

DARRELL E. ISSA, CALIFORNIA  
CHAIRMAN

DAN BURTON, INDIANA  
JOHN L. MICA, FLORIDA  
TODD RUSSELL PLATTS, PENNSYLVANIA  
MICHAEL R. TURNER, OHIO  
PATRICK McHENRY, NORTH CAROLINA  
JIM JORDAN, OHIO  
JASON CHAFFETZ, UTAH  
CONNIE MACK, FLORIDA  
TIM WALBERG, MICHIGAN  
JAMES LANKFORD, OKLAHOMA  
JUSTIN AMASH, MICHIGAN  
ANN MARIE BUERKLE, NEW YORK  
PAUL A. GOSAR, D.D.S., ARIZONA  
RAUL R. LABRADOR, IDAHO  
PATRICK MEEHAN, PENNSYLVANIA  
SCOTT DESJARLAIS, M.D., TENNESSEE  
JOE WALSH, ILLINOIS  
TREY GOWDY, SOUTH CAROLINA  
DENNIS A. ROSS, FLORIDA  
FRANK C. GUINTA, NEW HAMPSHIRE  
BLAKE FARENTHOLD, TEXAS  
MIKE KELLY, PENNSYLVANIA

LAWRENCE J. BRADY  
STAFF DIRECTOR

ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

FACSIMILE (202) 225-3974

MINORITY (202) 225-5051

<http://oversight.house.gov>

ELIJAH E. CUMMINGS, MARYLAND  
RANKING MINORITY MEMBER

EDOLPHUS TOWNS, NEW YORK  
CAROLYN B. MALONEY, NEW YORK  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA  
DENNIS J. KUCINICH, OHIO  
JOHN F. TIERNEY, MASSACHUSETTS  
WM. LACY CLAY, MISSOURI  
STEPHEN F. LYNCH, MASSACHUSETTS  
JIM COOPER, TENNESSEE  
GERALD E. CONNOLLY, VIRGINIA  
MIKE QUIGLEY, ILLINOIS  
DANNY K. DAVIS, ILLINOIS  
BRUCE L. BRALEY, IOWA  
PETER WELCH, VERMONT  
JOHN A. YARMUTH, KENTUCKY  
CHRISTOPHER S. MURPHY, CONNECTICUT  
JACKIE SPEIER, CALIFORNIA

May 16, 2012

Mr. David Raymond  
President and CEO  
American Council of Engineering Companies  
1015 15th Street, NW, Suite 802  
Washington, DC 20005

Dear Mr. Raymond:

The House Committee on Oversight and Government Reform continues to examine existing and proposed regulations that negatively impact jobs and the economy. Over the past fifteen months, the Committee has received valuable information from job creators and business organizations, like yours, that have informed efforts to highlight burdensome regulations. Some relief from regulatory burdens has been achieved, but the economy continues to struggle as job growth has slowed and small businesses continue to be hesitant to hire. It is clear that more must be done. Therefore, the Committee's work remains, and I write to renew the Committee's request for information.

On December 8, 2010, the Committee launched a major effort to discover burdensome regulations by requesting information from nearly 100 job creators and business groups. Shortly thereafter, the Committee launched AmericanJobCreators.com as another avenue to solicit feedback. As a result of these initiatives, the Committee issued two staff reports—*Assessing Regulatory Impediments to Job Creation*<sup>1</sup> and *Broken Government: How the Administrative State has Broken President Obama's Promise of Regulatory Reform*,<sup>2</sup>—held seven full committee hearings, nearly 20 subcommittee hearings, and sent a number of letters to agencies inquiring about their regulatory policies. President Obama's chief regulatory officer, Cass Sunstein, has called the Committee's work on this subject "constructive" and "important."<sup>3</sup>

<sup>1</sup> H. Comm. on Oversight & Gov't Reform Preliminary Staff Report, *Assessing Regulatory Impediments to Job Creation*, 112th Cong. (2011) available at [http://oversight.house.gov/wp-content/uploads/2012/02/Preliminary\\_Staff\\_Report\\_Regulatory\\_Impediments\\_to\\_Job\\_Creation.pdf](http://oversight.house.gov/wp-content/uploads/2012/02/Preliminary_Staff_Report_Regulatory_Impediments_to_Job_Creation.pdf).

