

February 7, 2022



Testimony of the American Lung Association
Opposing Senate Bill 894
Senate Committee on Government Operations, Legal Review and Consumer Protection

Dear Chair Stroebel and members of the committee,

The American Lung Association calls upon you to ensure the continued use of sound science to guide public policy and protect the health of all Wisconsinites. The current administrative rules process is transparent, deliberate, based on expertise, and responsive to public input. Senate Bill 894 would not shore up the use of science in state policymaking; rather, it would undermine it dramatically.

Senate Bill 894 could be extraordinarily counterproductive for the administrative rule process by allowing extended delays in rulemakings. The bill inserts a mechanism for basically any individual to whom the rule might apply to challenge and stop the process.

Whether the rule applies to the groundwater standards that are currently under consideration, or to clean air, the standards that are in place are there because science has determined the health of our communities requires us to limit exposure to particular substances.

Simply put, this bill seeks to solve a problem that does not exist. The Joint Committee for Review of Administrative Rules already has significant authority to scrutinize and require changes to rules proposed by agencies. The public already has the opportunity to comment in hearings. We should not undermine the deliberative stakeholder process that already exists by introducing a mechanism that allows for interested parties to open any rule under the guise of sound science.

Under the bill, individuals could halt the rulemaking process “based on or that rely on scientific studies, scientific or technical data, scientific methods, or other similar scientific information” at any time and force the agency to defend it. These terms are also not defined in the bill, so it is unclear how broadly SB 894 would apply. It also seems there is no limit to the number of peer reviews an individual can request, and is unclear if there is a fixed end to this process or what happens if proposed changes do not satisfy the objector.

Sound science saves lives and must continue be the foundation of decisions to adopt policy throughout the government. It is the backbone of lifesaving work and safeguards the health of our communities. It should not be an excuse to not move forward with recommendations from agencies that are meant to protect the public.