

# The Ten-Year Report 2002 – 2012

*Our core mission has always been to defend health, safety and the environment.*

CPR  CENTER FOR  
PROGRESSIVE REFORM

10  
YEARS

2002-2012





# Letter from the President

Dear Friend of the Center for Progressive Reform:

It's hard to believe that the Center for Progressive Reform is celebrating its tenth birthday in 2012. On that now-distant night in 2002 when my fellow academics Tom McGarity and Sid Shapiro joined me in a resolution to channel our anger over the state of regulatory affairs into something constructive, we could not have imagined what was to come.

In the years since, CPR has grown into a true player on the policymaking scene – no small feat for an organization of academics spread across the land. During the Bush years, we fought hard to defend against regulatory rollbacks on multiple fronts, and along the way shone a bright light on the efforts of industry and its allies to sacrifice Americans' health and safety on the altar of bigger profit margins. During the Obama years, our task has changed less than we might have hoped. We still see the regulatory process being bent to serve special interests at the expense of health, safety and the environment. And we still rise to oppose.

Our core mission has always been to defend health, safety and the environment. And our unique contribution – our special power, if you will – is that we bring the rigors of scholarship to bear on the policy process. Our 54 Member Scholars all have day jobs, teaching at universities from coast to coast. But they are committed to playing a role in the public policy process, and the Center for Progressive Reform helps them do that, by bridging the divide between academia and policymaking.

We put their academic skills to good use. They write accessible white papers on critical policy issues. They publish op-eds and blog posts. They participate in conferences, seminars and symposia. And they give interviews to national and local media. With the support of our staff of 10, including our policy analysts who are themselves true experts in their issues areas as well, CPR has helped propel our Member Scholars' research and analysis into the policy debate. A happy by-product of our work is the mentoring of future thinkers and advocates who will carry the progressive torch in the years to come.

While much of our work is in the context of regulation, we also make a point of looking down the road a distance to spot and help map out emerging issues, and to establish long-term policy goals for health, safety and the environment, the kind of policy objectives that are unbounded by the narrow partisan thinking that so dominates Washington today.

Having made it to our 10th birthday, we're now moving at full speed to get the biggest bang for the buck for our Member Scholars' research and analysis in this next decade. Along the way to this birthday, we've made important contributions to the policy process, and we've built an organization with a solid foundation and a well-deserved reputation for crisp analysis and commentary.

We could not have accomplished what we have without the extraordinary support we have received from our funders. We extend our heartfelt appreciation to them all, and particularly to the Deer Creek Foundation, Public Welfare Foundation, Bauman Foundation, American Association for Justice, Habush Foundation, Open Society Institute, Park Foundation, Keith Campbell Foundation, Town Creek Foundation, Bullitt Foundation, the John Merck Fund, Johnson Family Foundation, The Abell Foundation, Passport Foundation, the Beldon Fund, individual contributors, and other donors and foundations wishing to remain anonymous. With the support of these and other funders, we look forward to even more growth in the next few years. I want also to acknowledge the extraordinary work of my predecessor as President of CPR, Thomas McGarity, who guided us skillfully through the first half of our organizational life. And thank you, dear reader, for your support, and for taking the time to peruse the following summary of our first ten years.

A handwritten signature in black ink that reads "Rana Steinger". The signature is written in a cursive, flowing style.

President

# Protecting the Air We Breathe and the Water We Drink

Many of the most divisive policy battles in Washington and the states are over environmental issues. Polluting industries have invested heavily in lobbying and in electoral politics, and as a result, not only is passing laws to protect the environment a challenge, but regulatory enforcement of existing laws is under constant attack.

While the last 40 years have seen steady progress on environmental issues, the hard truth remains that tens of thousands of Americans die prematurely each year because of pollution or other man-made environmental hazards.

## The Scholar's Voice: On the Bush 'Clear Skies' Proposal



*"All other things being equal, it is fine to save industry money. But when big companies get a windfall at the expense of unsuspecting consumers, and when the cost to the public is fouled water and poisonous fish, it's a false economy."*

*Rena Steinzor, 2002 op-ed  
The Daytona Beach News-Journal*

- In 2002, Member Scholars were among the first to expose the failings of the Bush Administration's "Clear Skies" proposal, which would have allowed polluters to trade air pollution credits. In testimony before Congress, CPR's Rena Steinzor said the proposal would fail the fundamental test of reducing pollution, even creating mercury pollution hot spots in specific areas of the country. In an op-ed, she said the proposal was "a favor to power plants." Six years later, after the Bush EPA had proceeded with its cap-and-trade approach to mercury pollution, a federal court threw out the system on the very grounds Steinzor had raised six years before: that it didn't follow the clear mandate of the Clean Air Act. The ruling, Steinzor wrote in the *Baltimore Sun*, was a "judicial rebuke long in the making."
- In 2008, as part of its ongoing White Paper series, CPR published *The Clean Water Act: A Blueprint for Reform*, by Member Scholar and water expert William Andreen and Policy Analyst Shana Jones. The publication showcased CPR's unique capacities in two areas. First, the report sought to go beyond the day-to-day and election-to-election struggles that so often consume Washington policymakers, and instead focused on a long-term approach to updating the Clean Water Act from a policy point of view. Second, the publication tapped the expertise of no fewer than 14 CPR Member Scholars in preparing their proposals for strengthening the protections of this foundational environmental law.

## CPR Timeline

**May 2000**

CPR is formed, calling itself the Center for Progressive Regulation.

**2002**

**May 28, 2002**

CPR President Thomas McGarity comments on OIRA's annual report to Congress on the costs and benefits of regulation, criticizing OIRA's "hit list" of regulations protecting health, safety and the environment.

**2003**

**January 13, 2003**

CPR's Rena Steinzor's "Let Them Not Eat Tuna Fish" in the *Daytona Beach News-Journal* discusses the Bush Administration's proposed air pollution credit-trading scheme.

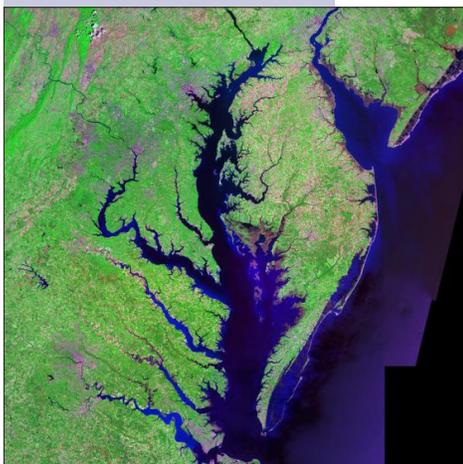
## 2003

**August 18, 2003**

CPR's Clifford Rechtschaffen publishes "Sidestepping Regulations on Environment, Bush Ignores Federalism," in the *San Francisco Chronicle*.

**September 2003**

CPR's Rena Steinzor testifies before Senate committee



on the Bush EPA's poor enforcement record.

**October 28, 2003**

CPR's Victor Flatt publishes "Environmental Lawlessness Will Hurt Industry Too," in the *Houston Chronicle*.

