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Contact: Rick Melberth or Matt Madia, 202-234-8494

Vote "No" on Bond Anti-Regulatory Amendment

Sen. Kit Bond (R-MO) has introduced an amendment (No. 3771) to the Farm, Nutrition and Bioenergy Act (H.R. 2419) that would add more analytical burdens to agencies' rulemaking actions, create special rights for businesses widely defined as agricultural entities, and create a new office in the U.S. Department of Agriculture (USDA) to review agencies' proposed rules. This far-reaching amendment changes the regulatory process in ways that will further delay the promulgation of rules and allow these business interests to weaken health, safety and environmental protections.

Specifically, the amendment would:

- **Define "agricultural entities" broadly to include not just the agricultural sector** of ranchers, farmers, foresters, etc., but also any company or person who derives income from or the sale of products related to the agricultural sector. This definition would include transportation, food processing, and manufacturing entities – nearly any entity involved in commerce.
- **Allows industry representatives to review and influence rules without public knowledge.** U.S. Environmental Protection Agency and Department of Interior rules would be reviewed by agriculture industry representatives before the rules are ever released to the public. The amendment also gives agricultural entities special legal standing to sue agencies in federal court. In addition, the courts are ordered to remand any rules not found to be in compliance with the amendment's provisions to the issuing agencies and order the agencies to defer the enforcement of the rules against agricultural entities.
- **Apply new analytical requirements to all federal rules generated under nearly all health, safety and environmental statutes.** Agencies would have to prepare cost-benefit analyses tailored to the agricultural industry. At a time when U.S. consumers are facing unprecedented warnings about faulty drugs, food contamination, high lead content in the goods we buy, and environmental degradation, the amendment creates opportunities to delay and weaken the protections we need.
- **Create a politically-charged Office of Advocacy in USDA.** This office would “serve as a focal point for the receipt of complaints” from agriculture interests and would have the power to transform that industry input into public policy. The office would be headed by a newly-created presidential appointee.
- **Require agencies to publish a review agenda** of all agency rules that have significant economic impacts on agricultural entities. This review duplicates a process agencies already must conduct under the Regulatory Flexibility Act.

Special interests already exert their influence at many stages of the regulatory process. All too often, those special interests impact regulatory protections outside the public eye. Meanwhile, federal agencies are increasingly saddled with analytical burdens that slow down the rulemaking process and make it more difficult for our government to respond to public needs. Senator Bond's amendment would only exacerbate these existing problems. OMB Watch firmly opposes this attempt to further handcuff regulatory agencies' efforts to issue important public protections.

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1742 Connecticut Ave NW
Washington, DC 20009

tel: 202.234.8494
fax: 202.234.8584

email: ombwatch@ombwatch.org
web: <http://www.ombwatch.org>