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Series/Staff Member: Kathleen (Katie) McGinty
Subseries:

OA/ID Number: 2611
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Folder Title:
February 1-7th [1994] [1]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	attendees of meeting w Katie McGinty [Personally Identifiable Information] [partial] (2 pages)	02/01/1994	b(6)
002. fax	Jack Quinn to Irving Minter (1 page)	02/01/1994	b(2)
003. list	attendees of meeting w Katie McGinty [Personally Identifiable Information] [partial] (2 pages)	02/01/1994	b(6)

COLLECTION:

Clinton Presidential Records
Council on Environmental Quality
Kathleen "Katie" McGinty
OA/Box Number: 2611

FOLDER TITLE:

February 1-7th [1994] [1]

2012-0769-F
kc1939

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P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

February —

1 — 7th

—

THE WHITE HOUSE
WASHINGTON

February 11, 1994

MEETING WITH THE CHILDREN'S EARTH FUND

Date: February 14, 1994
Location: Roosevelt Room
Time: 2:30pm
From: Katie McGinty

Twenty-two children and five adults representing the Children's Earth fund will present to you their final "Plan for the Planet".

The Children's Earth Fund is a nonprofit project of the American Conservation Association which works with children, families, teachers, and media to help children coordinate earth saving actions and achieve measurable success.

In 1992, several children participating in the CO2 Challenge, hosted by CEF, had the opportunity to voice their concerns at a special Senate Kids Hearing on Global Warming, which you and Senator Chafee hosted. Following this event, CEF, with the help of Nickelodeon Television, formed the Kids World Council.

Last April the Kids World Council met in Orlando, Florida to create a five part environmental plan: Know It, Live It, Share It, Grow It, Push It. You attended a "town meeting" as part of the Kids World Council meeting, where the children presented you with an outline for their plan. They are coming to Washington to present you with the "final plan".

On Earth Day 1994, Nickelodeon TV will air this event and portions of last year's World Council meeting to encourage kids to do their part.

**CORPORATE HEADQUARTERS
THE DOW CHEMICAL COMPANY
2030 WILLARD H. DOW CENTER
MIDLAND, MICHIGAN 48674**

*Backup
2/1*

COVER SHEET

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The Dow Chemical Company

Midland, Michigan 48674

2030 Dow Center
January 27, 1994

Attached is the guest list and probable seating arrangement for the National Wildlife Federation Corporate Conservation Council's Synergy '94 Banquet on February 1, 1994.

A handwritten signature in cursive script that reads "Jerry".

Jerry B. Martin
Director of Corporate and North American
Environmental Affairs for Operations

lkt

Attachment

SYNERGY '94
FEBRUARY 1, 1994

Guests at Dow Tables

FRANK POPOFF*

Chairman of the Board & CEO - Dow

DAVE BUZZELLI

V.P., Env., Health & Safety & Pub. Affairs - Dow

KATHLEEN MCGINTY

Deputy Assistant to the President and Dir., Office of Environmental Policy

JERRY MARTIN

Director of Corporate and N.A. Environmental Affairs Operations - Dow

DENNIS HEYDANEK

Dir. Issues Management - Dow

T. J. GLAUTHIER

Assoc. Director for Natural Resources, Energy & Science, OMB

PHILIP SHABECOFF

Publisher, Greenwire

JOE LEBEAU

Corp. Dir. of Product Responsibility - Dow

LEW GAYNER

Vice President, Government Relations - Dow

MARGARET ROGERS

Manager Government Relations - Environmental Policy - Dow

DICK FRANSEN

Counsel - House Energy & Commerce Committee

DAVID STRAUSS

Deputy Chief of Staff to VP Al Gore

AMY DEWEY

Sr. Manager of Business Liaison

REID WILSON

Dir. of Public Liaison

MARY NICHOLS

Assistant Administrator for Air and Radiation

MARK GREENWOOD

Dir. of Pollution Prevention & Toxics

JOE MAYHEW

Assistant Vice President Environmental & Policy Analysis

NIKI ROY

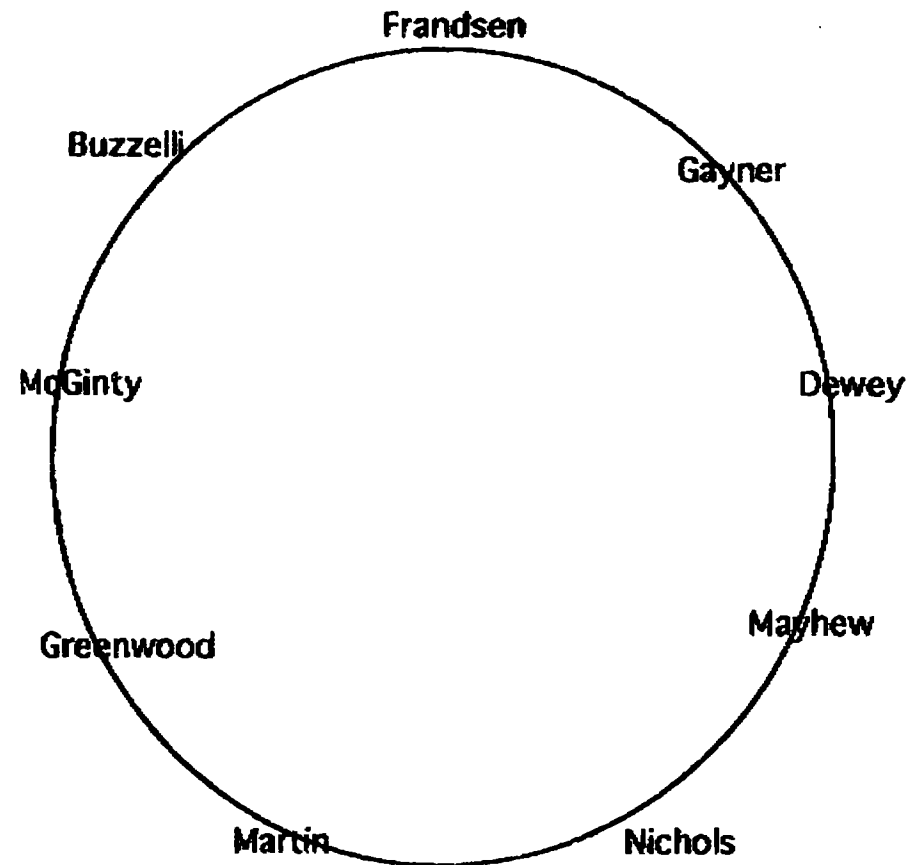
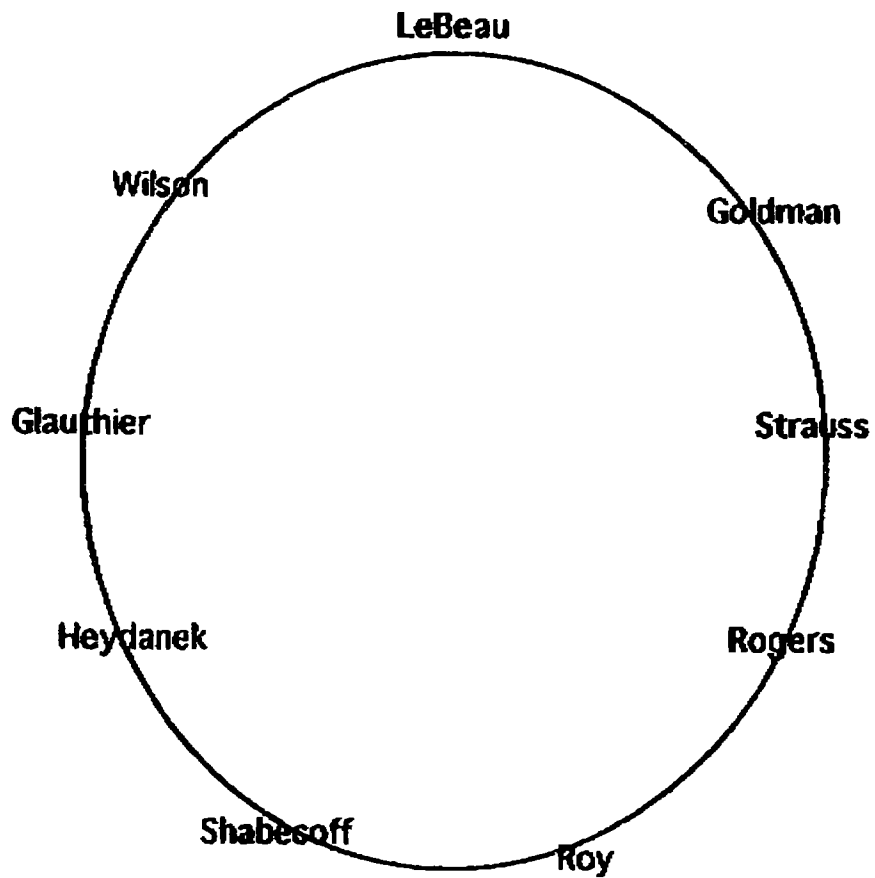
Environmental Defense Fund

LYNN GOLDMAN

Asst Administrator, Prevention, Pesticides & Toxic Substances

*Note: Frank Popoff is to be seated at head table

SEATING FOR DOW TABLES



Post-It™ brand fax transmittal memo 7671

of pages 6

To <u>Beth Viola</u>	From <u>Barbara Haas</u>
Co.	Co.
Dept.	Phone # <u>797-6871</u>
Fax # <u>456-2710</u>	Fax #

Working for

As promised! Thanks.

NATIONAL WILDLIFE FEDERATION, 1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

Office of the President

January 6, 1994

Ms. Kathleen McGinty
 Director
 White House Office of Environmental Policy
 Old Executive Office Building, Room 360
 Washington, DC 20560

Dear Katie:

An important characteristic of "sustainable development" is its holistic nature. It encompasses not only protection of the environment and the sound use of natural resources, but also socio-economic security. Socio-economic security can be understood as the need to broaden economic opportunity to all sectors of society, encourage greater community participation in economic decision making, and focus increased attention on the community's basic needs. For corporations, sustainability means looking beyond sound environmental management and efficient resource use "inside the fence," to the role of the organization in the host community.

Most corporations are involved in their communities, but too often the relationship is marked by suspicion or neglect. Minority and low income communities are wary of corporate safety claims when they feel unfairly singled out for polluting production or waste disposal facilities. In such an atmosphere, corporate stewardship efforts are easily dismissed as "window-dressing." What sustainable development calls for -- in addition to pollution prevention technology, disclosure of health and environmental data, and the reduction of toxins -- is relationships built on greater trust and openness between companies and host communities. By creating more inclusive relationships, cooperative efforts can be undertaken to address community needs.

I invite you to join a distinguished group of senior-level corporate, environmental, and government representatives to explore the socio-economic responsibilities of companies and host communities at a conference sponsored by members of the National Wildlife Federation Corporate Conservation Council entitled:

SYNERGY '94

THE COMMUNITY RESPONSIBILITIES OF SUSTAINABLE DEVELOPMENT
 February 1, 1994 Washington, D.C.

- Over -

This meeting will open an important dialogue between leaders from business and community groups, and allow participants to explore the needed linkages between resource conservation, environmental protection, and community social and economic health.

As background for the meeting, a conference document is being prepared that will summarize and analyze the results of the most significant surveys on disproportionate impact, and draw conclusions from the results within the framework of sustainable development.

Participation at our annual Synergy conference is by invitation only, and all discussions are "off the record" to ensure constructive dialogue and debate. The day-long forum will be followed by an evening reception and banquet featuring the presentation of the Council's 1993 Environmental Achievement Award, recognizing a U.S. business whose accomplishments serve as an outstanding example of corporate responsibility to the environment. Spouses, additional senior representatives of organizations participating in the forum, as well as government officials and Members of Congress will be invited to the evening activities.

Sustainable development is not simply about "jobs versus the environment." Rather, it is jobs and the environment and communities: people empowered to work together to assure a healthy, equitable and sustainable future for all.

We appreciate your consideration of this invitation, and look forward to your early acceptance.

Sincerely,



JAY D. HAIR

JDH:bas
Enclosures

cc: Christian Marsh



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION, 1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797 6800
Office of the President

December 21, 1993

The Honorable Albert Gore, Jr.
Vice President of the
United States
The White House
Washington, DC 20500

Dear Al:

Congratulations on your outstanding address at the Black Churches Environmental Summit. Your remarks will go a long way toward setting our nation on a course to resolve and reverse the difficult challenges that disproportionate environmental impact have imposed on our society.

As you may know, the National Wildlife Federation Corporate Conservation Council has spent much of the past year focussing on environmental justice issues. This effort will lead into our February 1, 1994 Synergy conference at which the chief executive officers of Council and other companies will join with senior government, and environmental and social justice leaders to candidly work toward solutions that will ensure sustainable development in our nation's poor and minority communities.

My invitation to you to speak during the banquet following the conference is a reflection of the importance I place on this issue. It would be a great opportunity for our Synergy participants and banquet guests to become fully aware of the strong emphasis the Clinton Administration has placed on environmental justice and the personal commitment you have for addressing the most vexing environmental and economic challenges facing these communities.

I have enclosed a Synergy '94 concept paper and agenda to give you an idea of the caliber of dialogue expected at the conference. In January I will send you a copy of our conference document, *Not Just Prosperity*, which you may have heard mentioned at the Black Churches Environmental Summit. As always, I look forward to hearing from you.

-over-

December 21, 1993
Page 2

Best personal regards.

Sincerely,

Jay

JAY D. HAIR

Enclosures

JDH:cjm



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION, 1100 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800
Office of the President

September 7, 1993

The Honorable Albert Gore, Jr.
Vice President of the United States
The White House
Washington, DC 20500

Dear Al:

The National Wildlife Federation's Corporate Conservation Council will convene its annual Synergy conference on February 1, 1994, at the Four Seasons Hotel in Washington, D.C. I would like to invite you to be our banquet speaker. As you may recall from your participation in 1989, Synergy provides an opportunity for CEOs of prominent corporations to discuss emerging environmental issues with conservationists, government officials and other leaders.

Early this year, members of the National Wildlife Federation Corporate Conservation Council initiated a dialogue with leaders of the environmental justice movement. CEOs participating in the Synergy '94 conference will continue this discussion by exploring the responsibilities of corporations to ensure the concerns of host communities are addressed, and examining the linkages between resource conservation, environmental protection, and community social and economic health.

Following the conference, a reception and banquet will begin at 6:00 p.m. during which the Council's prestigious Environmental Achievement Award will be presented. It would be an honor and a great personal pleasure to welcome you to Synergy -- this time as the banquet speaker and as Vice President of the United States. Al, your personal interest in environmental justice, as demonstrated by your sponsorship of the Environmental Justice Act while in the Senate, is well known. An address would underscore the importance of environmental justice to the Clinton Administration and highlight the positive efforts being made to continue a dialogue.

Albert Gore, Jr.
September 7, 1993
Page 2

I do hope your schedule can accommodate this opportunity. Your scheduling staff may call Barbara Haas, Director of the Corporate Conservation Council, at (202) 797-6871 for details. I look forward to your favorable response.

Best personal regards.

Sincerely,



JAY D. HAIR

JDH:etb

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THE DOW CHEMICAL COMPANY
2030 WILLARD H. DOW CENTER
MIDLAND, MICHIGAN 48674**

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The Dow Chemical Company

Midland, Michigan 48674

2030 Dow Center
January 31, 1994

Although the Synergy '94 Conference has been cancelled due to the death of Ben Chavis' sister, the awards banquet has not. **THE AWARDS BANQUET IS STILL ON AS SCHEDULED - 6:00 P.M., FEBRUARY 1 AT THE FOUR SEASONS HOTEL.**

A handwritten signature in cursive script, appearing to read "Jerry B. Martin".

Jerry B. Martin
Director of Corporate and North American
Environmental Affairs for Operations

lkt

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[001]

10:00 Meeting with Katie McGinty 02-01-94

Old Executive Office Building, Room 360
17th & G Street, NW
Room 360

James B. Lewis
Chief of Staff
Office of Governor King

DOB:

SS#:

(b)(6)

John M. Garica
Deputy Chief of Staff
Office of Governor King

DOB:

SS#:

(b)(6)

Mayor Ruben Smith, Las Cruces

DOB:

SSN:

(b)(6)

Dr. James Halligan
President, New Mexico State University

DOB:

SS#:

(b)(6)

Dr. J. Derald Morgan
New Mexico State University

DOB:

SS#:

(b)(6)

Tamar Osterman
Office of Senator Bingaman

DOB:

SSN#

(b)(6)

Alice Salcido
Office of Senator Bingaman

DOB:

SS#:

(b)(6)

Jack Valencia
City Councillor, Las Cruces

DOB:

SS#:

(b)(6)

Harold Lampe
New Mexico State University

DOB:

SS#:

(b)(6)

01-31-94 11:43AM FROM BINGAMAN D. C.

TO 94562710

P003/003

[001]

Rick Walker
New Mexico State University
DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Ricardo Zuniga
Office of Senator Bingaman
DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

211
2/1
hold for lunch
mon. msk
January 25, 1994

MEMORANDUM FOR ALL OEP STAFF

FROM: HARRIETT

SUBJECT: OEP BROWN BAG LUNCH, NOON TO 1:30
NEXT TUESDAY, FEB. 1, THOMAS BERRY

Our next brown bag lunch will be Tuesday Feb. 1 with Thomas Berry, a theologian and geologist. Attached are some of his thoughts about "the new political alignment". In preparation for meeting him, you may want to read his book Dream of the Earth. The meeting will be in Katie's office from noon to 1:30 and there will be time for informal discussion. Katie is very excited about this effort and sees it as an opportunity for us to step outside the "emergency of the moment" and keep our thinking fresh.

- Feb. 1 Thomas Berry, author Dream of the Earth
Entering the Ecozoic Era: Realignment of the human situation in relation to the natural world.
- Feb. 8 Lester Brown, World Watch Institute
How environmental forces will reshape the global economy.
- Feb. 22 Bill McDonough, Architect of OEP's new space
Designing new systems that work for the environment.
- March 7 Donella Meadows, author Beyond the Limits
- March 16 Bradley Allenby, author Industrial Ecology, A systems based, multidisciplinary intellectual framework for integrating technology and the environment.

Future speakers may include:

Fritjof Capra, author The Tao of Physics, The Turning Point
Stephen Covey, author Seven Habits of Highly Effective People
Alan Durning, author How Much is Enough?
Willis Harman, author Global Mind Change
Helena Norberg Hodge, author, The Future of Progress
Anita Roderick, founder of The Body Shop
Bill Moyers
Marion Woodman
Michael Porter, Harvard
Michael Silverstein
Paul Kennedy
Ivan Illich
Denis Hayes
Bill Galston
Adam Finkel, expert on risk assessment, Resources for the Future
Stephan Schmidheiny, author Changing Course
Kai Lee, author Compass and Gyroscope, Integrating Science and Politics for the Environment

Any other ideas?

The New Political Alignment

The older political tension between conservative and liberal based on social orientation is being replaced with the dominant tension between developers and ecologists based on orientation toward the natural world. This is now the primary all-pervasive tension throughout every realm of human affairs.

