

# AFL-CIO

## LEGISLATIVE ALERT

September 6, 2024|

Representative Roger Williams  
Chairman, House Committee on Small Business  
2361 Rayburn House Office Building  
Washington, DC 20515

Representative Nydia M. Velázquez  
Ranking Member, House Committee on Small Business  
2069 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Williams and Ranking Member Velázquez:

On behalf of the AFL-CIO, I urge you to oppose a package of six deregulatory bills that are scheduled for markup on September 10, 2024.

- the Regulatory Transparency for Small Businesses Act (H.R. 8033),
- the Regulatory Agenda Clarity Act, (H.R. 9030),
- the Assurance for Small Business Act of 2024, (H.R. 9031),
- the Enhanced Regulatory Flexibility Assessment Act, (H.R. 9032),
- the Let American Businesses be On Record Act of 2024 (LABOR Act, H.R. 9033), and
- the Regulatory Review Improvement Act of 2024 (H.R. 9085).

These bills create extreme measures that would make it practically impossible for federal agencies to issue meaningful, enforceable protections, threatening the health and safety of workers and the public. These bills were introduced under the guise that they would improve the regulatory process; however, they simply introduce unnecessary, redundant requirements that would shift resources away from the development and issuance of important regulations that ensure safe workplaces, health standards, and other protections.

### Additional Analyses

H.R. 8033, H.R. 9030, H.R. 9031 and H.R. 9032 all include duplicative or unnecessary analyses that would further slow down the rulemaking process, which is already onerous and complex. For example, the 2010 Occupational Safety and Health Administration's (OSHA's) construction safety standard on cranes and derricks took 10 years to finalize, even though this rule had unanimous support from industry and labor. OSHA's 2016 silica standard, which protects workers from deadly silica dust and prevents 700 deaths a year, took nearly 19 years to go

through the rulemaking process. The existing rulemaking process already accounts for much of these analyses, and excessive requirements would hamper the process even more.

### Retrospective Reviews

Instead of improving the regulatory processes through requiring retrospective reviews, H.R. 9085 would do the opposite. Federal agencies already perform retrospective reviews for many regulations through statutory requirements, enacted legislation or executive orders, and when appropriate, discretionary reviews. The U.S. [Government Accountability Office](#) found that retrospective reviews occur more frequently than most realize and that mandatory reviews were less effective than agency discretionary reviews for creating guidance and rule updates. One-size fits all approaches across agencies without regard to cost of compliance would require resources available to perform additionally mandated reviews, detracting from agency statutory responsibilities to issue new regulations to protect and improve the lives of people. Such a broad requirement would consume substantial agency funds and staff time that would otherwise be focused on meaningful regulatory action that protects workers and saves lives.

For example, life-saving workplace [safety and health regulations](#) currently undergo reviews under the Regulatory Flexibility Act and Executive Order 12866, which have concluded that previously issued regulations are necessary, justified, have not had a negative economic consequence, and most importantly have saved lives. In only one circumstance out of all reviews, it was necessary to update a provision of one standard to be more protective. Workplace safety agency resources are better spent addressing serious hazards that do not yet have comprehensive regulations, including workplace violence, heat illness, combustible dust and infectious diseases.

### Expanded Scope

We oppose H.R. 9033, the LABOR Act, which would expand the requirement of SBREFA panels to the rest of the Department of Labor agencies. The Small Business Regulatory Enforcement Fairness Act (SBREFA) currently requires OSHA, the Environmental Protection Agency, and the Consumer Financial Protection Bureau to give small business panels a special interest opportunity to weigh in on proposed rules before the public, including workers who will be the end users of such regulations, have even had a chance to see them. Many of these panels have also included representatives from large corporations. This process imposes burdensome requirements that are only available to businesses and not to any other party before a public comment period.

To truly achieve the end goal of helping small businesses while promoting worker and public health and safety, existing public comment periods, public hearings and compliance assistance programs help small businesses be part of the development and implementation of enforceable rules. Compliance assistance resources and programs already exist at a number of federal agencies to ensure they provide resources to and work with small businesses to address their specific needs in implementing rules. For example, many agencies are already required to produce “compliance guides” for each rule, outlining in plain language a description of the rule

and a detailed explanation of what actions are required on behalf of small businesses to be in compliance. OSHA even provides an on-site consultation program at no cost to small businesses to help them identify and address hazards and establish or improve safety and health programs.

The AFL-CIO urges you to oppose all of these dangerous bills. These bills would further slow down and cripple the regulatory process, which is already fraught with excessive delays in issuing crucial worker and public protections. The longer a new rule is tied up in the needless morass created by these bills, the more lives are lost. Please vote no on these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody Calemine". The signature is fluid and cursive, with a large initial "J" and "C".

Jody Calemine  
Director, Government Affairs