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VOTERS SUPPORT STRONG REGULATIONS THAT PROTECT THE PUBLIC

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President-elect Joe Biden can reshape every environmental, health, safety, and economic protection that safeguards the American public. Past administrations have often opted to regulate in a very conservative manner. This is, in part, because economists could not show that quantified benefits “justified” the quantified costs and because industry lobbyists have misleadingly portrayed the public as being against regulations. With past administrations reluctant to strongly defend regulations, this institution has been left vulnerable to neglect as well as targeted political attacks. Decades of shrinking budgets and a failure by Congress to update statutory authorities have “hollowed out” and weakened the agencies charged with implementing regulations. The task of rebuilding these agencies will be made even harder by the fact that many of the important safeguards they have issued were rolled back or repealed in recent years.

As part of a survey fielded at the end of the September through early October, 2020, Data for Progress sought to gauge attitudes among likely voters about the regulatory process, including their views on regulation, the development of regulations, aspects of economic analysis, and the interagency review process. We found that likely voters have generally positive feelings towards regulations.

What this polling shows is that, across the board, likely voters from both parties want strong, progressive regulatory protections that experts develop working in consultation with affected communities. These findings suggest that policymakers are consistently misreading the electorate’s sentiment towards regulations and that the attempts by regulated corporations to malign regulations have largely failed.

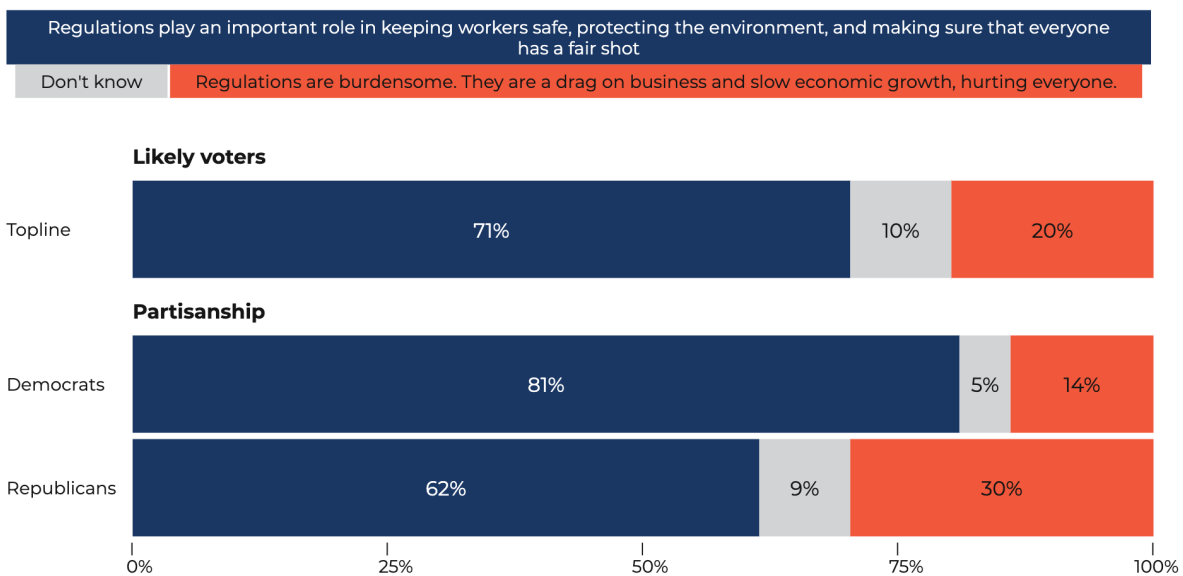
Impacts of Regulation

First, we asked a general question to assess likely voters’ philosophical approach to regulations. To do this, we asked whether they think regulations keep workers safe, protect the environment, and make sure that “everyone has a fair shot,” or whether regulations are burdensome and slow economic growth. We find that, among all likely voters, 71 percent think that regulations play an important role while only 20 percent think that regulations are generally burdensome (the remaining 10 percent weren’t sure).