In this new alignment those committed to industrial, commercial and housing development of natural areas see these as inherently progressive. Those committed to the integrity of the natural world see this as degradation since the intrusion of the human upon the life systems of the planet has already gone far beyond any acceptable limits.

In the one case the human is considered primary in terms of reality and value while the larger more integral Earth community is a secondary consideration. In the other case the integral Earth community is seen as primary while the human is seen as derivative.

The one insists that the natural life systems must adapt to arbitrary human purposes. The other insists that the human must adapt to the priority of natural life systems. There can be no human well-being apart from the well-being of the larger life community.

Reconciliation of these two views is especially difficult because the commercial-industrial powers have so overwhelmed the natural world in these past two centuries that there is, to the ecologist, no question of further adaptation of natural systems to the human. The oppression of the natural world by the plundering processes of the industrial powers has so endangered the basic functioning of natural forces that we are already on the verge of a total dysfunctioning of the planet.

We cannot mediate the situation as though there were presently some minimal balance already existing that could be slightly modified on both sides so that a general balance could come into being. The violence already done to the Earth is on a scale beyond all understanding. It can only be considered as the consequence of a deep cultural pathology. The change required by the ecologist is a drastic reduction in the plundering processes of the commercial-industrial economy. Until this is recognized there can be no way in which a reconciliation can be attained.

Yet we are so deeply committed to the exploitive mode of relating to the natural world that those in control of the great corporations cannot even think about modifying this in some really significant manner. Our sense of reality and of value has been totally committed to the norms governed by the industrial process. So influential is the commercial-industrial order that all our professions and institutions are functioning in this context, not merely our economic system but government, jurisprudence, the medical profession, religion, education; every aspect of life has been absorbed into the commercial-industrial context. We do not know how to live in any other way. The automobile, the highways, parking lots, shopping malls, all these seem to be the necessary context for survival at any acceptable level of human well-being.

The waste-heaps, polluted waters, sterile and eroded soils, the forests devastated by clear-cutting, the toxic chemicals, the radioactive waste, the thinning ozone layer; we see all this, yet we continue creating these chemicals, clear-cutting the forests, polluting the waters, piling up enormous waste heaps, destroying wetlands. Even though the industrial bubble is already dissolving, even while the end of the petroleum basis of the economy is in sight, even now the commercial-industrial world insists that this is the only way to survival.

The tendency is to propose that the ecologically-oriented persons accept this situation with some slight modifications and that the system itself continue in the existing pattern of its functioning. The alternative, the radical transformations suggested by the ecologists are too upsetting to the society. Even though such books as Silent Spring are proving to be valid statements of the future that awaits us, they are still denounced as extreme. At times such evaluations are considered the work of eco-fascists.

Never before has the human community been confronted with a situation that required such sudden and total change in life style under the threat of a comprehensive degradation of the planet. The conflict can only increase. The conflicts between capitalist and socialist, between liberalism and conservatism, are disputes over minor differences in comparison with the issues now before us. Both capitalist and socialist regimes are committed to ever-increasing commercial-industrial exploitation of the resources of the planet.

The consequence of this fixation on the primacy of industry in the well-being of the human has produced a recession that is now a

permanent condition. This recession is not simply an economic recession of any one nation, or even of the entire human community. It is a recession of the entire planet in the most basic aspects of its functioning. The Earth simply cannot sustain the burden imposed upon it. The air has become too polluted to sustain life in its former vigor. The water of the planet is toxic for an indefinite period of time. It will never be the same. The soils of the Earth are saturated with chemicals.

The limitless consumption by the industrial nations and the increase in population of the non-industrial nations have brought us into an impasse for which only a drastic remedy can be in any manner effective. There can be no question of talking about further toleration of the industrial plundering processes. Nor is any compromise acceptable if we would move into any viable life pattern.

This conflict is all-pervasive. It extends throughout all the professions, throughout all the institutions of our society. The intensity of conflict increases daily, mainly because some members of the human community are becoming ever more clear about the absurdity of the present economic system of accounting and the intrusion of crass industrial processes into the most precious interior experiences that give to human life its deepest modes of fulfillment. A special poignancy is experienced in a realization that future generations will be living amid the ruins, not simply amid the ruined infrastructures of the industrial world but amid the ruins of the natural world itself.

This physical degradation of the natural world is also the degradation of the interior world of the human. To cut the old-growth forests is not simply to destroy the last five-percent of the primordial forests left in this country. It is also to lose the wonder and majesty, the poetry and music and spiritual exaltation evoked by the experience of such awesome expression of the ultimate mysteries of existence. All this is considered irrelevant by the developers as soon as it is experienced as a place where there is money to be made. Even after taking ninety-five percent of these forests, developers insist on the right to ruin the last few timberlands that survive, while speaking of the extreme demands of the ecologists.

The severity of the tension between the developers and the ecologists can only be fully realized if, in addition to what has already been indicated, we understand that the exploiters have been in control of the American continent since the beginning of its settlement by

Europeans in the 17th century. Americans have never known any other way of life. The original settlers came here for religious freedoms but also for a "better" life than was available in the European world. The spaciousness of the continent, the luxuriance of its coastlands, its woodlands, its fertile soils, the beaver and deer and buffalo; these all seemed to be beyond any human force to diminish them in any significant manner.

Then came the capacity to exploit the coal deposits, the gold fields, the copper and iron ores; the skills to build the canals, the railroads, the highways, the capacity to dam the rivers for irrigation and for power at fifty thousand different places. All this was done with a certain arrogance in the settlers from the beginning. The rights of the indigenous peoples, the rights of living species, the rights of natural modes of being to exist, none of this evoked from the settlers any proper sense of responsibility to the non-human world. When the chemical and electronics industries were established, when the power systems were put into place, when the automobiles began to spread their exhaust over the countryside, none of this caused any adequate reflection or even interest in what was happening. Waste was simply poured into the air or dumped into the rivers or used as "fill" for wetlands.

Only the bright side of all this development was seen. The dark side, the toxic waste, was denied, ignored, hidden from sight, buried. Now when the immense amount of such waste can no longer be hidden, when the poisons begin to affect the health of the populations, when the lead in the air and in the paints begins to affect the brain functions of children, when the "Love Canals" are identified, when Louisiana begins to realize how extensively the countryside, especially along the Mississippi, had become saturated with chemicals, then the new alignment of forces begins to take shape.

Already the assault of developers on the ecologists has increased in its pervasiveness and intensity. The bitterness toward the ecological orientation found its high expression in the contempt of President Bush for the ecological issue in the last days of the 1992 campaign for the presidential elections. The most acute antagonisms of the past have seldom evoked such deep feelings of being threatened. A polarity has evolved that finds expression in every aspect of contemporary life, in all our social and political and economic institutions, in all our professions of medicine and law, in our educational programs, in our religious traditions. This polarity in

life attitude pervades the public and private order of our society. It is infinitely more significant than the earlier polarity between the conservative and liberal. These had much more in common than either has with the ecology movement.

There will, naturally, be an infinite number of variations in the emphasis that will be given to various plans of action. But the main outlines of the tension are clearly evident. The tensions created will ultimately be even more severe than that between the capitalist-communist tension that has determined the cold war over these past fifty years. Yet there is still a tendency to think of ecologists as trivial or romantic or new-age. If by clear-cutting we provide jobs for the present then this is justified. This is the realist position. Forests are simply so many board feet of lumber whose primary value, whose sacred role is to be cut down for human habitation. The sense of meaning, of revelation of the divine, entry into the mysteries of existence, the grandeur perceived by the poet, all this is marginal to the essential things of life.

These issues require a reorientation of all the professions, especially the legal and medical professions. The legal profession is still overwhelmingly preoccupied with individual "human" rights, especially with the limitless freedom to acquire property and wealth of every kind. The hundreds of lawyers hired by single corporations to defend themselves against any limitation of their perceived rights is evidence of the strange principles of jurisprudence that allow the devastation of the planet to proceed.

The profoundly degraded ecological situation reveals a deadening or paralysis of some parts of human intelligence and also the paralysis of human sensitivities. Developers have lost the capacity for experiencing the loss of beauty and magnificence as we devastate the woodlands and ruin the habitat of birds and butterflies and so many other living creatures; as the streams and rivers, the mountains and meadows lose their primordial grandeur. That this is an economic loss should at least be evident, especially when we observe such extinctions as have occurred in the seas where almost infinite numbers of once abundant fish have become exhausted because humans would not limit their take to the reproduction rate of the fish which itself has been so phenomenal in its abundance.

When the proposal is made that we can only provide jobs that devastate the planet we live on, this can only be considered by the ecologist as a pathological solution when a much greater abundance

of jobs are available for repairing the already damaged environment. In all of these instances we can see a disposition toward biocide, the destruction of the life-systems of the planet, and geocide, the devastation of the planet itself not only in its living creatures but also in the non-living modes of its functioning.

A person need only read the publications of the business world to observe the abandonment of any discipline that would limit the money-making greed of our industrial society, for it is out of this grasping after the "better life" that we perceive "progress". The pathology is the limitless straining after what cannot be attained by any level of consumerism. As with any addiction the addiction itself is seen as the way to life. The remedy, the only valid way to life, is perceived as too painful for acceptance.

What we propose here is not a solution of the issue but a clarification of the fact that the real issue before us is no longer finding its expression in terms of liberal and conservative but in the terms of the ecologist or environmentalist on the one hand and the commercial-industrial establishment on the other. A new alignment of forces is taking place throughout every institution and every profession in our society.

It is important to understand this new situation, the inherent difficulty of reconciliation, and the new language that has come into being. Only in this manner can we appreciate the true nature of the issues under discussion and the order of magnitude of change required in shaping a viable mode of human presence on the planet Earth. Every profession and every institution of American society is involved at its deepest level. We must reinvent all our professions and institutions in this new context. We must in a manner reinvent the human as a mode of being. Eventually this implies rethinking the planet itself and our role within the planetary process.

Thomas Berry
January 1993

EARTH in the BALANCE

Ecology and the Human Spirit

Vice President Al Gore

14

A New Common Purpose

Modern industrial civilization, as presently organized, is colliding violently with our planet's ecological system. The ferocity of its assault on the earth is breathtaking, and the horrific consequences are occurring so quickly as to defy our capacity to recognize them, comprehend their global implications, and organize an appropriate and timely response. Isolated pockets of resistance fighters who have experienced this juggernaut at first hand have begun to fight back in inspiring but, in the final analysis, woefully inadequate ways. It is not that they lack courage, imagination, or skill; it is simply that what they are up against is nothing less than the current logic of world civilization. As long as civilization as a whole, with its vast technological power, continues to follow a pattern of thinking that encourages the domination and exploitation of the natural world for short-term gains, this juggernaut will continue to devastate the earth no matter what any of us does.

I have come to believe that we must take bold and unequivocal action: we must make the rescue of the environment the central organizing principle for civilization. Whether we realize it or not, we are now engaged in an epic battle to right the balance of our earth, and the tide of this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join an all-out effort. It is time to come to terms with exactly how this can be accomplished. Having attempted in earlier chapters to understand the crisis from the perspectives offered by the earth sciences, economics, sociology, history, information theory, psychology, philosophy, and religion, I now want to examine, from my vantage point as a politician, what I think can be done about it.

Politics, broadly defined, is the means by which we make collective decisions and choices. We now confront a set of choices as difficult as any in human history. The art of politics must be brought to bear in defining these choices, raising public awareness of the imminent danger facing us, and catalyzing decisions in favor of a collective course of action that has a reasonable chance of success.

There is no doubt that with sufficient agreement on our goals, we can achieve the victory we are seeking. Although very difficult changes in established patterns of thought and action will be required, the task of restoring the natural balance of the earth's ecological system is both within our capacity and desirable for other reasons — including our interest in social justice, democratic government, and free market economics. Ultimately, a commitment to healing the environment represents a renewed dedication to what Jefferson believed were not merely American but universal inalienable rights: life, liberty, and the pursuit of happiness.

The hard part, of course, will be securing a sufficient measure of agreement that difficult comprehensive changes are needed. Fortunately, however, there are ample precedents for the kinds of pervasive institutional changes and shared effort that will be necessary. Though it has never yet been accomplished on a global scale, the establishment of a single shared goal as the central organizing principle for every institution in society has been realized by free nations several times in modern history. Most recently, a coalition of free nations committed to democracy and free markets demonstrated a remarkable capacity to persevere for nearly half a century in their effort to prevent the spread of communism by military, political, or economic means. To the surprise of many, this coalition secured a resounding victory for the idea of freedom in the philosophical war that lasted from the time of the Russian Revolution until the jailers of Eastern Europe released their "enemies of the people" — who were then freely elected as democratic leaders of, by, and for the people. And the political earthquake that accompanied that victory has continued to topple statues of Lenin for



United States Department of State

Washington, D.C. 20520

31 January 1994

*C: Chris
Chyba
5-6921*

Agenda for IWG on the Summit of the Americas 1994

1 February 1994

- 1) General update
- 2) Tabling of possible U.S. objectives
- 3) Review of proposed summit items (see below)

NOTE: attached find Agency ideas and initiatives arranged to support eight notional Summit conclusions or decisions -- to which all invited governments might subscribe.

OPTIONAL FORM 99 (7-80)

FAX TRANSMITTAL		# of pages
To	<i>Dan Blank</i>	<i>5</i>
From	<i>Ann Gillespie</i>	
Agency	<i>OEP</i>	
Phone #	<i>736-7531</i>	
Fax #	<i>456-2710</i>	
Fax #	<i>736-7618</i>	

NSN 7540-01-317-7388 5089-101 GENERAL SERVICES ADMINISTRATION

*1/31 - Lm for
Chyba - to
see if he
can attend*

I. To promote a Community of Democracies and to strengthen mechanisms for the collective defense of democracy in our hemisphere.

- Extend resolution 1080 (Santiago Resolution) through universal ratification of the Washington Protocol.
- Expand the concept of the Washington Protocol to all regional sub-groups.
- Deny hemispheric Free Trade benefits to non-democratic states.
- Strengthen the OAS Democracy Unit in its efforts to oversee elections and other forms of democratic progress.
- Grant greater authority and autonomy to the IACHR, including through hemispheric ratification of the Inter-American Declaration on Human Rights.
- Ratify American Convention on Human Rights.

II. To establish effective, honest governments whose actions are transparent and who are accountable to their citizens.

- Promulgate a Good Governance Code of Conduct, to include hemisphere-wide standards on transparency in government procurement and minimum requirements for legislation on conflict of interest.
- Assist public educational institutions to develop curricula and other programs on good governance.
- Enjoin the IFI's to ensure good governance requirements are part of development programs.
- Fully implement OAS Resolution on Corrupt International Trade Practices.
- Encourage the media to play a responsible role in reporting on public policy issues.

III. To empower civil society to strengthen the protection of civil and political liberties.

- Foster linkages among NGO's, agencies and individuals throughout the hemisphere, via mechanisms such as a computer internet system.
- Establish a Hemispheric Prize for civic activism.
- Create a regional fund for NGO development.
- Seek active participation of responsible non-governmental advisory groups in the development of public policy.
- Ensure public policies do not discriminate on the basis of gender, race, religion, age, or sexual orientation.
- Establish federal offices of independent human rights ombudspeople.

IV. To create the first Free Trade Hemisphere of market-oriented economies respectful of workers rights and committed to environmental protection.

- Create an Inter-American Business Forum of business and government leaders.
- Tie hemispheric free trade to meeting labor and environmental standards eligibility criteria.
- Instruct Hemispheric Labor Ministers to review strategies for harmonizing and modernizing labor statutes and programs for worker training.
- Encourage labor organizations to play a constructive role in assessing the impacts of Free Trade.
- Pursue building-block strategies in key economic sectors as a path to eventual free trade.

V. To promote growth and end poverty by investing in sustainable development policies that balance environmental conservation and the social and economic needs of all people.

- Initiate a Western Hemisphere Environmental Partnership.
- Instruct Education Ministers to direct resources to foster broad-based participation in productive society.
- Develop an aggressive regional campaign against AIDS/HIV
- Establish quantitative targets to ensure the provision of prenatal and primary health care to all of our children by the year 20xx.
- Instruct Health Ministers to work with NGO's to expand availability of quality, safe affordable family planning and reproductive health services.

VI. To consolidate our mutual regional security by increasing trust and confidence among all countries.

- Build on progress to halt arms proliferation within hemisphere
- Work towards resolution of all remaining border disputes between countries within the region
- Instruct OAS Defense Ministers to develop a security agenda
- Expand civilian understanding of military role, budgets, etc.
- Establish a clearinghouse for information exchange on defense conversion.
- Prepare regional forces for participation in global PKO's.
- Develop region-wide military training for disaster relief.
- Enlarge subregional security arrangements.

VII. To respond to threats to law and order and general public safety, especially international crimes, such as narcotics trafficking and terrorism, by ensuring our borders provide no barrier to justice.

- Promulgate a region-wide commitment to the Kingpin strategy
- Expand CICAD efforts for Administration of Justice
- Work with IFI's to create economic alternatives to narcotics production.
- Develop private-public sector partnerships for a drug-free workplace.
- Direct Ministers of Justice to design a regional campaign against white collar crime.

VIII. To invigorate and further integrate the system of Inter-American Institutions to ensure implementation of our commitments.

- Complete ratification of OAS Charter Amendments.
- Build horizontal linkages among counterpart government agencies throughout the hemisphere.
- Enlarge collaborative relationship and division of labor between the OAS, IDB, and ECLAC, and between the UN and OAS.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002. fax	Jack Quinn to Irving Minter (1 page)	02/01/1994	b(2)
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COLLECTION:

Clinton Presidential Records
Council on Environmental Quality
Kathleen "Katie" McGinty
OA/Box Number: 2611

FOLDER TITLE:

February 1-7th [1994] [1]

2012-0769-F

kc1939

RESTRICTION CODES

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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

OFFICE OF THE VICE PRESIDENT

OFFICE OF THE CHIEF OF STAFF

OLD EXECUTIVE OFFICE BUILDING
WASHINGTON, DC 20501

PHONE (202) 456-6606
FAX (202) 456-6212

TO: Irving M. Mintzer

FROM: Jack Quinn

DATE: 2/1/94 NO. OF PAGES: 2
(INCLUDING THIS COVER SHEET)

COMMENTS: _____

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United States Department of State

Washington, D.C. 20520

January 28, 1994

UNCLASSIFIED
MEMORANDUM

TO: AGR - Andres Delgado
AID - Mark B. Schneider
CIA - Paul Metzger
CEA - Bob Cumby
DOC - David Rothkopf
DOD - Mari-Luci Jaramillo
DOE - Amy Christensen
DOI - Kathy Washburn
DOJ - Molly Warlow
DOL - Andrew Samet
EPA - Pat Koshe!l
JCS/J-5 - BG Tom Hill
NEC - Robert Kyle
OEP - Dan Blank
OMB - Rodney Bent
OVP - Dana Marshall
Treasury - James Fall
Treasury - Bruce Juba
USIA - Donald Hamilton
USOAS - Harriet C. Babbitt
USTR - Carmen Suro-Bredie

SUBJECT: IWG on the Summit of the Americas 1994

The Inter-Agency Working Group on the Summit of the Americas will meet on Tuesday February 1, 1994 at 1400 hours in room 6909 Main State. As a quick glance at the invitee list shows, more than 20 agencies are part of the Summit IWG. For this reason we ask that each agency limit participation to principal only. An agenda and discussion materials will follow. Anyone needing pre-clearance should provide name, DOB and SS# to William Cammett at 736-7531 or fax 736-7618.

