



April 20, 2021

To: Members of the House State Government Committee
Re: Opposition to House Bill 939 and House Bill 950

Dear Representatives:

The Pennsylvania Environmental Council (PEC) and Environmental Defense Fund (EDF) urge you to oppose House Bill 939 (P.N. 947) and House Bill 950 (P.N. 958). While enhancing regulatory performance, transparency, and accountability is undoubtedly an important goal, these bills will do more to impede agency function and curtail environmental and public health protections.

Concerns with House Bill 939

House Bill 939 requires agencies to identify at least two regulations for repeal any time they intend to promulgate a new rulemaking. In addition, this legislation establishes an 'Independent' Office of the Repealer that in reality is governed by a politically-appointed committee.

Requiring agencies to catalog existing regulations for repeal merely so they may promulgate a new rulemaking – even if that new rulemaking is required by state or federal law – is an unjustifiably burdensome hurdle that could impede much-needed economic and public health protections. For example, under this legislation if the Department of Environmental Protection were to propose remediation or drinking water criteria to address Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) contamination, they would first have to spend time identifying two other regulations for repeal – despite growing scientific consensus that such criteria is desperately needed.

There is already an established process via the Environmental Quality Board for any member of the public to recommend changes to, or even repeal of, existing regulations. As a result, this legislation is redundant and would create more delays than it would solve.

Concerns with House Bill 950

House Bill 950 provides a means for the General Assembly to disapprove existing regulations via concurrent resolution. In addition, the legislation also prohibits an agency from re-initiating a proposed or enacted regulation, even if changes are made to the proposal, if the General Assembly passes a concurrent resolution to disapprove. The one exception to this prohibition is if the General Assembly passes new legislation authorizing the rulemaking proposal.

Currently, the legislature has the option to pass legislation to change statutory law; there is no need to establish a secondary process. Furthermore, establishing a prohibition on amended rulemakings – where an agency may be attempting to address any substantive objections raised by the legislature or stakeholders – is overly restrictive.

Conclusion

Because these bills are redundant with existing authority, and in fact create new and unwarranted hurdles for environmental and public health protection, we urge you to oppose this legislation.

Thank you for your consideration.

Sincerely,

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