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Obama Administration Should Redefine Role of ‘Regulatory Czar’ to Help Protect Citizens, Not Weaken Regulation, CPR President Tells Congressional Committee

(Washington) -- The White House should reshape the role of the “Regulatory Czar” to be a defender of federal regulatory agencies and their missions, not to be an impediment to regulation, Rena Steinzor, President of the Center for Progressive Reform, told members of Congress Thursday morning. Steinzor, a professor of law at the University of Maryland, testified before the House Science and Technology Committee’s Subcommittee on Investigations and Oversight.

“The Obama Administration and Congress should define a new mission for the regulatory czar,” Steinzor said in her prepared testimony. “The American people need more, not less regulation on every front, from mortgage lending to workplace hazards. The regulatory czar’s mission should be to rescue struggling regulatory agencies by helping them to obtain more resources and stronger legal authority.”

The hearing came on the heels of President Obama’s April 20 nomination of Cass Sunstein to be the director of the Office of Information and Regulatory Affairs (OIRA), known as the “regulatory czar.” Sunstein’s confirmation hearing in the Senate has not yet been scheduled. Professor Sunstein’s predecessor, John Graham, used OIRA to expand control over regulatory policy to an unprecedented extent, blocking and watering down protective regulations, and hindering the effectiveness of the nation’s regulatory system. Steinzor called on Sunstein and the Obama Administration to reverse course and use OIRA as a tool to strengthen, not weaken, regulation.

Steinzor’s testimony argues:

- **The Obama Administration and Congress should define a new mission for the regulatory czar.** OIRA should not work to diminish rules made by the EPA and other regulatory agencies the regulatory czar should instead be instructed to work to ensure that agencies are able to fulfill their regulatory missions in a vigorous, timely, effective, and wise manner.
- **OIRA should stop reviewing individual regulatory proposals.** Empirical studies reveal that OIRA has served for more than 30 years as a killing ground for protective regulations. Except during the Clinton Administration, OIRA’s threat to target any given regulatory proposal has chilled the development of strong and effective regulation. OIRA should leave the drafting of individual rule regulatory impact analyses and the making of final decisions to agency experts, supervised by appointed agency leaders.

- **OIRA should stay out of science policy.** OIRA is a small office, comprised of approximately 40 to 50 professionals, the vast majority of whom are economists. During the Bush Administration, several of these positions were set aside to hire scientists, who proposed radical changes in the way research would be used to make regulatory policy. OIRA is not competent to propose science policy in the regulatory arena and should abandon this role.

The Center for Progressive Reform (www.progressivereform.org) is a nonprofit research and educational organization dedicated to protecting health, safety, and the environment through analysis and commentary. Visit CPR on the web at www.progressivereform.org and read the blog at www.progressivereform.org/cprblog.

Related Documents:

- CPR's white paper on regulatory review in the Obama Administration, *Reinvigorating Protection of Health, Safety, and the Environment: The Choices Facing Cass Sunstein* (1/26/09):
<http://www.progressivereform.org/articles/SunsteinOIRA901.pdf>
- Rena Steinzor's letter (written together with CPR Member Scholar Wendy Wagner) to John Holdren, President Obama's top science advisor, on policy recommendations for "clean science" reforms (4/3/09):
www.progressivereform.org/articles/Holdren_CleanSci_Letter_040309.pdf

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