Day-
are you
attending this?
Gls let me
know - Thanks
Betty

Who
Who is?

2P
6909
main St.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. list	attendees of meeting w Katie McGinty [Personally Identifiable Information] [partial] (2 pages)	02/01/1994	b(6)

COLLECTION:

Clinton Presidential Records
Council on Environmental Quality
Kathleen "Katie" McGinty
OA/Box Number: 2611

FOLDER TITLE:

February 1-7th [1994] [1]

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kc1939

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

10:00 Meeting with Katie McGinty 02-01-94

Old Executive Office Building, Room 360
17th & G Street, NW
Room 360

James B. Lewis
Chief of Staff
Office of Governor King

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

John M. Garica
Deputy Chief of Staff
Office of Governor King

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Mayor Ruben Smith, Las Cruces

DOB: [REDACTED]
SSN: [REDACTED] (b)(6)

Dr. James Halligan
President, New Mexico State University

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Dr. J. Derald Morgan
New Mexico State University

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Tamar Osterman
Office of Senator Bingaman

DOB: [REDACTED]
SSN# [REDACTED] (b)(6)

Alice Salcido
Office of Senator Bingaman

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Jack Valencia
City Councillor, Las Cruces

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Harold Lampe
New Mexico State University

DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

01-31-94 11:43AM FROM BINGAMAN D. C.

TO 94562710

P003/003

[003]

Rick Walker
New Mexico State University
DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

Ricardo Zuniga
Office of Senator Bingaman
DOB: [REDACTED]
SS#: [REDACTED] (b)(6)

KM - —

What - specifically -
would you like
to attend.

Bar — *all
bracketed
part*



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION, 1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

Office of the President

January 6, 1994

Ms. Kathleen McGinty
Director
White House Office of Environmental Policy
Old Executive Office Building, Room 360
Washington, DC 20560

V.P.
Peggy -
5/2/45

Dear Katie:

An important characteristic of "sustainable development" is its holistic nature. It encompasses not only protection of the environment and the sound use of natural resources, but also socio-economic security. Socio-economic security can be understood as the need to broaden economic opportunity to all sectors of society, encourage greater community participation in economic decision making, and focus increased attention on the community's basic needs. For corporations, sustainability means looking beyond sound environmental management and efficient resource use "inside the fence," to the role of the organization in the host community.

Most corporations are involved in their communities, but too often the relationship is marked by suspicion or neglect. Minority and low income communities are wary of corporate safety claims when they feel unfairly singled out for polluting production or waste disposal facilities. In such an atmosphere, corporate stewardship efforts are easily dismissed as "window-dressing." What sustainable development calls for -- in addition to pollution prevention technology, disclosure of health and environmental data, and the reduction of toxins -- is relationships built on greater trust and openness between companies and host communities. By creating more inclusive relationships, cooperative efforts can be undertaken to address community needs.

I invite you to join a distinguished group of senior-level corporate, environmental, and government representatives to explore the socio-economic responsibilities of companies and host communities at a conference sponsored by members of the National Wildlife Federation Corporate Conservation Council entitled:

SYNERGY '94
THE COMMUNITY RESPONSIBILITIES OF SUSTAINABLE DEVELOPMENT
February 1, 1994 Washington, D.C.

- Over -

Did you get involved to this, do you know?
I'd really much like to host that party this.
(Carter)

This meeting will open an important dialogue between leaders from business and community groups, and allow participants to explore the needed linkages between resource conservation, environmental protection, and community social and economic health.

As background for the meeting, a conference document is being prepared that will summarize and analyze the results of the most significant surveys on disproportionate impact, and draw conclusions from the results within the framework of sustainable development.

Participation at our annual Synergy conference is by invitation only, and all discussions are "off the record" to ensure constructive dialogue and debate. The day-long forum will be followed by an evening reception and banquet featuring the presentation of the Council's 1993 Environmental Achievement Award, recognizing a U.S. business whose accomplishments serve as an outstanding example of corporate responsibility to the environment. Spouses, additional senior representatives of organizations participating in the forum, as well as government officials and Members of Congress will be invited to the evening activities.

Sustainable development is not simply about "jobs versus the environment." Rather, it is jobs and the environment and communities: people empowered to work together to assure a healthy, equitable and sustainable future for all.

We appreciate your consideration of this invitation, and look forward to your early acceptance.

Sincerely,



JAY D. HAIR

JDH:bas
Enclosures

cc: Christian Marsh

SYNERGY '94

THE COMMUNITY RESPONSIBILITIES OF SUSTAINABLE DEVELOPMENT

**February 1, 1994
Washington, DC**

CO-HOSTS

Benjamin F. Chavis
Executive Director
National Association for the
Advancement of Colored People

Jay D. Hair
President & CEO
National Wildlife
Federation

Richard J. Mahoney
Chairman & CEO
Monsanto Company

OVERVIEW

An important element of sustainable business behavior--socio-economic security--depends on broadening economic opportunity to all sectors of society, greater community participation in economic decision-making, and increased attention to the basic need of communities for a clean, healthy environment. Achieving socio-economic security depends largely on the way companies and host communities interact. Meaningful interaction is accomplished through developing trust between host communities and business.

Through technology, capital, education and other community development programs, as well as through philanthropic activities, sanitation and housing assistance, and infrastructure development companies can help communities achieve socio-economic security. This Synergy will focus on gaining trust through fulfilling business responsibilities to expand opportunity and meet the basic socio-economic needs of host communities. Emphasis will be placed on the environmental benefits accrued through attaining socio-economic security and the corresponding implications for sustainable development.

FORUM

The Synergy conference is an assembly of select industry, government, and environmental leaders convened annually by the National Wildlife Federation Corporate Conservation Council. Attendance is by invitation only, and all remarks are "off the record" to encourage candid and constructive discussion.

OBJECTIVES

Advance the Council's efforts toward defining sustainable business behavior by addressing the requirements of long-term socio-economic security. This meeting will serve to:

- 1) initiate dialogue between industry and community groups;
- 2) emphasize the socio-economic responsibilities of companies to host communities;
- 3) explore the relationship between environmental protection, resource conservation, and the social and economic health of communities;
- 4) identify opportunities for CEO action.

CONFERENCE DOCUMENT

Only by combining environmental protection and resource conservation with a commitment to ensuring the social and economic health of host communities will industry be sustainable. A document will be prepared that summarizes and analyzes the results of the most significant disproportionate impact surveys and studies and assesses the implications of their conclusions within the framework of sustainable development. Segments include:

1. Analysis of the published research on the demographic distribution of pollution.
2. Assessment of the effects of disproportionate impact on sustainable development.

AGENDA

The program includes four presentations featuring speeches by environmental and civil justice leaders as well as chief executive officers. A roundtable discussion session focussing on the responsibilities of industry to host communities will follow. The program concludes with a recommendations session designed to produce initiatives that companies can implement, with community organizations, to improve the environmental and socio-economic health of host communities.

Session I Presentations

Session II Roundtable Discussion

Session III Recommendations

January 10, 1994

SYNERGY '94

THE COMMUNITY RESPONSIBILITIES OF SUSTAINABLE DEVELOPMENT

**February 1, 1994
Washington, DC**

Conference Welcome:
9:30-9:45 am

Richard J. Mahoney (confirmed)
Chairman & CEO
Monsanto Company

Conference Overview:
9:45-10:00 am

Jay D. Hair (confirmed)
President & CEO
National Wildlife Federation

Keynote Address:
10:00-10:15 am

Benjamin F. Chavis (confirmed)
Executive Director
National Association for the
Advancement of Colored People

Session I: PRESENTATIONS
10:15 am-12:30 pm

Chairman: **Richard J. Mahoney**
Monsanto Company

1. **Environmental Protection** How can companies help ensure the long-term socio-economic health of communities through environmental performance? What is the relationship between environmental regulation and socio-economic opportunity? Between enforcement and the long-term socio-economic health of communities?

Speakers: **Frank Popoff (confirmed)**
Chairman & CEO
The Dow Chemical Company

Carol M. Browner (confirmed)
Administrator
Environmental Protection Agency

SYNERGY '94: COMMUNITY RESPONSIBILITIES OF SUSTAINABLE DEVELOPMENT

Session I: PRESENTATIONS (continued)

10:15 am-12:30 pm

2. **Infrastructure Development** What is the role of companies in community infrastructure development? Does this role increase in low-income communities? Should companies provide social services such as health care, education, nutrition, vocational training, and housing to communities in need?

Speakers:

Martin Stein (confirmed)
Vice Chairman
Bank of America

Carl Anthony (invited)
Director, Urban Habitat Program
Earth Island Institute

3. **Information and Interaction** What is the best way to involve host communities in the plant siting process or avoid misperceptions about the reasons for choosing particular sites? When, how, and in what form should companies provide environmental information to communities? How should this data be monitored?

Speakers:

William George (confirmed)
President and CEO
S.C. Johnson & Son

Vernice Miller (confirmed)
Director, Environmental Justice
Natural Resources Defense Council

4. **Priority Setting** Do companies operating in communities with high pollution burdens have greater obligations? Should increased importance be placed on cleaning contaminated sites or on pollution prevention? What are the environmental priorities of companies operating in low-income communities?

Speakers:

Dean L. Buntrock (confirmed)
Chairman & CEO
WMX Technologies, Inc.

Charles Adams (invited)
President
Progressive National Baptist Convention

SYNERGY '94: COMMUNITY RESPONSIBILITIES OF SUSTAINABLE DEVELOPMENT

LUNCHEON: LEGISLATIVE ACTION

12:30-1:45 pm

Speaker: **John Lewis** (invited)
United States Representative
Georgia

Session II: ROUNDTABLE DISCUSSION

2:00-4:00 pm

The purpose of the Synergy roundtable discussion session is to provide the conference participants an opportunity to discuss their own experiences in handling a variety of community-related environmental and social issues.

Chairman: **Benjamin F. Chavis**
National Association for the
Advancement of Colored People

Facilitator: **Mencer Donahue Edwards** (confirmed)
Former Executive Director
Panos Institute

Session III: RECOMMENDATIONS FOR ACTION

4:00-5:00 pm

Synergy '94 participants will be asked to offer initiatives that companies can implement, with community organizations, to improve the environmental and socio-economic health of communities. This session will be a discussion of these options for corporate action.

Chairman: **Jay D. Hair**
National Wildlife Federation

January 10, 1994



Working for
NATIONAL WILDLIFE

1400 Sixteenth Street, N.W., Wa

Post-It™ brand fax transmittal memo 7671

of pages 1

To	Beth Viola	From	Barbara Haas
Co.		Co.	National Wildlife
Dept.	URGENT	Phone #	202-797-6871
Fax #	456-2710	Fax #	797-6646

Telephone: 202/797-6842

NWF Fax: 202/797-5496

FAX TRANSMISSION

TO: Vice President Albert Gore, Jr. FAX NUMBER: 202/456-7166

FROM: Jay D. Hair, President, National Wildlife Federation

DATE: January 26, 1994 NUMBER OF PAGES TO FOLLOW: 0

Dear Al: Thank you for sending the letter of congratulations through Shelia Lawrence in Buenos Aires regarding my election last Saturday to be President of IUCN-The World Conservation Union. Your nomination in March 1993 started it all, and I am very grateful for your support. I believe that this partnership between the National Wildlife Federation and IUCN will forge great new opportunities to achieve the peaceful, equitable and sustainable future we desire for all global societies. We were disappointed that you could not join the IUCN membership at our General Assembly in Buenos Aires, but I realize it was necessary for you to be in Washington for the State of the Union Address. President Clinton did an outstanding job!

I write now about the invitation I extended to you to give the address at **NWF's Corporate Conservation Council Synergy '94 Banquet next Tuesday evening, February 1, 1994.** Our reception begins at 6:00 p.m. at the Four Seasons Hotel in Washington; dinner will be served at 7:00 p.m., and you would begin speaking around 8:15 p.m.

Al, I urge you to accept this invitation. The audience will include approximately 350 CEO's and senior executives from top Fortune companies, leaders of major environmental organizations, government representatives, the NWF Board of Directors, and leaders of the environmental justice community. At our meeting during the day on February 1, The Reverend Ben Chavis, Executive Director of the NAACP, will be co-host along with Richard Mahoney, CEO of Monsanto.

Issues related to environmental justice are paramount in the minds of NWF's Conservation Council members, who enthusiastically support our conference theme: The community responsibilities of sustainable development. This is a timely, critical theme important to both you and me: corporate initiatives and the environment! And, it will be an excellent opportunity for the Clinton-Gore Administration to show its commitment to environmental justice.

I truly hope you will be with us next Tuesday evening. (My previous letters to you about this event were dated September 7 and December 21, 1993.) Please ask your staff to respond by calling Barbara Haas, Director of NWF's Corporate Conservation Council at (202) 797-6871.

Thank you, and best personal regards. I look forward to seeing you on February 1st.

Barbara Haas



The Dow Chemical Company

David T. Buzzelli
Vice President
Environment, Health & Safety
Public Affairs

2030 Dow Center
Midland, Michigan 48674
517 • 636-1709
FAX 517 • 636-5932

January 19, 1994

Ms. Kathleen McGinty
Director
Office on Environmental Policy
Old Executive Office Building, Room 360
Washington, DC 20501
Fax: 202-456-6231

Dear Katie:

SYNERGY 1994 - NATIONAL WILDLIFE FEDERATION

On February 1, 1994, the National Wildlife Federation's Corporate Conservation Council is sponsoring its annual Synergy Conference. There will be a dinner that evening at which the Council's annual Corporate Award for Environmental Excellence will be presented. It is my pleasure to invite you to attend this dinner and take advantage of the opportunity to network and interact with a host of government, NGO, corporate and public leaders. Carol Browner and Frank Popoff are expected to attend.

Please check your calendar and advise me if you would be interested in attending this event. The evening will begin with a reception at 6:00 p.m., dinner at 7:00 p.m. and will conclude around 9:30 p.m. The event will be held at the Four Seasons Hotel in Washington, DC.

I am hopeful you can attend and look forward to your response.

Sincerely,

D. T. Buzzelli

jbw

dinner
Frank Popoff
Speaker

I'd like
to bring
Carol

1/26 - Jeni Smith
will attend

Tudy
Wright
1/31 table
- Dave Buzzelli
- Lou Quiner
- Doug USA
- J.B. Martin
- Dow Chemical
- Mary McList
- Post-Hum
- Mr. Radin
- EPA

Dick Franzen - Dingell's Staff
Amy Dewey - Sr Manager - Business Liaison EPA

Belt —

When is the
Yale Earth
Summit?

Then —

Working for the Nature of Tomorrow,



NATIONAL WILDLIFE FEDERATION

1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

FAX TRANSMISSION

DATE: 1-27-94SEND TO FAX NUMBER: 456-2710TO: TREY LINDSETHNUMBER OF PAGES TO FOLLOW: 6

FROM: RUTH CORLETTTELEPHONE: 202-797-6844 - WORKMESSAGE: Jay really hopes the Vice President can say yes
We are so close to Feb. 1 - urgent.

This would be a great opportunity to speak to
high corporate people who can make a difference

Thank You, Trey!

Ruth

NWF FAX NUMBER: 202/797-6646

IF PROBLEMS OCCUR WITH THIS TRANSMISSION, PLEASE CALL:
VEDYA RAMPERSAUD (202/797-6842)

Can you get a
read from KM
My home telephone is
703-671-8996
VP Scheduler
this one?
There is a
bind.
Thanks
Trey

Working for the Nature of Tomorrow.

**NATIONAL WILDLIFE FEDERATION**

1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

Telephone: 202/797-6842

NWF Fax: 202/797-5496

FAX TRANSMISSION**TO: Vice President Albert Gore, Jr. FAX NUMBER: 202/456-7166****FROM: Jay D. Hair, President, National Wildlife Federation****DATE: January 26, 1994 NUMBER OF PAGES TO FOLLOW: 0**

Dear Al: Thank you for sending the letter of congratulations through Shelia Lawrence in Buenos Aires regarding my election last Saturday to be President of IUCN-The World Conservation Union. Your nomination in March 1993 started it all, and I am very grateful for your support. I believe that this partnership between the National Wildlife Federation and IUCN will forge great new opportunities to achieve the peaceful, equitable and sustainable future we desire for all global societies. We were disappointed that you could not join the IUCN membership at our General Assembly in Buenos Aires, but I realize it was necessary for you to be in Washington for the State of the Union Address. President Clinton did an outstanding job!

I write now about the invitation I extended to you to give the address at NWF's Corporate Conservation Council Synergy '94 Banquet next Tuesday evening, February 1, 1994. Our reception begins at 6:00 p.m. at the Four Seasons Hotel in Washington; dinner will be served at 7:00 p.m., and you would begin speaking around 8:15 p.m.

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Thank you, and best personal regards. I look forward to seeing you on February 1st.



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION, 1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

Office of the President

December 21, 1993

The Honorable Albert Gore, Jr.
Vice President of the
United States
The White House
Washington, DC 20500

Dear Al:

Congratulations on your outstanding address at the Black Churches Environmental Summit. Your remarks will go a long way toward setting our nation on a course to resolve and reverse the difficult challenges that disproportionate environmental impact have imposed on our society.

As you may know, the National Wildlife Federation Corporate Conservation Council has spent much of the past year focussing on environmental justice issues. This effort will lead into our February 1, 1994 Synergy conference at which the chief executive officers of Council and other companies will join with senior government, and environmental and social justice leaders to candidly work toward solutions that will ensure sustainable development in our nation's poor and minority communities.

My invitation to you to speak during the banquet following the conference is a reflection of the importance I place on this issue. It would be a great opportunity for our Synergy participants and banquet guests to become fully aware of the strong emphasis the Clinton Administration has placed on environmental justice and the personal commitment you have for addressing the most vexing environmental and economic challenges facing these communities.

I have enclosed a Synergy '94 concept paper and agenda to give you an idea of the caliber of dialogue expected at the conference. In January I will send you a copy of our conference document, *Not Just Prosperity*, which you may have heard mentioned at the Black Churches Environmental Summit. As always, I look forward to hearing from you.

-over-

December 21, 1993
Page 2

Best personal regards.

Sincerely,

Jay

JAY D. HAIR

Enclosures

JDH:cjm

**Hosts: Richard Mahoney, Chairman and CEO
Monsanto**

**Dr. Benjamin Chavis
Executive Director
NAACP**

**Dr. Jay D. Hair
President and CEO
National Wildlife Federation**

some participants include:

**Carl Anthony
Director
Urban Habitat Program
Earth Island Institute**

**Barbara Arnwine
Executive Director
Lawyers' Committee for Civil Rights
Under Law**

**Richard Barth
Chairman, President and CEO
Ciba-Geigy Corp.**

The Hon. Carol M. Browner

**Rev. Pat Bryant
Executive Director
Gulf Coast Tenant Organization**

**Dr. Robert Bullard
University of California LA
Center for Afro-American Studies**

**Dean L. Buntrock
Chairman and CEO
WMX Technologies**

**J. Kermit Campbell
President and CEO
Herman Miller**

**Dr. Benjamin Chavis
Executive Director
NAACP**

John Echawk
Executive Director
Native American Rights Fund

Mencer Donahue Edwards

Roger Fine
Board of Directors
Johnson & Johnson

J. William Futrell
President
Environmental Law Institute

William D. George
President and CEO
S.C. Johnson

John G. Johnson
President & CEO
Safety-Kleen Corp.

