Shaping Progressive Policy for the Public Good: Two Decades of Impact by the Center for Progressive Reform
At the dawn of the George W. Bush era, progressive activists sought to challenge the growing conservative movement to undo regulatory protections that protect workers, consumers, the public, and the planet. To counter this movement and reframe the debate around the protective role government plays when the market fails, a small group of legal scholars came together to found what was then called the Center for Progressive Regulation. The Center aimed to thwart deregulatory efforts by amplifying independent legal scholarship on the value of regulation and its critical role in protecting people and the planet from harm.

Two decades later, the Center continues its work to harness the power of law and public policy to create a responsive government, a healthy environment, and a just society.
In *Priceless: On Knowing the Cost of Everything and the Value of Nothing*, Member Scholars Frank Ackerman and Lisa Heinzerling issued the first comprehensive rebuttal of conservatives’ market-based assault on legal protections for human health, the environment, and natural resources. Their time took specific aim at an obscure federal mandate known as cost-benefit analysis, which renders federal agencies unable to fully assess the large-scale value to society of protective rules and regulations, such as those that require food companies to label ingredients, employers to provide safe workplaces, and oil and gas companies to cap pollution. The book synthesized critiques of cost-benefit analysis and enabled decisionmakers to counter it on legal grounds. Doing so helped build political opposition to harmful regulatory provisions, such as the “senior death discount,” which sought to devalue environmental protections by assigning lower benefits to people over age 70. And it also helped torpedo major anti-regulatory legislation, such as a bill that would have prevented federal agencies from protecting Americans from various harms, like lead in gasoline. The well-read and widely cited book also positioned the Center as the leading authority and a go-to resource on the issue.
In *A New Progressive Agenda for Public Health and the Environment*, Member Scholars Rena Steinzor and Christopher Schroeder showed how federal regulatory policy was increasingly putting corporate interests ahead of the public interest and offered concrete solutions to reverse the alarming trend.