The response to this question should immediately dispel any notion that the likely voters oppose regulations in principle. Both likely voters who self-identify as Democrats and self-identify as Republicans were supportive of the idea of regulations, with 81 percent of the former saying that regulations play an important role while 62 percent of the latter group do. Further, this question shows that administrations should not be fearful of using the word “regulation,” as rhetoric describing regulations as “burdensome” finds little traction with likely voters.

Voters Think That Regulations Play An Important Role In Keeping Workers Safe And Protecting The Environment

When thinking about the role of regulations, what comes closer to your view?



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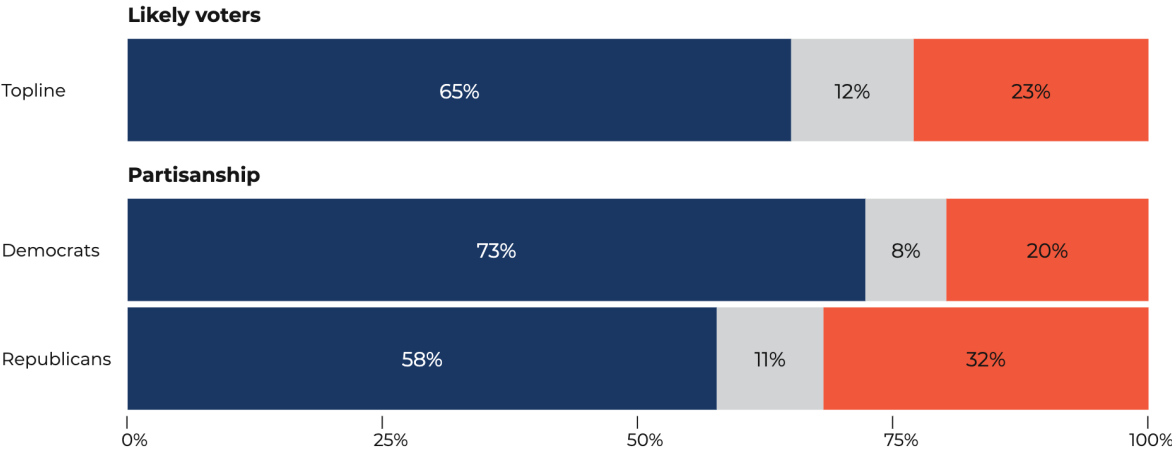
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Development of Regulations

Next, we asked likely voters about the process by which regulations are developed. Federal law generally requires agencies to allow the public to comment on proposed rules before they are enacted, and agencies must ensure that the public comment opportunities meet a minimal standard of meaningfulness, yet agencies have wide discretion to go above and beyond to solicit comments from particular individuals or groups. We find that among all likely voters, 65 percent say they want this process to be one of cooperation between experts and communities, whereas 23 percent say they prefer regulations be exclusively drafted by experts. This attitude extends across party lines: seventy-three percent and 58 percent of Democrats and Republicans, respectively, want regulations to be written with regulations working in conjunction with affected communities.

Voters Want Regulations To Be Crafted By Experts Working In Partnership With The Affected Communities

When thinking about how regulations are written, what comes close to your view?



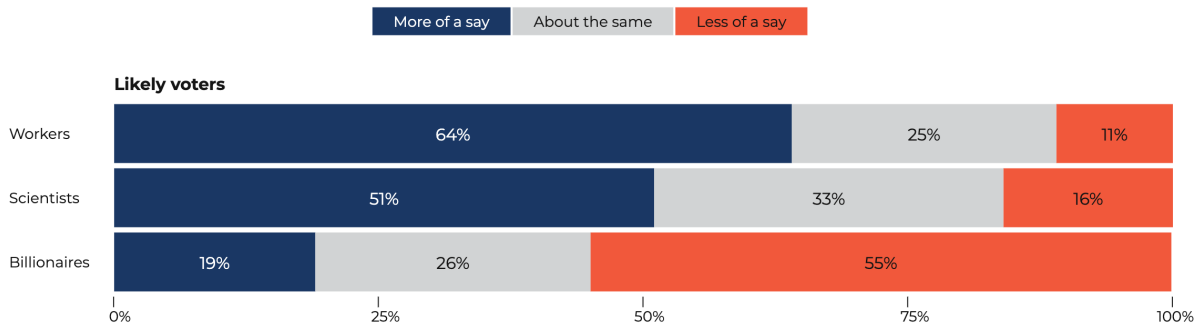
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We then asked to what extent likely voters want various groups to have more or less of a say in crafting regulations. We find that 64 percent of likely voters want workers to have more of say crafting regulations, while 51 percent of likely voters want scientists to have more of a say. In contrast, we find that 55 percent of likely voters want billionaires to have less of a say.

