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FEATURING AN INTRODUCTION BY U.S. REP. HANK JOHNSON (D-GA.)

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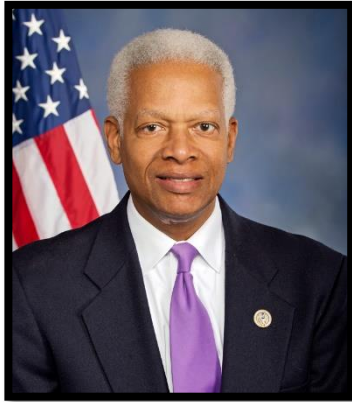
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## Introduction by U.S. Rep. Hank Johnson (D-Ga.)



After more than two years under President Donald Trump, our nation has lost a lot of intangible things: our national strength, unity and dignity, to name a few.

Trump also has taken away tangible policies that have a direct effect on everyone – namely the protections authorized by Congress and set forth by federal agencies to shield everyday Americans from financial ruin, health hazards, unsafe workplaces, unlawful discrimination and unchecked pollution of our air and water.

In this report, Public Citizen lays out the damage done so far by Trump’s appointees in federal agencies and their Republican collaborators in Congress and the courts. Long-standing landmark public protections like the Clean Water Rule have been weakened and post-Great Recession financial regulations have been rolled back or repealed completely.

More recent protections spearheaded under President Barack Obama have been dismantled, too: safety rules for oil rigs to prevent another BP oil spill, legal protections for women’s access to family planning care, restrictions on gun sales to the mentally ill and commonsense protections from racial discrimination at car dealerships.

Back home in Georgia, my constituents don’t ask for much from Washington – but they deserve basic financial, environmental, workplace and health protections under the law.

Trump has deprived them, and all Americans, of a government that cares about their safety and well-being. He’s given us an administration that cares only about the needs of corporate executives.

It’s important that we remember what we’ve lost, so that we have a place to start when we build back these valuable safeguards.

It’s also important that we remember that the public strongly supports these protections. In fact, most of the safeguards lost in the Trump era were backed by overwhelming bipartisan majorities.

When Congress stands up for public protections, we are standing with our constituents, and they are standing with us.

I thank Public Citizen for working to document the regulatory wreckage of the Trump era – it’s my hope that we’ll prevail in the fight to win back these lost safeguards for the American public.

## Overview: Public Protections Under Attack

Since taking office, the President Donald Trump and conservatives in Congress have rolled back hundreds of commonsense safeguards at the behest of regulated industries that would have protected ordinary Americans, our environment and our economy. Voters did not ask for these deregulatory rollbacks and do not support them. Polls show [overwhelming bipartisan support for stronger safeguards and tougher enforcement](#).

The 27 lost safeguards described below are intended to be a snapshot of what Americans have lost or are in the process of losing. These rules were selected because the harms to the public are particularly widespread, alarming or insidious – and because they illustrate the diverse range of issues, communities and constituencies harmed by deregulation.

Over the past two years, opponents of public protections repeatedly have turned to three major avenues of repeal: the Congressional Review Act, industry lawsuits and agency deregulation.



wiped out in a matter of days or hours. The 115th Congress, with President Donald Trump's support, repealed a total of [16 public protections](#) using the CRA's expedited process. Many are included here.



under an administration more eager to preserve them.



deregulatory task forces, his “two-out, one-in” executive order, his attacks on science and scientific expertise, and his appointment of corrupt corporate insiders and anti-government zealots have combined to stack the deck in favor of big corporations and against protecting the public.

The lost safeguards featured in this report are grouped into four categories: 1) consumer and financial protections, 2) energy and environmental safeguards, 3) workplace and educational standards, and 4) public health and safety protections.

## Lost Consumer and Financial Protections



**Net Neutrality.** Most people believe the internet should be an open and level playing field for all. Responding to supportive comments from millions of ordinary Americans, President Barack Obama's Federal Communications Commission's (FCC) adopted [net neutrality](#) rules in April 2015 that required internet service providers (ISPs) like AT&T, Comcast and Verizon to treat all internet service equally and prohibited them from speeding up, slowing down or blocking online content, applications or websites. Without such a rule, big corporations could carve up the internet into fast and slow lanes, erect barriers to competitors' content and block political opinions they find objectionable. At the request of big telecom lobbyists, Trump's FCC voted to repeal the rules in December 2017. In August 2018, a coalition of 22 states and technology groups sued to reinstate the rules and prevent the feds from preempting state-level rules. Then in September 2018, California passed its own net neutrality law, but the U.S. Department of Justice sued to block it. In October 2018, California struck a temporary agreement with the Justice Department to postpone enforcement of its net neutrality law until a related legal case directly challenging the FCC runs its course.



