

Guest view: Without public protections, Florida will suffer

Alyson Flournoy and Mary Jane Angelo Published 9:15 a.m. CT May 17, 2017 | Updated 6 hours ago



(Photo: Eric Zamora)

Florida faces unique threats in an era of sea-level rise and a warming climate. Algae blooms, tropical disease outbreaks, stronger storms, and coastal flooding present us with challenges on a scale we have not seen previously.

Federal agencies like the Environmental Protection Agency, Centers for Disease Control and Prevention, and Army Corps of Engineers are key partners to our state, helping us respond to each of these challenges. The massive Everglades restoration effort, which will help to protect south Florida's drinking water supply, is another federal-state partnership. We need federal agencies to be nimble and adaptive in responding to changes in the environment and the attendant threats to our health, safety, drinking water, and shorelines if they are to be effective partners.

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Yet President Donald Trump and conservatives in Congress are working to roll back safeguards and throw numerous monkey wrenches into the administrative process. Their policies would move us away from progress and innovation, paralyzing our federal partners, wasting public resources, and putting people at risk in the process.

A case in point is the "2-for-1 deal" in Trump's late January executive order – requiring that federal agencies offer up two regulations for repeal every time they propose to adopt a new or updated rule. It is as simplistic and arbitrary as it is misguided.

The executive order ignores the massive benefits of regulation to consumers, workers, people who'd prefer to breathe clean air, drink clean water, and eat safe foods, while focusing solely and obsessively on the cost to the companies that produce unsafe products, consign employees to dangerous working conditions and pollute the environment. It is meat-axe-style policymaking that assumes every rule is bad and that repeal is, by definition, always good. (Would you like some *Listeria* with that rule repeal?) It's a sales pitch served up as policy.



Alyson Flournoy (Photo: Special to the News Journal)

Another thing Trump's ham-handed executive order – and all deregulatory propaganda – overlooks is that rules are extremely important for business as well as the public. Affected businesses participate actively in agency rulemaking and often support the final product because clear rules of the road provide the level and predictable playing field they need to make investments. Rules eliminate unfair advantages for industry players that take the low road, exposing their workers and the public to needless and unacceptable risks and harms. Standards help correct problems where markets fail, and ensure agencies enforce statutes fairly and consistently across an industry.

Despite all this, House and Senate Republicans are joining President Trump's assault on our safeguards, floating a raft of damaging legislation that would make it even harder for agencies to protect Floridians – and all Americans. These proposals, including the recently reintroduced Regulatory Accountability Act, present dubious opportunities for improvements in accountability and do so at the expense of other core principles of administrative law – efficiency and fairness.

Now more than ever, Florida needs our representatives in Congress to restrain rash political impulses to move quickly and without careful thought. Congress should recognize that President Trump's executive order has already created instability and uncertainty for the regulatory process and should decline to adopt additional hurdles that will further delay important protections.

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Even ideas that may sound reasonable in the abstract – like requiring that benefits exceed costs for all regulations – have huge hidden costs and consequences. It's well known that health and safety get short shrift when we try to translate them to a dollar figure, as the bill being considered by Congress would require. At the same time, experience shows that the expected costs to industry are frequently overestimated. The end result is to undermine the health and safety mandates Congress wisely included in laws that have brought us cleaner air and water, better blowout preventers, safer workplaces and products, and more.

The enormous public outcry in the wake of President Trump's hasty and poorly thought-out executive orders should serve as an object lesson for Congress: haste makes waste. If Congress ignores this lesson and proceeds to shut down crucial public safeguards, including those designed to ward off the worst effects of a warming climate and restore the Everglades to health, Floridians will be in a world of hurt.

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