



**Notable Quotes on the Regulatory Flexibility Act
Committee on Small Business**

*Committee on Small Business Subcommittee on Investigations, Oversight and Regulations
March 14, 2013 Hearing: “Regulating the Regulators – Reducing Burdens on Small Business”*

Carl Harris
Vice President and General Manager
Carl Harris Co., Inc.
Wichita, KS
***Testifying on behalf of the National Association of Home Builders**

“While the original Congressional intent and subsequent additions/enhancements to the Regulatory Flexibility Act are to be lauded, the reality is that far too often agencies either view compliance with the Act as little more than a procedural ‘check-the-box’ exercise or they artfully avoid compliance by other means. Agencies should seek to partner with small entities to help create more efficient, more effective regulations and, in so doing, reduce the compliance costs for small businesses.”

Marc D. Freedman
Executive Director, Labor Law Policy
United States Chamber of Commerce
Washington, DC

“The Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act exist to help agencies improve their rulemakings, not to impede them. If agencies welcomed the input of small businesses as a source of real world understanding these regulations would likely be more narrowly tailored without sacrificing the agency mission or regulatory objective.”

Winslow Sargeant, Ph.D.
Chief Counsel for Advocacy
United States Small Business Administration
Washington, DC

“We have learned through our experience with the RFA that regulations are more effective when small firms are part of the rulemaking process. The result of enhanced agency cooperation with the Office of Advocacy and improved agency compliance with the RFA benefits small businesses, the regulatory environment, and the overall economy.”

Committee on Small Business

June 27, 2012 Hearing: "Regulatory Flexibility Act Compliance: Is EPA Failing Small Businesses?"

Keith W. Holman
Legal and Policy Counsel
U.S. Chamber of Commerce
Environment, Technology and Regulatory Affairs Division
Washington, DC

"In a regulatory environment where multi-billion dollar rules are more and more common, it should not be asking too much of EPA to approach the [Small Business Advocacy Review] Panel process as a valuable learning experience, not a check-box exercise that merely slows down the process of issuing rules."

Jeff Brediger
Director of Utilities
Orrville Utilities
Orrville, OH
*** Testifying on behalf of the American Public Power Association**

"While the SBREFA process is intended to provide small entities with an expanded opportunity to participate in the development of certain regulations, the process lately has taken on the look of window dressing, with EPA simply "checking the box" to indicate that a requirement has been met, even if done insufficiently."

David Merrick
President
Merrick Design and Build Inc.
Kensington, MD
*** Testifying on behalf of the National Association of the Remodeling Industry**

"NARI supported legislation this Committee approved last year (H.R. 527). I hope that that legislation, and oversight by this and other committees in Congress, impress upon EPA that small business input may be more important than meeting a court deadline."

"The SBREFA process was designed to codify what simply makes sense; for small businesses to work with EPA to come up with constructive solutions for complex problems."

Committee on Small Business

June 15, 2011 Hearing: "Lifting the Weight of Regulations: Growing Jobs by Reducing Regulatory Burdens"

Mr. Frank S. Swain
Baker & Daniels
Washington, DC

"In any regulatory review process, a balance must be struck between substantive regulatory goals and the review process. To be an effective statute for small business and for the jobs and investment they make, the RFA needs to be strengthened to restore the balance originally intended, but not achieved because of [s]tatutory ambiguities and administrative and judicial decisions."

Committee on Small Business

March 30, 2011 Hearing: "Reducing Federal Agency Overreach: Modernizing the Regulatory Flexibility Act"

Mr. Bill Squires

Senior Vice President and General Counsel

Blackfoot Telecommunications Group

Missoula, MT

On behalf of the National Telephone Cooperative Association

"Though the RFA has been good for small business, many industry stakeholders believe that some agencies in our industry, particularly the FCC, give[] little regard to the law and its mandate to thoroughly review the impact of proposed regulatory orders on America's small business community."

"Routinely all we are afforded is a couple of paragraphs tacked onto the end of a rulemaking that states that alternative regulation was considered, but rejected. This is all the effort we see given to this requirement. The [RFA] simply does not seem to compel anything more than a nod to the fact that it exists."

Mr. David Frulla

KelleyDrye

Washington, DC

"Ultimately, the RFA will be judged successful when regulators look for meaningful opportunities to tailor necessary regulations to fit the realities and burdens faced by small business. Small businesses are looking for a regulatory system that protects the public, while not overburdening operations and stifling growth and job creation."

Mr. Craig Fabian

Vice President of Regulatory Affairs and Assistant General Counsel

Aeronautical Repair Station Association

Alexandria, VA

"[Our] experience in dealing with federal agencies reveals that the RFA is treated as an annoying burden to the rulemaking process. The agency's objective seems to be finding a way to avoid engaging in the difficult task of compiling the economic data and considering alternatives to a proposed rule. Indeed, even when specifically commanded by a court of law to carry out an analysis, federal agencies are prone to engage in foot dragging with the apparent hope that the requirement will just go away."