**Related Polling:** [4 in 5 Americans Say They Support Net Neutrality](#) (Comparitech, March 2019); [60 Percent of Registered Voters Support Net Neutrality](#) (Morning Consult & Politico, May 2018); [83 Percent of Voters Support Keeping FCC's Net Neutrality Rules](#) (University of Maryland, December 2017)

### [Net Neutrality and the California Wildfires](#)

*In August 2018, Verizon throttled the internet connection of Santa Clara County firefighters responding to the California wildfires, even after being informed that doing so would interfere with their ability to respond to the emergency. The incident has been submitted as evidence in a lawsuit seeking to reinstate the FCC's net neutrality rules.*



**Broadband Privacy Protections.** The FCC's [broadband privacy protections](#) would have prevented ISPs from tracking customers' online behavior without their permission and required ISPs to keep their customers' data secure. The rules would have given customers more control over their personal data – including browsing history, app usage, precise location data and information related to finances, health, and children. ISPs would have been allowed to use customer data to improve their own services, but would have been prohibited from using customer data to build and sell massive, detailed dossiers without first seeking permission. Congress used the CRA to repeal broadband privacy protections in March 2017, prompting a surprising public backlash.



**Related Polling:** [Most Worry Government Won't Do Enough to Regulate Big Tech](#) (Survey Monkey, November 2018); [Americans Favor More Regulation of Internet Sites](#) (Gallup, August 2018); [83 Percent of Americans Want Tougher Regulations and Penalties for Breaches of Data Privacy](#) (HarrisX, April 2018); [Majority Worried Tech Giants Lack Regulation](#) (Axios & Survey Monkey, February 2018)



**Big Bank Oversight.** After the 2008 financial crisis, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act to rein in Wall Street. Among the bill's many provisions, it subjected the largest banks to greater regulatory oversight including stronger capital and liquidity rules, enhanced risk management standards, living-will requirements, stress-tests and more. In May 2018, Congress passed the Economic Growth, Regulatory Relief, and Consumer Protection Act (S.

2155), a sweeping financial deregulatory package sold to the public as "relief" for small and medium banks, but which contained sections [deregulating the largest banks](#) on Wall Street. For example, it raised Dodd-Frank's threshold for heightened regulatory scrutiny from \$50 billion to \$250 billion, exempting 28 of the nation's largest 35 banks from greater scrutiny. These banks collectively hold \$3.5 trillion in assets, took \$47 billion in bailout funds and include some of the most scandal-plagued financial institutions in the world. Deregulating Wall Street caused the last financial crisis and could set the stage for the next one.



**Related Polling:** [Polling Suggests Support Among Voters for Harsher Wall Street Messaging](#) (Morning Consult & Politico, November 2018); [Survey Finds Voters' Reject Financial Regulation Rollback](#) (Better Markets & The Harris Poll, September 2018); [Voters Are Prepared to Reward Candidates Who Curb Wall Street's Influence](#) (Lake Research Partners, May 2018)



**The Arbitration Rule.** Forced arbitration clauses are commonly hidden in the fine print of contracts. They block consumers from challenging fraud, rip-offs and scams in court – instead forcing customers into secretive, private arbitration rigged to favor banks, lenders and big businesses. Following a [three-year study](#), the U.S. Consumer Financial Protection Bureau (CFPB) issued its [arbitration rule](#) in July 2017 that would have restored customers' ability to join together in court to hold

banks and lenders accountable when they break the law. Not even [the Monopoly Man](#) could stop Congress – acting at the behest of Wall Street banks, predatory lenders and the U.S. Chamber of Commerce – from using the CRA to repeal the rule in October 2017.



**Related Polling:** [GOP Polling Firm: Bipartisan Support for Consumer Bureau Arbitration Rule](#) (American Future Fund, October 2017), [Bipartisan, National Majorities Support CFPB Rule Curbing Forced Arbitration](#) (Americans for Financial Reform & Center for Responsible Lending, July 2017); [Consumers Want the Right to Resolve Bank Disputes in Court](#) (Pew Trusts, August 2016)

### [Monopoly Man Sounds the Alarm on Forced Arbitration](#)

*In October 2017, an activist dressed as the Monopoly Man sat in the audience of a U.S. Senate hearing, drawing attention to the financial industry's use of forced arbitration as a Get Out of Jail Free card to escape accountability for wrongdoing. The Monopoly Man went viral and was recognized by Time Magazine as one of the five ordinary people who captured the internet's heart in 2017.*





**The Fiduciary Rule.** When it comes to planning for retirement, most people rely on guidance from a broker, financial planner or adviser to help them navigate the complex and opaque process of investing, but many investors are vulnerable to exploitation. Investors lose an estimated [\\$17 billion every year](#) in hidden fees and commissions that do nothing but line the pockets of unscrupulous advisers. That's why in April 2016, the U.S. Department of Labor (DOL) finalized its [fiduciary rule](#),

designed to protect workers saving for retirement from bad advice that is not in their best interest. Upon release of the rule, investment firms and big business front groups filed half a dozen lawsuits seeking to overturn it. In March 2018, following a decision that struck down the rule, Trump's DOL stopped defending it in court. Then in April 2018, the U.S. Securities and Exchange Commission issued its own watered down version of the rule that is riddled with loopholes. Wall Street likes it, but it won't do much to help people on Main Street trying to avoid misleading and costly investment advice.