Voters Want Workers And Scientists To Have More Of A Say In Crafting Regulations

When thinking about how rules for workplaces are written, do you think the following groups of people should have more or less of a say?



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Although regulations are frequently complex, members of the public want regulators to consult them when rules will affect them, even if they aren't experts in the subject. Further, likely voters want progressive voices to be heard in the regulatory process, and the wealthy less. Regulators should make an effort to receive input from representatives of all facets of society who are impacted by regulations, and not simply those with corporate lobbyists.

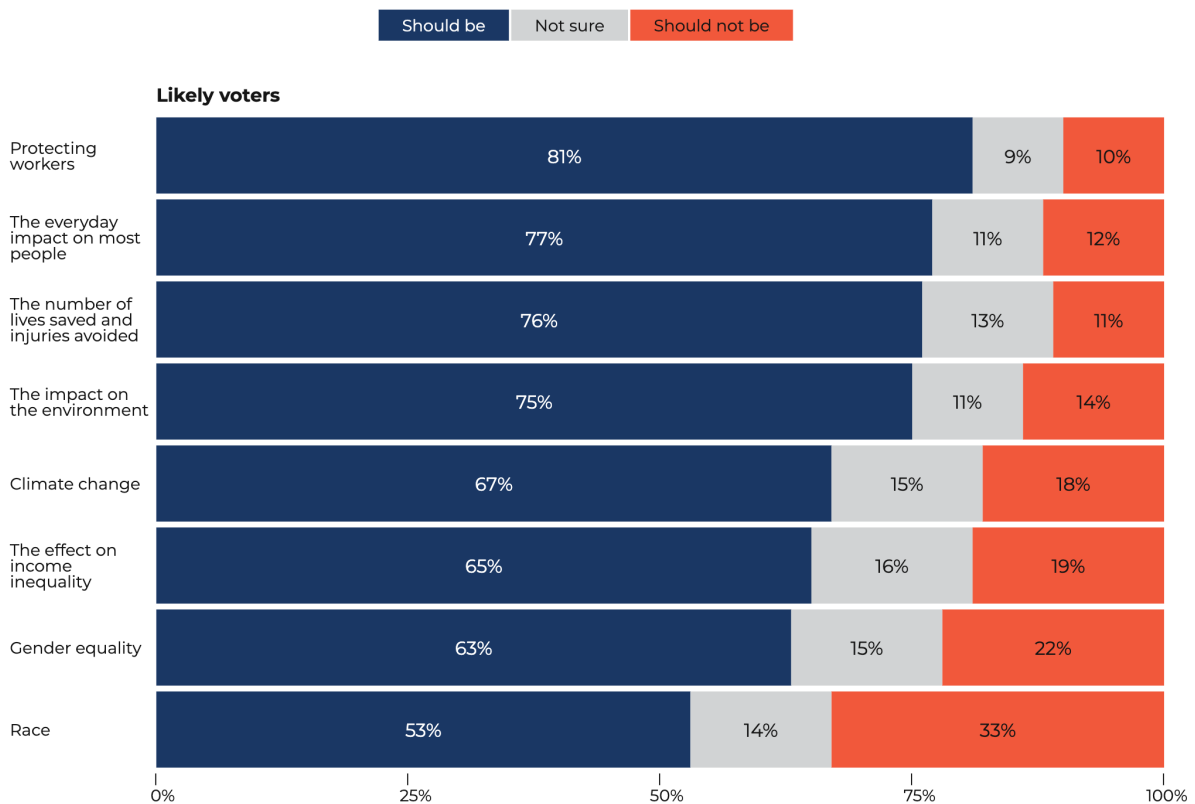
Regulatory Considerations and Impact Analyses

We next asked likely voters about possible factors for agencies to take into account when developing rules, as well as factors to consider when analyzing the benefits and costs of a regulation. In other words, on which issues they weigh as costs and benefits. Currently, agencies are provided wide latitude in not only deciding what values to effectuate, but also which costs and benefits to consider as part of those analyses.