<sup>2</sup> H. Comm. on Oversight & Gov't Reform Staff Report, *Broken Government: How the Administrative State has Broken President Obama's Promise of Regulatory Reform*, 112th Cong. (2011) available at [http://oversight.house.gov/wp-content/uploads/2012/01/9.13.11\\_Broken\\_Government\\_Report1.pdf](http://oversight.house.gov/wp-content/uploads/2012/01/9.13.11_Broken_Government_Report1.pdf).

<sup>3</sup> "How a Broken Process Leads to Flawed Regulations": *Hearing Before the H. Comm. on Oversight & Gov't Reform*, 112th Cong. (2011) (testimony of Cass Sunstein, Administrator, Office of Information and Regulatory Affairs).

More importantly, several regulations that job creators brought to the Committee's attention were subsequently struck down by the courts or significantly scaled back by federal agencies. For example, Federal courts vacated a Securities Exchange Commission (SEC) "proxy access rule" because the court found the SEC acted "arbitrarily" in its analysis of costs and benefits,<sup>4</sup> overturned an Environmental Protection Agency's (EPA) decision to revoke a mining permit in West Virginia because the court found EPA's action was "contrary to the language, structure, and legislative history of section 404 [of the Clean Water Act],"<sup>5</sup> and delayed implementation of a notice posting rule because it was found the National Labor Relations Board (NLRB) "lack[ed] authority ... to promulgate the rule."<sup>6</sup> Moreover, the Department of Transportation altered its hours of service rule to cut the costs nearly in half,<sup>7</sup> the Department of Agriculture scrapped the most controversial parts of its "GIPSA rule,"<sup>8</sup> and the Department of Interior reduced the number of species proposed to be covered by the Lacey Act which will help limit the impact on small businesses specializing in the reptile industry.<sup>9</sup>

Unfortunately, burdensome regulations continue to plague the economy. A recent Gallup poll found that nearly half of small businesses are not hiring because they are worried about new government regulations,<sup>10</sup> and 44 percent of likely voters believe EPA regulations and actions hurt the economy.<sup>11</sup> Disturbingly, the "regulatory tsunami" does not appear to be slowing down. In the past decade, the number of economically significant rules in the federal regulatory agenda, meaning those that could cost more than \$100 million annually, has increased by more than 137 percent—rising from 56 in the spring of 2001 to 133 in the fall of 2011.<sup>12</sup> Due, in part, to the Dodd-Frank Act, Obamacare, and the EPA, hundreds of costly new rules are in the pipeline.

---

<sup>4</sup> *Business Roundtable and Chamber of Commerce of the United States v. SEC*, No. 10-1305 (D.C. Cir. July 22, 2011).

<sup>5</sup> Alan Kovski, *Federal Court Strikes Down EPA Decision To Retroactively Veto Dredge-and-Fill Permit*, BNA (Mar. 26, 2012) available at <http://www.bna.com/federal-court-strikes-n12884908597/>.

<sup>6</sup> *Chamber of Commerce of the United States and South Carolina Chamber of Commerce v. National Labor Relations Board*, Order, No. 2: 11-cv-02516-DCN (SC Dist. Ct. Apr. 13, 2012).

<sup>7</sup> News Release, U.S. Department of Transportation Takes Action to Ensure Truck Driver Rest Time and Improve Safety Behind the Wheel, Dec. 22, 2011.

<sup>8</sup> Capital Update, *New GIPSA Rule Issued*, National Pork Producers Council, Dec. 9, 2011.

<sup>9</sup> News Release, Salazar Announces Ban on Importation and Interstate Transportation of Four Giant Snakes that Threaten Everglades, Jan. 17, 2012.

<sup>10</sup> Dennis Jacobs, *Health Costs, Gov't Regulations Curb Small Business Hiring*, Gallup, Feb. 15, 2012 available at <http://www.gallup.com/poll/152654/health-costs-gov-regulations-curb-small-business-hiring.aspx>.