**Related Polling:** [Most Americans Favor DOL Rule Without Knowing What It Is](#) (Financial Engines & ORC International, May 2017); [Almost Two-Thirds of Clients Don't Trust Advisors to Act in Their Best Interest](#) (American Association of Individual Investors, June 2016)

### Watered Down Fiduciary Rule Leaves Seniors Exposed to Scams

*"I am an only child and have no family left except some cousins I barely know. I'm 65 and concerned about being victimized as I get older. I have some reason to believe that I am beginning to show the start of some cognitive decline. I am already wrestling with a bank investment adviser putting me in an investment with ridiculous fees. Currently I am able to undo the damage, but what if I wasn't able to do that?"*



**The Volcker Rule.** Banks shouldn't gamble with your deposits. Part of the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act that passed in the wake of the 2008 financial crisis, the Volcker Rule bans banks from making risky, speculative investments with taxpayer-backed bank deposits from customers – a practice that contributed to the 2008 crash. The rule took effect in July 2015. But at the behest of Wall Street banks, top financial regulators in the Trump administration are trying to

[weaken](#) the rule. The regulatory comment period ended in October 2018 and the final rule is pending.



**Related Polling:** [Survey Finds Voters' Reject Financial Regulation Rollback](#) (Better Markets & The Harris Poll, September 2018)



**The Airline Bag Fee Disclosure Rule.** Nobody likes being nicked and dined, especially when it comes to hidden fees. So in January 2017, the outgoing secretary of the U.S. Department of Transportation (DOT) set in motion a rulemaking that would have required airlines to disclose their baggage and carry-on fees up front, ensuring that passengers have clarity on the full cost of their travel plans. In December 2017, Trump's DOT [abandoned plans](#) to pursue the rule, pointing to its One-In Two-Out

executive order as justification. The administration took its cues from the airline industry, which collected more than [\\$4.5 billion in bag fees](#) in 2017 – a huge part of their overall profit margin.



**Related Polling:** [Airline Travelers Want Bag, Seat Fees in Ticket Prices](#) (USA Today & Survey Monkey, September 2014)



**Auto Lending Discrimination Guidance.** A number of studies have found that auto lenders systematically charge people of color with higher fees and interest rates than white customers who have similar credit profiles. While this kind of racial discrimination is already illegal, in 2013, the CFPB published a regulatory guidance document to help lenders understand how to avoid this behavior. In April 2018, in what was widely considered to be [an abuse of the CRA process](#) – which was never meant to be used to strike down older, settled regulatory actions – Congress repealed the guidance. Lawmakers who did so were heavily motivated by campaign cash from auto lenders and car dealerships, which can be found in every state and district in the country.



**Related Polling:** [Voters Oppose Mulvaney Policies at CFPB](#) (Center for Responsible Lending & Americans for Financial Reform, July 2018); [Voters Are Prepared to Reward Candidates Who Curb Wall Street's Influence](#) (Lake Research Partners, May 2018)

## Lost Energy and Environmental Safeguards



**The Social Cost of Carbon.** Climate change already is having devastating impacts: extreme weather, diseases, coastline erosion, food and water shortages, and more – costing businesses, families, communities and taxpayers billions and eventually trillions. The [social cost of carbon](#) measures the economic harms from these impacts, expressed as the total dollar value of damages from emitting one ton of carbon dioxide into the atmosphere. Since 2008, the EPA and many federal agencies have used the social cost of carbon to evaluate the costs and benefits of regulations that might affect the climate. After years of scientific debate, in August 2016 the Obama administration [settled](#) on a government-wide estimate that put the social cost of carbon around \$50 per ton of carbon dioxide – a figure that gradually would increase over time. But in March 2017, Trump issued an executive order disbanding the group of experts working to reach consensus on the issue. His EPA then arbitrarily lowered the figure to \$1 per ton. This change reversed the cost-benefit projections for the Clean Power Plan (see below), helping to justify its repeal. Then in July 2018, Trump's EPA proposed to alter the entire process for evaluating the costs and benefits of all environmental rules by de-emphasizing the economic benefits of reduced environmental harm. It is crucial that our government fully account for the economic costs of climate change when evaluating regulations. In the meantime, nine states currently are [using](#) a social cost of carbon, all of which put it above \$40 per ton, and many businesses are starting to include a social cost of carbon in their planning and forecasts.