- In 2011, when President Obama scuttled an effort to strengthen ozone pollution rules – a decision widely regarded as a baldly political capitulation to industry, a number of Member Scholars used CPRBlog and the nation's op-ed pages to call him out. Blogged CPR's Thomas McGarity, "The order does not pretend to be based on science, Indeed, it flies in the face of the available science on the human health effects of ozone as determined on at least two occasions by EPA's Clean Air Scientific Advisory Committee."

### ***Focus on the Chesapeake Bay***

One particular focus for scholars has been devising strategies for cleaning up the Chesapeake Bay. The nation's largest estuary, the Chesapeake has been deteriorating since the 1930s, when water clarity, crab and oyster populations, and underwater bay grasses began to decline. Excess nutrients – phosphorus and nitrogen – and sediment runoff from agriculture, urban and suburban development, and sewage treatment plants caused the Bay's cloudy waters, resulting in "dead zones" containing too little oxygen to support aquatic life,

In great measure, the problem of the Chesapeake is one of accountability. Repeatedly over the last several decades, the states in the region have come together to sign agreements and stage photo opportunities, but then have done nothing or next to nothing to enforce the commitments they had just made.

In 2008, working with a committee of local experts and activists, CPR's Rena Steinzor and Shana Jones developed detailed recommendations to help establish a framework for an accountability mechanism for the participating states' clean-up goals for the Bay. Their 16-page memo to the environmental community, together with a proposal for specific metrics to judge compliance with recommendations on the Bay, became the basis for CPR's extended involvement in Bay issues.

Since then, CPR has taken a leadership role in the region, pressing for the adoption of meaningful accountability measures. In 2009, the Obama Administration took up the cause, moving to improve state accountability, as well, with an Executive Order instructing EPA to step up its activities in the region. EPA did just that, leading to a series of proposals from the states, in which they detailed multi-year plans for bringing the Bay closer to compliance with Clean Water Act standards. In a series of reports in 2010 and early 2011, CPR Member Scholars and staff first proposed a set of metrics for assessing the state plans, and then reviewed the state plans for compliance with the metrics. Later in 2011, CPR co-hosted a conference in Maryland bringing together key federal and state officials, along with Bay advocates in the region, for a searching discussion of accountability issues. That same day, CPR issued another report, in which Rena Steinzor and Policy Analyst Yee Huang analyzed Maryland's fees and fines schedule for water polluters in the state, concluding that the costs of evading the law were insufficiently stiff to encourage compliance.

# Preserving Wildlife and Ecosystems

Across the globe, wildlife and ecosystems face brutal challenges, as overdevelopment, pollution and poor stewardship take their inevitable toll.

## The Scholar's Voice: On the Endangered Species Act



*"The great virtue of the Endangered Species Act is that it fights the human tendency to ignore problems indefinitely.... It's a vital attention-getting device, and we need to be sure it continues to serve that purpose."*

*Holly Doremus, 2011 opinion article  
The New York Times Room for Debate*

At the tail end of its tenure, the Bush Administration devised yet another approach to hobbling the Endangered Species Act. A proposal from the Department of the Interior would have significantly weakened requirements for inter-agency collaboration when a government entity considers an action that would do harm to an endangered or threatened species. By gutting the consultation requirement, the Administration hoped to keep the U.S. Fish & Wildlife Service and the National Marine Fisheries Service out of the conversation over proposed initiatives that would have a negative effect on wildlife. Just as significantly, the Administration sought to accomplish its goal by means of a "midnight regulation," just a few months after declaring its opposition to such tactics. CPR's Holly Doremus and Robert Glicksman filed scathing comments with the Department, calling on it to withdraw the proposal. Over the course of CPR's first decade, Doremus published a series of opinion articles on the Act, including pieces in *Slate*, *the Christian Science Monitor* and the *New York Times*' "Room for Debate" website.

The change of Administration's did not end the battle. Two years into the Obama Administration, the Interior Department complained that it simply could not process the backlog of ESA lawsuits, and asked Congress to cap the amount of money it can spend to process citizen petitions to list species as endangered or threatened. Doremus was having none of it. On a *New York Times* online opinion page, she wrote that the U.S. Fish and Wildlife "Service's approach doesn't make conservation problems go away; it just makes them easier to ignore. Instead of looking for permission to leave more species in limbo, the Service should look for ways to make the listing process more efficient."

## 2003

### December 23, 2003

The U.S. Department of Agriculture (USDA) announced a presumptive diagnosis of the first known case of Mad Cow Disease in the United States.

## 2004

### February 25, 2004

CPR's Frank Ackerman and former Member Scholar Lisa Heinzerling publish "Balancing Lives Against Lucre," (cost-benefit analysis) in the *Los Angeles Times*.

### July 22, 2004

CPR releases McGarity study of USDA's Mad Cow response.

### October 2004

CPR releases "Mercury, Risk, & Justice," White Paper, detailing problem of mercury hot spots under a cap-and-trade regime.

# Combating Climate Change

## 2005

**February 9, 2005**

CPR publishes “A New Progressive Agenda for Public Health and the Environment.”

**June 13, 2005**

“CPR Takes New Name to Reflect Expanded Mission.”

**August 30, 2005**

Hurricane Katrina makes landfall, leading to a catastrophic failure of the New Orleans levee system.

**September 2005**

CPR releases “Unnatural Disaster The Aftermath of Hurricane Katrina,” detailing policy choices that exacerbated the storm’s damage. CPR also debunks right-wing claim that environmental litigation caused New Orleans’ levee failure.

**October 31, 2005**

CPR’s report on Vioxx disaster reveals “hollowing out of FDA.”

Global climate change is the most significant environmental threat to the long-term health of the planet. But for the past 20 years, conservatives in Congress have scuttled legislation to do anything about it.

That left regulatory action. But throughout its eight years in office, the Bush Administration steadfastly refused to act, even when faced with what amounted to a direct order from the U.S. Supreme Court.

In 2009, with a progressive president and more progressive Congress in place, federal legislation finally began to move, with both the House and the Senate structuring cap-and-trade systems that would create a trading market for carbon emissions allowances. In a series of CPRBlog posts, posted within hours of the release of bill introductions and other major developments, CPR Member Scholars Alice Kaswan, Victor Flatt, Kirsten Engel, Nina Mendelson, William Buzbee, Daniel Farber, Frank Ackerman, Bradley Karkkainen, and Alejandro Camacho analyzed key elements of the bill, including its provisions for carbon offsets, citizen suits, state and regional cap-and-trade regimes, environmental justice, renewable, transportation issues, and more.

In 2009, legislation cleared the House, but the effort stalled in the Senate, where the threat of a Republican filibuster and disagreements among Democrats proved too heavy a burden. The bill never reached the floor.

Throughout the debate in the House and Senate, the proponents of meaningful climate change legislation advanced the view that a bill specifically tailored to climate change would be the best way to address the problem at the federal level. In the event that comprehensive legislation fell short, the Administration and its allies on the issue made clear that it had several useful steps available to it under the existing Clean Air Act. The argument was both substantively and politically meaningful, because the threat of effectively unilateral regulation by an aggressive EPA rang true. As prospects for legislation dimmed, however, opponents sought to foreclose regulation by advancing the creative argument that somehow the Clean Air Act is not just a less than ideal vehicle for regulating the emissions that cause climate change, but actually an “inappropriate” one. CPR’s Amy Sinden and Daniel Farber responded, penning a white paper exposing Six Myths About Climate Change and the Clean Air Act, making the case that existing statutory authority for regulating some carbon emissions was both ample and appropriate.