Johathan Lash
President
World Resources Inst.

Robert Lovett
Executive Vice President
Air Products & Chemicals

Richard J. Mahoney
Chairman and CEO
Monsanto

Vernice Miller
Director
Environmental Justice
NRDC

Buck Parker
Executive Director
Sierra Club Legal Defense Fund

Frank Popoff
Chairman and CEO
Dow Chemical Company

J. Kent Riegel
President
ICI Americas

John F. Smith, Jr.
Chairman
General Motors Corp.

Martin Stein
Vice Chairman
Bank of America

Dr. Beverly Wright
Deep South Center for Environmental Justice

Raul Yzaguirre
President
National Council of LaRaza

The Hon. John Dingell

The Hon. John Engler
Gov. Michigan

KH-
Full

MEMORANDUM

To: Joan Baggett
Carol Browner
Katie McGinty
David Strauss
From: Elaine Kamarck
Date: February 1, 1993
Re: Unfunded Mandates and Environmental Regulations

copy
to C2

I'd like to get together early next week to talk about unfunded mandates and environmental regulations early next week. My assistant, Natalie Ellertson, will call your office in the next two days to see if we can find a mutually agreeable time and place.

Yes, I'd do.
About Cathy too.
Also part a note that
Paul ? from DPC
to also involved in this
issue (as are many
others in WH). Just more
what she wants to do in
this mty, but this is
a complete list



WESTERN Ancient Forest CAMPAIGN

TO: Will Stelle
FROM: Jim Owens
DATE: February 2, 1994

SUBJECT: Meeting with Ancient Forest Alliance

Thank you for taking the time to discuss the possibility of meeting with the Ancient Forest Alliance. We will all be back in Washington, D.C. on Wednesday, February 9, and hope that you can find the time to meet with us that morning, sometime after 2:00 p.m., or on Thursday or Friday.

I will be on the West Coast until Wednesday, but my staff will be happy to take a message regarding this meeting, and coordinate with the Ancient Forest Alliance on attending a meeting at your convenience. My office's phone number is: 202/939-3324.

Capitol Office

Jim Owens,
Executive Director
Hon. Jim Jontz,
Senior Advisor
Phone 202 / 939-3324
1400 16th Street NW
Suite 294
Washington, DC 20036
Fax 202 / 939-3326

Steering Committee

Linda Blum
Quincy, California
Tim Coleman
Republic, Washington
Paul Ketcham
Portland, Oregon
Tim Lillebo
Bend, Oregon
Drew Martin
Benicia, California
Tim McKay
Arcata, California
Bonnie Phillips-Howard
Stanwood, Washington

Advisory Board*

Nigel Blakely, Ph.D.
Black Hills Audubon Society
David Chism
Arcata, California
Ed Grumbine, Ph.D.
Sierra Institute, UCSC
Bruce Honeyman
Friends of Lake Fork
Gene Lawhorn
Labor Coalition for
Environmental Responsibility
Bill Lazar
Lazar Foundation
James A. Lichatowich
Alder Fork Consulting
James Monteith
Save the West
Julie Norman
Headwaters
Arthur Partridge, Ph.D.
Forest Watch
Christopher Peters
Seventh Generation Fund
Glen Spain
Pacific Coast Federation
of Fishermen's Assns.
Susie Van Kirk
North Group Redwood
Chapter, Sierra Club
Robert Van Meter
Los Angeles Audubon
Kimery Wiltshire
The Illilouette Fund

Matt - Please let
up?
W8

Katie -
do you have
any interest in
meeting with these
folks? Will is
planning to meet
on Thurs.

February 2, 1994

MEMORANDUM

TO: Katie McGinty
FROM: Marc Chupka
SUBJECT: National Association of Counties -- Air Issues

There are two issues I can think of that counties have concerns about:

I. Conformity

On November 15, EPA published the conformity rules, which require new projects that receive federal funds to "conform" with the Clean Air Act. The **transportation conformity rule** applies to highway and road construction, and requires transportation planning offices (TPOs) to prove that new roads will not hinder attainment of clean air goals. The **general conformity rule** applies to other projects that receive federal funds, such as federal building construction. In practice, conformity requires expensive studies and possibly indentifying emission offset options.

Assuming that the counties' position on conformity mirrors the NGA, they are probably not happy with the final conformity rules, but realize that things could have been much tougher. The final rules were stricter than the NGA position, but not as strict as EPA wanted them. For example, EPA wanted conformity for private developments that relied on Army Corps of Engineer permits - i.e. that the Corps would have to do air modeling for granting a permit to build a mall, even though the developer would have to get an air permit anyway if the mall added pollution problems. This was not a part of the final rule. Counties traditionally oppose federal restrictions on private development.

The other big issue was whether or not conformity would be required in regions that are in attainment. NGA opposed conformity for attainment regions. The final proposal required some conformity determination in borderline attainment areas, to ensure that additional pollution sources would not push the region into non-attainment status.

II. Enhanced Inspection and Maintenance

As you know from your California trip, smog check is a big issue in the states. Its also a county issue because the enhanced I&M programs are only required in non-attainment regions, which means that some counties have to do I&M when others don't in a state.

There may be some other issues -- if I think of them I'll give you more.

**The New Superfund:
Making Cleanups Faster, Fairer and More Efficient**

Superfund has long been a well intended but troubled program. The Clinton Administration, working with Congress, has introduced a major reform package to finally make this program do what it was intended to do: Protect public health from improper hazardous waste disposal in the quickest, most cost-effective manner possible.

EPA Administrator Carol M. Browner has said, "Thirteen years of experience under Superfund have produced important results, to be sure -- polluters have committed some \$8.3 billion under the program and wastes have been removed from over 2700 sites. But the same experience also has produced considerable criticism that the program frequently moves too slowly, cleans up too little, does not adequately involve communities, has an unfair liability scheme and costs too much. We are now in a position to correct the much-publicized flaws in the program, and I am proud that the Clinton Administration has directly taken up this challenge. We need a Superfund. But we need a Superfund that works efficiently."

The new proposal will make Superfund faster, fairer and more efficient. It includes the following major provisions:

-- LESS MONEY FOR LAWYERS AND MORE MONEY FOR CLEAN UP: The new proposal cuts the legal wrangling. It puts strict limits on the liability of small contributors to toxic sites, and put full responsibility where it belongs -- on major polluters. It sets up a system to efficiently allocate liability among responsible parties so that the money goes for clean ups and not for lawyers involved in litigation among responsible parties over allocation of responsibility. It would establish a new Environmental Insurance Resolution Fund to settle insurance claims related to cleanup of wastes disposed of before 1986. The fund would be financed by a fees and assessments on property and casualty insurance companies.

-- SPEED CLEAN UPS, CUT COSTS: The average time between identifying a site and cleaning it up can be as long as 15 years--far too long. The Administration is proposing using for the first time national cleanup standards that would significantly reduce the amount of site-specific decision making. That way, cleanup workers can get down to business far more quickly and at less expense. Standards would be designed for a menu of different situations. For instance, if a contaminated site is going to be cleaned up so that it can be used for industrial purposes, it may make no sense to clean it up to the same level as if a school or recreation center were envisioned.

-- **COMMUNITY INVOLVEMENT:** The new proposal gets community members involved from the start in helping to decide how land should be used after the cleanup is complete. It makes the program especially responsive to poor and minority communities, who frequently have borne the brunt of chemical disposal, but who have had very little voice in determining solutions.

-- **ECONOMIC REDEVELOPMENT:** The new proposal makes sure that developers who might want to develop cleaned-up sites are not subject to liability created by previous contamination, thereby making the development of cleaned up sites a less risky, more attractive business opportunity. This will speed redevelopment and bring economic growth and jobs to communities that frequently need new development the most.

America needs Superfund. Seventy-three million Americans -- one in four -- live within four miles of a Superfund site. In addition to cleanup, Superfund is a powerful deterrent to companies who might otherwise be tempted to cut corners on proper hazardous waste disposal, because they know they will be liable under Superfund. The Clinton Administration's proposal will help rid the law of problems so it can do a better job of cleaning up our environment and promoting economic growth. It is real change for the better.

According to EPA Administrator Browner, "Beginning with the discoveries of Love Canal in New York and the Valley of the Drums in Kentucky back in the late 1970's, we learned that America had created a toxic legacy through decades of indiscriminately disposing of hazardous wastes. In 1980, Congress passed Superfund to clean up the mistakes of the past so they would no longer threaten water supplies and human health. This effort represented one of the largest environmental engineering efforts ever undertaken anywhere in the world, and it was not surprising, therefore, that problems with the program would be identified over time. We've now gained much constructive knowledge, and the time has come to reform the program for the benefit of both the environment and the taxpayers."

National Association of Counties

Sustainable Development Task Force 1993-94

FOCUS:

The task force will explore and develop options for NACo's consideration that encourage economic growth, job creation, and effective use of our natural and cultural resources. An operational definition of sustainable development is: development that meets the needs of the present without compromising the needs of future generations.

The task force will examine current actions, policies, and ordinances in the area of economic development, solid waste, water quality, transportation, land use, air quality, and energy. The Task Force will then make recommendations to NACo, its members, and President Clinton's Council on Sustainable Development (PCSD).

PURPOSE:

Advise NACo on sustainable development policies, issues, and opportunities and serve as a link to the Presidential Council on Sustainable Development.

PRIMARY GOALS:

Identify what effect the concept of sustainable development could have on counties.

Develop sustainable development principles for consideration by appropriate steering committees, board of directors, and general membership.

Work closely with the Presidential Council on Sustainable Development to ensure county perspective is fully considered.

Identify county based sustainable development models.

POSSIBLE ACTIVITIES:

Inventory and assess current sustainable development activities at the county level and develop models for dissemination to counties.

Review NACo policies as they relate to sustainable development and provide findings to appropriate steering committees for their consideration.

Develop options for NACo consideration.

SEP 16 '93 04:05PM N A CO (RET)

P.3/16

Determine future technical assistance needs and services which NACo or other organizations could provide to counties to enhance sustainable development initiatives.

Provide input to the Presidential Council on Sustainable Development by seeking appointments to committees, testifying at hearings, and consulting and advising the PCSD and staff on county concerns, perspective, and role.

APPROACH:

Meet four times during the year - first meeting July 19, 1993 in Chicago, IL, once in the fall and again at the Legislative and the Annual conferences in 1994. The task force chair and NACo staff will establish strong connections with the Presidential Council and other interested groups, research current literature, and develop briefing materials for the task force prior to the fall meeting. Designees from steering committees will be expected to keep their steering committee chairs and committees informed of the developments of the task force.

MEMBERSHIP:

All NACo Steering Committees will be represented. They are as follows:

- Agriculture & Rural Affairs
- Community & Economic Development
- Employment
- Environment, Energy & Land Use
- Health
- Human Services & Education
- Intergovernmental Relations
- Justice & Public Safety
- Labor & Employee Benefits
- Public Lands
- Taxation & Finance
- Transportation

NACo SUSTAINABLE DEVELOPMENT TASK FORCE
1993 - 94

W. Reed Madden (Task Force Chair)
Commission Chair
Greene County
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FAX: (513) 376-5331

Aldo E. Botti (Vice Chair)
Dupage County
County Board Chairman
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Mr. James Mulder
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P.6/16

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FAX: (919) 333-6620

BY: JERRY MCNEIL - NACO STAFF

COLORADO, Florida, Georgia, Idaho, Indiana, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Puerto Rico, Washington, West Virginia and Wyoming who participated in the Elected Officials Roundtable.

Future history books may well treat the 90's as the decade characterized by a coming together of opposing interests for the benefit of all. It's almost as if a universal wake up call has been issued, leaving people throughout the world more willing than ever to hammer out mutually acceptable plans for ensuring a secure quality of life down the road. Nothing better illustrates this trend than the recent signing of a peace agreement between Israel and the Palestinian Liberation Organization.

If there is a single issue that has most captured the collective will to find solutions, it is the future of the environment. Growing recognition of the interdependent relationship between environment and economy has individuals, businesses and governments worldwide actively seeking a balance between the two as plans are made for stepping into the future.

If America is to achieve its objectives toward a sustainable future, it must educate, motivate, and activate people where they live. This means taking the sustainable development campaign to small towns, cities and counties.

While the concept of sustainable development is relatively new to local governments, its principles are already being applied to public policy in many jurisdictions throughout the United States. DuPage County, Ill., is one such example.

In an effort to develop a sound basis for making decisions that affect the environment, County Board Chairman Aldo E. Botti appointed a new environmental commission to formulate a long-range, well-reasoned environmental policy for all of the county operations. "Although DuPage County, as well as many of its municipal governments, has enacted ordinances intent on protecting our environment, there has been no continuity, no long-term environmental goal or policy to ensure that our grandchildren and theirs will inherit open land and clean air and streams," Botti said.

The policy statement was developed to provide guidelines for the preservation and improvement of the air, streams and land; and to write a policy statement which private enterprise and local and county government could refer to in a systematic manner.

Following adoption of the commission's policy recommendations by the DuPage Board of Commissioners, the county

now has a written environmental ethic to guide all of its departments and committees in making decisions that will lead to cleaner air, cleaner water, reduction in waste, and enhancement of biodiversity and open spaces. Several examples from the adopted policy state that all decisions and activities within the county's jurisdiction will:

- be evaluated by guiding principles of sustainability, uniqueness, and stewardship.
- recognize that when private interests and public policies are allowed to conflict with these principles, the public good suffers.
- minimize the amount of solid waste generated, maximize reuse and recycling, and manage residuals within the county.
- keep and utilize precipitation where it falls and release only clean water into our waterways.

The DuPage County environmental policy addresses actions for solid waste, water quality, transportation, land use, air quality and energy.

The importance of addressing sustainable development issues at the local level is being championed by National Association of Counties (NACo) President Barbara Sheen Todd, Commissioner Pinellas County, FL. Todd, recognized for the environmental leadership around Gulf of Mexico issues and being committed to developing long term solutions to environmental problems, has created a Sustainable Development Task Force with NACo. Commissioner Todd knows there is no single solution to address the myriad of local situations. Knowing this, she has charged the Task Force to explore and develop options for NACo's consideration that encourage economic growth, job creation, and effective use of our natural and cultural resources. The task force will examine current actions, policies, and ordinances in the area of economic development, solid waste, water quality, land use, air quality, transportation and energy.

The Task Force's mission is threefold: to examine the effect that sustainable development will have on counties; to develop sustainable development principles to be considered for adoption by NACo's steering committees (including committees on agriculture and rural affairs, public lands, transportation, health, economic development and environment,

energy and land use); and to investigate opportunities for NACo and other county officials to participate in national discussions and decision-making on sustainable development topics.

The work of the Task Force will help to accelerate an already growing recognition by many county officials that we can no longer pit job and the environment against the other. The solutions needed are to benefit current residents, future generations and these individuals who live in adjacent counties and states. Commissioner Todd in her remarks at the "From Rio to the State Capitols" Conference in May, said, "Natural resources are not governed by political boundaries. For example, such environmental issues as natural habitats, lakes, rivers, or bays almost always affect many political jurisdictions. Finding and sustaining solutions to protecting these resources will only occur if there is coordination and cooperation between political entities."

Counties and other local governments play a critical role in ensuring that sustainable development becomes a reality, not just a concept. As the entities with direct management of the day-to-day decisions that affect land use planning, waste management, local transportation systems, waste water treatment, and zoning, cities and counties will undoubtedly play an increasingly important role in creating and implementing strategies that put sustainable development into practice.

To understand the importance of involving county governments in protecting the environment, consider these statistics:

- There are 3,041 counties in the United States.
- 1,800 counties are members of the National Association of Counties (NACo).
- 85% of U.S. population lives in the these 1,800 counties.

Grande as a "test bed problem." They're going to put scientific information in a form that the public groups can use.

Starting from the RIOS initiative, we hope to identify community values and aspirations from within the basin. What do people want? That's not a simple step because there's considerable conflict over that. We're trying to articulate that conflict and see if we can go through mediation and a learning process with respect to community values and aspirations.

We want to begin a communication process across the boundaries. Since it's taking place in the U.S.-Mexico context, the different languages compound it. We also hope to identify feasible sustainable development scenarios for the future of the basin. Then, ultimately, we want to identify actions that can facilitate the realization of our goals for sustainability.



CASE STUDY

**BARBARA SHEEN TODD, PRESIDENT
NATIONAL ASSOCIATION OF
COUNTIES
WASHINGTON, DC**

About 100 years ago in Florida, eagles just blackened the skies. One could go out into the lakes or streams or the Gulf of Mexico and cast a line and pull up a fish almost immediately. We didn't have smog. We were rich in sea grasses and wetlands.

Many people don't understand what counties do. They know what cities do and who mayors are, but they don't really know what counties are. They think of us as the ones that do everything else around the incorporated cities.

A hundred years later, the panther has become an endangered species; the eagle nests are few and far between. Our living creatures are the thermometer by which we can measure what's happening to the rest of our country and to our state and our communities. As we start looking at our natural systems—whether air, land use, bodies of

water—it's important that we think in terms of natural systems. Water doesn't know where one city begins and another ends, and what happens in one part of the land, as you've heard, will affect another.

Regional planning must be done in terms of the natural jurisdictions. Cooperation among cities, counties, and states is imperative. Florida has six water management districts. There are river basin boards, flood control, and special purpose environmental programs such as the Everglades Coalition.

In the Gulf of Mexico, over 50 state, federal, and local organizations in the Gulf States of Louisiana, Florida, Texas, Alabama, and Mississippi have united in an initiative. Their charge is to come up with some creative solutions to problems like marine debris, public health, habitat degradation, coastal erosion, nutrient enrichment, toxics and pesticides, fresh water inflow, and living aquatic resources.

This is an important example of bringing different levels of government together to solve an environmental problem—the local government, the state government, and a multitude of federal agencies.

Many people don't understand what counties do. They know what cities do and who mayors are, but they don't really know what counties are. They think of us as the ones that do everything else around the incorporated cities. My county serves 24 cities, including solid-waste management programs, air-quality programs, water acquisitions, and provision of safe drinking water. And as a county, we have gone to the voters with some environmental acquisition initiatives. They have given us permission to raise taxes so that we might partici-

pate in acquiring environmental lands to protect habitat.

Throughout America, county governments are acquiring hundreds of thousands of acres of lands and greenways and rails-to-trails programs so that there might be open space for the people to enjoy and areas for the wildlife to continue to procreate.

In Florida in 1985, we passed a Florida Growth Management Act, which provided a blueprint for communities to develop a vision for their areas.

We have state provisions for identifying our natural resources and how we want to set those aside, to preserve and protect them. We have also identified the concept of "concurrency," which means you can't build more than you have the ability to provide services for—adequate sewer and water.

Some of the other kinds of projects that counties have been involved in throughout America involve taking creative initiatives on recycling in their communities, in their counties, and in their regions. Some counties are transforming sewage sludge into fertilizer and recycling different types of solid waste metals or using them for roadbed materials.