**Related Polling:** [Two-Thirds of Americans Believe Action Is Needed on Climate Change](#) (Wall Street Journal & NBC News, December 2018); [Environmental Concerns May Turn Voters Blue](#) (Change Research & Our Daily Planet, April 2018); [Two-Thirds of U.S. Voters Take Climate Personally](#) (Quinnipiac, April 2017)

### Media Is Ignoring Climate Change in Storm Coverage

*The Trump administration isn't the only one downplaying and ignoring the role of climate change. Major U.S. media outlets failed to connect Hurricane Florence and other recent natural disasters to global warming. In eight days of hurricane coverage, climate change was mentioned in just 7.5 percent of pieces in the top 50 newspapers and in just 4.3 percent of major broadcast segments. ABC and 19 papers failed to mention climate change at all.*



**The Clean Water Rule.** When the Clean Water Act was passed in 1972, ensuring universal access to safe and drinkable water, it was assumed that the law protected small rain-dependent streams, wetlands and other non-navigable drinking water sources from polluters. But two U.S. Supreme Court cases in 2001 and 2006 challenged this assumption. The [Clean Water Rule](#), issued in July 2015 by the EPA and the Army Corps of Engineers, clarified that these waters sources are in fact covered –

protecting the drinking water of 117 million Americans. As soon as the rule was issued, big polluters, big business groups and conservative states filed lawsuits to block it, and the courts suspended implementation. Although the Supreme Court lifted the order blocking the rule in January 2018, the Trump administration formally suspended the rule until February 2020 and began work on weaker rulemaking. A court ruling in August 2018 allowed the rule to move forward in more than 20 states. But in December 2018, the Trump's EPA proposed a substantially weaker rule that would [roll back](#) protections for more than 50 percent of all wetlands and nearly 20 percent of streams compared to the original rule.



**Related Polling:** [Hunters and Anglers Nationwide Support the Clean Water Rule](#) (National Wildlife Federation, Public Opinion Strategies & Greenberg Quinlan Rosner, July 2015); [Voters Favor the Clean Water Rule by a Wide Margin](#) (League of Conservation Voters & Hart Research, May 2015)

### The Golfer-in-Chief's Dirty Backswing

*Repeal of the Clean Water Rule would benefit the owners of golf courses around the country, an industry that includes President Donald Trump. Trump owns or has Trump-branded golf courses in California, Florida, New Jersey, New York, North Carolina, Pennsylvania and Virginia. As the nation's golfer-in chief, Trump's attacks on the Clean Water Rule represent a clear [conflict of interest](#).*





**The Clean Car Standards.** In the fight against global warming, carbon dioxide emissions from automobiles must be significantly reduced. Since their implementation in 2012, the Obama-era [clean car standards](#) have dramatically lowered emissions and have saved consumers more than \$60 billion at the pump. But in August 2018, after intense lobbying by the auto industry, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) proposed

a rule to freeze the standards at 2020 levels through 2026 and revoke a waiver that allows 13 states and the District of Columbia to set higher standards. The proposed rollback would cause 6 billion more tons of carbon pollution to be dumped into the atmosphere that otherwise would have been prevented – an attack on our children’s health and our environment. A coalition of states and nonprofits are suing in an attempt to reinstate the Obama-era standards.



**Related Polling:** [Fewer Than a Third of Consumers Support EPA Proposal to Roll Back Fuel Economy Regulations](#) (Autolist.com, August 2018); [Voters Support Strong EPA Fuel Efficiency Standards](#) (American Lung Association, March 2018); [Michigan, Missouri Support Strong Fuel Efficiency Standards](#) (Natural Resources Defense Council, May 2017)



**The Clean Power Plan.** Coal power plants are a leading contributor to climate change, not to mention a public health menace and one of the most costly sources of energy. In August 2015, the EPA finalized the Clean Power Plan to curb pollution from existing coal plants. In addition to reducing greenhouse gases that cause climate change and saving thousands of lives by cutting back on harmful pollutants, the Clean Power Plan by 2030 would lower electricity bills in every state by as

much as 20 percent. In August 2018, Trump’s EPA announced plans to repeal the Clean Power Plan and replace it with a coal-industry-supported rule that would allow state governments to force consumers to continue to subsidize old, dirty coal plants. One bit of good news is that we’re already more than 80 percent of the way toward meeting the Clean Power Plan’s emissions reduction goals.



