

# Corporate Assault on Regulations Meant to Protect Families and Communities



photo: San Francisco Bay View

Big business lobbyists and their allies in Congress waged systematic attacks against regulations in 2011, attempting to undermine the protections that keep our environment clean, our products and workplaces safe, and our economy prosperous. Underlying the charge against basic protections is an attack on government's role in safeguarding the general welfare of its citizens and in addressing the negative effects of irresponsible corporate behavior.

2011 did not see the large-scale corporate catastrophes witnessed in 2010 – but the individuals and families who lost loved ones from faulty children's products, workplace safety problems, and food borne contaminants bear witness to ongoing hazards. However, despite this evidence and strong public support for a variety of health, safety, and environmental safeguards, large corporate interests and their allies in Congress intensified their attacks on public protections. The assault on public protections is decades old, but recently, the attacks have become more extreme, designed to block rulemaking entirely through regulatory moratoria and endless litigation.

The current assault on regulations started after the 2010 elections when the House switched from Democratic to Republican control. Environmental regulations and the US Environmental Protection Agency (EPA) have been the primary targets of these legislative attacks, especially those rules that would affect climate change.

Beyond specific attacks on environmental

and public health rules, many of the anti-regulatory proposals in

Congress call for adding more procedural hurdles to a rulemaking process

that is already riddled with legislative and administrative obstacles. Adding redundant analyses, expanding options for congressional rejection of agency actions, and overriding important health, safety, and environmental statutes are just some of the ways regulatory opponents are trying to short-circuit the process.

House Republicans have also tried to load the 2012 spending bill for the Department of the Interior and the EPA with dozens of policy riders that would hamper efforts to protect our health, air, water, and wildlife. Some provisions would block regulations intended to protect streams and communities from mountaintop-removal coal mining, prohibit the EPA from regulating coal ash as a hazardous waste, and prevent the EPA from limiting toxic air pollutants from a number of sources. The appropriations bill, H.R. 2584, would reduce Interior and EPA funding 18 percent below current levels. Similarly, a funding measure that targets programs within the Department of Labor would weaken important worker protections.

In 2012, the Senate will be under pressure from anti-regulatory forces to vote on bills passed by the House. In an election year, these pressures will probably be greater than usual, and the anti-regulatory rhetoric will be even sharper, as the battle for control of the Senate plays out.

The anti-regulatory meme has been perpetrated by corporations and their political allies for decades, even during periods when both jobs and the economy were experiencing strong growth and in the face of evidence that undermines the industry narrative.

The evidence is clear: the American people do not have to choose between job creation and protecting their families and communities from environmental, workplace, and consumer product hazards. Attempts by Congress to dismantle the regulatory system will do nothing to create jobs now and could cost American businesses the jobs and industries of the future

*These articles are excerpted from [Government and Public Protections Under Attack in 2011](#) by OMB Watch.*

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## Adhering to the Corporate Agenda

One of the most blatant Obama-era examples of political interference in agency rulemaking came when the president ordered the EPA to withdraw a rule establishing a new standard for ground-level ozone pollution. EPA Administrator Lisa Jackson had pursued the rule as recommended by the agency's scientific advisory panel. According to a *New York Times* article describing the inner workings of the White House's decision process on the ozone rule, Jackson was pitted against William Daley, then-Chief of Staff and Obama's liaison to the business community and Cass Sunstein, the administrator of the Office of Information and Regulatory Affairs (OIRA).

The ozone rule is not an isolated incident of political interference with agency rulemaking. Other rules, including two from the Department of Labor have been delayed or killed, and many advocates continue to criticize OIRA for delaying important rulemakings. A study released in November by the Center for Progressive Reform (CPR) charged that OIRA "routinely substitutes its judgment for that of the [agency experts]," and that the internal review process is tilted in favor of industry interests.

The report studied all OIRA meetings with interested outside parties conducted during a period of almost ten years between 2001 and 2011 and revealed that industry lobbyists were the lone participants in 73 percent of the meetings.