

August 9, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave N.W.
Washington, D.C. 20460

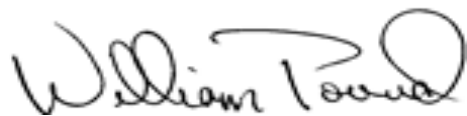
RE: Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process; Docket ID No. EPA-HQ-OA-2018-0107

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories, and commonwealths, we appreciate the opportunity to comment on the agency's proposal to increase consistency and transparency in its consideration of costs and benefits in its rulemaking process.

Between 2012 to 2017, over 300 "Economically Significant" rules have been promulgated by the administration. Executive Order 12866 defines those as "having an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy...or State, local, or tribal governments or communities." Cost-benefit analysis is vital to environmental decision making; however, it should not be the only determinative factor in any such process. Benefits should be proportionate to the costs, after the totality of the circumstances have been factored in. In the face of uncertainty in devising analytical methods, any default assumptions that are employed should favor enhancing environmental protection.

We look forward to working with the agency as it moves forward with this rulemaking process. If you have any questions, please don't hesitate to contact NCSL staff Kristen Hildreth, kristen.hildreth@ncsl.org, or Ben Husch, ben.husch@ncsl.org.

Sincerely,



William T. Pound
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National Conference of State Legislatures

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