**Related Polling:** [Death Estimates Tied to Trump Coal Rule Make It Less Popular](#) (Politico & Morning Consult, September 2018); [64 Percent of Voters Support Obama’s Power Plant Regulations](#) (Public Policy Polling, December 2015); [Overwhelming Majority of Americans Support the Clean Power Plan](#) (League of Conservation Voters, August 2015)



**The Stream Protection Rule.** Mountaintop removal mining operations have threatened drinking water supplies across the country and have been linked to elevated birth defects and deaths from cancer. The [stream protection rule](#), finalized by the U.S. Department of the Interior in December 2016, would have provided communities with information about nearby mountaintop mining operations and tools to hold polluters accountable. The coal, railroad, manufacturing and electric utilities

industries lobbied Congress to overturn the rule using the CRA. It was repealed in February 2017.



**Related Polling:** [In US, Water Pollution Worries Highest Since 2001](#) (Gallup, March 2017); [Appalachian Voters Oppose Mountaintop Mining, Back Regulation](#) (Earthjustice, Appalachian Mountain Advocates, Sierra Club & Lake Research Partners, August 2011)



**The Blowout Preventer Rule.** The 2010 BP oil spill into the Gulf of Mexico killed 11 workers, cost more than \$50 billion, disrupted the lives of millions of Gulf Coast residents and businesses, and devastated coastal ecosystems. It was the result of a failed blowout preventer, a device that is supposed to stop underwater oil and gas wells from exploding. Shockingly, it took six years to put in place a new [rule](#) to beef up the inspections, monitoring and fail-safes for blowout preventers – part of a series of new offshore drilling regulations that the U.S. Department of the Interior (DOI) finalized in April 2016. At the behest of the oil and gas industry, the Trump administration announced plans to roll back the blowout preventer rule in December 2017. The DOI's revised rule, finalized in September 2018, significantly reduces independent oversight and monitoring of blowout preventers.



**Related Polling:** [Majority of Voters Oppose Trump Offshore Drilling Plan](#) (University of Maryland, March 2018); [Less Support for Offshore Drilling Among Those Living Closest to a Coastline](#) (Pew Research, January 2018)



**Methane Rules.** Methane is an extremely dangerous greenhouse gas, estimated to be more than 80 times more potent than carbon dioxide. As a result of preventable leaking, venting and flaring, more than \$330 million worth of natural gas is wasted on public and tribal lands each year, at a cost of \$800 million in taxpayer royalties over a decade. To stop this needless waste, in November 2016 the U.S. Bureau of Land Management (BLM) finalized its methane rule requiring the oil and gas industry to reduce venting, flaring and leaks at operations on public and tribal lands by deploying new, affordable technology. The U.S. House of Representatives used the CRA process to try to strike down the rule in February 2017, but in May 2017 the same resolution failed to win the necessary votes in the U.S. Senate – making it the only CRA resolution in the 115<sup>th</sup> Congress to be [voted down](#). Despite this rare victory, Trump's BLM ultimately did the bidding of the oil and gas industry, delaying the rule in December 2017 and repealing it in September 2018. Separately, in September 2018, the EPA [proposed](#) rolling back methane regulations on new oil and gas operations on private lands.



**Related Polling:** [92 Percent of Montana Voters Support Requiring Companies Operating on Public Lands to Detect and Repair Gas Leaks](#) (Center for Western Priorities, September 2018); [Voters Say Trump Should Not Cut Regulations on Businesses or Regulations to Combat Climate Change](#) (Quinnipiac, February 2017)



**Mercury and Air Toxics Standards.** Mercury causes brain damage, learning disabilities and other birth defects in children. Recognizing the hazard, in 2015 the Obama EPA's Mercury and Air Toxics Standards [took effect](#), leading to an \$18 billion clean-up of mercury and other toxins from the smokestacks of coal-fired power plants. The effect was immediate. Emissions declined 69 percent between 2014 and 2016 after coal plants installed technology to meet the new standards. In December 2018, Trump's EPA challenged the cost-benefit basis for the rule, claiming that the health benefits of limiting mercury emissions do not satisfy the Clean Air Act's requirements. Specifically, Trump's EPA is objecting to co-benefits that stem from the rule, such as reductions in soot and nitrogen oxide that reduce premature deaths, sick days and hospital visits. The administration's challenge opens the door for coal mining companies to attack and potentially overturn the standards in court.



**Related Polling:** [Voters Overwhelmingly Support Stricter Limits on Smog](#) (Global Strategy Group, March 2018); [79 Percent of Americans Under 35 Disapprove of Trump's Environmental Stances](#) (Quinnipiac, April 2017).



**The Land Use Planning Rule.** Resource Management Plans are the blueprints our government creates to manage public lands over 15 to 20 years. They determine the best places for business development and resource extraction, where to conserve habitat for wildlife, identify important cultural, historical and archaeological sites needing protection, and designate ideal recreational areas. In December 2016, the U.S. Bureau of Land Management finalized a series of long-overdue changes to its [process](#) for updating Resource Management Plans. The updates would have increased public participation, prioritized local stakeholders, expanded the role of science in these decisions and streamlined the technology and data collection processes involved. The mining industry and big agribusiness pushed Congress to throw out the rule, and it did so using the CRA in March 2017.