The National Association of Counties (NACo) is promoting concepts such as pollution prevention; purchase of products that limit toxins and can be used and recycled; voluntary industrial pollution reduction. NACo is also actively promoting the importance of testing homes for indoor radon gas. And NACo is working with the EPA Office of Research and Development on local municipal solid waste research issues. EPA has lent us a senior fellow who is working directly with our staff to find ways to do technological transfer of information.

NACo is setting up some communication networks with teleconferencing, using technological innovations; it is also forming some new partnerships with the private sector, the public sector, and federal agencies.

In 1992 NACo signed onto an initiative called Strategic Choices, a series of roundtables. Our roundtable process can bring together environmental leaders, economic leaders, community leaders, and young people.

Native Americans understand what this situation is all about. When we think about all of the challenges that our nation has to face, let's not lose sight of the underlying importance of maintaining and elevating to the highest level an environmental ethic—an environmental awareness of our linkages.

MEMORANDUM FOR KATIE MCGINTY

FR: WILL STELLE

RE: BRIEFING MATERIAL ON HOT ISSUES

DATE: 3 JANUARY, 1994

TAKINGS

The takings issue, a focal point of the right wing "property rights" and "wise use" movements, involves the evaluation of regulations for their compliance with the "takings clause" of the 5th Amendment, and/or the compensation of property owners in the event of a reduction in property values resulting from such regulation. Numerous states are considering takings legislation, and several amendments to federal legislation seek the same goals. Takings amendments are very immediate concerns in Clean Water and CERCLA reauthorization, as well as in the EPA Cabinet bill.

The implications of successful takings legislation are numerous and deeply destructive. The fiscal impact of compensating every reduction in property values would be overwhelming, and would affect every level of government, every policy arena. Takings proponents' arguments that such legislation is simply fair, fall far short of logical consistency. Even the staunchest proponents of such "fair play" would never accept compensation's logical corollary; the compensation of the government entities when their actions increase private property values. An assessment approach may also produce problematic Constitutional ramifications. Requiring an administrative entity to certify the Constitutionality of its own actions is simple redundancy, adding a costly level of bureaucracy to perform a task that should be left to the courts (numerous legal scholars have provided strong, public opposition to the inflexibility produced by takings legislation, pointing up the necessity of case by case judicial examination). The implications for government authority of all forms are stark, as virtually every governmental action in the *public interest* will have consequences for *private self-interest*.

OEP will soon begin working with the VP's office and a diverse coalition of public interest NGOs to craft an Administration strategy for the takings issue. The strategy, as thus far developed, will emphasize the Administration's support of private property rights while demonstrating the massive fiscal implications to every level of government implied by compensatory takings legislation. The Administration's approach may include the following:

- Costing-out of hypothetical 50% value reduction-compensation legislation (as imagined in the proposed Tauzin Amendment to the EPA Cabinet bill);
- Costing out of the administrative costs of takings assessment;
- Develop of a legislative strategy, either seeking amendments in the second degree, or original legislation or amendments;

- Enlist local and state entities against takings legislation.

The takings issue finds strong agreement between levels of government, and thus is an excellent opportunity to build solidarity and partnership across levels of government as envisioned by the President. Zoning and other land-use controls, a "sacred cow" of local governments, would be profoundly affected were localities forced to compensate landowners for the reduced property values that may result from pre- or pro-scribed land uses. Takings issues can thus be an opportunity to produce a strong statement of this Administration's support for local and state governments, and is perfectly congruent with the President's attempt to eliminate unfunded mandates and reduce the fiscal burdens placed on localities by Reagan's New Federalism. Environmental, labor, public health, and other public interest constituencies are made extremely nervous by takings initiatives and the private-property-supremacy fervor they represent.

NORTHWEST SALMON

In accordance with section 7 of the Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) is currently undertaking consultation with states and tribes on a biological opinion regarding the impact of Columbia River hydropower operations to ESA listed Chinook and Sockeye salmon. When the current, one-year opinion expires January 31, it will be replaced by the new, five-year opinion currently under consultation. The biological opinion will determine whether hydropower operations will jeopardize the salmon species, ascertain those reasonable and prudent alternatives available if actions do jeopardize the species, or discover under which conditions hydropower production would not jeopardize the species. Concurrently, a NMFS-appointed salmon recovery team is working to produce a recovery strategy for the species.

Debate among interested parties' biologists is ongoing regarding flow levels and their effect on the survival of salmon. NMFS has adopted flow targets in the middle of proposed levels, while the states' and tribes' biologists have embraced substantially higher targets. Current evidence indicates that higher flows produce increased survival, as recaptured fish increased by four to sixteen times as flows doubled. While increased flows appear to benefit fish survival, costs to utilities and thus consumers rise commensurately.

Complicating the attempt to produce a plan to protect salmon, the Northwest currently faces a very dry year. The federal water agencies, Bonneville Power Administration, Bureau of Reclamation, and the Army Corps of Engineers recently adjusted their water and snowpack forecasts from 109 million acre-feet (maf) to 79 maf. The upshot of these figures is that the agencies will not be able to provide adequate flows to keep the salmon from jeopardy. The agencies have, however, worked to devise a plan that would obviate jeopardy decisions for the remaining four years of the opinion.

Due to the dry conditions, BPA is contemplating a 10% increase in electric rates, prior to salmon protection measures; costs to BPA may reach \$130 million this year, with salmon mitigation measures costing an additional \$30 to \$40 million. With or without salmon mitigation, rates are likely to increase.

huh? and we will
still say no
jeopardy?

The new opinion provides an additional 1 maf of water annually for the Columbia River; the creation of a \$40 million "fish fund" over five years to allow NMFS to purchase water in dry years; and an additional 500,000 af in the Upper Snake. By all estimates, NMFS mandated flows remain as low as 75% below historical levels.

The politics of this are very delicate -- with Speaker Foley and Governor Andrus at loggerheads. Foley is extremely concerned about this whole issue and follows it like a hawk. He wants to minimize impacts on Bonneville Power and the aluminum industry. He is also very wary of any "jeopardy" findings by the NMFS because it looks bad generally for the hydrosystem.

On the other hand, Governor Andrus is equally (or more) adamant that the hydrosystem is killing all the fish and we damn well ought to do something about it -- rather than continually fudge on the issue, as he accuses us of doing over the last couple of years. He wants much tougher requirements for the lower Columbia system (where all the huge hydropower facilities are located). Also, he is very opposed to any tough requirements on the upper Snake River because it will cost Idaho water (from Idaho Power or Idaho farmers) UNLESS they are accompanied by tough requirements downstream.

Governor Lower has generally not been too engaged on this, although we expect that he will support our proposal, as will the regional Northwest Power Planning Council. Governor Roberts of Oregon is suing us for not being tough enough last year, but we don't expect heavy flack from her.

NEW ENGLAND FISHERIES

Earlier this fall the Commerce Department issued a new management plan for the groundfish stocks off the New England coast that will significantly affect the New England fishing industry over the next several years. That plan will reduce the amount of fishing sharply to achieve a goal of rebuilding the severely depleted groundfish stocks within the next five years. The economic impacts will be tough, but also entirely expected.

The political reaction to the new rules was positive because the New England delegation as a whole has come to realize that if the government failed to cut back on fishing, there would be no fish left. There is strong support within the region, with Congressman Studds (a long-time fisheries advocate) arguing that we did not go far enough.

PACFISH Progress Report
24 January 1994

The Forest Service (FS) and Bureau of Land Management (BLM) are continuing with preparation of supporting documents for PACFISH without significant deviation from the implementation strategy and timeframes discussed with USDA Assistant Secretary Jim Lyons on December 17. Progress on specific elements of the implementation strategy is highlighted below.

PACFISH Environmental Assessment (EA): The PACFISH EA (addressing interim direction necessary until completion of the Environmental Impact Statements) has been drafted, and was sent to the PACFISH Field Team members for preliminary review and edit. We anticipate a mid-February Federal Register Announcement initiating a 45 day public review period of the EA. Since our December 17 meeting with the Department of Justice, BLM has moved considerably closer to the Forest Service position on the nature of interim direction (i.e., it is to be binding direction for field units). BLM has also decided to be a signatory to the PACFISH EA and Finding of No Significant Impact.

This EA for interim direction addresses the Idaho portion of the Snake River Basin, Eastside area and the portions of California having FS and BLM administered anadromous fish habitat beyond that covered by FEMAT.

Alaska is discussed in the EA, but interim direction will not be included in the application of interim direction. Studies in Alaska are being initiated on the Tongass National Forest in response to direction in the Appropriations Act for FY 94. Similar examination, before issuance of any interim direction, also will occur on the Chugach National Forest and BLM Districts in Alaska.

Appropriate interim direction would not be implemented until we have the benefit of reviewing the final FEMAT EIS and have analyzed public comment on the PACFISH EA. We anticipate these reviews will have occurred in time for implementation of interim direction by mid-April.

Eastside Notice of Intent (NOI): The Washington Offices of the FS and BLM have worked closely with the agencies' field units to reach agreement on specific language for the NOI to prepare an Environmental Impact Statement for the Eastside. We anticipate issuance of this NOI in early February - prior to release of the PACFISH Environmental Assessment and NOI's for Idaho and California. The Eastside NOI will not be issued until approved by FS Associate Chief Dave Unger for release.

Idaho and California NOI's: NOI's for the Idaho and California EIS's have been drafted and are being edited. These NOI's will be ready for publication at about the same time we publish the Decision Notice for interim direction after the public review period of the associated environmental assessment and review of the final FEMAT EIS (i.e. about mid-April).

Section 7 Consultations: The National Marine Fisheries Service (NMFS) met with Forest Service representatives in Portland on December 9 and agreed to the flexibility indicated in the draft PACFISH strategy, provided that adequate assessment and documentation occurred as part of Section 7 Consultations. This agreement represents improved understanding and coordination among the agencies, and should lead to increased efficiency in processing FS and BLM project proposals through Section 7 Consultations. This agreement is documented in the enclosed copy of a letter from Gary Smith, Acting Director for the Northwest Region of NMFS.

NMFS also agreed, at the December 9 meeting, to coordinate with the Fish and Wildlife Service to expedite consulting on the proposed PACFISH interim direction. This consultation would be jointly requested by the BLM and FS, and be jointly responded to by the NMFS and FWS. The consultation request and biological opinion would cover the entire geographic area of the proposal for implementation of interim direction as described in the EA. Consultation would occur during the same time period that the EA is being reviewed by the public.

Summary of PACFISH Strategy Elements

Enclosed for information are a summary of the PACFISH elements, and an information folder containing several documents that further elaborate on the substance and intent of the proposed PACFISH strategy. The folder includes a booklet of background information on why the strategy was developed, an executive summary, and detailed explanations for several of the key PACFISH strategy elements.

Elements Of The PACFISH Strategy A Summary

The PACFISH strategy consists of 8 inter-related elements. These 8 elements provide for a consistent approach to management of anadromous fish producing watersheds on Forest Service and Bureau of Land Management administered public lands. The strategy is adaptive in nature and provides for flexibility based on local information and conditions. The 8 elements of the strategy include:

Riparian Goals that call for the maintenance or restoration of:

- water quality;
- stream channel integrity, channel processes and sediment regimes;
- instream flows;
- timing and variability of water table elevation in meadows and wetlands;
- diversity and productivity of native and desired non-native plant communities to provide large woody debris, thermal regulation, and bank stability; and
- viability of riparian-dependant communities (i.e. native and desired non-native plants, vertebrates, and invertebrates).

Riparian Management Objectives (RMOs) that provide quantifiable definition of desirable habitat conditions. Interim landscape scale RMO's have been developed to guide land management decisions prior to completion of watershed analysis. Watershed-specific objectives, tailored to the geology, topography, climate, vegetation, and needs of specific salmonid assemblages, will be substituted for the interim objectives as watershed analyses are completed for individual drainages.

Standards and Guidelines (S&Gs) for implementation of management activities (e.g., timber harvest, livestock grazing, road construction, etc.) within Riparian Habitat Conservation Areas on National Forests and BLM administered public lands that support Pacific anadromous fish stocks. These S&Gs are intended to provide for continued multiple-use while focusing on attainment of RMOs.

Riparian Habitat Conservation Areas (RHCA's) are delineated to identify those portions of the landscape that most influence the delivery of high quality water, sediment, nutrients, and structural elements (e.g., large wood) to anadromous fish streams. RHCA's include the riparian corridor along permanent fish-bearing streams, and also include areas of unstable soils, wetlands, intermittent headwater streams, and other ecological significant areas. Although RHCA's are not "lock-out" buffers, as noted above, they receive special attention in the form of S&Gs to ensure RMOs are met.

Until Watershed Analyses are completed to provide for watershed specific location of RHCA boundaries, minimum interim widths are applied. These interim widths are:

- Fish bearing streams and lakes 300 ft (either side)
- Permanently flowing non-fish 150 ft (either side)
 bearing streams
- Ponds, reservoirs, and wetlands 150 ft (from the perimeter)
 less than 1 acre
- Seasonally flowing or intermit- 100 ft in Key Watersheds, or 50 ft in
 tent streams, wetlands < 1 acre, non-key watersheds
 landslides/landslide-prone areas

In non-forested rangeland ecosystems, the minimum interim width for permanently flowing streams is the extent of the 100 year flood plain.

Key Watersheds are identified to provide a network of drainages across the landscape to contribute to conservation of anadromous fish resources. This subset of watersheds was selected because they are important to "at risk" stocks, or currently are in "good" condition, or have a high potential for restoration. Key watersheds will receive top priority for watershed analysis and restoration activities. Interim RHCA widths in Key Watersheds differ from those in non-key watersheds as specified above.

Watershed Analyses will be conducted to identify "problem" areas that need immediate, corrective treatment, and will provide a more complete assessment of cumulative effects. Watershed analysis also will provide information to tailor RHCA boundaries and interim RMOs to better fit watershed specific conditions.

Watershed Restoration will be necessary to initiate recovery in some watersheds. All restoration work will be designed at a watershed/landscape scale and will involve coordination between changes in land management activities and active restoration projects. Information gathered through watershed analyses will be used to guide implementation of restoration activities.

Monitoring application and effectiveness of S&Gs will provide information essential to modification of S&Gs and attainment of RMOs.

Application of the PACFISH strategy will help limit the need for additional listing of anadromous salmonids, and where salmon stocks have already been listed will provide a basis for continued multiple-use management while stocks are recovered.

United States
Environmental Protection
Agency

Communications, Education,
And Public Affairs
(A-107)



Environmental News

FOR RELEASE: TUESDAY, FEBRUARY 1, 1994

ADMINISTRATION RECOMMENDS MAJOR CHANGES IN CLEAN WATER ACT

Sean McElhenny 202-260-1387

U.S. Environmental Protection Agency Administrator Carol M. Browner unveiled key elements of an innovative Clinton Administration initiative to reform the law that protects the nation's waters, the Clean Water Act. Browner pledged to work with Congress to reauthorize the Clean Water Act this year "so we can reduce water pollution at a reduced cost to the nation."

"Today, the Clinton Administration calls for fundamental change in the law that protects our nation's waters," Browner said. "We've done the easy part by controlling pollution at the end of the pipeline. For the first time ever, we are tackling the hard part--the control of polluted runoff, which is the biggest remaining barrier we face in keeping the nation's waters clean."

The Administration recommendations seek to accomplish:

- * Reduced costs in reducing water pollution, with an estimated \$30 billion per year in savings over the current Clean Water Act;
- * Stronger protection of the nation's waterways, through strict controls on polluted runoff, tougher enforcement, and new limits on the most toxic releases;
- * Less red tape and more funding at the state, city and community level, to enable localities to target the worst water problems they face; and
- * Protection of public health and an increase in recreational and commercial use of American rivers, lakes and streams through reduced pollution.

Recent state assessments of water quality show that 38 percent of rivers, 44 percent of lakes, and 32 percent of estuaries are unusable for fishing or swimming, mainly due to silt and nutrients from farm and urban runoff, combined sewer overflows and municipal

(more)



-2-

sewage. Fish advisories and beach closures limit the uses of waterways. Approximately 740 million pounds of toxic chemicals pour into waterways and sewers each year. Ground-water contamination is common.

"Americans tell us overwhelmingly that they want cleaner water, not only for the public health protection it provides, but for recreational benefits we can all enjoy," Browner said. "It makes common sense for us to give the people those benefits of clean water without placing a costly burden on the taxpayer."

Browner said the Administration would continue to work with governors, mayors, industry and environmental groups to "achieve fundamental change in our clean water programs."

The updated CWA plans to solve water quality problems with a new, more targeted approach. Partnerships among federal, state and local governments, private landowners, industry and the public would be used to provide flexible, innovative, efficient solutions that increasingly make watersheds the basis of analysis and action.

The new CWA would strengthen state non-point source programs by including enforceable minimum controls in selected waters. It would also establish more current and comprehensive water quality standards, including the broader ability to control or prohibit the multi-media release of the most persistent toxic substances. The new CWA would strengthen federal, state and private citizen enforcement of its provisions and would actively promote ecosystem protection and pollution prevention.

To reduce costs and improve efficiency, the new CWA would reduce by four-fold the potential cost of storm-water controls while achieving water quality benefits by targeting actions to specific urban areas. It would also reduce by four-fold the potential cost of combined sewer overflow controls while still achieving designated water uses.

To promote technical innovation and market-based approaches, the new CWA would give permittees more compliance time if they adopt innovative pollution prevention or control technologies. It would also encourage appropriate trading as a way to achieve cost-effective attainment of water-quality standards within a watershed.

To improve flexibility, the Administration's CWA would allow states to establish new management frameworks that focus resources on the most critical problems in priority watersheds. It would also authorize multipurpose water grants for states that do watershed management. It would also expand eligibility for State Revolving Fund (SRF) funding to a wider range of pollution-control activities.

To build state and local capacity, the new CWA would help states collect sufficient clean water program funds through permit fees and other means. It would also capitalize the SRF to ensure its long-term integrity and streamline the SRF administrative process. Indian tribes that seek to develop and administer integrated water-quality programs would be supported.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Statement of Carol M. Browner
Administrator, U.S. Environmental Protection Agency
Administration Proposal on Clean Water
February 1, 1994

OFFICE OF
COMMUNICATIONS, EDUCATION AND
PUBLIC AFFAIRS

Last week, President Clinton called on Congress to protect public health and our environment by passing a new Clean Water Act this year. Today, we pledge to work with Congress to reauthorize the Clean Water Act, so we can reduce water pollution at a reduced cost to the nation.

Every American expects--and deserves--clean water. Millions of Americans make their living from the nation's waters, fish and swim for recreation, or choose to locate their homes or businesses near waterways. And Americans expect their drinking water to be the cleanest in the world.

Yet, today, forty percent of our rivers, lakes, and streams are not suitable for fishing or swimming. Fish advisories and beach closures are far too common. And as much as 740 million pounds of toxic chemicals pour into American waterways and sewers each year.

Today, the Clinton Administration calls for fundamental, common-sense change in the law that protects our nation's waters. We've done the easy part by controlling pollution at the end of the pipeline. Now, for the first time ever, we are tackling the hard part--the control of polluted runoff that streams into our waterways from city streets, lawns, farms, and industrial plants. That is the biggest remaining barrier we face to cleaning up the nation's waters. Today's proposal includes innovative ways to remove that barrier to clean water.