<sup>11</sup> 44% Think EPA Actions Hurt The Economy, Rasmussen Reports, Apr. 10, 2012 available at [http://www.rasmussenreports.com/public\\_content/politics/current\\_events/environment\\_energy/44\\_think\\_epa\\_actions\\_hurt\\_the\\_economy](http://www.rasmussenreports.com/public_content/politics/current_events/environment_energy/44_think_epa_actions_hurt_the_economy).

<sup>12</sup> James Gattuso and Diane Katz, *Red Tap Rising: Obama-Era Regulation at the Three-Year Mark*, The Heritage Foundation (Mar. 13, 2012).

May 16, 2012

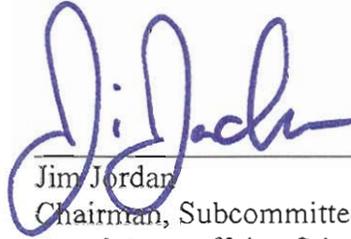
Page 3

As a trade organization comprised of members that must comply with numerous regulations, I ask for your assistance in identifying additional existing and proposed regulations that continue to negatively impact job growth in your members' industry. To the extent applicable, please include examples of rules and regulations where it is believed a federal agency did not fully and effectively comply with the rulemaking process. Please submit your response as soon as possible, preferably by June 1, 2012. If you have any questions, please feel free to contact Kristin Nelson or Kristina Moore with the Committee staff at (202) 225-5074.

Sincerely,



Darrell Issa  
Chairman



Jim Jordan  
Chairman, Subcommittee on  
Regulatory Affairs, Stimulus  
Oversight and Government Spending

cc: The Honorable Elijah Cummings, Ranking Minority Member

The Honorable Dennis Kucinich, Ranking Minority Member,  
Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending

**2012-05-16 DEI & Jordan to Trades - regulations due 6-1 (183 letters) sent to:**

Activision Blizzard, Inc.  
Adhesive and Sealant Council, The  
Advanced Medical Technology Association  
Aerospace Industries Association of America  
Agricultural Retailers Association  
Air Movement and Control Association Int'l  
Air Transport Association of America, Inc.  
Air-Conditioning, Heating and Refrigeration Institute  
Aircraft Owners and Pilots Association  
Alliance of Automobile Manufacturers  
Aluminum Association, Inc.  
America Composites Manufacturers Association  
American Architectural Manufacturers Association  
American Association of Advertising Agencies  
American Bakers Association  
American Bearing Manufacturers Association  
American Beverage Association  
American Chemistry Council  
American Cleaning Institute  
American Coatings Association  
American Coke and Coal Chemicals Institute  
American Council of Engineering Companies  
American Council of Independent Laboratories  
American Express  
American Farm Bureau Federation  
American Fiber Manufacturers Association  
American Financial Services Association  
American Forest and Paper Association  
American Frozen Food Institute  
American Gas Association  
American Gear Manufacturers Association  
American Hardware Manufacturers Association  
American Home Furnishings Alliance  
American Hospital Association  
American Iron and Steel Institute  
American Land Title Association  
American Lighting Association  
American Meat Institute  
American Petroleum Institute  
American Trucking Association  
American Welding Society  
American Wire Producers Association  
APA - The Engineered Wood Association  
Architectural Woodwork Institute  
ARIPPA  
Associated Builders & Contractors, Inc.  
Associated General Contractors of America  
Association for Manufacturing Technology  
Association of American Railroads  
Association of Equipment Manufacturers  
Association of Home Appliance Manufacturers  
Global Automakers  
Association of the Wall and Ceiling Industry  
Automotive Aftermarket Industry Association  
Biotechnology Industry Organization  
The Boeing Company  
Brick Industry Association  
Bumble Bee Foods, LLC  
Business Coalition for Fair Competition  
Business Roundtable  
Carpet and Rug Institute  
CEMEX USA  
Center for Regulatory Effectiveness  
CF Industries Holdings, Inc.  
Channellock, Inc.  
Charlotte Pipe & Foundry Company  
Color Pigments Manufacturers Association  
Commodity Markets Council  
Competitive Enterprise Institute  
Composite Panel Association  
CompTIA  
ConocoPhillips, Inc.  
Construction Industry Round Table  
Consumer Electronics Association  
Consumer Specialty Products Association  
Cotton Council International  
Council of Industrial Boiler Owners  
Craft and Hobby Association  
Credit Union National Association  
CropLife America  
CTIA--The Wireless Association  
DBA International  
Direct Selling Association  
Distilled Spirits Council of the US  
Door and Hardware Institute  
Duke Energy Corporation  
Edison Electric Institute  
Electric Reliability Coordinating Council  
Fabricators and Manufacturers Association, International  
Financial Services Forum  
Financial Services Roundtable  
Flexible Packaging Association  
Fluid Sealing Association  
Ford Motor Company  
Futures Industry Association  
Generic Pharmaceutical Association  
Grocery Manufacturers Association  
Health Industry Distributors Association  
HR Policy Association  
Independent Bakers Association