**Related Polling:** [Western Voters Increasingly Identify As Conservationists](#) (Public Opinion Strategies & Fairbank, Maslin, Maullin, Metz & Associates, January 2018); [Public Opinion Stacked Against Anti-Environmental Agenda of New Congress](#) (Center for American Progress & Hart Research, January 2017)



**Antiquities Act Protections.** During President Teddy Roosevelt's second term, Congress passed the Antiquities Act, granting presidents the power to protect land deemed culturally, historically or scientifically significant by designating it a national monument. Since then, almost every president has used the act to create monuments, with more than 150 today. In December 2017, the Trump administration used its powers under the law to [slash](#) the size of two monuments in Utah: Bears Ears and Grand Staircase. No president has used the Antiquities Act in such a brazenly deregulatory fashion. In June 2018, a Canadian mining company announced plans to develop land that had once been protected as a national monument. A coalition of local businesses, Native American tribes, conservationists and scientists have mounted a legal challenge to the decision, and outdoor retailer REI voiced strong opposition to the move. Despite these challenges, Trump's decision to eviscerate protections for some of the country's most irreplaceable natural assets remains in place.



**Related Polling:** [80 Percent of Rocky Mountain Voters Support Keeping Monument Protections](#) (Public Opinion Strategies & Fairbank, Maslin, Maullin, Metz & Associates, January 2018); [Voters in America's Heartland Don't Want Changes to National Monuments](#) (Red America Blue America Research, October 2017)

## Lost Workplace and Educational Safeguards



**The Overtime Pay Increase.** The [overtime pay threshold](#) hasn't seen a significant increase since 1975, when nearly two out of three American workers could expect to be paid at 1.5 times their normal pay rate after working more than 40 hours a week. Because the overtime threshold is not indexed to inflation, only about one in 10 workers are covered today. In 2016, the DOL updated the threshold from around \$24,000 a year to

include workers making up to \$47,000 a year – covering an additional 12.5 million workers. Corporate groups and conservative state attorneys general sued to block the new threshold, and in November 2016, just two weeks before it was set to take effect, a district court judge ruled in their favor. Trump's DOL eventually appealed but in November 2017 stopped defending the rule in court. Even if the administration follows through on promises to raise the existing threshold, millions of workers who were counting on higher pay are being forced to wait and millions more won't be eligible for overtime pay under the revised threshold.



**Related Polling:** [Overtime Rule Overwhelmingly Popular and Republicans Who Oppose It May Pay a Penalty](#) (NELP Action Fund, September 2016); [Americans Strongly Support Increase in Threshold for Overtime Pay](#) (Public Policy Polling, May 2015)

### Overtime Wage Theft Runs Rampant in Corporate America

*Many top U.S. corporations have boosted their profits by forcing employees to work off the clock and depriving them of required overtime pay. Legal penalties and settlements have reached into the tens of billions. Top offenders include Walmart, FedEx, Bank of America, Wells Fargo, JPMorgan Chase, State Farm, AT&T, UPS, Allstate, Citigroup, Microsoft, Morgan Stanley, Novartis, UBS, Oracle, Staples, CVS, Rite Aid, Tyson Foods, Home Depot, Verizon, Comcast, Lowe's, Best Buy, IBM, McDonald's and Yum Brands.*



**The Fair Pay and Safe Workplaces Executive Order.** One in five Americans are employed by companies that do business with the federal government. The [Fair Pay and Safe Workplaces executive order](#), finalized in August 2016, would have ensured that all federal contractors complied with wage laws, civil rights laws and health and safety standards before receiving new government contracts. In addition, the rule would have helped prevent waste, fraud and abuse of taxpayer

dollars and ensured that law abiding businesses could compete on an even playing field. Despite small business support for the rule, big business groups like the Chamber of Commerce and the National Association of Manufacturers lobbied Congress to block the rule using the CRA. The regulation was overturned in March 2017.



**Related Polling:** [Voters See 'Contracting Out' as a Serious Problem for America's Workers and Economy](#) (National Employment Law Project & Hart Research Associates, October 2016)



**OSHA's Recordkeeping Rule.** Since 1972, the U.S. Occupational Safety and Health Administration (OSHA) has protected American workers by requiring employers in hazardous industries to maintain accurate records of serious work related injuries and illnesses. But in 2012, a court decision overturned decades of precedent, making it impossible for OSHA to take enforcement actions against recordkeeping violations more than six months old – and giving employers license to falsify

workplace safety records and violate the law with impunity outside the six month window. OSHA's

recordkeeping rule, issued in May 2016, reiterated the agency's long recognized authority to enforce its recordkeeping requirements throughout the five years the employer is required to retain records. Acting at the behest of big business groups and construction industry trade associations, Congress used the CRA to overturn the rule in March 2017.