We find that there are a host of factors that likely voters want taken into account when a regulation's impacts are analyzed, factors that extend well beyond merely economic growth. For instance, by a 72-point margin, voters want protecting workers to be taken into account (81 percent should, 9 percent should not be). Likely voters also want regulations to protect the environment. By a 64-point margin and a 52-point margin, likely voters want the impact on the environment and climate change, respectively, to be taken into account when regulations are written.

Voters Want An Inclusive Process With Many Factors Taken Into Account When Regulations Are Written

When thinking about regulations, what factors do you think should or should not be taken into account?



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Likely voters want regulators to act with progressive goals in mind. Not only do they overwhelmingly want regulators to consider how their rules will impact not only the environment, but to consider race and gender equality as well. In addition, regulators should not reject out of hand regulations simply because the benefits that would accrue are not easily quantifiable. It is impossible to place a price on dignity, fairness, and justice.

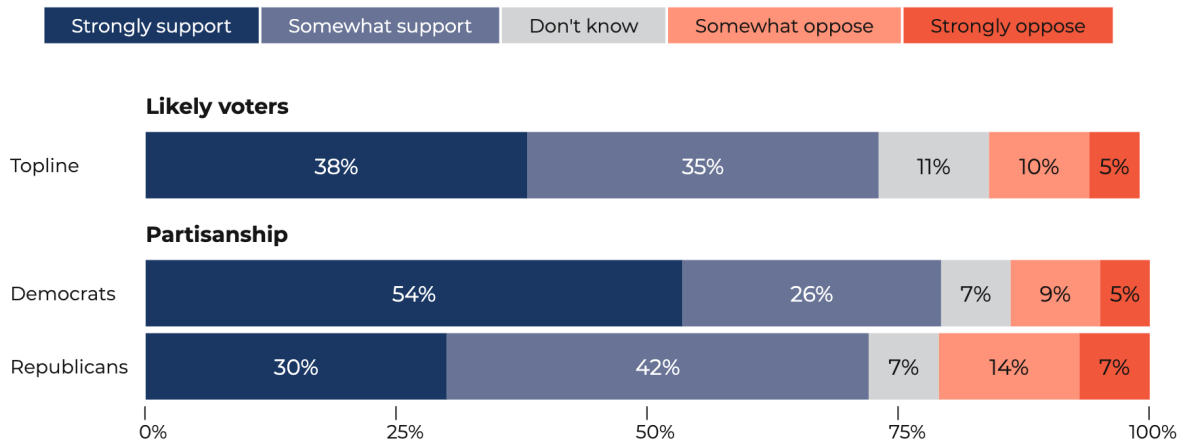
The Role of OIRA

We also asked about the role the Office of Information and Regulatory Affairs (OIRA) should play in the regulatory process. OIRA, a small office within the White House, is the gatekeeper for government regulations. It reviews agency regulations at least twice while they are under development to ensure their policies maximize benefits over costs using OIRA-created methodologies and are consistent with presidential priorities. On the basis of these reviews, OIRA can veto agencies' draft rules unless they make any changes that OIRA and the White House requires. Under previous presidencies, past administrators failed to effectively wield OIRA's authorities to ensure regulations advance progressive values and are issued expeditiously.

With few exceptions, after an agency sends its rule to OIRA for review, the public does not see what changes the White House makes before approval and publication. We asked likely voters where they would support or oppose requiring the White House to disclose its involvement in rulemakings. We find that, among all likely voters, by a 58-point margin, voters support this form of disclosure (73 percent support, 15 percent oppose). Among Democrats and Republicans, this proposal is supported by a 66-point and a 51-point margin, respectively.

