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House of Representatives

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Opening Statement Ranking Member Val Demings

Hearing on “Examining ‘Sue and Settle’ Agreements: Part II” Subcommittee on the Interior, Energy, and Environment and the Subcommittee on Intergovernmental Affairs

July 25, 2017

Thank you, Mr. Chairman, for holding today’s hearing.

Today, we have the opportunity to discuss the federal responsibility to ensure that Americans can buy safe food, have clean air and water, and access to the ballot box. Our great Democracy has many ways to do this, but perhaps the most fundamentally “little D” democratic tool is concerned citizens working together to hold federal agencies—the “watchers” accountable under the law.

Unfortunately, some of my colleagues view these citizen actions as irrelevant annoyances that slow down progress. The result is legislation that seeks to make it harder and more expensive for Americans to use the courts to compel failing government agencies to uphold the law.

These are not small stakes.

One of the most frequent reasons for suit is missed deadlines that leave the public unprotected.

A 2012 study of public health and safety rulemaking with congressionally mandated deadlines showed **quote** “most rules are issued long after their deadlines [which] ultimately are putting American lives at risk.”

I’d like to take this opportunity to highlight just one rule, criticized as “too expensive,” which was long delayed—until, ultimately, a lawsuit pushed the final rule over the finish line.

In 2008, the House and Senate unanimously passed a bill to help prevent “back-over” accidents, which tragically killed more than 200 Americans and injured more than 15,000 every year. Most often, the person injured or killed was a young child—too small to be seen in a rearview or side-view mirror.

Despite a statutory deadline in 2011, a final rule would not come until 2014, and then, only because of public outrage, and yes, litigation. When will new passenger vehicles be

required to have cameras? **2018.** 10 years after the bill became law and several years after auto manufacturers *voluntarily* installed cameras on virtually every new car.

Mr. Weissman, I look forward to hearing more about Public Citizen's work to finalize this long-delayed rule.

When it comes down to it, some in Congress and the administration would be fine with indefinitely slowing the rulemaking process—leaving Americans, particularly the most vulnerable, at risk of injury from unsafe products and unscrupulous corporations.

Please be assured that won't happen without a fight.

I thank our witnesses for sharing their testimony today, and I look forward to this important discussion.

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