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# Congress of the United States

## House of Representatives

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### Opening Statement Rep. Elijah E. Cummings, Ranking Member

#### Hearing on "Continuing Oversight of Regulatory Impediments to Job Creation: Job Creators Still Buried by Red Tape"

July 19, 2012

One of the first hearings this Committee held this Congress was a hearing much like this one. The title of the hearing was even similar, "Regulatory Impediments to Job Creation." I said then that an effective regulatory review should include several basic elements. It should examine both costs and benefits, it should base conclusions on solid data, and it should seek input from a wide variety of sources.

Eighteen months have passed, but unfortunately not much has changed. Today's hearing is the 29th hearing our Committee has held during this Congress on the impact of regulations. Yet in every single one of those hearings, the Committee's approach has been lopsided and unbalanced.

The Committee has focused on the costs of regulations without considering the benefits. The Committee has solicited input only from witnesses who want to weaken or repeal regulations, but not those who wish to strengthen protections for children, small businesses, the economy, and American families.

In these 29 hearings, the Committee invited 107 witnesses to testify in favor of rolling back health, safety, and economic protections. We in the minority were left to bring some semblance of balance to these proceedings, but we were permitted to invite only 17 witnesses to provide alternative perspectives. Again, today you invited five industry representatives to discuss their desire to weaken or repeal regulations, and we were allowed only a single witness to represent the other side of this question.

In May, the Committee sent 187 letters almost exclusively to industry organizations asking for examples of regulations that "continue to negatively impact job growth." These letters went to companies like ConocoPhillips and industry groups like the Society of Chemical Manufacturers and Affiliates, and the American Fuel & Petrochemical Manufacturers.

In response, these industry groups targeted a host of regulations that provide basic health and safety protections, such as child labor laws, standards for lead in children's toys, air and water quality standards, and lead paint renovation rules.

But the Committee sent no letters to organizations representing the other side, such as the American Academy of Pediatrics or other children's advocacy groups that could testify about the benefits of those rules and how children could be harmed by weakening them.

Of course, the Chairman has every right to conduct this Committee's activities as he sees fit. But in my opinion, the Committee loses credibility when its actions are so blatantly and explicitly one-sided. And losing that credibility means the American public is less likely to take our results seriously.

In the Committee's letter, the Chairman referred to a "regulatory tsunami" that "does not appear to be slowing down." If this is a tsunami, then I wonder what a draught looks like. OMB data shows that the current Administration has approved fewer rules than in either of President Bush's terms. A report published last month by Public Citizen found that 78% of rules with statutory deadlines last year were not, in fact, issued by the statutory deadline, and that OMB's Office of Information and Regulatory Affairs is taking longer to review rules than ever before.

It is this kind of inaccurate rhetoric that drives the constant stream of anti-regulatory legislation considered by the House this Congress. Next week, the House will consider legislation to prevent federal agencies from issuing regulations until the unemployment rate is under 6%. This bill does not make any sense. Why in the world would you take a regulation to protect children from toxic chemicals, for example, and prevent it from taking effect until the national employment rate reaches some arbitrary threshold?

The problem is that the Republican approach is based on a faulty premise—that regulations kill jobs. This myth has been widely discredited by economists on both sides of the aisle. I ask unanimous consent to insert in the record a report issued in April by the Institute for Policy Integrity entitled, "The Regulatory Red Herring: The Role of Job Impact Analyses in Environmental Policy Debates." This report found that the current rhetoric linking regulations to job losses is misleading.

Mr. Chairman, the time has come for Congress to change course and focus on reality instead of myths and inaccurate rhetoric. We need to work together to conduct legitimate oversight that is focused on creating jobs AND protecting the health and safety of American families. We do not have to choose one or the other. We can and must do both.

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