Mr. Stephen E. Sandherr
Chief Executive Officer
Associated General Contractors of America
2300 Wilson Boulevard, Suite 300
Arlington, VA 22201

Dear Mr. Sandherr:

The Committee on Natural Resources Subcommittee on Oversight and Investigations is reviewing federal rules, regulations, and policies within its jurisdiction that are unworkable and burdensome, harmful to the economy, jeopardize public health or safety, and thwart job growth.

The Subcommittee maintains the primary and general oversight and investigative authority on all activities, policies, and programs within the jurisdiction of the Committee. The Committee maintains jurisdiction over an expansive list of major statutes and programs across the federal government. Some of the federal agencies that oversee those statutes and programs include the Department of the Interior, the National Oceanic and Atmospheric Administration, the U.S. Forest Service, Power Marketing Administrations, the President’s Council on Environmental Quality, and numerous government boards and commissions.

As you are aware, the number of rules and regulations issued in the past decade is considerable. For example, between 2009 and 2016, the Department of the Interior issued a total of 1,992 final or proposed rules, 270 of which were deemed “significant” by the Office of Information and Regulatory Affairs (OIRA).¹ Among other factors, rules are deemed “significant” by OIRA when the action may “[h]ave an annual effect on the economy of $100 million or more or adversely affect . . . the economy [in a material way].”²

² Pursuant to Executive Order 12866, regulatory actions are deemed significant by OIRA when the action is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in [Executive Order 12866]. See, Exec. Order No. 12866, 58 Fed. Reg. 51,735 (Oct. 4, 1993).
The Subcommittee recently demonstrated that the inconsistent implementation of major environmental statutes such as the Endangered Species Act and the National Environmental Policy Act results in excessive project delays and prohibitive compliance costs. For example, a mining company recently testified at a Subcommittee hearing that two of their projects have been delayed for decades due to Endangered Species Act consultation requirements. These delays continue despite the 9th Circuit Court of Appeals’ 2011 finding that the company’s mitigation plan would actually improve conditions for the listed species involved.3

As an organization confronting the vast array of complex federal rules and regulations, we ask for your assistance in identifying burdensome government regulations or processes under the Committee’s jurisdiction. The Subcommittee is particularly interested in regulations or processes that have negatively impacted job creation or public health and safety, and your ideas to improve or reform such regulations or processes. These could include, but are not limited to, delays in federal permitting processes, high regulatory compliance costs or lack of meaningful engagement with federal regulatory entities. Your experience and perspective is valued as we endeavor to shape a more effective and efficient federal government.

The Subcommittee requests your response as soon as possible, but preferably before May 23, 2017. Please deliver your response to Room 1324 of the Longworth House Office Building. The Subcommittee prefers, if possible, to receive your response in electronic format.

Please contact Sang Yi or Christopher Santini of the Oversight and Investigations Subcommittee Staff at (202) 225-7107 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

Raúl R. Labrador
Chairman
Subcommittee on Oversight and Investigations

Mike Johnson
Vice-Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable A. Donald McEachin, Ranking Member, Subcommittee on Oversight and Investigations