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Obama should sidestep Congress

The president can't rely on GOP cooperation, so he must make use of executive orders to make progress on environment, health and safety



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By Rena Steinzor and Amy Sinden
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Incumbent presidents don't run for reelection simply to preserve first-term accomplishments. Presidents and presidential candidates are men and women of big ambition, driven by the immense self-confidence required to run for the job and a desire to accomplish important things.

Barack Obama's ambitions are clear. He came to office in 2009 on the strength of a far-reaching, progressive agenda that included resurrecting the economy, rebuilding the American middle class, ending one war, winning another, stopping the Bush-era tax giveaways to the rich, fixing the health care system, addressing global warming, ending "Don't ask, don't tell," and more.

Four years on, despite the bitter partisan divide that defines politics in our age, he's made progress on most fronts, to his great credit. But if he is to make further advances on his agenda, odds are he'll need to do it without much help from **Congress**. Let's face it: If the **fiscal cliff** battle tells us anything, it's that the spanking congressional **Republicans** took from voters last month did little to diminish their appetite for confrontation and gridlock. As a result, great legislative achievements don't seem to be in the cards for either party any time soon.

So what might the president accomplish on his own? Plenty. If, that is, he's willing to use every bit of executive power he can marshal, by directing the regulatory agencies of his administration to move with dispatch to regulate and enforce in a number of vital areas.

As it happens, regulation and enforcement weren't particularly strong parts of the president's game in his first term. Between regulatory agencies that did not always evince an appropriate sense of urgency, and a **White House** "regulatory czar" all too willing to bend over backward to please industries whose pollution, unsafe workplaces and other hazards were the subject of regulation, a number of deadlines passed without action, some rules were watered down, and many were stuffed into a closet at the White House.

But the president has a chance to reverse the trend and secure his legacy on health, safety and environmental issues, if he's willing to act with courage and focus on a few crucial initiatives. His instrument should be executive orders that direct various agencies of the government to move on particular items within tight deadlines. Here are a handful of things Mr. Obama can do by executive order that deserve to be presidential priorities:

- Direct the **Environmental Protection Agency** to move full speed ahead with regulating existing sources of greenhouse gases, using existing authority under the Clean Air Act; and, by a separate order, call on all agencies of government to consider how we can adapt to the effects of climate change that it's too late to avoid.
- Call for coordinated regulatory actions to address high-priority threats to **children's health** and safety, including protections from **asthma**, toxic chemicals and workplace hazards (because even children work in unsafe agricultural jobs).
- Create a cabinet-level working group to address the cross-cutting problems posed by unsafe imported foods, drugs and consumer products.
- Protect "contingent workers," a growing segment of the work force made up of laborers who are not employed on any sort of long-term, contractual basis — day workers, for example. They are often subjected to hazardous conditions on the job and have few protections in the event of accidents.
- Redirect the White House "regulatory czar" to work proactively to improve regulation rather than impede it.

None of these orders creates new legal authority. To the contrary, they are squarely within the four walls of existing statutes. But if implemented, they could lead to a second-term bonanza of progress for a president who faces obstinate opposition in Congress.

The president can't afford to shut himself off from Congress, of course — nor should he. In the next two years, there will be budgets to pass, an education reauthorization bill to craft, battles aplenty over spending, and much more. But it's hard to imagine anything of consequence coming from Capitol Hill that isn't the product of brutal fighting and bitter compromise. By contrast, if he directs his regulatory agencies to move with dispatch, the

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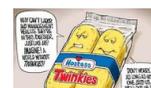
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president can make huge advances on health, safety and environmental issues, along the way crafting a lasting legacy on these issues that will stand beside many of his first-term accomplishments.

Rena Steinzor (rsteinzor@law.umaryland.edu), a professor at the **University of Maryland** Francis King Carey School of Law, and Amy Sinden, a professor at Temple University Beasley School of Law, are member scholars of the Center for Progressive Reform and are among the co-authors of the center's "Protecting People and the Environment by the Stroke of a Presidential Pen: Seven New Executive Orders for President Obama's Second Term."

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