Our recommendations would strengthen environmental protection of American waters, by limiting the most toxic releases now polluting rivers, lakes, and streams, and by following through with stricter enforcement, to make sure water polluters pay for their actions.

Our clean water policy seeks to accomplish one goal above all: to reduce the nation's water pollution at a reduced cost to the nation. Today's recommendations would cost \$30 billion less per year than the current law. We want to give all Americans the clean water they want, without putting costly burdens on the taxpayer.

And we'll relieve burdens at the state and local levels, too. Our initiative aims to cut red tape for states, cities, and communities. We will provide new funds for wastewater treatment, improving the nation's infrastructure and creating jobs. We will also make it easier for states and localities to use funds where they need them most. And we'll slash the unfunded mandates that keep states and cities from achieving their clean water goals.



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I want to thank my colleagues in the Senate, Senator Baucus, Senator Chafee, and Senator Graham, and in the House, Congressman Studds and Congressman Mineta. Over the past months, it has been a pleasure to work with them, with my colleagues in other federal agencies, and with the governors, mayors, business leaders, environmental activists, and community residents who have helped to develop this proposal. I look forward to continuing to work together to get the job done.

PRESIDENT CLINTON'S CLEAN WATER INITIATIVE

Just as water is vital to human life, the imperative for clean water touches closely the life of every American.

Every American knows that clean water is essential, whether we draw a living on or from our waters, seek recreation in them, or look to them as a scenic setting for a home, a workplace or a site for spiritual nourishment. Water pollution remains consistently among the public's top environmental concerns. A 1993 Times Mirror poll found that 77% of the public believes that government should do more to control such pollution.

President Clinton proposes a clean water agenda that will energize our efforts to secure clean and healthy water, while making simpler and more efficient state and local governments' central role in this effort. The President's agenda strives for support of all affected sectors: state, local and tribal governments; environmental, agricultural, civic and business groups.

The Need for Action

The Clean Water Act (CWA) has dramatically improved water quality since 1972. Still, serious quality threats grow unchecked, and heightened vigilance is required for other, persistent problems. Recent State assessments show 38 percent of rivers, 44 percent of lakes, and 32 percent of estuaries surveyed continue to be degraded, mainly by silt and nutrients from farm and urban runoff, combined sewer overflows (CSOs) and municipal sewage. 740 million pounds of toxic chemicals pour into waterways and municipal sewers each year. Localized ground-water contamination is widespread.

Approximately 1,300 waterbodies have been so degraded by pesticides, organic chemicals, and metals that State authorities have had to limit the public's consumption of the fish and shellfish found therein. Bottom sediments are contaminated in more than 1,000 waterways nationwide. Bacterial contamination shrinks our shellfish beds. Beach closures diminish recreation for thousands. Commercial fishing harvests in U.S. rivers have decreased by over 80%. Between 60 and 80 percent of riparian corridors have been degraded.

A New Vision for Water Quality in America

"We must pass a new Clean Water Act with standards for nonpoint source pollution and incentives to develop ways to reduce and prevent polluted runoff at its source."

-- President Clinton

"A Vision of Change for America"

An updated CWA can tackle these problems through a new, more targeted approach. Through "designer partnerships" among Federal, State, and local governments, private landowners, industry and the public, we can craft flexible, innovative, efficient solutions to water quality problems, increasingly making watersheds the basis of analysis and action.

Here are the key objectives of our agenda:

- to reduce nonpoint source pollution (NPS) through clear performance objectives, and by giving incentives, information and technical aid to farmers, developers, foresters and others, so they can lessen the damaging pressure their activities exert on aquatic resources;
- to streamline and strengthen regulatory and enforcement authorities to assure a prompt, effective and appropriate response to environmental and health threats;
- to slash unfunded mandates, increase flexibility and cut red tape for states, municipalities and the private sector, so resources are targeted to the most serious quality problems;
- to improve and maintain the municipal wastewater infrastructure, as too many areas find their sewers and treatment plants inadequate to protect water quality;
- to encourage dischargers to move beyond compliance with the letter of the law to innovation that will prevent pollution, promote efficiency and protect living resources; and
- to improve quality of life for all, regardless of ethnicity, race or income, leaving no group bearing a disproportionate burden of the consequences of environmental pollution.

In sum, the Clinton Administration is asking Congress, in reauthorizing the CWA, to enter a new era in environmental protection. Instead of simply controlling the end of the discharge pipe, we propose to protect and conserve our water, aquatic habitats, and the living resources within, through an integrated, holistic approach, based on natural watersheds, and aimed at reducing pollutants from all sources that impair water quality. This vision for water quality is powerful and wide enough to realize other vital national priorities, such as improving wetlands programs, growing jobs, and addressing key border issues in the new U.S.-Mexico trade agreement.

STRENGTHENING ENVIRONMENTAL PROTECTION

The CWA has greatly improved water quality. However, emerging threats and persistent problems alike require new vigilance. The Clinton initiative will:

Strengthen State nonpoint source programs by including enforceable minimum controls in selected waters

In conjunction with other Federal agencies and States, EPA should establish national guidance for best available management measures to control nonpoint pollution. Measures should consider costs and be broad and flexible enough for local tailoring.

States should apply their nonpoint programs, including best available management measures, to existing nonpoint sources in targeted waters whose quality is impaired, threatened or deserves special protection, and to new sources State-wide. Site-specific plans and adaptations to local soils and climates should be encouraged if they are as effective as EPA's guidance.

After an initial five-year implementation period, another five years should be allowed for any added controls needed to meet water quality standards. States or if necessary the Federal government should ensure compliance with State-set management measures. Federal agencies must carry out State NPS programs on Federal lands just as non-Federal entities do elsewhere.

Establish more current and comprehensive water quality standards, including a broader effort to control or prohibit the multi-media release of the most persistent toxic substances

States should implement water quality standards programs in cooperation with EPA and other Federal agencies. EPA should develop criteria and implementation guidance based on current science, and should set such development priorities based on risk and effectiveness. States should be required to expeditiously adopt standards consistent with EPA criteria. Criteria should be automatically converted into State standards if the State fails to act. The CWA should also require protection against unacceptable degradation of special value waters.

Where release of the most toxic, bioaccumulative and persistent pollutants poses substantial health and environmental risk and contributes to water quality impairment, EPA should have broader ability to control or prohibit them.

Strengthen federal, state, and private citizen enforcement of the requirements of the Clean Water Act

The Administration proposes Federal and State authorities for more efficient, effective, innovative enforcement, to deter violations and encourage compliance. We would streamline and strengthen enforcement provisions, involving criminal, civil, administrative, and enforcement options, and make CWA enforcement powers consistent with comparable environmental laws. The Administration will also strengthen citizen enforcement -- which complements government enforcement.

Compliance should begin at home. The federal government must obey the Act, and so Congress should expand the waiver of sovereign immunity, and establish means for Federal enforcement against Federal facilities.

Actively promote ecosystem protection and pollution prevention

Federal agencies should, on request, help States, Territories, and eligible Tribes with all appropriate work on watershed planning and management. We propose that States, Territories, and Tribes that choose to engage fully in watershed management would have greater flexibility to (1) tailor NPS management to local conditions; (2) focus point source program resources on critical problems in key watersheds; (3) address interconnected ground water and surface water concerns; (4) weigh trading opportunities between nonpoint and point sources; (5) target the State Revolving Fund (SRF) and CWA grants to eligible, priority watershed activities, including riparian restoration; and (6) establish high priority for federal funds and technical aid for wetlands activities (e.g., identification, mitigation banks, functional evaluations and restoration plans).

Complementing this holistic approach, the Act should allow NPDES and pretreatment programs to require industrial dischargers to consider pollution prevention approaches, to help encourage recycling and pollutant source reduction. The effluent guidelines program should be streamlined, and regularly updated to focus on reducing the greatest health and environmental risks.

REDUCING COSTS AND IMPROVING EFFICIENCY

The CWA rigidly requires all municipalities and industries to meet technology and water quality standards for storm water discharges and combined sewer overflows. The Clinton initiative will:

Reduce by four-fold the potential cost of storm water controls while achieving water quality benefits by targeting actions to select urban areas

Wet weather runoff from storm water discharges can severely degrade water quality, but CWA mandates must address this problem more fairly and effectively. Point source (National Pollutant Discharge Elimination System, or NPDES) permits now regulate such runoff from most industries and from municipalities with populations over 100,000. The Act should apply permit requirements -- using targeted controls -- to certain urban areas with populations of 50,000 or greater, ending requirements for smaller cities. Remaining sources -- smaller cities, commercial enterprises, and light industries -- should be addressed by enhanced State NPS programs or watershed programs.

Before requiring compliance with water quality standards, EPA and States should be allowed first to require best management measures for municipal storm water discharges. Where municipalities choose to regulate industrial storm water discharges to storm sewers, they should be allowed to displace EPA or State regulation. Finally, to encourage prevention of storm water pollution, industrial facilities that are permanently sheltered from wet weather should be exempted from NPDES storm water permits.

Reduce by four-fold the potential cost of combined sewer overflow controls while still achieving designated water uses

Representatives of EPA, the States, cities and environmental groups have agreed on a new policy on CSO controls. Both costs and environmental impacts in this area are very high. The draft policy should be codified in the Act. We also recommend removing the SRF's 20 percent funding limit on fixing CSOs to provide the much-needed funding for CSO control. By aiming resources at the most critical problems, the policy will produce cost-effective benefits, particularly for recreation and commercial fishing.

PROMOTING TECHNICAL INNOVATION AND MARKET-BASED APPROACHES

The Act fails to encourage innovative technologies and market-based approaches that can achieve environmental goals more efficiently. The Clinton initiative will:

Give permittees more compliance time if they adopt innovative technologies

EPA and States should be able to give NPDES permittees enough time and flexibility to adopt new technologies that offer more effective, cheaper pollution prevention or control than current methods. EPA could explore national standards for discharges from Department of Defense vessels as an incentive to develop innovative technology for marine pollution controls.

Encourage appropriate trading as a way to achieve cost-effective attainment of water quality standards within a watershed

Market-based approaches, including certain types of pollutant trading and State-imposed, risk-based effluent charges, may help the efficient attainment of water quality goals. When a water body receives point and nonpoint pollutants with similar effects, pollutant sources may be able to reallocate or exchange their tasks of pollution reduction.

However, in any trading scheme, point sources must continue to meet technology-based requirements. Because toxic pollutants often have localized effects, trades must consider such possible effects near the discharges and throughout the watershed. The CWA should recognize and encourage trading and State-imposed effluent charges as means to improve water quality and should authorize demonstration programs to explore the benefits of trading.

IMPROVING FLEXIBILITY

The Act now impedes State action on priority problems due to overly cumbersome procedures and statutory priorities that do not match State priorities. We propose to:

Allow States to establish new management frameworks that focus resources on the most critical problems in priority watersheds

States, Territories and Tribes that undertake watershed management should convene teams comprised of individuals from all affected governments, communities, and the private sector. Each team would define environmental objectives, identify causes of water ecosystem degradation, and develop and implement Watershed Management Plans. Among other things, plans will contain voluntary and mandatory actions to reduce point and nonpoint source pollution, improve water quality, and protect and restore aquatic habitats.

EPA, with other Federal agencies, will contribute guidance, technical and financial aid, and periodic review of State watershed management programs. These "designer partnerships" on a watershed basis will break the one-size-fits-all paradigm.

Authorize multi-purpose water grants for States that do watershed management, with flexibility and streamlined administrative requirements

As an incentive for the watershed approach, the CWA should consolidate existing State grants into one multi-purpose water grant (excluding the SRF). States could manage Federal funds through a single workplan, insuring basic activities enabling States to shift funds to high priorities.

Expand SRF funding eligibility to a wider range of activities

The SRF authorization expires this year. The Act should reauthorize the SRF and clarify that SRF eligibility is limited to municipalities but should expand their project eligibility to include riparian habitat restoration in priority watersheds; control of all municipal pollution sources; and programs promoting water conservation and pollution prevention. Congress should streamline program requirements to reduce costs.

BUILDING STATE AND LOCAL CAPACITY

The Administration recognizes that we can solve our water quality problems only with the synergism of partnerships throughout the Nation. Pooling our skills and resources, we will maximize environmental and economic benefits. Reauthorization of the CWA is a timely opportunity to spur national policy towards designer partnerships, empowered to try collaborative solutions. Partnerships must also include strategies to help State and local governments surmount the financial challenges they face in achieving CWA goals.

As a part of this effort, EPA should substantially consult with and involve state and local governments which are co-regulators in the relevant regulatory and other decision-making processes under the CWA. This clean water initiative creates a statutory environment in which that consultation and involvement can occur. Specifically, the Clinton initiative will:

Building on a Clean Air Act idea, help States collect sufficient clean water program funds through permit fees and other means

States must adequately fund authorized programs through State appropriations, other funding, or permit fees to recover the costs of the NPDES, pretreatment and sludge programs. EPA should be authorized to collect the fee if the State does not collect sufficient funds, and wherever EPA operates the NPDES program. Funding should cover the costs of developing and administering point source regulations, standards, guidance, and permits; monitoring compliance and quality assurance; ambient monitoring; developing and maintaining an inventory of regulated entities; and developing and administering any fee system.

Increased permit fees should also be imposed when the Army Corps of Engineers or authorized States issue Section 404 permits. These fees would recover program costs, enhance program efficiency and facilitate wetland protection. Fees should minimize financial effects on small landowners.

Capitalize the SRF to ensure its long term integrity, and streamline the SRF administrative process

The SRF has been crucial to improving municipal sewage treatment. The Administration proposes authorization levels of \$2 billion per year through 1998, then falling until 2003 as SRF annual repayments reach a stable level of about \$2 billion.

Support Indian Tribes which seek to develop and administer integrated water quality programs

The CWA should foster assumption of water quality programs by Indian Tribes. EPA should be authorized to provide a broad program grant for Tribes to develop "integrated" water quality programs tailored to their specific needs, and boost to 1% Tribal set-asides in Title VI treatment works construction funding.

FOSTERING ENVIRONMENTAL JUSTICE

The Clinton initiative recommends CWA changes to enhance protection of all the people from environmental hazards. It will:

Allow States to use the SRF for disadvantaged community needs

While the long-term integrity of the SRF must be preserved, the Administration also believes that some disadvantaged communities, small or large, need particular help. We propose to allow States to use up to 10% of each year's loan volume for negative interest loans (down to -2%), or similar assistance. This aid should be given only if a community demonstrates that it cannot meet the State affordability criteria even after exhausting all other options for financial assistance.

Improve quality of life for all, regardless of ethnicity, race or income, leaving no group bearing a disproportionate burden of the consequences of environmental pollution

When setting CWA program priorities, EPA must involve the public to ensure consideration of all population groups. EPA should be authorized to develop guidance on fish advisories to ensure protection of people in cultural groups who consume more fish than the national average, such as subsistence fishers.

Also, the new framework for watershed management proposed here would advance consideration of critical problems in priority watersheds regardless of race, ethnicity or income. Watershed activities should engage all affected groups, empowering local communities through partnerships. Particularly, the CWA should give urban watersheds high priority, and authorize SRF use for riparian restoration in such watersheds.



— President Clinton's Clean Water Initiative

How the New Clean Water Act Will Strengthen Environmental Protection

The Clean Water Act has dramatically improved water quality since its enactment in 1972. Yet, forty percent of the nation's rivers and lakes are still not suitable for fishing or swimming — in large part because of wet weather pollution from city streets, suburban yards, and farm fields. Approximately 1,400 water bodies have been degraded by pesticides, organic chemicals, and metals that state authorities have had to limit public consumption of fish and shellfish. In addition, up to seventy percent of the nation's valuable streamside habitat has been or severely impaired.

President Clinton's initiative includes strong actions to control polluted runoff, to eliminate highly toxic contaminants, and to assure that polluters comply with the law. It achieves these goals in new ways — by empowering communities, by encouraging pollution prevention, and by focusing resources toward the most important problems first.

■ **Controlling Polluted Runoff**

Falling rain and melting snow wash pollutants such as fertilizers, motor oil, pesticides, and sediment into rivers, lakes, and coastal waters. In many of the nation's largest cities, combined storm and sanitary sewers overflow during wet weather, contributing raw sewage and other pollutants to local waterways. The Administration's proposal provides new direction in three key areas:

State Nonpoint Source Programs

Upgrade to implement best available management measures for sources causing water quality impairments within seven and one-half years;

Phase in a transition from voluntary to regulatory approaches that will include back-up enforcement to assure timely implementation.

Combined Sewer Overflows

Require permits that are developed by states and municipalities on a site-specific basis for weather overflows and include new enforcement actions for dry weather overflows;

Be fully eligible for funding from State Revolving Loan Funds.

Stormwater Controls

Target areas and facilities that pose the highest risk and provide states and municipalities with flexibility to implement the program;

Encourage pollution prevention by exempting facilities and activities that are not exposed to precipitation.

■ Eliminating Toxic Pollutants

Despite dramatic progress in reducing toxic pollution since enactment of the Clean Water Act, the discharge of certain toxics continues to contribute to serious environmental and health problems. Some toxics are extremely harmful in small quantities. Others build up in the food chain to produce adverse effects in fish and wildlife — and in the people who consume them. Emerging scientific evidence links certain pollutants not only to cancer, but also to neurological, reproductive, developmental and immunological adverse effects. The Administration's proposal will:

Persistent Toxics

Strengthen authority to restrict or prohibit the discharge of highly toxic and bioaccumulative pollutants;

Authorize a new strategy to control the use of chlorine and chlorinated compounds to reduce risk to human health and the environment.

Pollution Prevention

Encourage pollution prevention to be considered in development of effluent guidelines and best management practices.

Multi-Media Controls

Reduce water pollution from air and land sources where this is the most efficient means to control pollution and where other environmental laws are ineffective to reduce risk.

■ Improving Compliance With The Law

A vigorous enforcement program is essential to encourage voluntary compliance, to deter violations, and to achieve the ambitious goals of the Clean Water Act. Compliance should begin at home: the federal government must obey the Act and assure that its activities do not contribute to water quality degradation. Citizens should be fully empowered to sue polluters, and lawbreakers should not realize any economic benefit for failing to purchase the equipment or hire the personnel necessary to comply. The Administration's proposal will:

Federal Facility Compliance

Allow states and citizens to sue the Federal government for penalties when a federal facility violates the Clean Water Act;

Create a new procedure which allows EPA to enforce the law against Federal facilities.

Citizens Suits

Strengthen citizens' rights by allowing suits for violations that took place within the Act's five-year statute of limitations.

Profit Prevention

Require courts to assess penalties at least equal to the economic gain realized by the polluter for not complying with the law.



— President Clinton's Clean Water Initiative

Economic and Environmental Benefits of the New Clean Water Act

A recent poll indicated that 77% of the American people want government to do more to assure clean water across the country. President Clinton's proposals will greatly advance the vital work of achieving clean water nationwide. The net cost savings over the requirements of the existing Law is estimated at \$30 billion, although the proposal will require an additional \$6 billion per year, approximately a 9% increase.