### ***Preempting the States?***

Despite the legislative setbacks on climate change, work on the issue continues. Mindful that virtually every environmental organization in the land is engaged on some aspect of climate change, the Center for Progressive Reform has sought to contribute where its efforts will be most meaningful. One such area of focus, particularly during the debate on Capitol Hill, was the question of federal preemption of state and local climate change laws. For a period

in 2009, that was among the proposals popular among industry and its conservative allies on the Hill; in exchange for climate change legislation – weak legislation, if they had their way – the federal government would preempt the authority of local and state governments to act. In a 2008 white paper, CPR Member Scholars William Andreen, Robert Glicksman, Nina Mendelson, and Rena Steinzor, together with Policy Analyst Shana Jones, warned that such a deal would hamper climate change solutions that are essentially local in nature – zoning decisions that affect local commuting habits, for example – while effectively hobbling the only government entities in the United States that had actually done something about climate change.

That same federal-state tension was at work, as well, in the Bush Administration’s 2007 decision to bar California and 16 other states to adopt stronger greenhouse gas pollution standards for cars than those required in federal regulations. The Clean Air Act specifically contemplates such state “waivers,” but the Bush Administration flatly refused – a decision subsequently reversed by the Obama Administration. In a 2008 op-ed in the *Atlanta Journal Constitution*, Member Scholar William Buzbee decried the Bush Administration’s decision:

EPA’s decision gives the federal government the sole regulatory role. If the federal government acts wisely and aggressively, progress may be made. It may, however, drag its feet, embrace laxity, or simply make poor choices or ones that quickly become outdated. With the alternative possibility of California innovation and piggybacking states, then no single regulator would control the agenda. Car companies would have incentives to compete to become California market leaders, as would technological innovators. Diverse regulatory approaches could be tested.

More recently, CPR Member Scholars Robert Verchick and Robert Glicksman, together with Policy Analyst Yee Huang, have led a unique project aimed at helping Washington State’s Puget Sound region devise strategies for adapting to climate change. The project is distinct from efforts to prevent or mitigate climate change, because it accepts as a given that some effects of climate change are, by now, beyond our capacity to prevent, and hones in on ways that the Puget Sound region can prepare now for what is to come. In 2011, the effort included a symposium with local experts, and a manual and webinar describing locally applicable strategies and approaches to adaptation.



## 2006

### January 2, 2006

A 6:30 a.m. explosion at the Sago Mine in Tallmansville, West Virginia, traps 13 miners. Twelve of the men die from carbon monoxide poisoning by the time rescuers reach them around midnight.

### June 15, 2006

Report from CPR tallies “The Toll of Superfund Neglect.”

### July 5, 2006

CPR’s Nina Mendelson publishes “Bullies Along the Potomac,” on the federal government’s efforts to preempt state regulation of environmental, health and safety standards, in the *New York Times*.

### November 30, 2006

Faulting lax state enforcement, CPR releases report concluding that half of all Americans breathe dangerous levels of smog.

# Protecting Americans from Toxics

## 2007

**April 2, 2007**

The Supreme Court rules that EPA has both the authority to regulate greenhouse gas emissions under the Clean Air Act and an obligation to do so.

**August 16, 2007**

Three rescue workers are killed and six are injured when part of the Crandall Canyon mine collapses on them.

**August 31, 2007**

The search for the six trapped miners is officially called off and declared too dangerous for continued rescue efforts.

**October 13, 2007**

CPR's Catherine O'Neill publishes "Tuna, with a Side of Mercury," in the *Seattle Post-Intelligencer*.

The Environmental Protection Agency's Integrated Risk Information System (IRIS) is considered by many to be the gold standard database for toxicological information and human health effects data, and is used by risk assessors around the world. Information on chemicals in the database carries the imprimatur of EPA, and is thus considered authoritative. Accessible to anyone with an Internet connection, IRIS profiles of individual chemicals are a cornerstone for a host of activities in the public and private sector, including regulation decisions by government, safety approaches by industry, and evidence offered in litigation.

Unfortunately, IRIS is achingly incomplete, in great measure because EPA has fallen far behind its own timetable for assessing even the chemicals already in use in commerce. As a result, it is riddled with disturbing gaps in the data in its chemical profiles, and it is missing profiles for many dangerous chemicals altogether.

After eight years of Bush Administration foot-dragging, the Obama Administration recognized the problem and revised the process for completing IRIS assessments. In the judgment of many CPR Member Scholars, the new process is better, but far from perfect. But even its modest streamlining is vigorously opposed by industry and its allies, who frankly preferred the days of regulatory foot-dragging.

In one of four CPR white papers focused on IRIS over the last decade, in 2010, Rena Steinzor and fellow Member Scholar Wendy Wagner, together with Policy Analysts Matthew Shudtz and Lena Pons sought to break the logjam, issuing "Setting Priorities for IRIS: 47 Chemicals that Should Move to the Head of the Risk-Assessment Line".

### The Scholar's Voice: On Mercury Pollution



*"It's unacceptable simply to tell women to stop eating fish for several decades" until they're certain they won't have any more children – and yet that's basically the strategy we're using. For years now, we've tried waiting this problem out, allowing chlor-alkali plants to switch over to mercury-free production methods on their own. It's time to stop waiting, and start requiring them to clean up their act, so as to reduce this serious and entirely unnecessary risk."*

*Catherine O'Neill in 2009 congressional testimony*

Another toxics issue to which CPR Member Scholars have devoted attention over the years is the problem of Bisphenol A, more commonly known as BPA. The substance has been widely used in American commerce, often in containers, turning up in baby bottles, in the lining of food and beverage cans, and elsewhere. Unfortunately, it can leach out of the containers and into the food or water inside, and is then consumed. Once in the body, it mimics the effects of critical hormones and disrupts the endocrine system, with a host of negative implications,

# Defending Clean Science

according to researchers, particularly for the reproductive system. What makes the substance even more worrisome is that it can do its damage even at very low doses.

The years-long fight to ban the substance has involved a steady campaign of disinformation from industry, much of it relying on a series of myths. In a June 2011 white paper, CPR Member Scholars Thomas McGarity and Rena Steinzor, together with Senior Policy Analyst Matthew Shudtz and Policy Analyst Lena Pons, debunked the industry campaign. They noted, for example, that industry's assertion that the substance was safe because typical human exposures are in small quantities ignores the reality that the substance is so ubiquitous that even healthy adults – much less developing fetuses – cannot metabolize the substance quickly and safely enough.

Sound policymaking must be grounded in facts not ideology, in science not fantasy. That is particularly true at the regulatory level, where the vigorous implementation and enforcement of statutory environmental, health and safety standards depends on sound judgments based on an honest reading of science.

In recent years, however, the scientific process has itself been polluted with politics. Corporations have sometimes suppressed scientific data that reflected badly on their products, and government-sponsored scientific panels and advisory committees have become increasingly slanted toward industry at the expense of the environment, health and safety. During the Bush years, the White House and various agencies frequently interfered with the sound conclusions and considered recommendations of federal scientists and experts – always for the purpose of weakening sensible safeguards.