The authors founded their progressive vision on the principles that government must do no harm, embrace new technologies, preserve our collective values, and protect the public interest. Also widely read and frequently cited, the book offered a positive vision of regulation and put substantive policy meat on what until then had been largely theoretical bones. It also set the Center on a distinctive course toward research and advocacy around progressive regulation, good governance, and government protections for public and environmental health. Many years later, the book remains the Center’s defining organizational statement.
In the devastating wake of Hurricane Katrina, a coalition of Member Scholars published *An Unnatural Disaster: The Aftermath of Hurricane Katrina* and Rob Verchick, who became president of the board, testified twice on the issue before Congress. In the landmark report and testimony, Verchick and others show how the massive natural disaster led to a massive — but entirely preventable — unnatural disaster, with especially adverse effects on low-wealth people of color. The initiative drew policy-maker attention to the deep need for strong disaster planning at all levels of government as our climate changes — and amplified calls for stronger government safeguards against increasingly intense storms, floods, and wildfires. “Hurricane Katrina was a natural disaster of enormous proportion,” the Scholars wrote. “But its tragic consequences have been made even worse by an unnatural disaster — the failure of government adequately to anticipate, prepare for, and respond to the devastation that the hurricane brought.” The Center continues its work to protect the public from such “double disasters” — to good effect.
Tragically, scientific evidence on a wide range of issues — from climate change to the health risks of pesticides to vaccine safety — is often manipulated for political gain. To shine a light on the nefarious practice, Member Scholars Wendy Wagner and Rena Steinzor published *Rescuing Science from Politics: Regulation and the Distortion of Scientific Research*, a report and book of the same name. The report lifted the veil on widespread but hidden practices to distort science to undermine the common good: suppressing research findings, stacking government advisory panels with industry-sponsored “experts,” and favoring research funded by private interests over that funded by taxpayers. Nearly two decades later, their recommendations to improve governance — such as disclosing industry ties to scientific research and protecting whistleblowers — are as important as ever.
A new president’s first 100 days is often imagined in legislative terms, but the Center put a new spin on that much-heralded window for policy change when President Obama was elected. In November 2008, the Center issued Protecting Public Health and the Environment by the Stroke of a Presidential Pen: Seven Executive Orders for the President’s First 100 Days, a major report urging him to issue seven key executive orders in his first 100 days in office. Recommendations included ordering federal agencies to reduce their carbon footprint; consider the implications of their actions on the climate; account for the effects of toxins on children; ameliorate environmental injustice; restore government transparency; shield protective state laws from federal power grabs; and repeal past actions that harmed public lands. The report expanded public and policymaker understanding of a president’s powers to make meaningful policy change with the stroke of the proverbial pen. It also raised awareness around the urgent need for these orders and added the Center’s voice to calls on Obama to act. As president, Obama took several actions consistent with the report’s recommendations, including directing agencies to significantly shrink their carbon footprint and incorporate climate effects into rulemaking.
The Center’s blockbuster investigative report — *Behind Closed Doors at the White House: How Politics Trumps Protection of Public Health, Worker Safety, and the Environment* — documented industries’ secret and wildly successful efforts to lobby against government protections and showed in exhaustive detail how corporate influence dominates the federal rulemaking process. It found that lobbyists for the oil, gas, chemical, and other industries have far more access to a backdoor office at the White House known as the Office on Information and Regulatory Affairs (OIRA) than do groups working in the public interest. And it showed corporate shills use the office as a “court of last resort” to weaken regulations proposed by experts at the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration, and other federal agencies. The groundbreaking report backed up allegations of undue corporate influence in the rulemaking process with empirical data and cemented the Center’s reputation as a leading expert on industry lobbying. It also pulled back the curtain on corporate influence at the White House, debunking the myth that it is a neutral arbiter of rules designed to protect the public by agency experts and civil servants. “OIRA functions as little more — and nothing less — than a ‘fix it’ shop for special interests,” the report stated, a finding that sadly still holds true today.
Despite notable improvements in workplace health and safety in recent decades, far too many workers still suffer preventable on-the-job injuries and illnesses — in part due to the changing nature of work, our changing climate, and the changing role of government in our lives. Indeed, efforts to strengthen federal workplace protections have largely stalled at the national level due to increased political polarization and gridlock. To get around the federal political blockade, the Center published a wide-ranging manual to help workers’ rights advocates press for change at the state and local levels. The manual proposed a broad array of policy solutions and explained how to mount successful worker safety campaigns. The report — Winning Safer Workplaces: A Manual for State and Local Policy Reform — a groundbreaking legal toolkit for workers’ health and safety at the state and local level and an important first step toward major improvements in workers’ lives.
The Center was able to respond quickly, when, early in his presidency, Donald Trump and his chief strategist, Steve Bannon, launched a full-fledged attack on bedrock laws, endangering our health, our jobs, our financial security, and our lives. The Center led the public interest community’s response to many of the Trump administration’s anti-regulatory actions, and frequently, our Scholars and staff appeared in the news media to explain the significance of these actions.
In his *Connect the Dots* podcast, Board President Rob Verhick, a law professor at Loyola University at New Orleans, interviews Member Scholars and other experts on a variety of environmental issues. Verchick’s themes include the broad ramifications of climate change, creating harmony between green and grey infrastructure, smart regulatory design, climate resiliency, and more. After numerous seasons, the podcast has diversified the Center’s communications portfolio, expanded the reach of its messaging, raised awareness of climate issues relating to climate and energy justice, and offered concrete solutions to a viable, sustainable future to new audiences in the ever-growing digital media space.

All episodes are available on all podcasting platforms below (clickable) and on the Center’s website.
Low-wealth people of color contribute the least to climate change but suffer its worst harms — and have the fewest resources to prepare for it. Climate change is a matter of justice, but justice has not been a major part of the national conversation around climate change or our response to it. To reframe the conversation, 19 Member Scholars came together in the fall of 2020 to urge the federal government to put equity and justice at the center of policy decisions around electricity, transportation, public lands, and other matters relating to climate and energy. Their recommendations were collected in *Climate, Energy, Justice: The Policy Path to a Just Transition for an Energy-Hungry America*. In the wide-ranging report, Scholars argue that the United States must transition from dirty to clean energy in a way that both grows the U.S. economy and equitably benefits marginalized communities. The report presents a series of holistic policy responses based on the core idea that a good transition leaves no one behind. President Joe Biden echoed these ideas on the campaign trail and made good on his promises in the White House, pledging to direct at least 40 percent of federal climate investments to underserved communities and signing a historic climate package into law that includes key climate justice provisions. The report also opened the door for the Center’s state-based climate policy work in Maryland, North Carolina, Louisiana, and California.
Since its founding, the Center has become the progressive voice for regulation — and its efforts have a track record of success, including the defeat of legislation that would have prevented federal agencies from protecting Americans from various harms, such as leaded gasoline.

The Center’s more recent victories include successful advocacy for a new law protecting tenant access to clean water in Maryland, movement toward stronger protections for people at risk of chemical spills worsened by natural disasters, and the appointment of several Member Scholars (now on leave) to high-ranking positions in the Biden administration. Now entering its third decade, the Center’s growing staff and Scholar network are focused on protecting overburdened communities from the harms of climate change, the most pressing issue of our era.