

# Beware the political mythos of ‘less regulation’

**Politics is ugly business. The argument for less government regulation — typically offered alongside empty promises of more jobs and less taxation — has become a regular talking point for career politicians who use this tactic to gain leverage for the special interests that support them.**

By **Aric Caplan**

Americans have had it with the obstructionism and unflattering gamesmanship that characterize and hinder the political process. Beholden to a slew of special interests, many politicians have made their K Street allies a top priority, and the needs of the public their last.

Too many of our leaders seem determined to falsely portray the idea that protecting public health and updating safety standards is little more than a bureaucratic ruse to force the public to pay additional taxes. They scapegoat the Environmental Protection Agency, the Clean Air Act and Clean Water Act, which were all signed into law 40 years ago by President Richard Nixon. Consequently, powerful politicians and industry lobbyists offer false choices and ostensibly short-term fixes such as exaggerated promises of either jobs from the recently rejected Keystone XL tar sands pipeline and Marcellus shale boom of hydraulic fracturing, or public health. It's no wonder Congress now stands at an “unimaginably low” approval rating of five percent, with 68% of those respondents grading them as doing a “poor” job.

In 2011, Congress passed an “Omnibus” budget bill, H.R. 2055, called the “[New] Consolidated Appropriations Act,” to provide the funding necessary for the smooth operation of our nation’s government through the rest of its current fiscal year. In fact, the chemical industry and fossil fuel lobbyists worked overtime to get riders included in that bill intended to counter necessary safeguards and promote an ongoing campaign to undermine the integrity and credibility of government science programs responsible for gauging the potential risks of pollution, emission and toxic chemicals.

Returning from last summer’s Congressional recess, House Republicans stepped up their assault on health, safety, the environment and labor regulations using the common smokescreen that those standards had prevented job creation. In a memo to members, House Majority Leader

Eric Cantor (R-VA) teed up the top-10 most egregious safeguards, most of which had yet to be implemented, to criticize the prevention of mercury emissions and other toxic pollution from boilers and incinerators plus other extraneous earmarks. To quote Cantor’s memo, seven of his 10 “problematic” regulations were “reflective of the types of costly bureaucratic handcuffs that Washington has imposed upon business people who want to create jobs.” They include the Utility MACT (Mercury Air Toxic Standards for Utilities) and CSAPR (Cross-State Air Pollution Rule), Boiler MACT, Cement (kilns) MACT, Coal Ash (coal-fired power plants), Ozone (soot) Rule, Farm Dust and Greenhouse Gas. According to Natural Resources Defense Council’s John Walke, the “Farm Dust Regulation Prevention Act of 2011,” H.R. 1633, “is premised on a problem that does not exist.”

Last February, a Tea Party-influenced agenda featuring freshmen members of Congress — all of whom do not believe in climate change — submitted H.R. 72, the infamous “Repeal of Job-Destroying Regulations to Create Middle Class Jobs Act.” Run by Oversight and Government Reform Committee Chairman Darrell Issa, Congress spent most of 2011 attacking the EPA with claims that the agency had overreached its power and overburdened job creators. Issa catalogued what environmental protections had purportedly done to destroy jobs with three arbitrary actions, namely the “Regulations From the Executive in Need of Scrutiny Act” (or REINS Act), the “Regulatory Flexibility Improvements Act,” and reform of the “Administrative Procedures Act.”

One looming piece of legislation that needs President Obama’s signature after a serious modernization is The Toxic Substances Control Act of 1976 (TSCA). The Senate’s Environment and Public Works Committee, is working to enact more modern and enforceable standards to protect Americans from dangerous chemicals. For 36 years, it has regulated chemicals in consumer products. Last year U.S. Senator Frank R. Lautenberg (D-NJ) intro-

duced the Safe Chemicals Act to reform the law making it relevant for the 21st Century. By all accounts, this effort will prove to another uphill fight. Among the most vigilant advocates of such chemical reform and public health is Physicians for Social Responsibility (PSR). Their member doctors, nurses and other public health professionals have urged senators about how seriously they take the invisible threat posed by unknown chemical exposure, so much that PSR has named it near the top of their Environment & Health program’s priorities in 2012.

How broken is the TSCA program? Last year, H. Fisk Johnson, CEO of consumer products company SC Johnson testified before Congress, saying: “Your child has a better chance of becoming a Major League Baseball player than a chemical has of being regulated by EPA” under TSCA. The NRDC released “The Delay Game: How the Chemical Industry Ducks Regulation of the Most Toxic Substances,” which served as a case-study of how the chemical industry has blocked government action to protect the public from exposure to a range of toxins.

Who would you imagine has the most to gain by kicking the legislative can even further down the road? For starters, some of the most prominent trade associations in the country, including the American Chemistry Council, American Farm Bureau Federation, American Petroleum Institute, Business Roundtable, National Association of Manufacturers, National Association of Realtors, National Council of Chain Restaurants, National Federation of Independent Business, National Mining Association, National Retail Federation, Nuclear Energy Institute, U.S. Chamber of Commerce, and a few dozen others with whom you may not be as familiar.

If you accept much of the frenzied misinformation coming from Washington and currently being parroted by a few presidential candidates, the EPA is the problem, not the solution. Permitting toxic chemicals to continue unchecked spells real trouble for children, mothers, workers, seniors, animals, the environment — everybody.

Americans deserve more from their elected representatives. Ideas like consumer protection, public safety and industry compliance are genuinely in the public interest and are imperative to America’s economic recovery.

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