As a nation, what would we buy for that incremental boost in our water quality investment? What difference would people — the swimmer, the waterside hiker, the recreational or commercial angler or boater — see in local waterways?

■ **Massive Cost Savings to Taxpayers and Businesses**

The initiatives slash the cost of existing mandates by over 90% for municipalities (\$12 billion/year) and businesses (\$15 billion/year) to reduce combined sewer overflows and stormwater flows.

Future, public-private price tags would be cut for complying fully with the Clean Water Act by over 82% — \$30 billion/year — while gaining virtually the same environmental benefits.

Taxpayers and consumers will save up to \$3.6 billion in waterway dredging costs and \$500 million in Superfund cleanups of contaminated sediments by risk-based declines in toxic flows.

■ **More Clean Waters We Can Use**

People in 13 million households nationwide could fish where quality violations now put their waters off limits; 19 million more households would find newly swimmable conditions locally.

We will return more waters to fishable-swimmable condition: about 180,000 miles of river, 5 million acres of estuaries (the great bays of our nation), and 8.4 million acres of lakes.

Millions of beach users would find frequent closures a thing of the past; over 10,000 acres of shellfish beds would reopen. Beneficial ripple effects for small businesses could be huge. Annually, these benefits would range from \$1-\$6.5 billion.

■ **Better Public and Ecological Health**

With far less untreated sewage and urban runoff flowing into our waters, we will eliminate 1.4-3.2 million cases of intestinal disease annually from bacteria and viruses.

These proposals launch a multi-pronged attack on both disease-causing pathogens and the nutrients and silt that ruin aquatic habitat by algae blooms, lower dissolved oxygen and blight of grasses in lakes and estuaries and spawning grounds in rivers.



— President Clinton's Clean Water Initiative

Empowering States, Cities, and Communities

Cities, states, and communities throughout the nation all share important responsibilities in implementing the Clean Water Act. Current funding shortfalls, however, present significant impediments to achieving the Act's goals, especially for emerging challenges such as controlling wet weather flows and eliminating highly toxic contaminants. The existing Act also presents bureaucratic obstacles in the form of various grant criteria, funding caps, and reporting requirements.

The Clinton Administration Initiative assures new funds for state and local programs and provides new flexibilities to meet the goals of the Act. It responds to the special needs of disadvantaged communities, particularly those that may be disproportionately impacted by pollution.

■ **Assuring Adequate Funding**

The principal federal program that provides capital funds for the construction of wastewater treatment and other facilities terminates in 1994. In addition, existing permit fees do not recover federal and state costs for implementing Clean Water Act permit programs. The Administration's proposal will:

Authorize up to \$2 billion annually for State Revolving Loan Funds through fiscal year 1998 and reduced authorizations through fiscal year 2004;

Authorize new permit fees sufficient to recover federal, state, and tribal costs of operating Clean Water Act programs.

■ **Improving Flexibility and Cutting Red Tape**

The existing statute establishes numerous grant programs — each with separate application and reporting requirements. It also includes limitations on the types of projects that are eligible for funding under the Act's principal State Revolving Loan Fund. The Administration's proposal will:

Expand the use of federal funds for other priorities such as pollution prevention, water conservation, and streamside restoration; and simplify Revolving Loan Fund requirements to assist local communities;

Allow grant consolidation and multi-year workplans for states electing to use a flexible watershed approach to protect their waters.

■ **Achieving Environmental Justice**

Many disadvantaged communities are poorly equipped to apply for or secure loans at affordable rates for installing wastewater treatment. Some communities may be disproportionately impacted by pollution, particularly those that rely for subsistence upon fish that may be contaminated. The Administration's proposal will:

Allow zero interest and negative interest loans with extended repayment periods for needy communities;

Encourage states to develop restoration and protection actions for urban watersheds.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

NATURAL RESOURCES, ENERGY AND SCIENCE

ROUTE SLIP

TO:	Distribution	Take necessary action	_____
		Approval or Signature	_____
		Comment	_____
		Prepare Reply	_____
		Discuss with me	_____
		For your Information	_____
		See Remarks Below:	<u> X </u>

FROM: T.J. Glauthier

DATE: February 6, 1994

REMARKS:

Attached is a copy of the OMB-coordinated cost analysis of the final Administration position on Superfund reauthorization.

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cc: (w/o attachment)
Bo Cutter
Katie McGinty
Bob Sussman



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 2, 1994

MEMORANDUM FOR: Katie McGinty, Office on Environmental Policy
Bo Cutter, National Economic Council
Robert Sussman, Environmental Protection Agency

FROM: T.J. Glauthier, Office of Management and Budget

SUBJECT: Economic Analysis of Superfund Reauthorization

This memorandum completes the economic analysis of the Administration's policy decisions for Superfund reauthorization. This analysis reflects the final changes to the Administration's proposals, based upon detailed economic analysis of the major provisions and our best estimates of the effects of the final changes. It includes budget estimates for the Fund and other Federal agencies and includes estimates for an insurance resolution fund.

The analysis uses EPA analytical models and data estimates provided by EPA and other agencies. The baseline assumptions about insurers' transactions costs reflect the most current insurance industry information. It should be recognized that there is a high degree of uncertainty regarding baseline transactions costs of both insurers and PRPs, and about the effects of the Administration's reform proposals on these and other costs. A description of all key assumptions about the baseline and expected effects of proposed reforms is included as Attachment B.

The results in this memo are presented as annual pre-tax incremental costs relative to a current law, steady-state baseline. The increments are shown in ranges that bound the most likely effects of potential remedial action costs savings. These are based on the combined effects of establishing national cleanup goals, incorporating land use assumptions, generic remedies, and other reforms. As before, the analysis is limited to costs. There is no corresponding benefits assessment.

I. Overall Results

The overall effect of the Administration's proposed changes to Superfund would be to yield significant savings in the cost of the program for both the private sector and the Federal government. Overall, the changes are estimated to lead to savings of 16 to 22 percent in the national cost of the Superfund program, or about \$1.4 billion to \$1.9 billion annually.

Table 1 summarizes the results of the analysis. The core reforms to the program's cleanup requirements and settlement litigation account for the majority of the overall savings in the proposal, and virtually all of the savings that are estimated for the Fund, States, and Federal facilities. The insurance resolution fund would provide significant additional savings in transactions costs for insurers and PRPs. Both the core reforms and the proposed insurance resolution fund are described in more detail in later sections.

Table 1
Summary of Total Annual Savings
(\$ in millions)

	Fund/States	PRPs/Insurers	Other Federal Agencies	Total All
Core Reforms:				
Savings	+330 to +400	-530 to -670	-1,040 to -1,300	-1,160 to -1,640
% Change	+22% to +27%	-23% to -28%	-21% to -26%	-13% to -19%
Insurance Resolution Fund:				
Savings	—	-225 to -270	—	-225 to -270
% Change	—	-10% to -11%	—	-3%
Total Changes:				
Savings	+330 to +400	-750 to -930	-1,040 to -1,300	-1,390 to -1,900
% Change	+22% to +27%	-32% to -40%	-21% to -26%	-16% to -22%

The major savings for the private sector, both responsible parties and their insurance carriers, would come from reductions in cleanup costs as a result of increased flexibility in land use and remedy selection decisions and reductions in transactions (litigation) costs as a result of mechanisms for more and simpler settlements. These reductions in private-sector costs are projected to be 32 to 40 percent, or \$750 million to \$930 million annually. About 30 percent of private-sector savings would result from the proposed insurance resolution fund.

The costs to the Superfund and States would increase with the reforms approximately 22 to 27 percent, or \$330 million to \$400 million annually. More than offsetting these increases, however, is the expected savings in Federal spending to clean up Federal facilities, such as those of the Department of Energy and the Department of Defense. The estimated savings at Federal facilities would be 21 to 26 percent, or \$1.0 billion to \$1.3 billion annually. Savings for these Federal agencies could be used to accelerate the pace of cleanups at these facilities.

II. Core Set of Reforms

The core set of reforms include proposed revisions to Superfund's remedy selection provisions, to the allocation and settlement procedures, and a range of other changes. These are expected to result in savings in the range of \$1.2 billion to \$1.6 billion annually, or 13 to 19 percent of steady-state baseline costs of the entire Superfund program, including all Federal and non-Federal parties. Table 2 shows the effects of the core reforms on program costs. Attachment A shows these effects in greater detail.

Table 2
Annual Savings from Core Reforms
(\$ in millions)

Core Set of Reforms	Fund/States	PRPs/Insurers	Other Federal Agencies	Total All Parties	Percent Change from Baseline
Effect on:					
Cleanup	-100 to -160	-100 to -220	-1,030 to -1,290	-1,230 to -1,670	-19% to -25%
Transactions	+90	-180	-	-90	-9%
Administration	+180 to +190	-20 to -40	0 to -10	+130 to +160	11% to +14%
Mixed Funding:					
- Non-viable parties	+110 to +120	-110 to -120	-	0	na
- Municipal Solid Waste	+40	-40	-	0	na
- Limited Ability to Pay	+40	-40	-	0	na
Cost Recoveries	+30 to +40	-30 to -40	-	0	na
Total	+330 to +400	-530 to -670	-1,040 to -1,300	-1,160 to -1,640	-13% to -19%
Percent Change	+22% to +27%	-23% to -28%	-21% to -26%	-13% to -19%	

There are several key assumptions underlying these estimates. For example, the analysis assumes that 30 to 50 percent of future sites would be classified as industrial or restricted land use under the proposed reforms, whereas nearly all sites are now cleaned up to a residential land use standard. Transactions costs savings are based on the assumption that 80 percent of PRPs would settle following completion of the allocation process. These and other key assumptions are critical to achieving the estimated levels of savings from the core reforms.

estimated levels of savings from the core reforms.

The analysis reveals that the core set of reforms produce significant overall cleanup cost savings of 19 to 25 percent, when savings at Federal facilities are included. The largest dollar portion of these savings are expected in the cleanups of the Department of Energy and Defense facilities, because of the magnitude of these programs. In terms of net transactions costs savings, the proposed changes to the allocation system are expected to yield 9 percent savings.

The proposals for mixed funding (partial Federal funding) of cleanups are estimated to increase Fund costs \$180 million to \$200 million annually. About 60 percent of this amount (\$110 million - \$120 million) is to fund the share of costs allocated to non-viable parties, including non-viable parties' shares at Federal mining sites. The proposal to cap at 10 percent the share of total site cleanup costs allocated to generators and transporters of municipal solid waste is estimated to increase Federal costs \$40 million annually. The proposal to consider the ability to pay of municipalities and small businesses in settlements with these parties is estimated to increase Federal costs an additional \$40 million annually.

III. Federal Budget Effects of Core Reforms

Table 3 summarizes the estimated effects on Federal budget spending of the core reforms. These estimates reflect assumptions about the rate at which the reforms phase-in and actually affect Federal program spending.

Table 3
Potential Budget Spending Impacts Due to Core Reforms
on Superfund and Other Federal Agencies
(\$ in millions)

Superfund	Year 1	Year 2	Year 3	Year 4	Year 5
\$ Change	\$120	\$270 to \$280	\$320 to \$350	\$280 to \$340	\$330 to \$360
% Change	7%	17%	20% to 21%	18% to 21%	21% to 23%
Other Federal Agencies					
\$ Change	\$0	-\$60	-\$210 to -\$260	-\$720 to - \$900	-\$930 to -\$1,160
% Change	0%	-1%	-4% to -5%	-14% to -18%	-17% to -22%

The analysis indicates net Federal cost increases in the first three years of implementation of the reforms, with significant net cost savings beginning in the fourth year and continuing

development activities, which would begin to take effect soon after the reforms are enacted. The budget estimates also include several new program authorizations, including the citizen information and access offices and environmental justice demonstration projects, and increased authorization amounts for the Agency for Toxic Substances and Disease Registry and the National Institute of Environmental Health Sciences.

The increased net cost to the Fund of the reforms is projected to be about \$330 to \$360 million by the fifth year of implementation. In addition, the reforms are estimated to result in a net reduction of cost recoveries to the Fund from private parties of \$30 to \$40 million annually when fully implemented.

The majority of savings from the proposed remedy selection reforms for both EPA and other Federal agencies do not begin until the third and fourth years of implementation as new sites enter the cleanup phase. As noted above, these savings would come primarily from reduced costs of cleanup at DOE and DOD sites. These savings might be used to accelerate the pace of cleanup.

IV. Establishing an Insurance Resolution Fund (IRF)

The analysis of the proposed insurance resolution fund shows an incremental reduction in PRP and insurer transactions costs over the core reforms of \$225 to \$270 million annually, primarily from savings in disputes over insurance coverage. Table 4 shows the IRF funding requirements under low and high-range estimates of remedial action costs savings from the core reforms, and under three natural resource damages (NRD) cost scenarios.

Table 4
Insurance Resolution Fund Analysis Summary
Annual Fund Requirements Under Steady-State Conditions
(\$ in millions)

Average Offer	Insurance Resolution Fund Requirements					
	No NRD Costs		Low Range NRD Costs		High Range NRD Costs	
	Low Core Reform Savings	High Core Reform Savings	Low Core Reform Savings	High Core Reform Savings	Low Core Reform Savings	High Core Reform Savings
30% Offer	300	270	310	300	380	340
40% Offer	400	350	440	390	500	450
60% Offer	590	520	650	710	740	670

The size of the IRF under steady-state conditions without including natural resource damages is estimated to be \$270

million to \$590 million annually. This range is broad primarily because of uncertainty regarding the average size of IRF offers, which are estimated to range from 30 to 60 percent of total costs at a site.

Including natural resource damages increases IRF requirements to \$300 million to \$740 million annually, although there is great uncertainty regarding the likely size of natural resource damages costs. These costs, which are associated with new sites that complete the allocation process, would be phased-in over the first several years of implementation. In addition, the proposal includes IRF funding of about \$3.0 billion in existing cleanup costs incurred by PRPs. It is expected that these costs would be paid from the IRF over the first eight years of implementation.

Attachments

Summary of Total Savings

(\$ in millions)

	Superfund/States/PRPs/Insurers								Other Federal Agencies					Total All Parties					
	Baseline	Fund/States		PRPs/Insurers		Total		% Change		Baseline	Low	High	% Change		Baseline	Low	High	% Change	
Core Set of Reforms																			
Baseline	3,836		1,501		2,335		3,836			4,994					8,830				
Effect on:																			
Cleanup	2,102	(101)	(162)	(98)	(221)	(199)	(383)	-9%	-18%	4,563	(1,035)	(1,288)	-23%	-28%	6,665	(1,234)	(1,671)	-19%	-25%
Transactions Costs	1,026	85	85	(177)	(178)	(92)	(93)	-9%	-9%	0	0	0	--	--	1,026	(92)	(93)	-9%	-9%
Administration/Other	708	188	176	(22)	(38)	166	138	23%	19%	431	(4)	(10)	-1%	-2%	1,139	162	128	14%	11%
Mixed Funding:																			
- Non-viable Parties	0	111	98	(111)	(98)	0	0	--	--	0		0	--	--	0		0	--	--
- Limited Ability to Pay	0	40	40	(40)	(40)	0	0	--	--	0		0	--	--	0		0	--	--
- Municipal Solid Waste	0	41	36	(41)	(36)	0	0	--	--	0		0	--	--	0		0	--	--
- Mining Sites (non-viable)	0	12	10	(12)	(10)	0	0	--	--	0		0	--	--	0		0	--	--
Cost Recoveries	0	28	44	(28)	(44)	0	0	--	--	0		0	--	--	0		0	--	--
Total Core Reforms		404	327	(529)	(665)	(125)	(338)	-3%	-9%		(1,039)	(1,298)	-21%	-26%		(1,164)	(1,636)	-13%	-19%
Percentage Change		27%	22%	-23%	-28%	-3%	-9%												
Additional Effects of an Insurance Resolution Fund																			
Effect on Transactions Costs		--	--	(225)	(267)	(225)	(267)	-6%	-7%		--	--	--	--		(225)	(267)	-3%	-3%
Combined Effect with Core Reforms and Insurance Fund																			
Percentage Change	3,836	404	327	(754)	(932)	(350)	(605)	-9%	-16%	4,994	(1,039)	(1,298)	-21%	-26%	8,830	(1,389)	(1,903)	-16%	-22%

Note: The low and high ranges bound the most likely effects of potential remedial action costs savings.

SUPERFUND REAUTHORIZATION SUMMARY OF COST SCENARIOS

I. CURRENT PROGRAM BASELINE

All assumptions in the November 22nd baseline remain unchanged with the following exceptions:

- PRP costs for cleanup activities are assumed to be 80% of public-sector costs.
- Single-party sites are assumed to be 16% of all sites.
- PRP transactions costs for insurance coverage disputes are assumed to be \$150 million annually.
- Insurers costs: \$400 million total, of which: \$150 million is related to transactions costs for coverage disputes; \$150 million is related to "duty-to-defend" transactions costs; and \$100 million is indemnification.
- Department of Justice litigation costs are \$32 million.

II. COST SCENARIO FOR CORE POLICY REFORMS

Major features:

- Retain retroactive liability.
- Other policy options to be used for the purposes of this evaluation are as follows:

LIABILITY POLICY OPTIONS

De minimis/De micromis parties

- Give contribution protection and liability releases to de minimis (i.e., <1% volumetric share) and de micromis parties (i.e., <<1% volumetric share) that settle with the government, and categorically exempt de micromis municipal solid waste (MSW) generators.

Allocation procedure

- Establish a non-binding allocation procedure to determine the share of response costs for all non-early settlement PRPs, including orphan shares. *(Cost savings are assumed at sites with two or more PRPs. Critical assumptions made in this analysis are: 1) a non-binding allocation system would achieve settlements at 80% of sites; 2) savings of 90% in transactions costs related to contribution actions, which are assumed to be one-third of total PRP transactions costs, would be achieved at sites with settlements, and 25% savings at sites without settlements; and 3) savings of 25% in PRP transactions costs related to pre-remedial activities, which are assumed to be two-thirds of total PRP transactions costs, would be achieved at sites with settlements.)*

Orphan Share

The Fund would pay orphan shares related to:

- the full share of all costs allocated to non-viable parties, including non-viable parties at Federal mining sites. *(Based on EPA's analysis, non-viable parties are assumed to be at 67% of enforcement sites, with an average share allocated to non-viable parties at these sites of 17%. Estimates of non-viable parties at Federal NPL mining sites are based on Interior and USDA analysis.)*
- costs allocated to small businesses and municipal parties that are in excess of settlements reached between EPA and these parties based on a demonstrated limited ability to pay. *(This analysis assumes that this provision would result in an orphan share of \$40 million annually. This estimate is preliminary, pending further analysis.)*
- costs allocated to MSW contributors in excess of the 10% MSW cap.

Cap Municipal Liability

- Cap the liability of all generators and transporters of MSW, including municipalities, at an aggregate share of 10% of site cleanup costs. *(Based on available data, 25% of all NPL sites are assumed to contain MSW. The share of costs that would be allocated to all contributors of MSW at multi-party sites is assumed to be 25% in the absence of a cap. The average EPA settlement with MSW contributors at each site is assumed to be 7% of total cleanup costs.)*
- Bar third-party claims against MSW contributors that settle with the United States.

