



MEMORANDUM IN OPPOSITION

S.5166 (Marchione)

An ACT relating to rules and regulations of the state.

Summary of Legislation

This bill would require Governor Cuomo to identify and repeal at least 1,000 state rules and regulations based on their perceived effects on economic growth and job creation. All New York State agencies, departments, public benefit corporations, and authorities with the power to promulgate regulations would be required to compile a comprehensive list of and justification for their rules and regulations by August 31, 2013. These lists would then be reviewed by the New York State Department of Economic Development and the Administrative Regulations Review Commission, which would recommend, by November 30, 2013, the repeal of regulations deemed “an impediment to economic growth and job creation.” By December 31, 2013, Governor Cuomo would be required to identify at least 1,000 rules and regulations for repeal. Following a brief public review period, the Governor would then be compelled to repeal at least 1,000 of the identified rules and regulations by April 1, 2014.

Statement in Opposition

This legislation, rather than targeting a specific problem, would arbitrarily require the repeal of at least 1,000 rules and regulations, regardless of whether or not that many were actually identified by reviewing agencies as no longer necessary or as any kind of impediment to economic growth. If signed into law, this bill risks seriously compromising the public health, safety, and environment of New Yorkers. By focusing the repeal of rules and regulations only on their perceived effects on economic growth, the state would be elevating economic concerns over public health, safety, and environmental ones, potentially causing long-term environmental damage and public health impacts that will cost the state and taxpayers more money in the long run.

This bill would also impede the ability of state agencies to carry out their mandates and would deprive New Yorkers the opportunity for full public input. By requiring state agencies, departments, public benefit corporations, and authorities to spend months undertaking what is essentially a paperwork exercise to justify their work, this bill would further hinder the ability of already overburdened and underfunded agencies to dedicate their limited time and resources to protecting New Yorker’s health, safety, and environment. In addition, the only opportunity for public review and comment afforded by this legislation would happen after multiple layers of state review and the Governor’s creation of a list of 1,000 rules and regulations for repeal. As a result, this legislation would result in the lessening of vital protections for New Yorkers, without providing those affected an opportunity to meaningfully participate in the process.

Public health, safety, and environmental rules and regulations were promulgated for a reason – to protect the health, wellbeing, and environment of New Yorkers – and should not be dispensed with in such a hasty and arbitrary manner.

Riverkeeper strongly opposes this legislation.