



The Honorable Gary C. Peters
Chairman
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20515

The Honorable Rob Portman
Ranking Member
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20515

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The [Coalition for Sensible Safeguards](#), a diverse group of hundreds of consumer, small business, labor, scientific, environmental, health and public interest organizations representing millions of Americans that advocate for effective regulations to protect the public, urges members of the Homeland Security and Government Affairs Committee to oppose S. 2801, The Setting Manageable Analysis Requirements in Text Act of 2021.

S. 2801 does nothing to improve the regulatory process. Federal agencies already engage in [frequent](#) retrospective review of their rules, either through specific statutory requirements or through voluntary undertakings. A recent empirical [analysis](#) of hundreds of rules across three agencies found that almost three-fourths of rules underwent some form of retrospective review, as those agencies had reviewed and revised 73 percent of their rules after promulgation.

To make matters worse, the bill would add this wasteful redundancy without guaranteed funding for the new responsibilities it would impose. As such, the bill threatens to prevent agencies from fulfilling their congressional mandates to adopt needed new standards to protect the American people by imposing on them a blanket one-size-fits-all obligation to do retrospective reviews without providing them the necessary resources for doing so. S. 2801 will empower well-funded special interests that have the resources to participate in never-ending retrospective reviews and petitions to the detriment of organizations and causes that do not.

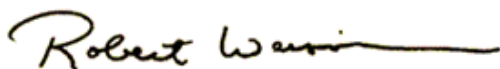
Given the numerous crises our country currently faces that urgently require new regulatory protections, this Committee should not be considering a bill such as S. 2801 that will needlessly tie up agencies with busy work, while doing little, if anything, to improve the quality of agency regulatory decision-making. For example, the highly toxic “forever chemical” PFAS has widespread contamination in numerous communities across the country, particularly low-income and vulnerable communities, due to the lack of any regulations to protect those communities.

S. 2801 will not improve, strengthen, or expedite much-needed and long overdue PFAS regulatory protections for contaminated communities. Instead, agency compliance with S. 2801 is likely to further delay PFAS and other important regulatory protections for consumers, workers, public health, and the environment.

The damage that S. 2801 would do to the effective implementation of essential safeguards like those to address PFAS would come with a huge price tag, too. Indeed, S. 2801 shares similarities with a costly and controversial retrospective review program finalized¹ by the Department of Health and Human Services (HHS) on the very last day of the previous Administration and which the Biden Administration has proposed to withdraw or repeal. HHS projected that its so-called SUNSET rule, which would have required the agency to conduct retrospective reviews for all its rules, would cost taxpayers 10 to 25 million dollars a year and require almost 100 full-time employees over ten years.² While S. 2801 only applies to “major” rules, such rules are likely to be the most costly and time-intensive for agencies to establish plans for, and eventually conduct, retrospective reviews. This is magnified by the fact that S. 2801 applies to *all* agencies across the government. S. 2801’s unnecessary requirements are made even more objectionable by the fact that many rules should not be reviewed in isolation or in the abstract as they are embedded into a regulatory system that functions as a whole. This will result in chaotic, ill-considered, and duplicative reviews that only serve to waste government time and resources.

The Coalition for Sensible Safeguards urges the Homeland Security and Government Affairs Committee to oppose S. 2801, and, encourages the Committee to evaluate proposals that offer real and meaningful reforms to strengthen the regulatory process, such as [H.R. 6107](#), the “Stop Corporate Capture Act.” We look forward to assisting the Committee in ensuring our regulatory process is working effectively and efficiently to protect the American public.

Sincerely,



Robert Weissman, President
Public Citizen
Co-chair, Coalition for Sensible Safeguards



Jack Gillis, Executive Director
Consumer Federation of America
Co-chair, Coalition for Sensible Safeguards

¹ <https://www.federalregister.gov/documents/2021/01/19/2021-00597/securing-updated-and-necessary-statutory-evaluations-timely>

² <https://www.federalregister.gov/documents/2020/11/04/2020-23888/securing-updated-and-necessary-statutory-evaluations-timely#p-296>