



April 27, 2020

To: Members of the Pennsylvania House of Representatives
Re: Opposition House Bill 2416 (P.N. 3579)

Dear Representatives:

We are writing to express our opposition to House Bill 2416 (P.N. 3579), which would block rulemaking proposals from being finalized until 90 days after the Governor's March 6, 2020 Declaration of Disaster Emergency is officially terminated.

House Bill 2416 is problematic for several reasons:

- This bill establishes a blanket prohibition that indiscriminately blocks rulemaking proposals – including those necessary for public health, consumer protection, or that may be required by state or federal law within a mandated timeframe. For example, this bill could preemptively block regulatory efforts that have bipartisan and public support, like the anticipated PFAS rulemaking. Moreover, this legislation could hamper Covid-19 response efforts, and prevent Pennsylvania from maintaining regulatory primacy or receiving federal funding for critical programs and investment.
- While the bill speaks to a waiver process through petition to Standing Committees of the General Assembly, there is no requirement that waiver petitions be considered or acted upon. Further, there is no guidance on how (or how quickly) the Committees administer petitions, or assurance that the public will have the opportunity to provide comment. This problem is particularly acute if the legislature is not in session.
- The Standing Committees and General Assembly already have authority under existing law to review and even abrogate proposed rulemakings, pursuant to an established public process.
- There is no certainty as to when the Declaration of Disaster Emergency will end, or on what basis it will end. In other words, proposed rulemakings will be delayed for an indefinite period of time, which could undermine regulatory certainty and threaten public health, safety, and the economy.

In summary, this legislation will create greater uncertainty for the protection of the public at a time when those protections are needed the most. For these reasons, we urge you to oppose House Bill 2416.

Thank you for your consideration.

Sincerely,

John Walliser
Senior Vice President, Legal and Government Affairs
Pennsylvania Environmental Council

Mandy Warner
Director, Climate and Clean Air Policy
Environmental Defense Fund