Portman’s Regulatory Accountability Act Would Endanger Children

An Attack on Public Protections

The Regulatory Accountability Act (S. 951), sponsored by U.S. Sen. Rob Portman (R-Ohio), is one of the greatest threats to our system of public protections in decades, blocking agencies from enforcing bedrock health and safety laws – from clean drinking water and food safety standards to crib and toy safety protections. Portman’s legislation would delay, weaken and block protections for children and the public in three ways. The RAA would:

- Force agencies to adopt the most “cost-effective” regulations for corporations, instead of those that maximize benefits to the public. Smart regulations are those that do the most to protect children, not those that maximize corporate profits.
- Add 53 new requirements to the process agencies must use to develop regulations – a process that is already broken due to unacceptable delays, resulting in agencies routinely missing deadlines set by Congress.
- Rig the rules for big corporations by giving corporate lobbyists, who already dominate the rulemaking process, even more opportunities to undermine public protections.

No child safety organizations have endorsed the RAA as making children safer, and many have voiced strong opposition to Portman’s bill. For example, the American Academy of Pediatrics opposes the RAA because, “limiting the ability of the federal government to administer critical health programs would negatively affect children’s health.” And the Consumer Federation of America called for Congress to oppose the bill, stating, “The RAA poses a grievous threat to child safety protections.”

The Impacts on Children

Children often are the first to pay the price when strong and effective safety protections are not in place. Here are some of the ways Portman’s legislation would harm children.

*Lead in Drinking Water Standards.* The U.S Environmental Protection Agency (EPA) is overdue to update its outdated lead in drinking water standard after the tragedy in Flint, Michigan, which poisoned thousands of children.

- The dozens of new requirements under the RAA will dramatically slow the EPA’s effort to update the standard.
- The EPA should be picking the standard that is most “effective” at protecting children from lead. But the RAA would tie the EPA’s hands, forcing the agency to adopt the most “cost-effective” standard for regulated industries.
Crib Safety Standards. Between 2007 and 2011, the U.S. Consumer Product Safety Commission (CPSC) recalled 11 million cribs after safety and design flaws resulted in more than 1,700 injuries and 153 deaths.¹

- Congress directed the CPSC to act quickly to produce new crib safety standards by allowing the CPSC to use a streamlined standard-setting process, rather than the CPSC’s own inefficient and dysfunctional rulemaking process.
- The RAA would remove that exemption, delaying lifesaving crib safety standards for years and potentially blocking them.

Food Safety Protections. Foodborne illnesses sicken nearly 48 million Americans, send 130,000 to the hospital and kill more than 3,000 people every year.² From E. coli in hamburgers to salmonella in peanut products, food contaminants claim the lives of dozens of children annually.

- Food safety groups strongly oppose the RAA and have dubbed it the “Filthy Food Act” because it would undermine food safety protections for children and the public.³
- In 2016, the U.S. Food and Drug Administration (FDA) proposed guidance to reduce arsenic in infant rice cereal.⁴ Under the RAA, this guidance would be delayed until the FDA analyzed the costs to manufacturers, even though the benefits to infants are obvious but difficult to monetize.

The Portman Pattern

The RAA is part of a pattern of behavior from Portman that puts conservative ideology and the interests of corporations ahead of protecting children. Portman has shown he cannot be trusted to look out for the health and safety of children in Ohio and across the country.

- Corporate interests supporting the RAA gave $3.3 million to Portman’s 2016 re-election campaign, nearly half of all political donations the Ohio Republican received last year.⁵
- The largest and most politically powerful corporations in this country already have spent $60 million lobbying in support of the RAA during the first three months of 2017.⁶
- Earlier this year, Portman voted to repeal the U.S. Bureau of Land Management’s methane waste rule, which would have exposed children nationwide to higher levels of airborne pollutants and caused more asthma attacks. Each year, more than 750,000 children experience summertime asthma attacks linked to oil and gas emissions.⁷

Contact: Amit Narang, anarang@citizen.org, (202) 454-5116
David Rosen, drosen@citizen.org, (202) 588-7742

² https://www.cdc.gov/foodsafety/foodborne-germs.html
³ https://cspinet.org/resource/letter-reject-filthy-food-act
⁴ https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm486305.htm
⁷ https://thinkprogress.org/methane-leak-rule-cra-7948c6254e7a