Emblematic of this head-in-the-sand, anti-science attitude was the Bush Administration's refusal to accept the essential facts about climate change, preferring instead to deny the overwhelming consensus of the scientific community that climate change is both real and man-made.

CPR Member Scholars were at the forefront of the debate over clean science during the Bush years, with Member Scholars Wendy Wagner and Rena Steinzor, often in collaboration with CPR colleagues, publishing a number of white papers as well as a book mapping out proposals to protect science and scientists from special-interest bullying. In 2009, that push led to an Executive Order from President Obama setting forth vastly improved guidelines intended to ensure scientific integrity in the new administration. As the White House was preparing that Order, Wagner and Steinzor looked beyond the specific directives likely to be included and offered this counsel on how the White House should protect against intrusions on science, in an op-ed in the *Cleveland Plain Dealer*:

Behave. New policies can make a big difference. But it's also critical that the White House and Obama appointees across the government lead by example, demonstrating by word and deed that scientific research isn't just another rhetorical weapon subject to fudging and corner-cutting. Obama has made clear his intention to set that example. That's a great start. Now comes the hard part.

## 2007

**October 15, 2007**

CPR Cosponsors "Facts, Ideas, and U.S. Climate Change Policy: A Conference on Climate Change," with University of Kansas Law School.

**November 8, 2007**

Seven U.S. attorneys who were fired in late 2006 tell Congress they received inappropriate calls from Republican lawmakers or Justice Department officials regarding corruption cases they were investigating.

**December 4, 2007**

CPR's Thomas O. McGarity publishes "The Danger in Defective Medical Devices," opposing regulatory preemption in the *Austin American Statesman*.

**December 28, 2007**

CPR's William Buzbee publishes "Let California Experiment" (on climate change regulation) in the *Atlanta Journal-Constitution*.

# Strengthening the Regulatory Process

## 2008

**January 23, 2008**

Rena Steinzor succeeds Tom McGarity as CPR President.

**March 1, 2008**

CPR's Alexandra Klass and Sandra Zelmer publish "Exxon Should Just Pay Its Penance," in the *Minneapolis Star-Tribune*.

**May 8, 2008**

Rep. George Miller releases a report from the House Education and Labor Committee about the panel's investigation of the Crandall Canyon Mine disaster. He recommends that a criminal investigation be conducted.

**May 20, 2008**

CPR's Holly Doremus publishes "Polar Bears in Limbo," in *Slate* magazine.

**July 17, 2008**

CPR White Paper reveals NHTSA's "Pendant for preemption," will weaken safety protections for motorists.

Perhaps no issue area better demonstrates the unique role of CPR than its Member Scholars' work on the regulatory process. A number of public interest organizations, and a veritable armada of industry interest groups, focus on specific issues that are the subject of regulations. But only a handful of organizations, CPR chief among those on the progressive side of the political spectrum, focus attention on the process by which regulations are promulgated.

In fact, the organization's very first white paper, published in 2004, took aim at an issue at the very heart of the process: cost-benefit analysis. As practiced by presidential administrations dating back to Ronald Reagan, cost-benefit analysis has tilted the playing field in favor of industry and in opposition to protective regulations. It relies on inflated industry estimates of what regulations will actually cost. It often ignores manifest benefits of regulation that are difficult to reduce to dollar terms, and it undervalues many of the benefits it is able to account for. And it is both readily manipulated and wildly speculative. Moreover, in requiring its use, the White House Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA), home to the so-called "regulatory czar," has ignored the plain language of many of the nation's landmark protective statutes – most of which call for some other standard of regulatory impact analysis. More fundamentally, it operates from the premise that there is no innate value in being free from pollution and hazards, reflecting the view that our access to clean air and water, and our right to be free of preventable hazards in the food we eat, the places we work, the medicines we take, the cars we drive and the products we buy should all hinge on the calculation of whether preventing such pollution and such hazards costs one dollar more than the benefits such prevention would generate.

### The Scholar's Voice: On the Short-Sighted Nature of Cost-Benefit Analysis



*"The traditional 1970s regulation that removed 80 percent of the lead enabled the 1980s cost-benefit study to show that we should continue removing lead, and in fact remove almost all of the remaining 20 percent. But if we had waited, in the 1970s, for a cost-benefit study to show net benefits from the larger first round of lead removal, we might still be waiting today."*

*Member Scholars Frank Ackerman and Lisa Heinzerling, 2004 CPR White Paper*

# 2008

**August 28, 2008**

CPR Scholars' "Nine Reforms" White Paper offers blueprint for saving science from politics.

**September and October, 2008**

The federal government launches a massive bailout effort for Wall Street, after several major investment institutions collapsed.

**November 4, 2008**

Sen. Barack Obama is elected President and Democrats build majorities in Congress.

**November 11, 2008**

CPR Member Scholars propose slate of Executive Orders to launch Obama Administration's work on health, safety and environment.

**December 18, 2008**

New CPR report spotlights dangers of regulatory preemption at Consumer Product Safety Commission.

## The Scholar's Voice: On the Small Business Administration's Overstated Estimate of Regulatory Costs



*"The calculations for the regulations...appear to be based largely on a decidedly unusual data source for economists – public opinion polling, the results of which [report authors] Crain and Crain massage into a massive, but unsupported estimate of the costs of "economic" regulations. Because Crain and Crain have refused to make their underlying data or calculations public – apparently even withholding them from the Small Business Administration office that contracted for the study – it is difficult to know precisely how they arrived at the result that economic regulation has a cost of \$1.2 trillion dollars, comprising more than 70 percent of the total costs in their report."*

*Member Scholar Sidney Shapiro, CPRBlog, February 2011*

### **Bringing Down Barriers to Effective Regulatory Safeguards**

Other regulatory process issues have been a focus for Member Scholars as well. White papers over the years have examined the real-world, human impact of the years-long delays in moving regulations through the process; the destructive role political interference and insufficient funding has on regulation and enforcement; the Bush Administration push to use federal regulations to preempt state laws that granted access to the courts to victims of industry corner-cutting; the effects of overall, system-wide regulatory dysfunction; and more.

### **Debunking the Right Wing Assault**

During the Obama years, the Member Scholars have also produced white papers sketching out prospective regulatory priorities for the President and his team, and grading the early efforts of the Administration on the regulatory front. In 2011, the Member Scholars focused on dismantling many of the anti-regulation pseudo-arguments put forward by industry allies on Capitol Hill. Most notably, a 2011 white paper, *Setting the Record Straight: The Crain and Crain Report on Regulatory Costs*, by CPR Member Scholar Sidney Shapiro, National Labor College Professor Ruth Ruttenberg, and CPR Policy Analyst James Goodwin, deconstructed one of the most far-reaching falsehoods of regulatory opponents: that regulation cost the American economy \$1.75 trillion annually. The figure came from a study commissioned with taxpayer dollars by the Small Business Administration's aptly named Office of Advocacy. The report's conclusion was based on a series of methodological shortcuts, the authors

## 2008

**December 22, 2008**

Tennessee Valley Authority's Fossil Plant pond of coal sludge breaches containment wall, contaminating 300 acres with arsenic, mercury, and lead.

## 2009

**January 20, 2009**

Barack Obama becomes the nation's 44th President.

**January 26, 2009**

CPR report on Cass Sunstein's views on regulation foreshadows Sunstein's difficult tenure at OIRA.