Independent Community Bankers of America  
 Independent Petroleum Association of America  
 Industrial Energy Consumers of America  
 Industrial Minerals Association, N.A.  
 Institute of Makers of Explosives  
 Institute of Scrap Recycling Industries  
 Interlocking Concrete Pavement Institute  
 International Bottled Water Association  
 International Dairy Foods Association  
 International Housewares Association  
 International Safety Equipment Association  
 International Sign Association  
 International Sleep Products Association  
 IPC, The Association Connecting Electronics Industries  
 Kitchen Cabinet Manufacturers Association  
 Manufactured Housing Institute  
 Manufacturers' Agents National Association  
 Manufacturing Jewelers & Suppliers of America  
 Mazda North American Operations  
 McGuireWoods Consulting, LLC  
 Mercatus Center  
 Metal Treating Institute  
 Motor and Equipment Manufacturers Association  
 Motorcycle Industry Council  
 Murray Energy Corporation  
 NanoBusiness Alliance  
 National Alliance of Forest Owners  
 National Asphalt Pavement Association  
 National Association of Broadcasters  
 National Association of Chain Drug Stores  
 National Association of Clean Water Agencies  
 National Association of Homebuilders  
 National Association of Manufacturers  
 National Association of Water Companies  
 National Automobile Dealers Association  
 National Black Chamber of Commerce  
 National Community Pharmacists Association  
 National Concrete Masonry Association  
 National Council of Textile Organizations  
 National Electrical Manufacturers Association  
 National Federation of Independent Business  
 National Fluid Power Association  
 National Glass Association  
 National Lumber & Building Material Dealers  
 National Marine Manufacturers Association  
 National Mining Association  
 National Oilseed Processors Association  
 National Petrochemical and Refiners Association  
 National Restaurant Association  
 National Stone, Sand and Gravel Association  
 National Telecomm. Cooperative Assoc.  
 Non-Ferrous Founders' Society  
 National Tooling and Machining Association  
 Nuclear Energy Institute  
 Owner Operator Independent Drivers Association  
 Plumbing Manufacturers Institute  
 Portland Cement Association  
 Precision Machined Products Association  
 Precision Metalforming Association  
 Printing Industries of America  
 The George Washington University Regulatory Studies Center  
 Renewable Fuels Association  
 Resources for the Future  
 Responsible Industry for a Sound Environment  
 Roaring Springs Water  
 Salt Institute  
 Silver Nanotechnology Working Group  
 Small Business & Entrepreneurship Council  
 Society of Chemical Manufacturers and Affiliates  
 Society of the Plastics Industry, Inc.  
 Textile Rental Services Association  
 The Fertilizer Institute  
 The Heritage Foundation  
 The Methanol Institute  
 The Rural Cellular Association  
 Tire Industry Association  
 Toyota Motor Sales, U.S.A., Inc.  
 U.S. Chamber of Commerce  
 US Nuclear Infrastructure Council  
 US Telecom Association  
 Western Growers Association  
 Window & Door Manufacturers Association  
 Job Creators Alliance