
From: Ken Goldsmith

Sent: Tuesday, March 10, 2009 9:31 AM

To: FN-OMB-OIRA-Submission

Subject: Comments on OIRA regulatory review process

Please accept the following comments as my recommendations for improvement to the current regulatory process, especially the regulatory review requirements of Executive Order 12866.

AT a minimum, a new executive order should include the following reforms:

- 1) Cost-benefit analysis is inherently "political" and its role in the OIRA regulatory review process should be substantially diminished. Science and evidence-based analysis must be the predominant criteria for review and decision-making.
- 2) OIRA should show more deference to federal agencies, and should not review each and every significant regulation;
- 3) Communications between and among the agency issuing the regulation, other agencies, the White House, and outside interests should be disclosed in an online, publicly-available rulemaking docket;
- 4) Agencies should not use scientific uncertainty as an excuse for failing to regulate;
- 5) Agencies should do a better job of describing the virtue of proposed and final regulations, as well as their expectations of the regulated community, without relying on dollars and cents calculations to make their point since many important non-market policy considerations cannot be adequately "captured" by the cost-benefit process.

Thank you for the opportunity to comment on this matter of vital importance to the nation.

Sincerely,

Ken Goldsmith