**March 4, 2009**

Supreme Court case, *Wyeth vs. Levine* rules against pharmaceutical giant Wyeth's claim it is protected by FDA's approval.

concluded. Most notably it relied on an international opinion survey as the basis of its cost estimates for regulation, despite explicit warnings from the survey researchers that such uses were unsupportable, and it took no account whatsoever of the benefits of regulation. The irony, of course, is that after spending years championing the allegedly neutral approach of cost-benefit analysis, its proponents suddenly stopped talking about the benefits, and focused solely on the costs.

### ***Keeping an Eye on OIRA***

#### **The Scholar's Voice: On Cass Sunstein's Views on Cost-Benefit Analysis**



*"The dirty little secret of cost-benefit analysis is that, in most cases, it's not what the law calls for. Of the 31 separate statutory provisions directing various agencies to regulate matters of health, safety, and the environment, only two call for it. A handful tolerate its use as one of several options for regulators. But 23 - the vast majority - call for some other standard, such as reducing pollution levels as much as is technologically feasible. In other words, the law doesn't force cost-benefit analysis on an administration; an administration chooses to use it, often regardless of the law. Once confirmed, Cass Sunstein will face a choice: rely on cost-benefit analysis with the zeal his past writings suggest he would, modify the process in the hope that it can somehow be mended, or abandon it in favor of a better method."*

*Member Scholars Amy Sinden and Catherine O'Neill, 2009 op-ed, The Philadelphia Inquirer*

Across a series of regulatory battles in the early years of the Administration, it became common practice for OIRA to dilute proposed rules submitted to it by the regulatory agencies. To be clear, the revisions were not limited to matters related to cost-benefit analysis, the nominal rationale for OIRA to review rules in the first place.

Indeed, original research by CPR staff and scholars released at the end of 2011 revealed that OIRA has continued to function largely as it did under President Bush, changing rules at a rapid pace, continuing to exercise power not granted to it by the Executive Order defining its role, misleading the press about its obligations under that Executive Order, and functioning as a court of last resort for industry lobbyists. Much of the report relies on data about meetings OIRA had with special interest groups during its deliberations over proposed rules. By their nature, those meetings essentially rehash arguments industry has already raised – before Congress and before the regulatory agency. OIRA affords the special-interest lobbyists one more opportunity to make their case, and more than that, often decides to intervene with the agencies on the special interest’s behalf. For example, the President’s decision to scuttle EPA’s efforts to tighten ozone regulations involved a series of OIRA/industry meetings at which White House Chief of Staff William Daley was present. Daley has played many roles over his political life, but he’s no expert on the science of ozone pollution. We may never know what precisely he communicated to President Obama about the sessions, but it is difficult to imagine he was focused on anything other than the politics of the matter. The President eventually scotched the regulations.

The 2011 report is one of many CPR initiatives that together make up the organization’s “Eye on OIRA” project and corresponding website. Much of what OIRA does, it does in the dark, refusing, for example to make public the specific revisions it imposes on agencies’ proposed regulations. So, as much as is possible, CPR’s Eye on OIRA team seeks to expose OIRA’s work to the cleansing sunlight of scrutiny. The website tracks the latest OIRA activity, including meetings with special interests, what regulations it is currently reviewing, where that review process stands in relation to the deadlines OIRA is required to meet, and more.

When Sunstein was first nominated to head OIRA, CPR was among the first organizations to raise a red flag about his views on regulation. While right-wing organizations made an attempt to bring down his nomination on largely concocted grounds related to gun control issues, CPR conducted thorough research on Sunstein’s expressed views on regulation, reviewing his extensive writings and drawing out those elements relevant to his prospective role in the regulatory process. As Rena Steinzor said in releasing the report, “The hard truth is that he’s a committed advocate of the very methods that the Bush Administration and some of its predecessors have used to bottle up much-needed regulatory protections for health, safety, and the environment.” Three years on, the evidence is in, and Steinzor’s warning has been affirmed.

## 2009

### March 9, 2009

President Obama pledges commitment to science integrity, promising the “highest level of integrity in all aspects of the executive branch’s involvement with scientific and technological processes.”

### March 25, 2009

CPR and the National Association of Clean Air Agencies host a workshop on state and local climate initiatives and the possible legal implications of federal climate change legislation on those initiatives.

### April 30, 2009

CPR’s Rena Steinzor tells congressional panel that the Obama Administration should redefine role of “regulatory czar” to help protect citizens, not weaken regulation.

# When Disaster Strikes...

## 2009

**May 2009**

CPR's William Buzbee and Victor Flatt publish "Climate Bill Good First Step in Long and Arduous Trip," in the *Houston Chronicle* and *Atlanta Journal-Constitution*.

**May 12, 2009**

CPR's Catherine O'Neill and Amy Sinden publish "The Cost Benefit Dodge" in the *Philadelphia Inquirer*.

**May 12, 2009**

O'Neill tells congressional panel that mercury-emitting chlor-alkali plants cause unnecessary harm to human health.

### ***Hurricane Preparedness***

Over the past seven years, the Gulf Coast region of the United States has twice been the victim of massive disasters. The second of these – the month-long gusher of oil into the Gulf of Mexico from BP's Deepwater Horizon drilling platform – was unquestionably a human-made disaster. The earlier disaster, Hurricanes Katrina and Rita, is often regarded, by contrast, as a natural disaster. In fact, as CPR Member Scholars pointed out at the time, while its origins were natural, its impact was exacerbated by bad policymaking and lax regulatory enforcement.

That was the core message of CPR's groundbreaking 2005 report, *Unnatural Disaster: The Aftermath of Hurricane Katrina*, a collaboration among no fewer than 17 scholars. Issued within days of the storm, the report highlighted the many poor environmental choices made by federal, state, and local authorities, including permitting the destruction of wetlands areas that would have slowed the storm's assault on major population areas, failing to clean up Superfund sites in advance, failing to plan adequately for disasters, and, of course, failing to ensure the strength of the city's levee system on which so much relied. The authors wrote:

It is clear even at this early stage that the Hurricane Katrina tragedy is not a "wake-up call" as some have described it; rather, it is a consequence of past wake-up calls unheeded. By any reasonable measure, government failed the people of New Orleans. Hurricane Katrina was a natural disaster of enormous proportion, but its tragic consequences have been made even worse by an unnatural disaster: the failure of our government adequately to anticipate, prepare for, and respond to the devastation that the hurricane brought.

The report went on to recommend a series of environmental, energy and disaster-preparedness policies to reduce the likelihood of a recurrence and to prepare for such disasters in the event that they do occur. Member Scholar Robert R.M. Verchick, a New Orleans resident who later went on to serve in the Obama EPA, shared the study's findings in 2005 testimony before the U.S. Senate Committee on the Environment and Public Works.

### ***Deepwater Disaster***

Five years later, when the Deepwater Horizon exploded and killed 11 workers, then began gushing oil into the Gulf for what would turn out to be months, CPR's Member Scholars were quick to point out that while BP and its contractors were to blame for the disaster they created, lax federal regulation and enforcement was also to blame.