Voters Want The White House To Disclose Its Role In Any Regulations

Although agencies like the Food and Drug Administration play the lead role in writing regulations, the White House also is frequently involved. Would you support or oppose requiring the White House to disclose its involvement in the process by which new regulations are written?



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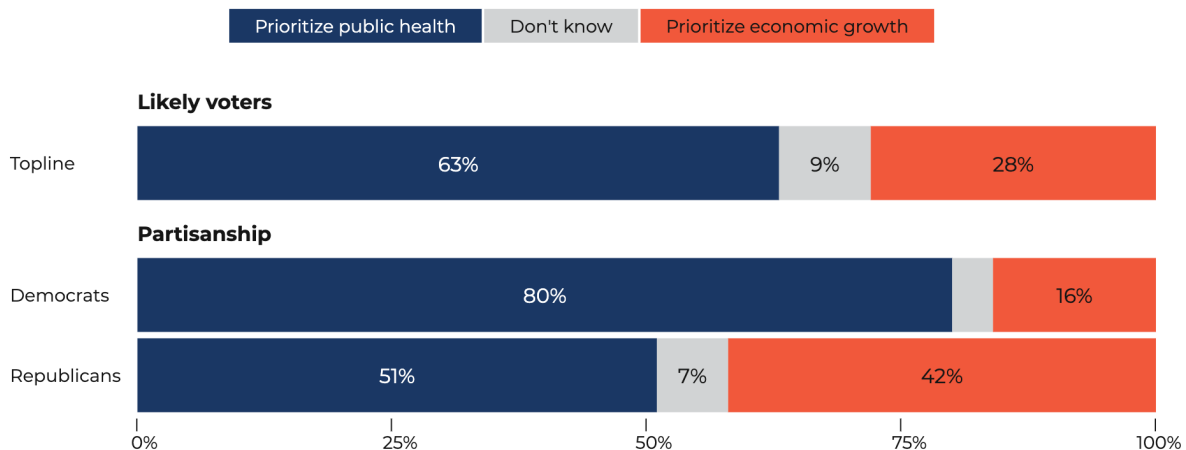
Many of OIRA's activities are not found in law, but instead are political choices made by presidents and OIRA administrators. Presidential administrations have wide latitude as to where to focus the Office's efforts. We do not expect administrations to ignore their own policy preferences, yet OIRA should at least be transparent with the public when its policy preferences override the preferences of agency experts. In order to do so, OIRA should disclose what changes are made as a result of the interagency review process by, at minimum, publishing redline changes of all *Federal Register* notices on which it comments.

Coronavirus and Regulations

The coronavirus pandemic has brought the proper role of regulations to the fore. Attempts have been made to position these safety measures as opposite and indeed antithetical to economic growth. We tested to see how likely voters would navigate this supposed dilemma. To do this, we asked whether, in responding to the pandemic and ensuing economic downturn, whether public health or economic growth should be prioritized. We find among all likely voters, by a 35-point margin, they want public health prioritized above the economy (63 percent public health, 28 percent economic growth). A majority of both Democrats and Republicans see public health as more important, by 64-points and nine-points, respectively.

Voters Want Public Health Prioritized Over The Economy When They Are In Tension With One Another

In order to fight the coronavirus pandemic and preserve public health, economic activity has been shut down which has led to a recession. In instances where the two may be in tension, which comes closer to your view?



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Conclusion

Our survey results show that likely voters--both Democratic and Republican alike--support robust regulations. Across the board, likely voters indicate that they want the government to regulate in ways that protect the health, safety, and welfare of the American public and enact progressive values to protect workers, stop climate change, and reduce income inequality. They want regulators to work in partnership with the public to issue rules that affect them, and to enact policies based on science rather than politics, even when quantified benefits cannot be established.

Our message to the incoming administration is this: Likely voters support bold regulatory action. Government officials should not be afraid to commit to rebuilding our weakened regulatory system and resolutely advancing the public interest through effective use of regulations.

Authorship & Methodology

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From September 30 through October 1, 2020, Data for Progress conducted a survey of 1,146 likely voters nationally using web-panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is +/- 2.9 percentage points.