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CPR Scholars Propose Slate of Executive Orders to Launch Obama Administration's Work on Health, Safety and Environment

Proposed EOs Advance Agenda on Climate Change, Toxics in the Environment, Federal Preemption, Public Lands, More

Washington, DC ---- The Center for Progressive Reform today delivered to the Obama transition team a slate of seven proposed Executive Orders designed to achieve innovative and meaningful federal action on health, safety and the environment. The proposals – all of which could be enacted by the stroke of the new President's pen – would launch federal action by the new Administration in key areas, including climate change, reinvigorating safeguards against toxics in the environment that could harm children, ending the Bush Administration's backdoor effort to undercut citizens' right to sue for damages from faulty drugs and products, increasing protections for public lands, making environmental justice a key factor in federal decisionmaking, and reinstating policies of transparency in government.

"President Obama and the new Congress have much work ahead of them," said CPR President Rena Steinzor, one of 13 CPR Member Scholars who collaborated on [*Protecting Public Health and the Environment by the Stroke of a Presidential Pen*](#). "But the President can take effective action on his own, as well, by issuing Executive Orders directing the work of federal agencies in specific areas. We propose seven such orders. Some undo harmful policies of the Bush Administration on health, safety and environmental matters; others launch new initiatives in those areas. These orders would have a very real impact on the issues at stake, and they'd send a clear message that a new sheriff is in town."

The slate of Executive Orders includes two particularly innovative proposals on climate change. One would direct agencies of the government to measure, report, and reduce their respective carbon footprints, an order aimed at reducing the federal government's estimated 1.4-percent share of the nation's contribution of greenhouse gases.

A second climate change order would direct agencies to consider the global warming implications of their actions. One very meaningful example of such consideration: the National Highway Traffic Safety sets vehicle mileage standards. Under the Bush Administration, it declined to consider global warming as a factor, and so produced relatively weak standards. Were the Obama Administration to contemplate global warming in such calculations, it would likely produce more stringent standards.

In addition to climate change, the orders are aimed at protecting children from exposure to toxics; making sure that minority communities are not disproportionately harmed by pollution; restoring transparency to the regulatory process as a way to make sure industry does not exert undue influence on protective regulations; ending the Bush Administration increasingly common practice of declaring that its regulations – often weak – preempt citizens' right to sue for damages; and protecting public lands from over-exploitation. The orders would:

1. Climate Change. Require all federal agencies to measure, report, and reduce their carbon footprints.

2. Climate Change. Direct all federal agencies to consider the climate change-related implications of their actions as part of their obligations under the National Environmental Protection Act.
3. Protecting Children from Toxics. Require all federal agencies to develop plans implementing an affirmative agenda to protect children from toxics, to account for the unique attributes of children when conducting risk assessments, and to stop discounting prospective benefits for children and future generations when conducting cost-benefit analyses.
4. Environmental Justice. Clarify key terminology for understanding environmental justice issues and require all federal agencies to conduct meaningful analyses of the environmental justice impacts of their actions, undertake steps to ameliorate environmental injustices, and commit to carrying out an affirmative environmental agenda.
5. Transparency in Government. Restore the presumption of disclosure under the Freedom of Information Act, limit the ability of agencies to avoid the transparency provisions of the Federal Advisory Committee Act, and introduce greater transparency into the regulatory review process conducted by the Office of Information and Regulatory Affairs.
6. Victims' Right to Sue. Establish a strong presumption against federal agency preemption of more protective state health and environmental laws and institute a rigorous procedure for agencies to follow in order to overcome that presumption.
7. Public Lands. Establish the goal of ecological integrity as the baseline for making public land management decisions, revoke two Bush-era Executive Orders that improperly prioritized the goals of energy development over the statutory goals of sustainable land use, and broaden opportunities for public participation in land management decisions.

“Our proposal that the President direct the government to reduce its carbon footprint immediately would take a big step toward arresting global climate change, and send a clear and immediate signal to the world that the United States is prepared to stop behaving like a rogue nation on this issue. Similarly, ordering agencies to develop an affirmative agenda for protecting children from lead, mercury, perchlorate, phthalates, fine particulate matter, ozone, and pesticides – areas where the Bush Administration punted or dropped the ball – would save lives and help millions of kids grow up healthier. It’s always been within the President’s power to do these things. The difference now is that we’re about to have a President who is inclined to do them.”

The co-authors of the report are Professors Rebecca M. Bratspies (CUNY School of Law), David M. Driesen (Syracuse University College of Law), Robert L. Fischman (Indiana University School of Law–Bloomington), Sheila Foster (Fordham Law School), Eileen Gauna (University of New Mexico School of Law), Robert L. Glicksman (University of Kansas Law School), Alexandra B. Klass (University of Minnesota Law School), Catherine A. O’Neill (Seattle University School of Law), Sidney Shapiro (Wake Forest University School of Law), Amy Sinden (Temple University Beasley School of Law), Rena Steinzor (University of Maryland School of Law), Robert R.M. Verchick (Loyola University, New Orleans), and Wendy Wagner (University of Texas School of Law), and CPR Policy Analyst James Goodwin.

The report is available online at www.progressivereform.org/CPR_ExecOrders_Stroke_of_a_Pen.pdf. The Center for Progressive Reform is a nonprofit research and educational organization whose network of scholars across the nation is dedicated to protecting health, safety, and the environment through analysis and commentary. For more information, contact Matthew Freeman at 301-762-8980 or at mfreeman@progressivereform.org. Visit CPR on the web at www.progressivereform.org.

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