In a series of reports and opinion articles, the Scholars drew out the point. In the aptly titled white paper, *Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can Be Fixed to Avoid a Recurrence*, 12 Member Scholars dissected the multiple failings of the Interior Department's Minerals Management Service's oversight of off-shore drilling. Among its core findings was that the agency regarded the oil companies as its constituents, not as its regulatees. As co-author Rena Steinzor said of MMS in releasing the report,

Somewhere along the line, they'd gotten the message that they were there to serve the industry, not to protect the public and the environment, or to make sure that industry exercised due caution. For all intents and purposes, they were captured by industry, doing its bidding, not the people's. That's been an historic problem with a number of agencies, long before President Obama came to the White House. His people have an awful lot of work left to accomplish turning that around, and the White House has not given this crucial work nearly enough emphasis so far.

### The Scholar's Voice: On New Orleans, One Year After Katrina



*[M]any neighborhoods in the city remain entirely uninhabitable. Key reconstruction decisions are on hold. City services -- like trash removal in a city filled with trash -- are infrequent and unreliable. And critical health and safety issues are brushed aside. In important ways, the failure to move with dispatch to clean and reconstruct New Orleans is as shocking an abdication of responsibility by federal and local officials as the bungling of the emergency preparedness efforts that transformed a natural disaster into a manmade cataclysm.*

*Member Scholar Robert R.M. Verchick, New Orleans resident, 2006 op-ed, The Mobile Press-Register*

The report also brought to light the appalling lack of resources under which the enforcement program labored: The agency had just 60 inspectors charged with covering almost 4,000 facilities in the Gulf of Mexico, forcing regulators to rely on industry to police itself – in this case, with predictable and disastrous results. Subsequent reports from CPR focused on OSHA's efforts to protect cleanup workers in the Gulf, and the severe limitations placed on victims of the disaster by years of state tort reform efforts designed to insulate industries – including the oil industry – from having to pay for the damage its negligence causes.

## 2009

### May 12, 2009

President Obama issues an Executive Order on Chesapeake Bay Protection and Restoration, declaring the Bay a national treasure and signaling that EPA will play a strong role in leading Bay cleanup.

### May 22, 2009

CPR symposium brings together experts to debate future of centralized regulatory review.

### June 11, 2009

CPR report and subsequent *Los Angeles Times* article show how the Obama Administration's reforms to the IRIS toxic chemical database left in place a politicized interagency review process.

### September 21, 2009

CPR Names Shana Jones to be Executive Director.

# Telling the Truth About Torts

## 2010

**January 14, 2010**

CPR report gives Obama regulatory efforts mixed reviews.

**February 9, 2010**

New CPR white paper says OSHA “dysfunction” leaves workers at risk.

**April 5, 2010**

Twenty-nine miners are killed in the Upper Big Branch mine disaster in West Virginia.

**April 20, 2010**

BP’s Deepwater Horizon oil rig explodes, killing 11 men and releasing about 4.9 million barrels of crude oil into the Gulf over three months.

**September 30, 2010**

CPR report says BP disaster was a product of “Regulatory Blowout.”

Over this first decade of CPR’s work, the effort to protect citizens’ rights to bring litigation – to ensure justice and force corporate accountability – have become a significant part of the organization’s work. CPR’s scholarship on the subject, including its flagship *Truth About Torts* white paper series, has grown to include nine separate papers exploring efforts to undercut the rights of citizens to hold corporations accountable.

The so-called “tort reform” effort played out at the federal and state levels, with a number of state legislatures imposing caps on damages, or a variety of other mechanisms intended to close the courthouse door to victims. For its part, the Bush Administration sought to impose a sort of stealth tort reform: working to undercut citizens’ rights to bring suit under state tort laws by asserting that regulations – often feeble ones – “preempt” state laws.

The Bush push for preemption sometimes found friendly ears among the conservative majority of the Supreme Court. But in March 2009, in *Wyeth vs. Levine*, the Court rejected an argument from pharmaceutical giant Wyeth that a woman harmed by one of its drugs could not bring a lawsuit against the company because the FDA’s approval of the drug’s label effectively preempted litigation under state tort law. The consumer victory was the occasion for CPR’s Thomas McGarity to write, in an op-ed that appeared in the *Dallas Morning News*, *Austin American-Statesman*, and *Houston Chronicle*:

The holding is a rare win for consumers in the broader “preemption war” that has been raging in Congress and the courts over whether federal regulatory agencies should trump local juries. The war continues in other areas where federal agencies regulate potentially dangerous products, set standards for airline, railroad, and motor carrier safety, and attempt to protect consumers from unscrupulous banks and credit reporting agencies. But the Supreme Court’s well-reasoned opinion should make federal bureaucracies think twice before concluding that they are the only game in town.

Two months later, President Obama issued an Executive Order following advice offered by CPR’s Member Scholars earlier that year. The order directed agencies to stop including statements in the preambles of regulations – as many Bush agencies did – claiming their intent to preempt state laws unless the actual regulation itself contained provisions that explicitly preempt state law. The significance of using preambles to assert preemption is that they are not always included in the public comment phase of deliberations over a proposed regulation. So the Bush Administration often inserted a preemption assertion in a preamble after a rule had been through the comment phase and before it went out the door, giving the public no opportunity to comment on the merits of the provision. In addition to putting an end to that stealthy tactic, President Obama also ordered agencies to return to the presumption that state law can only be preempted by a specific act of Congress – not by means of a regulation.

# Promoting Safe Cars, Food, Drugs, and Workplaces

Over the last decade, CPR Member Scholars have played a critical role in efforts to protect Americans from a variety of hazards, and bring the rigors of scholarship – fealty to the facts, searching analysis, openness to new ideas – to bear on the regulatory process.

In 2005, for example, CPR published *The Hidden Lesson of the Vioxx Fiasco: Reviving a Hollow FDA*, which told the chilling story of a slow-motion disaster, in which the “blockbuster” pain drug caused an estimated 88,000 to 139,000 Americans to have heart attacks or strokes. Worse, the data that eventually led to the removal of the drug from the market was in the Food and Drug Administration’s possession years before the agency acted. The manufacturer, Merck, bent over backwards to misread the data from the study, and then did nothing to alert FDA to the implications. For its part, FDA was so focused on moving new products to market, it devoted comparatively little staff time or resources to tracking the effectiveness of – or unanticipated harm from – products it had already approved. So FDA took no notice of the study. All the while, the drug was killing thousands of Americans a year. When finally the agency caught on, it moved slowly to respond, entering into a negotiation with Merck about adding a warning to its label. In the end, the real-world results of the drug caught up with Merck, and the company was forced to pull the product from the market.

## **Exposing USDA’s Conflict of Interest**

A similarly disturbing story was at the heart of a 2004 white paper by CPR’s first President, Thomas McGarity, now a member of the organization’s board of directors. McGarity’s subject was the then-recent outbreak of Mad Cow disease, and more specifically, the response to it by the U.S. Department of Agriculture (USDA), which is charged with ensuring the safety of meat products in the United States in addition to promoting U.S. agriculture. The conflict between those two missions was on stark display in late 2003, when an outbreak of Mad Cow disease led to breezy reassurances from USDA about the safety of the meat supply.

