

**Statement Of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
Hearing on “Examining the Federal Regulatory System to Improve Accountability,  
Transparency and Integrity”  
June 10, 2015**

Today’s hearing will examine the federal regulatory system, an oft-misunderstood and vital component of our Nation’s government. This hearing will raise a number of important issues that deserve serious consideration, including the role federal regulations play in public policy and ensuring that the public can meaningfully participate in the rulemaking process.

We all agree that regulations should be fair and tailored to achieve the public protections for which they are designed. As we listen to criticisms of the regulatory system, it is critical that we recognize the fundamentally important role that regulations play in protecting American workers and consumers. We all benefit from products that have been tested to meet strong health and safety standards. Workplace safety rules ensure that American workers are not put in danger when they simply show up for work. Regulations protect our air and water supply from contamination, protect investors from deceptive financial products, and help ensure that the toys we give our children are safe. Effective regulation can guarantee a minimum level of protection for us all.

Accountability, transparency, and integrity are important democratic principles and I have fought for decades to ensure that our federal government protects these values through legislation to update and strengthen the Freedom of Information Act. These principles are not in conflict with the Administrative Procedures Act and regulations that are issued in accordance with that law. Regulations, like those related to workplace safety, can have a meaningful positive impact on a company’s bottom line. For example, two Vermont breweries—Long Trail and Otter Creek—are among a small number of breweries in the country to be recognized by the Occupational Safety and Health Administration (OSHA) for operating an exemplary injury and illness prevention program. According to the breweries, the workplace safety protocols they have adopted have added to the bottom line “as the capital investment in safety resulted in a more productive, more efficient, and healthier workforce.”

Some witnesses will raise concerns about public participation in agency rulemakings. I agree that participation is essential, but it strikes me that corporate interests have little difficulty making their voices heard. There are entire law practices built around representing businesses before agencies. We should encourage agencies to proactively seek public comments and harness the power of the Internet to allow *citizens* to participate in rulemakings. The sheer volume of comments filed in recent rulemakings like the Federal Communications Commission’s (FCC) Open Internet Order or the Environmental Protection Agency’s (EPA) Clean Water Rule demonstrate that the public cares about strong, effective regulation to protect consumer interests.

A common response to a result that you disagree with is to complain about the process that led to that result. In the face of criticisms of specific outcomes, we must ensure that the process through which rules are promulgated remains efficient and enables agencies to fulfill their mandates. When an agency is delayed for years in implementing a statute passed by Congress

because of political and procedural hurdles, it undermines Congressional intent and prevents the agency from serving the public interest for which it was created.

We have seen numerous legislative proposals this Congress and in the recent past that will simply add more hurdles and undermine the important missions of agencies. Under these proposals, corporate stakeholders would be free to use their resources to hold up the regulatory process, delaying the adoption and implementation of important consumer, health, and safety protections. I have been skeptical of these legislative proposals because we need efficient and effective regulation that works for everyone. For each legislative proposal, we should look closely to see if it actually furthers that goal.

I welcome the witnesses, including Professor Pat Parenteau from the Vermont Law School, a widely-respected scholar on administrative and environmental law. I thank you all for joining us and look forward to your testimony.

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