



American Loggers Council Position Paper

Federal Regulatory Reform

The American Loggers Council supports sensible laws and regulations that are necessary to protect the public. Our members are committed to the wise and sustainable use of our natural resources.

Professional timber harvesters in the United States are subject to the most rigorous environmental laws in the world. Though well-intentioned, many laws affecting our industry have become misapplied and misinterpreted through administrative rule-making and litigation. Today's federal regulatory structure has become counterproductive and costly to our small, predominately family-owned businesses. It no longer serves the needs of our forests, natural resources, communities and national economy.

That's why the American Loggers Council has joined the U.S. Chamber of Commerce and an additional 614 other organizations in all 50 states in supporting swift action on the Regulatory Accountability Act of 2017 (RAA), H.R. 5, that directs the executive branch to fulfill its statutory goals in the least costly fashion and look for more public input to find the most efficient regulatory solutions possible.

The RAA is the first attempt to substantively amend the Administrative Procedure Act, the guidebook of the federal regulatory state, since its enactment in 1946. The key to the RAA is that it does not dismantle the regulatory state. Rather, the legislation divides it between general regulations that are needed to keep society functioning and high-impact or transformative regulations that cost billions of dollars each year and that have a nationwide impact on jobs and the economy.

The U.S. Chamber of Commerce's analysis of the regulatory state found that of the approximately 4,000 regulations published annually only a few—under 25 regulations—would be deemed transformative. By focusing only on high-impact, transformative regulations, Congress can control overreaching regulations while allowing the day-to-day operations of agencies to function. Under the RAA, the public would get an earlier opportunity to participate in shaping the most costly and transformative regulations.

When an agency first decides to write a high-impact rule, it would be required explain to the public why the regulation is necessary, how it will affect business, jobs and the economy, and why the rule is the best available alternative. After evaluating the impacts of the proposed rule, agencies should select the least costly regulatory alternative that achieves congressional intent. Independent federal agencies would be held to the same standards of transparency and accountability as executive agencies.

The RAA would also allow the American people the right to verify that high-impact proposed rules are feasible, cost-effective, and well-supported by good scientific and economic data. Finally, before awarding deference to agency decisions, a court must find that the agency addressed all standards mandated on the agency by Congress.

It is time for the Senate to follow the House's lead in passing and presenting a regulatory package to the president that restores its ability to place limits on agency rulemaking. If regulatory reform cannot happen when Congress and the president are of the same party, it is unlikely to ever happen and the ability of Congress to control agency overreach will continue to diminish. It is time for impactful regulatory reform, which the American Loggers Council supports and that the Regulatory Accountability Act of 2017, H.R. 5, can deliver.