November 17, 2021

Acting Director Shalanda Young
White House Office of Management and Budget
725 17th St., NW
Washington, DC 20503

cc: Acting Administrator, Sharon Block, White House Office of Information and Regulatory Affairs; Deputy Director for Management, Jason Miller, White House Office of Management and Budget

SENT VIA E-MAIL

Re: Implementation of January 20, 2021, Memorandum on Modernizing Regulatory Review

Dear Acting Director Young:

We are a diverse group of sixty-three (63) organizations and individuals representing millions of Americans that support strong and effective regulations to protect the public. During the last several months, we have been pleased to see the Biden administration lay out its ambitious and visionary regulatory agenda while moving aggressively to undo the damage from the harmful “regulatory rollback” agenda of the previous administration. We applaud the Office of Management and Budget (OMB) and the Office of Information and Regulatory Affairs (OIRA) for pledging to play a constructive role in this progress.

We are concerned, however, that the antiquated and biased system of regulatory review, as currently implemented by OMB and OIRA, risks becoming a barrier to continued progress on the administration’s future regulatory priorities that are designed to protect the American public. Thus, we encourage you to prioritize implementation of President Biden’s memorandum regarding “Modernizing Regulatory Review” issued on Inauguration Day (hereinafter “the Biden memorandum”).

We strongly agree with the Biden memorandum’s call for fundamental reforms to the OIRA regulatory review process. In particular, as the Biden memorandum points out, the current approach to regulatory review disregards important values like human dignity, equity, and the interests of future generations; fails to account for a wide range of regulatory benefits; is insufficiently attentive to distributional concerns and can thus inappropriately burden disadvantaged or marginalized communities; discourages stronger protections instead of proactively promoting them; and is marked by costly delays and a lack of transparency.

Not only are reforms to fix such flaws long overdue, they will also enhance the quality of the administration’s regulatory decision-making and ensure that the OIRA regulatory review process advances regulatory policies that improve the lives of the American people.

We therefore urge the administration to begin this process immediately, as called for in the Biden memorandum.

In implementing the Biden memorandum, we ask that the administration give particular attention to ensuring that the process is as inclusive as possible and offers meaningful opportunities for
the public to participate. At a minimum, we encourage the administration to initiate a public engagement process that allows for robust participation, potentially including a comment period that doesn’t unduly delay the reform recommendations. We strongly encourage the administration to aggressively reach out to members of historically disadvantaged or marginalized communities to solicit their input.

The Biden administration has a unique opportunity to rebuild the regulatory system to work for the American people. We look forward to working with the administration to see the implementation of the Biden memorandum reach a successful conclusion.

Sincerely,

Organizations:

AFL-CIO
Alliance of Nurses for Healthy Environments
American Atheists
American Federation of State, County & Municipal Employees
American Sustainable Business Council
Americans for Financial Reform Education Fund
Autistic Self Advocacy Network
Center for Auto Safety
Center for Biological Diversity
Center for Digital Democracy
Center for Food Safety
Center for Progressive Reform
Center for Science in the Public Interest (CSPI)
Child Labor Coalition
Clean Water Action
Coalition on Human Needs
Consumer Action
Consumer Federation of America
Consumers for Auto Reliability and Safety
Demand Progress
Earthjustice
Empire State Consumer Project, Inc.
Environmental Defense Fund
Environmental Working Group
Farmworker Association of Florida
Friends of the Earth U.S.
Government Information Watch
Greenpeace USA
Health Forward, LLC
Institute for Agriculture and Trade Policy
League of Conservation Voters
Moms for a Nontoxic New York
National Center for Health Research
National Consumer Law Center (on behalf of its low-income clients)
National Consumers League
National Employment Law Project
National Organization for Women
Natural Resources Defense Council
New Jersey Association on Correction
Open The Government
People’s Parity Project
Planned Parenthood Federation of America
Project On Government Oversight
PSC CUNY
Public Citizen
Public Justice Center
Revolving Door Project
Sciencecorps
Service Employees International Union
Toxic Free North Carolina
U.S. PIRG
Union of Concerned Scientists
United Steelworkers (USW)
Utility Workers Union of America
Waterkeeper Alliance
Wisconsin Committee on Occupational Safety & Health

Individuals:

Dave Arndt
Eugene C Jacquescoley, PhD, MPH
Lauri Costello, MD
Marissa Morello
Rachel Rubin, MD, MPH
Tee L. Guidotti
Tunde M. Akinmoladun, PhD