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Submitted values:

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Subject: Improving timely OIRA review

Body: The Center for Science and Democracy at the Union of Concerned Scientists believes that the review process at the Office of Information and Regulatory Affairs has caused unconscionably long delays of crucial regulations to protect public health and safety and the environment. We have been encouraged that current OIRA Administrator Howard Shelanski has made reducing these delays a priority. Nevertheless, OIRA has systemic flaws that need a more fundamental overhaul.

Here are some of the reforms we propose:

OIRA should do more than pay lip service to agency expertise, particularly scientific expertise. OIRA has a legitimate role in ensuring that agency regulations do not conflict with other agency rules, and that agency regulations fit into the Administration's larger policy goals. When it comes to regulations that have substantial economic impact, OIRA has some legitimate oversight authority over agency estimates of costs and benefits of proposed rules. But over the years, OIRA has extended its oversight into matters that simply should not be part of its authority. One such area is OIRA's attempt to evaluate the science that informs agency rulemaking.

OIRA scientists should not challenge the science that informs federal agency rule-making. In fact, having scientists on OIRA's staff is a relatively new development in the agency's history, beginning with the tenure of

Administrator John Graham. Since OIRA employs fewer than 50 staffers, it is foolish to assume a small cadre of scientific "experts" could adequately review the science that informs agency rulemaking, and that is enriched by years of research and the knowledge and experience of hundreds, if not thousands, of federal agency scientists. OIRA should focus, instead, on assessing whether agencies respected scientific integrity in their process for developing the science informing the regulation, and whether federal scientists were able to do their work free of undue political or corporate influence.

OIRA should operate as transparently as possible, and ensure that the public can clearly ascertain the modifications it requests for rules. It should be clear how a rule has been changed, and what entity asked for the change.

OIRA should restrict its oversight of regulations to those that have an economic impact of \$100 million or more. While EO 12866 gives the agency somewhat more latitude for its regulatory reviews, the backlog it is addressing, in this era of tight budgets and limited staff, should require OIRA to limit its scope. This would enable OIRA to speed up its review process, and to work more efficiently.

OIRA should give agencies full latitude when it comes to submitting proposed regulations for review. OIRA staff are overreaching when they attempt to dictate regulatory timetables to agencies.

Whenever an OIRA review will exceed its 90-day deadline, OIRA should submit on its website a public explanation for the delay, and estimate how much more time the review will take. OIRA should also publicly disclose and routinely update the specific points at which an agency proposed regulation is being discussed informally, and then moves to formal review.

OIRA should issue more return letters to agencies. Return letters allow the public to more clearly understand where a regulation is in the review process, and the specific concerns OIRA has with an agency's work product.