



October 6, 2020

To: Members of the Senate Intergovernmental Operations Committee
Re: Opposition to Senate Bill 1147 and House Bill 430

Dear Senators:

We are writing to express our concerns with Senate Bill 1147 (P.N. 1746) and House Bill 430 (P.N. 417), which will be considered by the Intergovernmental Operations Committee tomorrow.

Senate Bill 1147

Senate Bill 1147 prohibits the consideration or finalization of any rulemaking proposal, or a meeting of an agency advisory board, unless the action is related to a disaster emergency declaration or is expressly required by statutory timeline or court order.

Much as the General Assembly has conducted its own affairs over the past seven months – including virtually-hosted hearings, committee votes, and full floor actions – state agencies have successfully adapted and provided ample public engagement with meetings, hearings, and actions as they are already required to do by existing law. This bill would uniformly suspend much of this critical work, which includes a tremendously broad set of activities necessary for protection of public health, as well as our air and water– including ongoing work on PFAS contamination.

While we acknowledge that this bill does allow for a waiver to this prohibition by approval from a standing committee, there is no requirement that the standing committee consider the waiver request. Further, there is no guidance on how (or how quickly) the Committee should administer the waiver request, and whether the public will have the opportunity to provide comment. In effect this grants one individual – the committee chair – with the discretion to decide whether a waiver should be considered.

House Bill 430

House Bill 430 greatly expands the Regulatory Review Act in two ways.

- First, it allows the legislature to repeal *any existing* regulation already in effect via concurrent resolution, which is voted once by each chamber and sent to the Governor.
- Second, it further prohibits an agency from repromulgating an abrogated rulemaking unless and until new legislative authority is expressly granted.

In both instances, this legislation disregards whether proposed or existing regulations are required by existing state or federal law. Repeal of existing regulations could endanger federal primacy and funding.

The legislation effectively allows the legislature to reinterpret statutes indirectly on a case-by-case basis. This can result in considerable uncertainty for the regulated communities and the public, and opens the door for inconsistent application of the law. Furthermore, it creates the potential for unraveling essential protections that were in place and were relied upon when activities or operations were initially permitted. The public deserves the assurance that protections will not be substantially weakened or even removed once authorizations have been granted.

We feel strongly that both bills work against both the interest of the regulated communities, and the public. This legislation also puts our air and water at risk. For these reasons, we urge you to oppose Senate Bill 1147 and House Bill 430. 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