Dear Senator:

The Center for Science in the Public Interest (CSPI) urges you to oppose the Congressional Review Act (CRA) resolution of disapproval, S.J. Res. 30, filed by Senator Mitch McConnell. The resolution targets a proposed rule currently under consideration at the Environmental Protection Agency, but in circumventing established CRA procedures S.J. Res. 30 would set a dangerous precedent for Congressional oversight of proposed rules on other issues such as food safety.

The CRA should not apply to proposed rules. To date, the law has only been used for a very limited purpose of voiding final, binding rules or actions. If S.J. Res. 30 were to upset that precedent, it could put every agency’s standard-setting and enforcement capabilities in jeopardy. Applying the CRA to proposed rules yields an ax when a scalpel might provide the better cure. Congressional action to void a proposed rule circumvents the notice and comment process before the agency has a chance to perfect the rule while blocking an agency’s ability to reconsider and re-issue a revised rule or proposal.

CSPI is especially concerned that the precedent created by S.J. Res. 30 could threaten proposed agency actions related to food safety and public health. The Food and Drug Administration has proposed rules required by the Food Safety Modernization Act that will prevent food from becoming contaminated and better assure the safety of imported food. Several new rules are also under consideration or development at the Food Safety and Inspection Service to protect consumers and improve the safety of meat and poultry products. Allowing CRA resolutions of disapproval to target proposed agency rules could stymie action on these essential public health measures.

Food safety is very important to the people of your state. Outbreaks of foodborne illness comprise a preventable epidemic that the Centers for Disease Control and Prevention estimates affects 48 million people – 1 in every 6 Americans – annually. Over 128,000 Americans are hospitalized every year and 3,000 tragically die from foodborne diseases. Those that recover often suffer severe long-term effects, such as kidney failure, chronic arthritis, and brain and nerve damage. The annual cost of these preventable illnesses to the public in medical bills and productivity losses alone is estimated at over $77 billion.

Because passage of S.J. Res. 30 would create a dangerous precedent that could jeopardize proposed rules related to food safety, public health and consumer protection, CSPI urges you to oppose this unprecedented and dangerous use of the CRA.

Sincerely,

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