**Related Polling:** [Small Businesses Say Commonsense Regulations Needed to Ensure a Competitive Economy](#) (Small Business Majority, May 2018)



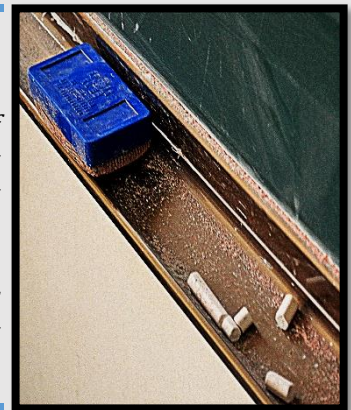
**The Gainful Employment Rule.** Studies have found overwhelming evidence that for-profit colleges fail to prepare most students for jobs that would enable them to repay their federal loans – leaving many of them financially worse off than before they attended. Put in place in 2014 by Obama's Department of Education, the gainful employment rule was designed to address this problem. It required for-profit colleges to meet certain minimum thresholds with respect to debt-to-income ratios of their graduates as a condition of receiving federal financial aid. Following a series of unsuccessful lawsuits by the for-profit college industry and big business groups attempting to overturn the rule, in August 2018, Trump's Department of Education [announced](#) plans to eliminate the rule.



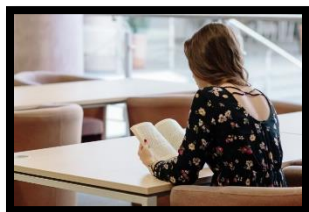
**Related Polling:** [Betsy DeVos Viewed Unfavorably by Half of Michigan Voters](#) (Detroit News & WDIV-TV, September 2018); [Bipartisan Majorities See \\$1.5 Trillion Student Debt Burden as a Crisis](#) (Americans for Financial Reform & Center for Responsible Lending, August 2018); [Large Majorities in Both Parties Support Debt Cancellation If Schools Were Found to Have Deceived Students](#) (New America & Caravan, October 2016)

### Students Win Court Battle Over Borrower Defense Rule

*Former students Meaghan Bauer and Stephano Del Rose were ripped off by the New England Institute of Art in Brookline, Mass. They allege that the for-profit school engaged in unfair and deceptive practices against them that left them with a useless education, few job prospects and significant debt. Bauer and Del Rose had been counting on the Department of Education to cancel their loans under the Borrower Defense Rule. Public Citizen and the Project on Predatory Student Lending sued on their behalf to reinstate the rule and eventually won.*



## Lost Public Health and Safety Protections



**Campus Sexual Assault Guidance.** Even before the #MeToo movement became a national phenomenon, the need to protect women from sexual misconduct was clear. In 2011 and 2014, the Department of Education published non-binding regulatory guidance documents advising colleges and universities on best practices for handling rape, sexual assault and harassment allegations. Following complaints from colleges and universities, in September 2017, Trump's Department of Education

withdrew the guidance. In November 2018, the department [issued](#) weaker rules bolstering the rights of students accused of assault, harassment or rape, reducing liability for institutions of higher education and narrowing the definition of sexual harassment that favors the accused over survivors.



**Related Polling:** [Majority of Americans Unhappy With How Colleges Handle Sex Assault](#) (WGBH News & ABT Associates, September 2018); [Voters Favor Provisions Protecting Survivors of Sexual Assault on College Campuses](#) (Public Policy Polling, May 2017)



**Title X Women's Health Care Protections.** Women deserve access to access to high-quality family planning services and reproductive healthcare regardless of their income. The U.S. Department of Health and Human Services' (HHS) [Title X rule](#), finalized in December 2016, would have helped ensure that women who are poor, low-income or lack health insurance can get the care they need. The rule was issued in response to state efforts to ban trusted providers from the program, threatening the integrity of the program and women's access to healthcare. The rule reinforced that it is against the law for states to block access to Title X funded health centers even if they separately provide safe and legal abortion services. In response to pressure from the anti-choice movement and right wing evangelical groups, the rule was overturned through the CRA process in April 2017. In November 2018, HHS finalized a revised Title X rule that would stop health providers from informing women about the full range of choices available to them in the event of a pregnancy. In January 2019, two separate courts [blocked](#) the revised rule, but the court battles over are far from over.



