

President has authority to act on regulatory i

To the Editor:

Deregulation triggered the financial crisis, and insufficient climate disruption policy now threatens a climate crisis. The fiscal cliff negotiations, however, show that President Obama will have great difficulty making progress on crucial issues that require congressional cooperation. Fortunately, the president has ample authority to make progress on climate disruption and other key environmental, health and safety issues in the new year without congressional action. Superstorm Sandy demonstrates the importance of using such authority vigorously to address critical problems.

Doing so would send an important signal that the president will no longer allow fanatics to intimidate him, as when House Republicans blackmailed him by refusing to raise the debt ceiling and launched a rhetorical war on much-needed regulatory safeguards. If the president acts vigorously on his own, his opponents eventually will realize that their only route to policy influence involves reasonable negotiation and cooperation to formulate sensible policy. Intimidation and blackmail will gain them nothing.

In his first term, President Obama continued the tradition, dating to the Reagan administration, of allowing the White House Office of Information of Regulatory Affairs (OIRA) to review proposed environmental, health, and safety standards in order to reduce the costs they impose on industry, even if the result is more pollution, more environmental harm and less rigorous consumer and workplace protections. OIRA has a long history of opposing strict standards and almost never doing anything to strengthen inadequate protections. Government agencies charged with protecting the environment, health, and safety rarely even propose strict standards, even when dealing with dire problems, because they know that OIRA will oppose them.

President Obama continued Reagan's review procedures in a vain attempt to appease opponents of environmental safeguards, and because one idea embodied in the Reagan-era executive order, ensuring that standards generate benefits to society that exceed the costs to industry, sounds appealing. But it's impossible to reliably quantify the value of environmental and health benefits in dollar terms. Still, the requirement for cost-benefit analysis under OIRA has empowered OIRA economists to second-guess agency scientists and squash or delay sensible safeguards, wasting scarce government resources on bureaucratic infighting without producing useful guidance for sound decisions.



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Obama should put an end to obstructionist OIRA review in light of the urgency of climate disruption and the failures this review has led to. Specifically, he should issue an executive order requiring prompt regulation of major sources of greenhouse gases under the Clean Air Act, including a schedule for prompt rulemaking. This order should direct OIRA to work to speed and strengthen environmental, health and safety standards. He should also abolish OIRA's authority to review minor standards, since such reviews waste scarce government resources excessively analyzing cheap measures to protect people from important threats.

Finally, he should order OIRA to stop demanding cost-benefit analysis of proposed environmental, health and safety protections. We cannot reliably compare the value of human life or a preserved ecosystem to the costs of regulation. Key uncertainties often make quantification of the number of deaths and illnesses or the magnitude of ecological destruction addressed through environmental standards impossible.

For example, scientists know greenhouse gas emissions have caused warming in the past and will cause more in the future. They also know a lot about the types of damage involved: more intense, destructive storms (like Sandy), droughts, flooding, spreading infectious disease, and extinction of endangered species. But we cannot know the damage's magnitude. So far, climate disruption's impact has exceeded worst-case predictions in some respects. But scientists warn us to expect surprises, and OIRA's economists have a tendency to assume away potentially drastic consequences that we should guard against.

Government officials trying to protect us from the next Sandy-like disaster face too many difficult hurdles. Their budgets have not kept pace with the proliferation of assigned tasks; special-interest opposition remains a constant problem; and, no matter how conciliatory their actions, they face considerable pressure from many members of Congress to do nothing about major problems. The last thing they need is an entire executive branch office devoted to hindering their efforts to address critical issues.

We barely made it through the first round of the "fiscal cliff battle," but we will still face an ongoing climate crisis unless Obama abandons business-as-usual in favor of doing everything we feasibly can do to reduce the coming damage. He can do a lot with the stroke of a pen, perhaps even enough to persuade some House Republicans to come to the table to help shape future environmental policy.

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