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January 5, 2011

The Honorable Darrell Issa
2347 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa,

On behalf of Public Citizen's 225,000 members and supporters, we write regarding news reports that you have solicited advice from large corporations, trade associations, and conservative think tanks on which regulations they would like to see lifted or eliminated. We should be able to agree that federal agencies should protect public health and safety as effectively and efficiently as possible—and that proper oversight helps ensure that they do. Yet rather than seeking to advance this objective, your letter appears to ask self-interested businesses, trade associations and allies to identify only the purported costs -- not the far greater benefits -- of public protections.¹

We write to call for a fundamental reorientation of your approach to public protections; to highlight the deceptive nature of industry claims of over-regulation, unfortunately echoed in your letter; to urge that you use the power of the Oversight and Government Affairs Committee to investigate how administrative agencies can do a better job of protecting the public, including through enhanced authority and more enforcement budgets; and to urge that your regulatory investigations adopt a more balanced approach in which you seek and consider the views of public interest advocates with at least the same vigor as you ask for inputs from self-interested corporations and their allies.

In recent years the absence of adequate public protections has devastated the economy and killed and injured thousands of Americans. You should be investigating those harms and how government can respond better, not taking cues from the very corporations responsible for wrongdoing. Regulations are critical to protecting the public, and the argument that they hinder job growth has been utterly discredited by recent events.

In fact, strong public health and safety laws go hand in hand with job growth. Rules that guarantee clean air and healthy workplaces spur innovation, creating new jobs and

¹ As reported by NBC, the letter states, "As a trade organization comprised of members that must comply with the regulatory state, I ask for your assistance in identifying existing and proposed regulations that have negatively impacted job growth in your members' industry."
http://firstread.msnbc.msn.com/_news/2011/01/04/5763871-issas-letter-to-business-groups

economic dynamism. The corporations and their allies from whom you seek advice have repeatedly gone to great lengths to overstate the costs of regulations and understate or ignore the benefits. The Heritage Foundation, for example, attributes more than a third of all costs of regulation issued in 2010 to fuel economy standards, yet neglects to mention that NHTSA found those rules would confer benefits three times as great as the costs. An estimate by the Bush Administration found that the total costs of major regulations issued from 1997-2007 was between \$46 billion and \$53 billion, while the benefits ranged from \$122 billion to \$656 billion.

We urge you not to repeat the corporate lobbyist falsehood that over-regulation is hindering economic growth. The worst job-killer of the last several generations in the United States was the deregulation of the financial services sector. The lack of adequate public protections in that sector led to the current economic crisis, putting at least 8 million Americans out of work.

Many of the regulations targeted by the industries you are consulting were promulgated in response to tragedies that killed, injured, or sickened Americans. Often, these tragedies resulted from corporate disregard of safety rules, government failure to enact inadequate protections, or a combination. One need not look back very far for examples that highlight the need for stronger not weaker public protections and regulatory enforcement: Peanut Corporation of America and the salmonella outbreak that killed nine and sickened hundreds, Massey Energy and the Upper Big Branch Mine disaster that killed 29 workers, BP and the Deepwater Horizon spill that killed 11 workers and spilled millions of gallons of oil into the Gulf of Mexico. These disasters occurred because these corporations valued profits more than their customers and employees. These corporations have no business advising you on which public safety rules to weaken.

You appear to have agreed with this perspective at times. In 2010, when Congress and the National Highway Traffic Safety Administration (NHTSA) were investigating defective Toyota brakes, you asserted that NHTSA needed more funding and increased capability to respond to crises, and that you “want [NHTSA] to use the power they have.” Now, less than a year later, we are mystified to learn that you are asking Toyota what NHTSA powers it would like eliminated.

Your role in overseeing administrative agencies should be to identify and help remedy not just ineffectiveness but inadequacy. We urge you to consider questions such as: What additional powers do agencies need to protect Americans’ health and safety? Are the penalties for noncompliance with safety regulations effective at deterring dangerous behavior? If there were a disaster, would the responsible agency have the necessary staff and resources to respond quickly and effectively? We would be very pleased to work with you and the committee on such matters.

As Chairman of the House Oversight Committee, you have an opportunity to help the federal agencies do their jobs better and keep Americans safe. We urge you not to abdicate this power to corporations who value profits over the public.

Sincerely,



Rob Weissman
President, Public Citizen



David Arkush
Director, Public Citizen's Congress Watch

Cc: Speaker John Boehner
Minority Leader Nancy Pelosi
Representative Elijah Cummings