In McGarity’s meticulously researched telling of the story, USDA approached the problem not as an enforcement issue, but as a marketing challenge, balancing the safety of the nation’s meat supply with the beef industry’s profit margin. Despite USDA’s frequent and sweeping assurances about the safety of U.S. beef, it was actually testing a small portion of animals. As McGarity wrote in an *Austin American-Statesman* op-ed that year:

It is time for the Bush administration to quit acting as a cheerleader for the American meat industry and to get serious about implementing an effective regulatory program that is stringent enough to warrant the trust of beef eaters throughout the world.

## 2010

### April 8, 2010

CPR report demonstrates how Maryland fails to adequately enforce clean water laws, harming the recovery of the Chesapeake Bay.

### May 10, 2010

CPR’s Holly Doremus publishes “Gulf Oil Spill, Obama’s Regulatory Response Falls Short,” in the *Los Angeles Times*.

### August 9, 2010

The Department of Labor publishes a rule on construction crane and derrick safety, projected to save dozens of lives annually.

### November 9, 2010

CPR report finds that EPA is years behind in completing statutorily mandated assessments of at least 255 chemicals.

# 2011

## January 2011

CPR report evaluates state plans for cleaning up Chesapeake Bay.

## January 5, 2011

CPR's Noah Sachs publishes "When It REINS, It Pours" in the *New Republic*.

## January 21, 2011

CPR and the Seattle University School of Law host a symposium bringing together national, regional, tribal, and local experts on climate change adaptation to discuss the implications of climate change for the Puget Sound area.

## February 8, 2011

CPR report debunks SBA study claiming \$1.75 trillion annual cost of regulations.

## March 11, 2011

CPR White Paper condemns impact of hollowed regulation and hobbled law on BP spill victims.

## **Protecting Workers**

Worker safety has also been a topic of great interest for CPR's Member Scholars.

The American workplace has changed dramatically over the last two decades, and so have the inherent hazards for workers. New, bigger, more powerful equipment has come online, New chemicals and other toxic substances have come into routine use, and new production and construction methods have been introduced.

The nation's worker safety laws and regulations simply have not kept up. Under some administrations, the Occupational Safety and Health Administration has been disinterested in the task, and under others, it has been starved of resources. New safety standards can take a decade or more to implement, and enforcement of existing standards is sporadic. As a result, progress on preventing workplace injuries, steady throughout the agency's early years, has stopped.

In 2010 and 2011, CPR organized two symposia to engage the occupational health and safety community in discussions about the future of OSHA. The meetings brought together a broad group of academics, union representatives, non-union worker advocates, and government officials – including OSHA Administrator David Michaels – for a reflection on the first 40 years of OSHA's life, and a searching look at its future. Recognizing OSHA's strengths and aiming to improve upon them, the meetings focused largely on enforcement and rulemaking. Growing out of those sessions and their related research, CPR Member Scholars and CPR policy analyst Matt Shudtz are now at work on a blueprint for reforming the nation's worker safety regime.

In 2011, a group of Member Scholars took a careful look at the worker safety protections put in place for workers cleaning up the BP oil spill in the Gulf of Mexico. The resulting white paper, *From Ship to Shore: Reforming the National Contingency Plan to Improve Protections for Oil Spill*, applauded much of OSHA's work during the spill, but pointed to the need for better pre-disaster planning on how to deal with such problems as oil fumes and worker reluctance to wear respirators while working in extreme heat.

# The Bigger Picture

While much of the work of the Center for Progressive Reform focuses on ongoing and specific environmental, health and safety debates, over the years, the Member Scholars have also brought their academic skills to bear on longer-term policy questions.

It's in the nature of Washington to ignore such long-term problems, and instead focus on the here and now – bills headed to the floor of Congress or regulations on their way out the door. Even when Congress and the Executive Branch take up long-term issues, the discussion is often driven by short-term politics.

CPR's Member Scholars believe it is important to keep that bigger picture in mind, and have periodically published white papers laying out blueprints for where policy ought to go in a number of crucial areas.

In 2010, Member Scholar Alyson Flournoy and Policy Analyst Margaret Clune Giblin took the lead on *The Future of Environmental Protection: The Case for a National Environmental Legacy Act*. They proposed legislation to establish environmental standards that were, in their words:

aimed not simply at preventing or mitigating specific abuses, but rather at protecting specific environmental assets from the combined effect of a full range of environmental degradations. So, for example, recognizing biodiversity as an environmental asset, the National Environmental Legacy Act (NELA) would address the problem of alarming rates of species endangerment and extinction by seeking to protect species long before they become endangered or threatened, through efforts to protect ecosystems by accounting for all the factors in an ecosystem that affect species population.

More generally, recognizing the natural resources under federal ownership and control as important -- and in some cases finite -- environmental resources, NELA would address the quickly shrinking store of these resources by establishing a limit on further depletion of publicly owned resources, so that future generations would be able to enjoy these resources. NELA would identify specific public resources to be preserved and require that a specific share of each resource be preserved for the use of future generations. In so doing, it would compel us to identify our long-term goals for these resources, and help us chart and maintain a course to achieve the shared goal of preserving the resources.

Flournoy and fellow Member Scholar David Driesen went onto collaborate on a book that elaborated on the Legacy Act idea and offered a series of similarly forward-looking environmental proposals.

## 2011

**June 2, 2011**

CPR White Paper explodes industry myths about BPA.

**August 2, 2011**

Congressional Republicans leverage massive budget cuts by refusing to support an otherwise routine increase in the federal government's debt ceiling.

**September 2, 2011**

The White House rejects EPA's proposed update to smog standards, keeping in place standards more permissive than those recommended by EPA's scientists.

**November 28, 2011**

CPR releases groundbreaking report on the politicization of the regulatory process under President Obama.

# 2011

## December 7, 2011

The House of Representatives passes the REINS Act, which would require an affirmative vote of both houses of Congress to finalize major rules. The White House threatens a veto.

Five years earlier, a considerably larger group of CPR's Member Scholars collaborated on another far-sighted project, *A New Progressive Agenda for Public Health and the Environment*. Edited by Member Scholars Christopher Schroeder and Rena Steinzor, and published by Carolina Academic Press, the book observes that much of the focus of federal regulatory policy in the areas of health, safety, and the environment has been gradually redirected away from protecting Americans against various harms and toward protecting corporate interests from the plain meaning of protective statutes. It then lays out a re-imagining of federal policy in these areas, with particular focus on the regulatory process, proposing a series of innovative, straightforward and practical solutions for the 21st Century. The book was a collaboration of 19 Member Scholars.

These and other such publications from CPR's Member Scholars serve as long-term guideposts for policymaking, and as a reminder that short-term politics need not confine the ongoing effort to forge policies that rise above today's political constraints to protect against threats to health, safety and the environment.

CPR White Papers offer timely and thoughtful analysis on current policy issues, spanning the full range of environmental, health and safety issues. CPR Reports bring new data or information to the policy dialogue.

## 2011

[Behind Closed Doors at the White House: How Politics Trumps Protection of Public Health, Worker Safety, and the Environment](#), CPR White Paper 1111, by CPR Member Scholar Rena Steinzor, CPR Policy Analyst James Goodwin, and CPR Intern Michael Patoka. Read the [news release](#). Use the [Behind Closed Doors database](#) to search comprehensively through the OIRA meeting records, enhanced by the data compiled for this report.

