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Politics and progress: Will the White House stall its own climate change plans?

By Robert R.M. Verchick - 07/25/13 02:00 PM ET

After months of squabbling, the Senate has finally confirmed Gina McCarthy as the new administrator of the Environmental Protection Agency. By the end of the week, she'll be sorting files in her chasmal office overlooking Federal Triangle and engineering what environmentalists hope will be President Obama's greatest legacy: a plan to confront climate change full-on. At minimum, that means slashing greenhouse gas emissions from domestic sources, pushing for deep cuts abroad, and helping communities everywhere prepare for an era of searing heat, rising seas, and volatile storms.

Having failed once in a bid for cap-and-trade legislation, the president has largely given up on Congress. His vision now relies heavily on initiatives that federal agencies can execute without legislative "help." Thus he has called for the EPA to use its Clean Air Act authority to "end the limitless dumping of carbon pollution from our power plants." He directed the Secretary of Interior to free up more land for wind farms and promised that military bases would rely more on green energy.

Having worked with McCarthy at the EPA during the president's first term, I have little doubt that she will hold her own in any dealings with the coal industry, Republicans in Congress, or critics in the environmental community. Everything you might've heard about her sharp negotiating skills, her scientific knowledge, her frank style, and her trustworthiness is true. But what the administrator needs now more than anything is the unwavering support of the White House. That's where the real challenge lies.

Under its statutory authority, EPA has ample power to write rules limiting power plant emissions, for example. But since the Reagan administration, all "major" rules—those seen as important to national policy—have been funneled into a little-known process of review, conducted by the White House Office of Information and Regulatory Affairs (OIRA). It may be the most important government office you've never heard of—the depot through which all regulatory freight must pass, the ganglia of the president's rulemaking brain.

By executive order, OIRA is required to review submitted agency proposals within 90 days. For the most part, past administrations have kept up the pace. But in the Obama administration, the trains no longer run on time. Of the 136 draft rules under review at OIRA, 72 have been held up for longer than the 90-day limit. Of those, 38 have been stalled for over a year. Nine rules from the Department of Energy have been at OIRA for over two years and deal directly with energy efficiency standards the President himself touted in his 2013 State of the Union address. In his climate address, for example, the President instructed EPA to issue stricter limits on power plant emissions, saying he wanted them by this September. He should have directed that to OIRA, not the EPA, because the EPA had already proposed a package of stricter standards for new coal-fired power plants and submitted it to OIRA in March 2012.

From the outside, it's hard to know what's going on. Some costly regulations are, no doubt, snarled in the

complicated and often dubious process of “cost-benefit analysis.” Some observers fear the White House office has also become a one-stop shop for industry lobbying. A 2011 report by the Center for Progressive Reform found that during the review process for a rule, OIRA staff met with industry groups at a rate of 4 to 1 for public interest organizations. They found that those rules lobbied on by industry groups were much more likely to be significantly altered and weaker when submitted in final form. Industry groups apply pressure, and the Administration backs down.

Whatever the reasons, EPA’s future success will depend on McCarthy’s ability to unlock the door to that castle, a feat that will require political support from the highest levels in the White House. In addition to her formidable bargaining skills and scientific training, the new Administrator has secret weapon you might not know about: a bachelor’s degree in social anthropology. The study of human organizations, she once told me, had proved essential at all levels of her career. It taught her to intuit the interests of other people and locate the center of an institution’s decision-making power. In fighting for the climate, Administrator McCarthy will need to draw heavily on those skills again.

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