

AFL-CIO

LEGISLATIVE ALERT

February 1, 2022

Dear Senator:

On behalf of the AFL-CIO, I urge you to reject the Setting Manageable Analysis Requirements in Text Act (S. 2801). The new bureaucratic processes imposed by S. 2801 are unnecessary, redundant and will shift resources away from the development and issuance of important job safety and health standards and other protections.

This bill was introduced under the guise that it would improve the regulatory process through requiring retrospective reviews. However, agencies already perform retrospective reviews for many regulations through statutory requirements, enacted legislation or executive orders, and when appropriate, discretionary reviews. The U.S. Government Accountability Office found that retrospective reviews occur more frequently than most realize and that mandatory reviews were less effective than agency discretionary reviews for creating guidance and rule updates.

S. 2801 would require a one-size-fits-all approach across agencies without regard to the funding and resources available to perform additionally mandated reviews, detracting from agency statutory responsibilities to issue new regulations to protect and improve the lives of people. Such a broad requirement would consume substantial agency funds and staff time that would otherwise be focused on meaningful regulatory action that protects workers and saves lives.

For example, life-saving workplace safety and health regulations currently undergo reviews under the Regulatory Flexibility Act and Executive Order 12866, which have concluded that previously issued regulations are necessary, justified, have not had a negative economic consequence, and most importantly have saved lives. In only one circumstance, it was necessary to update one provision of one standard to be more protective. Workplace safety agency resources are better spent addressing serious hazards that do not yet have comprehensive regulations, including workplace violence, heat illness, combustible dust and infectious diseases.

The current rulemaking process is already comprehensive with extensive public input and analyses, ensuring public safety agencies issue sound protections. S. 2801 would result in additional and unnecessary opportunities for resource rich special-interest groups to block and overly complicate the executive branch's duty to issue protective regulations.

We strongly urge you to oppose S. 2801 to preserve valuable regulatory work federal agencies conduct to implement protections for working people.

Sincerely,



William Samuel
Director, Government Affairs