[Back to Basics: An Agenda for the Maryland General Assembly to Protect the Environment](#), CPR White Paper 1110, by CPR Member Scholar Rena Steinzor and CPR Policy Analyst Yee Huang, October 2011. Read the [blog post](#).

[Saving Lives, Preserving the Environment, Growing the Economy: The Truth About Regulation](#), CPR White Paper 1109, by CPR Member Scholar Sidney Shapiro, National Labor College economics professor Ruth Ruttenberg, and CPR Policy Analyst James Goodwin, August 2011. Read the related [editorial memo](#) and [blog post](#) on the subject, both from Sidney Shapiro.

[Climate Change and the Puget Sound: Building the Legal Framework for Adaptation](#), CPR White Paper 1108, by CPR Member Scholars Robert L. Glicksman and Catherine O'Neill, and CPR Policy Analyst Yee Huang; and CPR Member Scholars William L. Andreen, Robin Kundis Craig, Victor Flatt, William Funk, Dale Goble, Alice Kaswan, and Robert R.M. Verchick, June 2011. Read the [news release](#).

[Opening the Industry Playbook: Myths and Truths in the Debate Over BPA Regulation](#), CPR White Paper 1107, by CPR Member Scholars Rena Steinzor and Thomas McGarity, CPR Senior Policy Analyst Matthew Shudtz, and CPR Policy Analyst Lena Pons, June 2011. Read the [news release](#).

[Twelve Crucial Health, Safety, and Environmental Regulations: Will the Obama Administration Finish in Time?](#), CPR White Paper 1106, by CPR Member Scholars Rena Steinzor and Amy Sinden, CPR Senior Policy Analysts Matthew Shudtz, and CPR Policy Analysts James Goodwin, Yee Huang, and Lena Pons, April 2011. Read the [news release](#).

[Six Myths About Climate Change and the Clean Air Act](#), CPR White Paper 1105, by CPR Member Scholars Dan Farber and Amy Sinden, April 2011. Read the [blog post](#).

[Making Good Use of Adaptive Management](#), CPR White Paper 1104, by CPR Member Scholars Holly Doremus, William L. Andreen, Alejandro Camacho, Daniel A. Farber, Robert L. Glicksman, Dale Goble, Bradley C. Karkkainen, Daniel Rohlf, A. Dan Tarlock, and Sandra B. Zellmer, and CPR Executive Director Shana Jones and Policy Analyst Yee Huang, April 2011. Read the [blog post](#).

[Setting the Record Straight: The Crain and Crain Report on Regulatory Costs](#), CPR White Paper 1103, by CPR Member Scholar Sidney Shapiro, National Labor College Professor Ruth Ruttenberg, and CPR Policy Analyst James Goodwin, February 2011. Read the [news release](#).

[Missing the Mark in the Chesapeake Bay: A Report Card for the Phase I Watershed Implementation Plans](#), CPR White Paper 1102, by CPR Member Scholars William Andreen, Robert Glicksman, and Rena Steinzor and CPR staff Yee Huang and Shana Jones, January 2011. Accompanying detailed evaluations of the plans from the Bay jurisdictions: [Delaware](#), [Maryland](#), [New York](#), [Pennsylvania](#), [Virginia](#), [West Virginia](#), and the [District of Columbia](#).

[The BP Catastrophe: When Hobbled Law and Hollow Regulation Leave Americans Unprotected](#), CPR White Paper 1101, by CPR Member Scholars Alyson Flournoy (University of Florida Levin College of Law), William Andreen (University of Alabama School of Law), Thomas McGarity (University of Texas at Austin School of Law), Sidney Shapiro (Wake Forest University School of Law) and CPR Policy Analyst James Goodwin, January 2011.

## **2010**

[Setting Priorities for IRIS: 47 Chemicals that Should Move to the Head of the Risk-Assessment Line](#), CPR White Paper 1010, by CPR Member Scholar Rena Steinzor and CPR Policy Analysts Matthew Shudtz and Lena Pons, December 2010. Read the related [blog post](#).

[Corrective Lenses for IRIS: Reforms to Improve EPA's Integrated Risk Information System](#), CPR White Paper 1009, by CPR Member Scholars Rena Steinzor and Wendy Wagner, with CPR Policy Analysts Lena Pons and Matthew Shudtz. Read the [news release](#).

[Regulatory Blowout: How Regulatory Failures Made the BP Disaster Possible, and How the System Can Be Fixed to Avoid a Recurrence](#), CPR White Paper 1007, by CPR Member Scholars Alyson Flournoy, William Andreen, Rebecca Bratspies, Holly Doremus, Victor Flatt, Robert Glicksman, Joel Mintz, Daniel Rohlf, Amy Sinden, Rena Steinzor, Joseph Tomain, and Sandra Zellmer, together with CPR Policy Analyst James Goodwin, October 2010. Read the [news release](#).

[From Ship to Shore: Reforming the National Contingency Plan to Improve Protections for Oil Spill Cleanup Workers](#), CPR White Paper 1006, by CPR Member Scholars Rebecca

Bratspies, Alyson Flournoy, Thomas McGarity, Sidney Shapiro, Rena Steinzor, and CPR Policy Analyst Matthew Shudtz, September 2010.

[Ensuring Accountability in Chesapeake Bay Restoration: Metrics for the Phase I Watershed Implementation Plans](#), special report, by Member Scholars William Andreen, Robert Glicksman and Rena Steinzor; CPR Policy Analyst Yee Huang and CPR Executive Director Shana Jones, August 2010.

[Plausibility Pleading: Barring the Courthouse Door to Deserving Claimants](#), CPR White Paper 1005, by CPR Member Scholars William Funk, Thomas McGarity, and Sidney Shapiro, with CPR Policy Analyst James Goodwin, May 2010.

[Failing the Bay: Clean Water Act Enforcement in Maryland Falling Short](#), CPR White Paper 1004 by CPR Member Scholar Robert Glicksman and Policy Analyst Yee Huang, commissioned by the Abell Foundation, on the Maryland Department of the Environment's enforcement of the Clean Water Act, Or read the [news release](#), or an [article on the report](#) in the Abell Foundation's newsletter.

[Workers at Risk: Regulatory Dysfunction at OSHA](#), CPR White Paper #1003, by CPR Member Scholars Thomas McGarity, Rena Steinzor, and Sidney Shapiro, and CPR Policy Analyst Matthew Shudtz, February 2010. Read the [web article](#) and [news release](#).

[The Future of Environmental Protection: The Case for a National Environmental Legacy Act](#), CPR White Paper #1002, by CPR Member Scholar Alyson Flournoy, former CPR Policy Analyst Margaret Clune Giblin, and Ryan Feinberg, Heather Halter and Christina Storz, January 2010.

[Obama's Regulators: A First-Year Report Card](#), CPR White Paper #1001, by CPR Member Scholars Rena Steinzor and Amy Sinden, with Executive Director Shana Jones and Policy Analyst James Goodwin, grading the Obama Administration's progress on the regulatory front, including grades for each of the five "protector agencies," the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the National Highway Traffic Safety Administration (NHTSA), the Consumer Product Safety Commission (CPSC) and the Food and Drug Administration (FDA), as well as for the White House, OMB, and OIRA. (Also a [web article](#) and [news release](#).)

For more CPR White Papers and Resources, please visit [CPRWhite Papers and Reports](#).

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