

Executive Order 562 Coalition

July 20, 2015

Honorable Charles D. Baker
Office of the Governor
Room 280, State House
Boston, MA 02133
Re: Executive Order #562

Dear Governor Baker:

On behalf of the members of the more than 75 organizations represented by signatories of this letter, we wish to express our strong interest in working closely with your administration on the implementation of Executive Order (EO) 562. We represent a broad range of constituencies actively involved with the Commonwealth's business, labor, consumer, public health, energy, environmental protection, elder care, housing, poverty and social service issues. Our organizations are committed to ensuring that state regulations are as equitable, effective and efficient as possible to promote a high quality of life in Massachusetts.

Periodic regulatory reviews have refined and shaped the governance of the Commonwealth; our regulations have played a significant role in securing our position as a global leader and competitor in many areas including healthcare, education and the environment. While we support regulatory review, our organizations feel strongly that to be fair and equitable, such a review requires a transparent and objective process for evaluating current regulations as well as any potential deregulation. Stakeholder involvement is critical to ensuring that EO 562 strengthens, rather than weakens, our regulatory framework.

EO 562 mandates an unprecedented set of criteria for evaluating current regulations that may have unanticipated and long lasting negative consequences. Language not seen in previous regulatory reviews, including sun-setting language requiring that regulations have "...no adverse affect on citizens or customers of the Commonwealth" and do "...not exceed federal requirements" is inherently problematic. Most regulations, by definition, adversely affect someone in exchange for benefitting society overall, and many statutes, as enacted by the Legislature, were specifically designed and intended to exceed minimum federal regulations.

In order to better assist your administration and promote fairness and transparency in an expedited process, we propose the following:

First, we recommend that each agency invite a representative group of stakeholders to participate in the review by providing expertise and feedback at regular intervals through the use of working groups or similar format. This will ensure a high standard of review by increasing the transparency of the review process and ensuring that less tangible benefits not fully captured by the proposed criteria, or potential costs of any potential deregulation are fully considered.

Second, at a recent meeting with administration officials we were informed that there would be a preliminary review process followed by an in-depth examination of a limited number of regulations flagged for more extensive review. We feel strongly that these priority regulations should be made public ahead of the official public comment period to provide ample time for deliberation prior to the March 2016 sunset deadline.

Third, we recommend that all comments to the agencies be made public. The Executive Office of Administration and Finance (A&F) website should note that “Comments” via the link are public information as well as any comments made at informal agency “listening sessions.” A summary of such comments, and the regulations they pertain to, should be regularly posted on the A&F website and disseminated to stakeholders to stimulate further public comment. This would ensure that parties are given the opportunity to understand alternative perspectives and would greatly improve the review.

Fourth, in order to provide for constructive public input, it is important that the solicitation of comments be balanced. For example, the A&F website currently asks for “suggestions for easing regulatory compliance.” We recommend expanding the questionnaire to ask whether “regulations should be strengthened or revised to better serve the public.” As you also know, the existing Chapter 30A public comment process for regulations is triggered by an agency proposing a specific regulatory change, making it difficult to solicit general comments. Presumably those who are regulated will respond in opposition to regulations, whereas those who benefit from regulations may voice no concern. This informal comment process should be reviewed and revised accordingly to achieve a more credible result.

Lastly, a set of milestones and deadlines for this process would be greatly appreciated.

We hope these suggestions for enhancing and improving the implementation of EO 562 are helpful, and look forward to meeting with you and your administration to discuss them in further detail.

In the meantime please let us know if we can be of further assistance by contacting George Bachrach (gbachrach@environmentalleague.org), Jack Clarke (jclarke@massaudubon.org), or Frank Callahan (f.callahan@verizon.net).

