)

**Partisanship**
- **Democrat**
  - 81% (Blue)
  - 6% (Gray)
  - 13% (Red)
- **Independent / Third Party**
  - 79% (Blue)
  - 13% (Gray)
  - 8% (Red)
- **Republican**
  - 69% (Blue)
  - 15% (Gray)
  - 16% (Red)

Jan 6 to Jan 7, 2021 survey of 1156 likely voters

DATA FOR PROGRESS
Voters Overwhelmingly Favor Prioritizing Clean Drinking Water Over Economic Growth

When thinking about how regulations are written, which statement comes closer to your view, even if neither is exactly right?

- We should ensure that we have clean drinking water even if it means that economic growth may at times be slowed.
- We must prioritize economic growth even if that means Americans drink dirtier water.

**Topline**
- 80% Support for ensuring clean drinking water
- 7% Support for prioritizing economic growth
- 13% Don't know

**Partisanship**
- **Democrat**: 87% Support for clean drinking water
- 10% Support for economic growth
- 13% Don't know
- **Independent/Third Party**: 85% Support for clean drinking water
- 5% Support for economic growth
- 10% Don't know
- **Republican**: 70% Support for clean drinking water
- 12% Support for economic growth
- 18% Don't know

Jan 6 to Jan 7, 2021 survey of 1156 likely voters

DATA FOR PROGRESS
Voters Back Regulating Big Wall Street Banks, Even At The Cost Of Slower Economic Growth

When thinking about how regulations are written, which statement comes closer to your view, even if neither is exactly right?

- We should ensure that we never end up in a place where large Wall Street banks are "too big to fail" and require massive bailouts from the taxpayer. We should regulate these banks even if it means slower economic growth.
- We must prioritize economic growth even if that means Wall Street banks are "too big to fail." Banks are the engines that drive the economy and provide returns for worker's pension funds.

**Topline**

- 63% for regulating banks even if it means slower economic growth
- 14% for prioritizing economic growth
- 22% for don't know

**Partisanship**

- **Democrat**
  - 67% for regulating banks even if it means slower economic growth
  - 9% for prioritizing economic growth
  - 24% for don't know

- **Independent/Third Party**
  - 68% for regulating banks even if it means slower economic growth
  - 13% for prioritizing economic growth
  - 18% for don't know

- **Republican**
  - 57% for regulating banks even if it means slower economic growth
  - 20% for prioritizing economic growth
  - 23% for don't know

Jan 6 to Jan 7, 2021 survey of 1156 likely voters
Questions?