**Related Polling:** [57 Percent of Voters Oppose the New Title X Rule](#) (Kaiser Health Tracking Poll, June 2018); [73 Percent of Voters Oppose Trump's Title X Gag Rule](#) (Hart Research, May 2018)



**The Oil Train Electronic Brakes Rule.** Due to a surge in domestic and Canadian drilling, the number of trains transporting crude oil across the country has dramatically increased along with derailments and fiery explosions. The most shocking accident took place in 2013 in Lac-Mégantic, Quebec, killing 47 people. Oil trains routinely pass through heavily populated areas, putting millions of people at risk of similar fate. Following a series of oil train disasters in the U.S., Obama's DOT in May 2015 issued a comprehensive set of safety standards – including a provision requiring the century-old air brakes linked to recent disasters to be replaced with electronically controlled pneumatic brakes. In 2016, the oil and railroad industries pressured Congress to pass a law ordering the DOT to redo the cost-benefit calculations on the new brakes and repeal it if the costs outweighed the benefits. In September 2018, Trump's DOT [announced](#) that it would repeal the new brakes requirement.



**Related Polling:** [Minnesotans Support Increasing Use of Pipelines to Avoid Increasing Use of Oil Trains](#) (Ag Energy Alliance & Public Opinion Research, May 2018)



**The Chemical Disaster Rule.** Millions of Americans [live near](#) chemical plants and are vulnerable if disaster strikes. In January 2017, the U.S. Environmental Protection Agency (EPA) finalized a rule modernizing the agency's Risk Management Program to prevent and better respond to chemical plant disasters. It requires oil, gas and chemical facilities to analyze potential hazards and consider safer alternatives that feasibly could be implemented, disclose potential hazards to nearby

communities and better coordinate with first responders during disasters. In March 2017, Trump's EPA – newly staffed by chemical, oil and gas industry lobbyists – put the rule on hold until 2019. Then in May 2018, the EPA announced plans to dismantle key parts of the rule. In September 2018, following a decision that the EPA's delay of the rule was unlawful, a court ordered the EPA to immediately reinstate the chemical disaster rule. Trump's EPA is expected to appeal the ruling.



**Related Polling:** [Bipartisan Support for Rules to Prevent Chemical Disasters](#) (Coalition to Prevent Chemical Disasters, October 2015)

### White House and EPA Packed With Chemical Industry Insiders

*"Trump's Chemical Romance," a report from Public Citizen, identified a total of 146 high-ranking Trump administration officials with ties to the chemical industry and its allies. The petrochemical industry and its allies formed a coalition that aggressively lobbied to roll back the Chemical Disaster Rule. The presence of so many corporate insiders in the administration stacked the deck in favor of deregulation.*



**Gun Restrictions for the Severely Mentally Ill.** Over the past two decades, mass shootings that might be prevented by commonsense gun limits have become a blight on the nation. This rule, finalized by the U.S. Social Security Administration in December 2016, would have committed the agency to [submitting records](#) to the National Instant Criminal Background Check System that would ban people with severe mental illnesses from purchasing firearms. Current law already prohibits people with severe mental illnesses from purchasing firearms but cannot be enforced without accurate and up-to-date data in the background check system identifying these individuals. Under pressure from the gun lobby, Congress used the CRA to throw out the rule in February 2017.



**Related Polling:** [After Parkland, Number of Americans Who Want Gun Restrictions Grows](#) (NPR & Ipsos, February 2018); [89 Percent of Americans Want to Restrict People with Mental Illnesses from Buying Guns](#) (Pew Research, June 2017)

## Conclusion

The 27 safeguards detailed above that have been lost over the past two years represent only the faintest glimpse into the broader [war on regulation](#), which includes attacks on science, pullbacks in enforcement, corporate capture of the rulemaking process, anti-regulatory and deregulatory legislation, and conflicts of interest that underpin it all.

Behind nearly every one of these attacks is a single unifying cause: boundless corporate greed. Most stories about deregulation and regulatory repeal are also stories about how big money interests have leveraged their wealth and influence in the halls of power and in the courts to dismantle popular and commonsense safeguards that protect the public.

It is crucial for ordinary citizens, journalists, public policy advocates and lawmakers to recognize that the loss of those protections at the hands of corporate greed is one of the central stories of the Trump era – and ultimately take action to challenge and resist these attacks.

### Index of Acronyms

<b>BLM</b>	<i>Bureau of Land Management</i>
<b>CFPB</b>	<i>Consumer Financial Protection Bureau</i>
<b>CRA</b>	<i>Congressional Review Act</i>
<b>DOI</b>	<i>Department of the Interior</i>
<b>DOL</b>	<i>Department of Labor</i>
<b>DOT</b>	<i>Department of Transportation</i>
<b>EPA</b>	<i>Environmental Protection Agency</i>
<b>FCC</b>	<i>Federal Communications Commission</i>
<b>FDA</b>	<i>Food and Drug Administration</i>
<b>HHS</b>	<i>Department of Health and Human Services</i>
<b>ISPs</b>	<i>Internet Service Providers</i>
<b>NHTSA</b>	<i>National Highway Traffic Safety Administration</i>
<b>OSHA</b>	<i>Occupational Safety and Health Administration</i>

