

U.S. Senate Committee on Homeland Security & Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

December 16, 2019

RE: Nomination of Paul Ray as OIRA Administrator

Dear Senator:

We, the undersigned consumer, labor, good government, financial protection, community, health, environmental, civil rights and public interest groups, oppose the nomination of Paul Ray for the position of White House Office of Information and Regulatory Affairs (OIRA) Administrator and urge you to vote against his confirmation.

Under the Trump Administration, OIRA has reviewed and approved hundreds of rules that repeal, block, or weaken critical regulatory protections for consumers, workers, minorities, children, women's health, students, veterans, LGBTQ rights, and the environment. Mr. Ray's background and limited experience indicate that he will only continue to support and enable OIRA's role in the Trump Administration's deregulatory attack on public protections.

In his legal practice prior to working for the Trump Administration, Mr. Ray represented dozens of industry trade associations on matters that included legal challenges to regulatory protections issued under the last Administration, and which are now being reversed or repealed by the Trump Administration. For example, Mr. Ray represented parties challenging the Environmental Protection Agency's (EPA) Clean Power Plan in 2015 according to court filings,<sup>1</sup> and during Mr. Ray's tenure as Acting Administrator of OIRA, OIRA reviewed and approved EPA's final rule repealing the Clean Power Plan. Mr. Ray's nomination continues and reinforces a disturbing pattern under the Trump Administration of individuals being nominated to lead federal agencies who have previously served as lobbyists for corporate interests that are regulated by those agencies or have otherwise expressed fundamental opposition to the missions of those agencies in protecting the public. Thus, Mr. Ray's background and limited qualifications raise strong concerns that he does not appreciate the vital role that regulations play in protecting the environment as well as the health, safety, and civil rights of Americans.

During Mr. Ray's tenure as Acting Administrator, OIRA has taken actions that have called into question both the integrity of its regulatory review process and whether OIRA has been fully transparent with Congress and the public. For example, OIRA has yet to produce multiple annual reports to Congress, required under the Regulatory Right to Know Act,<sup>2</sup> that compile the costs and benefits of major regulations over the previous ten years. These reports have consistently shown that the benefits of federal regulations have significantly outweighed the costs of those regulations across multiple previous Administrations. OIRA's refusal to issue these annual

---

<sup>1</sup> In re Murray energy v. EPA, 788 F.3d 330 (D.C. Cir 2015).

<sup>2</sup> 31 U.S.C. § 1105 note.

reports, including under Mr. Ray's tenure, is unprecedented and deprives the public of crucial information regarding the lost benefits of rules that are being repealed by this Administration.

In addition, OIRA has refused to be transparent and responsive to congressional oversight requests while Mr. Ray served as Acting Administrator, including with respect to documents requested by members of this Committee during Mr. Ray's confirmation process.<sup>3</sup> This has frustrated Congress' ability to scrutinize Mr. Ray's background, qualifications, and actions as Acting Administrator of OIRA, and is a harmful precedent with respect to OIRA's responsiveness to Congressional oversight requests should Mr. Ray be confirmed as Administrator.

Finally, OIRA has dramatically expanded the scope of its regulatory review authority under Mr. Ray's tenure as Acting Administrator without much needed transparency measures to ensure that OIRA can be held accountable if it exercises its new authority inappropriately and irresponsibly. In April, The Office of Management and Budget (OMB) issued a memo<sup>4</sup> requiring all agencies, including independent agencies for the first time,<sup>5</sup> to submit their rules and guidance to OIRA for review and compliance with the Congressional Review Act (CRA). This massive expansion of OIRA authority included virtually no transparency measures to inform the public as to what actions agencies are sending to OIRA under the terms of the memo and most importantly whether OIRA is using the new authority under the memo to block or delay actions from agencies in inappropriate fashion, as it has done numerous times in the past with respect to reviews under Executive Order 12866. Indeed, OIRA has yet to make public even basic information regarding its implementation of the memo including the number of rules, guidance documents, and policy statements that have been submitted to OIRA under the terms of the memo, and whether OIRA has used the memo to block agencies from issuing any rules, guidance documents, or policy statements, particularly from independent agencies.

Mr. Ray's background, limited qualifications, and concerning actions as Acting Administrator of OIRA make clear that he does not understand the importance of strong regulations that protect the public's health, safety, and the environment. Instead, Mr. Ray will likely continue the Trump Administration's radical and dangerous deregulatory agenda if confirmed as head of OIRA. Therefore, we urge you to reject the nomination of Paul Ray as Administrator of OIRA.

Respectfully,

20/20 Vision

AFL-CIO

American Federation of State, County, and Municipal Employees (AFSCME)

Alaska Wilderness League Action

American Association for Justice

American Atheists

Americans for Financial Reform

---

<sup>3</sup> <https://www.hsgac.senate.gov/media/minority-media/peters-colleagues-call-for-transparency-from-white-house-regulatory-office-nominee>

<sup>4</sup> <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-14.pdf>

<sup>5</sup> <https://fas.org/sgp/crs/misc/IN11122.pdf>

Center for Biological Diversity  
Demand Progress  
Earthjustice  
Food & Water Watch  
Friends of the Earth  
Government Accountability Project  
Government Information Watch  
Interfaith Workers Justice  
International Union, United Auto Workers (UAW)  
KidsAndCars.org  
Labor of Love Safety Training  
League of Conservation Voters  
National Association of Social Workers  
National Employment Law Project  
National LGBTQ Task Force  
Protect All Children's Environment  
Public Citizen  
The Wilderness Society  
Union of Concerned Scientists