Respectfully,

Organization	Name	Title
AARP Massachusetts	Michael Festa	State Director
Acadia Center	Peter Shattuck	Director, Massachusetts Office
Alzheimer's Association Massachusetts/New Hampshire Chapter	James Wessler	President & CEO
Appalachian Mountain Club	Heather Clish	Director of Conservation & Recreation Policy
Arborway Coalition	Sarah Freeman	Representative
Association to Preserve Cape Cod (APCC)	Edward DeWitt	Executive Director
Berkshire Environmental Action Team (BEAT)	Jane Winn	Executive Director
Berkshire Grown	Barbara Zheutlin	Executive Director
Better Future Project	Craig Altemose	Executive Director
Boston & New England Maritime Trades Council, AFL-CIO	Gerard Dhooge	President
Brewster Conservation Trust	Hal Minis	President
Charles River Conservancy	Renata von Tscharnner	President
Charles River Watershed Association	Margaret Van Deusen	Deputy Director
Citizens' Housing and Planning Association	Brenda Clement	Executive Director
Clean Water Action	Elizabeth Saunders	Massachusetts Director
Climate Action Business Association	Micael Green	Director
Community Involved in Sustaining Agriculture (CISA)	Philip Korman	Executive Director
Conservation Law Foundation	Veronica Eady	Director, CLF Massachusetts
Dennis Conservation Trust	Joseph Masse	President
EcoLogical Solutions	Tedd Saunders	President
Environmental Entrepreneurs (E2)	Berl Hartman	Director
Environmental League of Massachusetts	George Bachrach	President
Friends of Myles Standish State Forest	Bill Vickstrom	President
Friends of Robinson State Park	Claudia Hurley	Member of team of leaders
Friends of the Middlesex Fells Reservation	Neil Anderson	Executive Director
Goldenrod Foundation	Dorie Stolley	Program Manager
Greater Boston Labor Council	Rich Rogers	Executive Secretary-Treasurer
Greater Boston Legal Services	Monica Halas	Lead Attorney
Green Futures	Tim Bennett	President
Headwaters Stream Team	Suzanne Sullivan	Co-chair
Health Care Without Harm	Bill Ravanese	Director of Energy Program
Home Energy Efficiency Team (HEET)	Audrey Schulman	President
International Union of Painters and Allied Trades District Council 35	Jeffrey Sullivan	Business Manager/Secretary-Treasurer
Ipswich River Watershed Association	Wayne Castonguay	Executive Director
MA Advocates for Nursing Home Reform	Arlene Germain	President
MA Interfaith Power and Light, Inc.	Vince Maraventano	Executive Director
Mass Audubon	Jack Clarke	Director of Public Policy

Mass Building Trades Council	Francis X. Callahan, Jr.	President
Mass Energy Consumers Alliance	Eugenia T. Gibbons	Clean Energy Program Director
Massachusetts Advocates for Children	Jerry Mogul	Executive Director
Massachusetts AFL-CIO	Steven Tolman	President
Massachusetts Association of Conservation Commissions	Eugene B. Benson	Executive Director
Massachusetts Chapter of the American Institute of Architects	John Nunnari	Executive Director
Massachusetts Coalition for Occupational Safety and Health (MassCOSH)	Marcy Goldstein-Gelb	Executive Director
Massachusetts Congress of Lake and Pond Associations, Inc.	Al Collings	President
Massachusetts Land Trust Coalition	Mary Griffin	Executive Director
Massachusetts Law Reform Institute	Margaret Monsell	Attorney
Massachusetts Nurses Association	Donna Kelly-Williams, RN	President
Massachusetts Organization of State Engineers and Scientists	Joe Dorant	President
Massachusetts Public Health Association	Rebekah Gewirtz	Executive Director
Massachusetts Rivers Alliance	Julia Blatt	Executive Director
Massachusetts Sierra Club	Emily Norton	Director
Massachusetts Smart Growth Alliance	Andre Leroux	Executive Director
Massachusetts Society of Municipal Conservation Professionals	Jennifer Carlino	President
Massachusetts Teachers Association	Barbara Madeloni	President
Massachusetts Watershed Coalition	Edward Himlan	Executive Director
MassNAELA (National Academy of Elder Law Attorneys)	Daniel Surprenant	President
Metropolitan Area Planning Council	Marc Draisen	Executive Director
Mothers Out Front	Claire Corcoran	Legislative Liaison
MSPCA	Kara Holmquist	Director of Advocacy
Mystic River Watershed Association	EkOngKar Singh Khalsa	Executive Director
Nashua River Watershed Association	Elizabeth Ainsley Campbell	Executive Director
Neponset River Watershed Association	Ian Cooke	Executive Director
New England Wild Flower Society	Debbi Edelstein	Executive Director
North and South Rivers Watershed Association	Samantha Woods	Executive Director
Norton Conservation Commission	Jennifer Carlino	Conservation Agent
OARS - For the Assabet, Sudbury, and Concord Rivers	Alison Field-Juma	Executive Director
Parker River Clean Water Association	George Comiskey	President
Professional Fire Fighters of Massachusetts (PFFM)	Edward Kelly	President
SEIU Local 509	Susan Tousignant	President
Sharon Friends of Conservation	Paul Lauenstein	Board member
Sheffield Land Trust	Kathy Orlando	Executive Director, Land Protection
Sustainable Sharon Coalition	Paul Lauenstein	Vice President

The Alliance for Business Leadership	Phil Edmundson	Chair
The Trustees of Reservations	Jennifer Ryan	Director of Policy
Toxics Action Center	Sylvia Broude	Executive Director
Union of Concerned Scientists	Kenneth Kimmell	President
USGBC Massachusetts Chapter	Grey Lee	Executive Director
WalkBoston	Wendy Landman	Executive Director
Western Massachusetts Public Lands Alliance	Ryan J. Aylesworth	Founder & CEO

cc.

Cabinet members & Legislators