



If the engine runs too fast, adjust the ‘regulator’

By Jim Waters

Our nation’s founders thought so little of the British crown’s “taxation without representation” policy that they fought a revolution over it.

I’m fairly certain they also wouldn’t embrace today’s “regulation without representation” environment in Washington, either. This agenda results from combining politicians attempting to avoid making tough decisions with regulators putting the pedal to the metal to enforce their vision of America.

At least one Kentuckian has had “enough.”

Lloyd Rogers, a former judge-executive in Northern Kentucky, gets credit for a proposal introduced by his congressman, U.S. Rep. Geoff Davis, R-Ky. [House Resolution 10](#) would require congressional approval for all future regulatory changes that have an annual economic impact of \$100 million or more.

To prevent you from having an “eyes-glazing-over” moment — a frequent response to invitations to discuss “government regulation” — consider this: If this policy, called the Regulations from the Executive in Need of Scrutiny Act (REINS), had already existed, a charge by the Environmental Protection Agency, using the Clean Water Act, could not have forced the [Sanitation District No. 1 of Northern Kentucky to unnecessarily upgrade its sewer system](#) — at least not without a vote by elected officials.

If you thought the EPA would lift a finger to help the district pay for and comply with its overreach, then you’re one of those naïve types who remain clueless about the erosive effect that revved-up regulators have on your freedom.

Their enthusiasm will cost the district \$1 billion during the next decade. Rates have to go up to pay for it.

“It’s gotten completely out of control,” Rogers said. “The cat’s been let out of the bag and nobody’s trying to catch it to put it back into the bag.”

Congress has “let the cat out of the bag” by being derelict in delegating what essentially amounts to law-making ability to Washington’s alphabet agencies.

Once the door opened, every regulator stuck a big foot in and seized the opportunity to “write rules that will increase their power and keep them in business, perpetuating and growing their bureaucracy,” stated a Cincinnati Enquirer editorial.

Like Ohio River waters that have found many places to go since overflowing banks, freedom gets drowned by a 200-bound volume tsunami called the Code of Federal Regulations. It’s six times as large as the U.S. Code containing all laws passed by Congress. They could have dropped it on Osama bin Laden’s compound and spared the Navy Seals risk.

But hyper-regulation doesn't bother everyone in Congress. If some don't want to be on the hook for a controversial law, they can pass one that's vague enough to claim they supported "doing something about the problem," leaving regulators to the details of how policies are implemented.

But this approach — and particularly its motivation — directly violates the constitution's "non-delegation doctrine," which is that "Congress, not independent agencies, must make important policy choices, which form the core of legislative power," says Robert Levy, chairman of the Cato Institute.

Levy warns: "The EPA is just the tip of the iceberg."

Since November's election and the resulting unwillingness of Congress to "advance the Obama agenda," Washington's regulatory agencies have begun operating overtime. These include "the Department of Health and Human Services [regulating health care](#), the Federal Communications Commission controlling the Internet, and the new Consumer Financial Protection Bureau making mischief under the Dodd-Frank Act," Levy said.

Not only does such mischief cost us freedom, it costs us our hard-earned money sucked up by the tax code. The Small Business Administration estimates that federal regulatory changes alone cost taxpayers more than \$1 trillion annually.

It's the equivalent of costly, hidden taxes imposed by non-elected bureaucrats.

Putting an end to this folly would, in and of itself, be revolutionary.

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