Limit Federal Liability at Mining Sites

- USDA and Interior would not be liable as "owners" of mining sites when acting only as Federal land managers.
- These agencies would remain subject to CERCLA section 120 and would finance response activity where they are unable to locate viable PRPs.

Cost of the Allocation Process

- PRP search costs (supporting allocation, de minimis, de micromis, municipal solid waste settlements) are assumed to be 2.5 times the current \$14 million expense, which would result in a \$21 million increase to Superfund steady-state costs.
- DOJ litigation costs would increase \$15 million annually related to litigation with non-settling parties.
- EPA's costs to administer the allocation process are assumed to \$18 million annually, and are assumed to be recovered from PRPs.

REMEDY SELECTION

National Goals/Land Use

- Cost savings associated with establishing national goals, consideration of reasonable future land use, eliminating the statutory preference for permanence and treatment, and eliminating State relevant and appropriate standards (RARs) are included in this

section of the analysis. The incremental effects of each of these factors, however, cannot be disaggregated with any degree of precision.

- Savings estimates in this analysis assume that EPA would develop national cleanup goals based on risk ranges at sites with residential, industrial, and restricted land uses.
- *Estimated national savings are based on two alternative land use scenarios for Superfund cleanups: 1) residential land use at 70% of sites, industrial land use at 29%, and restricted land use at 1%; and 2) residential land use at 50% of sites, industrial land use at 48%, and a "restricted" land use at 2%. Savings represent percentage reductions in remedial action costs based on these assumptions and the effects of elimination of the preference for permanence and State RARs.*

	<i>Land Use Assumptions</i>	
<u>Nat'l Cleanup Goal:</u>	<u>70%/29%/1%</u>	<u>50%/48%/2%</u>
<i>Lower cost savings</i>	<i>-11%</i>	<i>-16%</i>
<i>Higher cost savings</i>	<i>-29%</i>	<i>-35%</i>

For this analysis, a range of savings are developed based on the risk range/land use combinations (highlighted above) that achieve savings of -16% to -29%. Savings estimates based on these assumptions were adjusted to account for provisions in the final proposal to retain more stringent State applicable standards, potential clean up to background levels, require treatment of hot spots, and not consider costs in establishing cleanup goals in remedy selection. Savings reductions of \$30 million for the Fund, \$60 million for PRPs, and \$140 million for other Federal agencies were taken to account for these factors.

Increase Early Actions

- Increase use of removal or interim remedial actions to achieve more immediate risk reduction.
- Increase dollar limit on removal from \$2 million to \$6 million per site.
- This may decrease the costs of or obviate the need for remedial actions. *(Cost savings for early actions are assumed for 22.5% of all sites, based on an "early action" at all Fund-lead sites (30% of all sites) with groundwater contamination (75% of all sites). Early actions are assumed to save \$2 million per early action site.)*

Cleanup Technologies

- Allow a deferral in conducting remedial action at sites where existing technologies are not feasible. *(For this analysis, it is assumed that 3% to 5% of EPA sites would be affected by this deferral, and that savings of 50% of remedial action costs would be achieved as a result of the deferral at these sites.)*

Generic Remedies

- Use generic remedies for certain classes of sites, thus streamlining the analysis of technical alternatives. *(Assumes costs savings in remedial investigations (-10%), feasibility studies (-20%), and sampling and laboratory analysis (-7.5%).)*

STATE ROLE

Eliminate State Relevant and Appropriate Standards (RARs)

- Superfund cleanups would be to Federal cleanup standards at all Fund-financed remedial actions (Federal or State-lead).
- States may select remedies achieving standards more stringent than Federal and State applicable standards, but States must pay excess costs necessary to achieve those standards. *(Savings for elimination of State RARs are included in estimated savings from remedy selection changes. This analysis assumes that, in some instances, States would select remedies to achieve State applicable standards that are more stringent than Federal standards.)*

State Authorization

- State program authorization would provide qualified States the opportunity to take the lead role at sites of Federal interest within the State.
- Authorized States may choose to address only certain categories of sites (for the first 5 - 6 years).
- At all authorized sites, States would select remedies and would be able to use Fund money for response activities.

State Retention of a Percentage of Cost Recoveries

- Authorized States may retain 5% of the Federal costs recovered through State cost-recovery actions.

State Cost Share

- States may choose either current law State cost-sharing requirements or a 15% State cost share of all amounts allocated to the State from the Fund. *(This analysis assumes that these options provide equivalent levels of State cost sharing.)*

HEALTH AND RESEARCH

Agency for Toxic Substances and Disease Registry (ATSDR)

- ATSDR's authorization would be increased \$20 million per year.

National Institute of Environmental Health Sciences (NIEHS)

- NIEHS' authorization would be increased \$20 million per year (phased-in over 3 years).

COMMUNITY PARTICIPATION

Citizen Information and Access Offices (CIAOs)

- Establish and implement CIAOs with an annual authorization of \$50 million.

ENVIRONMENTAL JUSTICE

Demonstration Projects

- Establish demonstration projects in communities across the country that look at the cumulative impact of exposure to numerous contaminated sites or other pollution sources. Develop methods to assess cumulative health and environmental impacts and develop strategies for voluntary or otherwise non-regulatory mitigation. *(This analysis assumes costs of \$10 million FY 1995, \$30 million annually FY 1996-2000.)*

IV. COST SCENARIO FOR ESTABLISHING AN INSURANCE RESOLUTION FUND

- Establish a new insurance resolution fund (IRF). The trustees of the IRF would be appointed by the President and would be charged with administering the IRF consistent with current fiscal laws and sound fiscal policies.
- The objectives of the IRF would be (i) to ensure resolution of insurance claims by 95% of all PRPs who have CERCLA-NPL liability for disposal of waste or liability for removal action costs at non-NPL sites; and (ii) to drastically reduce insurance litigation costs. The IRF would also be authorized to resolve claims with PRPs for earlier costs incurred at NPL cleanups where coverage disputes have not been settled.
- To meet these objectives, the trustees would establish the criteria for the distribution of IRF funds in the form of resolution offers and payments.
- Each PRP would have the option of accepting the IRF offer or litigating against the insurance companies. The offered amount would apply to all PRPs and could not be rejected on a site-by-site basis. If the PRP accepts the IRF offer, it would waive any further claims against its insurance carriers for the costs and fees related to the cleanup at issue.
- If a PRP litigates and an insurance company is found liable, the insurance company would be reimbursed by the IRF for the amount of the IRF offer or the amount of the indemnity, whichever is less.
- IRF offers would include potential claims for Natural Resource Damages (NRD).

Major technical assumptions for costing this scenario:

- *Under the proposal, each State would be classified into one of three categories of IRF offers: 20%, 40%, or 60%. This analysis estimated costs for a range of average IRF offers across all States. The average offers used in this analysis are 30%, 40%, and 60% of total cleanup and NRD costs.*
- *All PRPs that participate in the allocation process (both PRPs that settle and those that don't) and can provide evidence of insurance coverage would be potentially*

eligible for IRF offers for their NPL sites. It is assumed that 90% of PRPs could provide evidence of insurance coverage.

- *The IRF offer would be accepted by 80% to 95% of all PRPs at NPL sites.*
- *PRP's insurance coverage dispute costs would be reduced 90% and PRP duty-to-defend costs would be reduced 10%, in those cases where a PRP accepts an IRF offer.*
- *Where the PRP does not accept the IRF offer, PRPs are assumed to prevail in 75% of the coverage dispute litigation, with insurers' liability ranging from 30% to 60% of site costs.*
- *Potential PRP's NRD assessment and restoration costs at NPL sites used in this analysis ranges from \$93 million to \$268 million annually.*
- *The sole source of funding for the IRF would be revenues from commercial liability insurance companies. All administrative and other costs would be funded by this revenue. Administrative costs to operate the IRF would be \$5 million annually, paid from IRF funds.*
- *The IRF would be a trust-revolving fund.*
- *Appropriations of revenues to the IRF would be mandatory and not subject to the existing discretionary spending caps.*

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

2 February 1994

TO: Co-Chairs, Administration Floodplain Management Task Force:
T.J. Glauthier, Associate Director, Office of
Management and Budget
→ Kathleen McGinty, Director, White House Office on
Environmental Policy
James R. Lyons, Assistant Secretary of Agriculture for
Natural Resources

FROM: BG Gerald E. Galloway, Jr.
Executive Director, Interagency Floodplain Management
Review Committee

SUBJECT: Mission Statement, Work Plan, List of Activities for the
Interagency Floodplain Management Review Committee

1. References:

a. Draft Mission Statement, Interagency Review,
1 December 1993, prepared by an interagency team and members of
the White House staff.

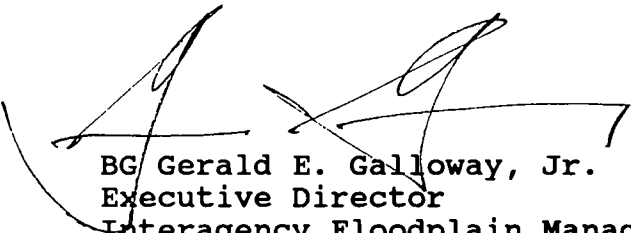
b. Your Memorandum, dated 10 January 1994, subject:
Directive on the Establishment of an Interagency Floodplain
Management Review.

2. Enclosed for your review and approval is the revised
mission statement (encl 1), which now includes a work plan for the
Committee. We propose to follow this work plan unless advised
otherwise.

3. During the period 1 December 1993 to 28 January 1994, the
draft mission statement (encl 2) was widely circulated among
Federal agencies, state and local governments and a variety of
interest groups. Numerous comments, both informal and formal,
were received, ranging from those of a governor to the head of a
small South Dakota Drainage District to several interested
individuals. Those comments and our analysis thereof formed the
basis for the revised mission statement. A complete list of those
who commented is enclosed (encl 3).

4. For your information, a list of the activities of the Committee during January 1994 and a list of proposed visits for February is enclosed (encl 4).

5 Encl as



BG Gerald E. Galloway, Jr.
Executive Director
Interagency Floodplain Management
Review Committee

CF: Will Stelle, OEP
Bruce Long, OMB
Marc Shaffer, OSTP
Tom Hebert, USDA

FLOODPLAIN MANAGEMENT REVIEW

MISSION STATEMENT

Introduction

Damages resulting from the heavy rainfalls and related flooding of 1993 in the Upper Mississippi and Lower Missouri River basins were some of the most devastating in the history of the nation. The magnitude of these floods has raised serious concerns about this country's ability to provide adequate flood protection and to respond quickly and effectively during post-flood recovery. Perhaps most significantly, it has forced the Nation to reconsider its best long-term strategy, not only to prevent a recurrence of the 1993 experience, but to ensure that floodplains and related watersheds function to the fullest extent possible in ways that achieve environmental, economic, and socio-cultural objectives.

Floodplains and watersheds of the Upper Mississippi and Missouri Rivers, and their tributaries and associated watersheds, are extraordinary areas, supporting substantial development and commerce and great ecological wealth. They are also the site of periodic flood losses and environmental disturbances. However, flood events, both large and small, are also a normal aspect of floodplain ecology. While an exceptional event, the Flood of 1993 is merely a larger example of floods and should not overshadow the smaller, more frequent floods that cause locally severe economic and social dislocation, including human suffering. While the 1993 flood serves as the catalyst to review floodplain management, consideration must be given to the full range of flood events with a view toward encouraging better riverine and floodplain management, including all activities within the watershed that may influence the outcome of flood events. There is a clear need to examine and improve the collective efforts of Federal, State and local governments, individuals, and the private sector in the use of these regionally and nationally significant assets in a manner that will reduce risk, achieve economic efficiency and enhance natural values.

The Review

In response to these requirements, a specially constituted interagency Floodplain Management Review Committee will undertake an intensive examination to understand what happened and why, to solicit opinions, and to make recommendations as to what changes in current policies would most effectively achieve the goals of floodplain management: risk reduction, economic efficiency, and environmental enhancement. The Review aims to develop a comprehensive agenda for validating or modifying existing floodplain and watershed management policies and programs.

The Review will:

- Focus on the long-term perspective and will not become involved in current recovery operations;
- Provide a mechanism for obtaining the views of State and local governments, non-governmental organizations, and the private sector to assist in identification of floodplain and watershed management issues and development of options to address those issues;
- Examine existing Federal programs that affect activities within floodplains and related watersheds;
- Identify means to improve coordination and consistency of implementation among agencies and among all levels of government to optimize floodplain management for multiple objectives;
- Examine alternative uses of limited fiscal and personnel resources, both Federal and non-Federal (including the private sector), to meet comprehensive floodplain management objectives;
- Develop recommendations for policy, program and procedural changes that can be applied nationally as well as in the study area;
- Identify, if appropriate, legislative initiatives that might be proposed by the Administration;
- Identify activities that remain to be accomplished and describe a program for achieving these actions;
- Complete a preliminary report by May 1, 1994.

Areas of Review

The Review will address the following general areas:

- Major causes and consequences of the 1993 floods;
- Performance of existing flood control, floodplain management, and recovery programs associated with this event;

- Significant historic factors leading to current uses of the floodplain and an assessment of the current balance between competing economic, environmental, and socio-cultural uses of the floodplain;
- Incentives and disincentives that are built into existing Federal policies and programs to determine the degree to which they are consistent with sound floodplain and watershed management and an assessment of their relationship to State and local responsibilities;
- Opportunities for restoration of the natural and beneficial functions and values of the river basin ecosystems, not only as a means reducing flood risks and flood damages, but also as a means of assuring that uses of the river basins reflect national environmental goals;
- How decisions made in one area of the basins affects floodplains, not only for major floods such as the 1993 experience, but also for floods occurring with a greater frequency; and
- Information gathering and sharing activities required for effective and coordinated floodplain management.

Methods

The foundation for the effort will be an assessment of the data collected for this study, and of pertinent technical information from other sources such as the recently completed interagency report, "Floodplain Management in the United States". The Review will develop broad policy themes within the areas listed above and from these themes, derive specific recommendations. An analysis of the economic, social and environmental implications of each recommendation will be an integral part of this Review.

It is recognized from the outset that the Federal government cannot and should not solve these problems by itself. The subject of floodplain management is enormously complex and involves a broad array of Federal, State, and local programs and responsibilities. The views of State and local governments and the private sector must be fully considered in the reevaluation of floodplain management. This Review will provide significant and sustained opportunities for non-Federal interests to provide information and perspectives on the issues under review. Soliciting public input will be an important element in this study. To ensure that regional and local perspectives are fully integrated into the effort, numerous meetings with regional representatives will be conducted. In addition, State and local officials and representatives of many interested organizations will be continually consulted for their comments, recommendations and advice as the Review proceeds.

Products

The final report of this review will include:

- A description of the flood event, including quantitative assessments of the damages incurred;
- An assessment of the performance of Federal flood control measures;
- A summary of the concerns of affected parties as expressed during the public input phase of this study;
- The identification of attributes which could be used to identify areas where alternative flood, floodplain, and watershed management measures might be taken to yield the highest overall socio-cultural, economic, and environmental payoff;
- Proposals for administrative or legislative change which would enhance the flexibility and effectiveness of floodplain and watershed management; and
- A framework to focus and guide development of comprehensive answers for improved floodplain and watershed management by describing questions that remain to be addressed and identifying data and resource needs.

Organization of the Effort

The Administration's Task Force on Floodplain Management, chaired by the Office of Management and Budget, the White House Office on Environmental Policy, and the US Department of Agriculture, has established the Floodplain Management Review Committee to undertake the review of floodplain management programs and policies. The Committee will also ensure that floodplain management goals incorporate environmental amenities and values, economic impacts, and technical aspects and that these are given appropriate consideration in decisionmaking.

The Committee is comprised of an Executive Director and full-time assignees from the federal agencies (Department of Agriculture, Environmental Protection Agency, Federal Emergency Management Agency, Department of the Interior, and the Army Corps of Engineers -- see Attachment A, List of Participants). The core group members, located in Washington, D.C., are devoting their full time to the Review. Another element of the Committee, the Scientific Assessment and Strategy Team, is working in Sioux Falls, South Dakota to gather and analyze data related to flooding and its impacts. (Sioux Falls is the site of the US Geological Survey's Earth Resources Observation Systems Data Center.) The Committee is being assisted on an as-needed basis by additional support within each of the participating agencies or from other agencies of the Federal government. Several support

functions including communications, Congressional relations, and legal assistance are assigned to specific offices and individuals within the Federal Emergency Management Agency and the Department of Justice, respectively. Additionally, the Council of Economic Advisors has organized an advisory group for addressing economic analysis issues.

The Council on Environmental Quality is participating in the Review to ensure that the principles embodied in the National Environmental Policy Act are pursued.

EXECUTIVE DIRECTOR. The Executive Director, BG Gerald E. Galloway, Jr., is assigned to the White House and given day-to-day responsibility for the work of the Committee. The Executive Director shall report directly to the Chairs of the Administration's Floodplain Management Task Force. The Executive Director will be the primary representative of the Committee for purposes of public outreach and communications, and shall have general executive responsibility for organizing and executing the work of the Committee.

STAFF. The Committee staff represents the variety of disciplines required to undertake the review, including hydrology, economics, ecology, engineering, floodplain and watershed management, and disaster response. The Committee will operate as a unified staff, with work assignments and teams established as-needed.

Schedule

The final report will be completed on June 1, 1994. A schedule showing the sequence of key tasks and milestone dates is attached (Attachment B).

BG Gerald E. Galloway, Executive Director [US Military Academy]

Washington, DC-based

US Department of Agriculture

Dr. Margriet Caswell, Economic Research Service, Washington, DC
Thomas Wehri, Soil Conservation Service, Washington, DC

US Department of Army (Army Corps of Engineers)

Richard DiBuono, Washington, DC
Arnold Robbins, Vicksburg, MS
Harry Shoudy, Washington, DC

US Department of the Interior

Robert Clevenstine, Fish and Wildlife Service, Rock Island, IL
Jerry Rasmussen, Fish and Wildlife Service, Columbia, MO

Environmental Protection Agency

Shannon Cunniff, Washington, DC
Joseph Ferrante, Washington, DC
Lewis Rosenbluth, Washington, DC

Federal Emergency Management Agency

Mary Jean Pajak, Washington, DC
Michael Robinson, Washington, DC

Sioux Falls, SD-based

US Department of Agriculture

Maurice Masuback, Soil Conservation Service, Lincoln, NE
James Reel, Soil Conservation Service, Des Moines, IA

US Department of Army (Army Corps of Engineers)

Gary Freeman, Vicksburg, MS
S.K. Nanda, Rock Island, IL
Tim Peterson, Omaha, NE

US Department of the Interior

Ron Erikson, Fish and Wildlife Service, Twin Cities, MN
John Dohrenwend, Geological Survey, Menlo Park, CA
John Evans, Geological Survey, Reston, VA
John Kelmelis, Geological Survey, Reston, VA
Tim Liebermann, Geological Survey, Carson City, NV
Wayne Rohde, Geological Survey, Sioux Falls, SD
Mark Laustrop, National Biological Survey, Onalaska, WI
Thomas Owens, National Biological Survey, Onalaska, WI

Environmental Protection Agency

Milo Anderson, Chicago, IL
Cathy Tortorici, Kansas City, KS

Federal Emergency Management Agency

Mark Whitney, Washington, DC

January '94	Organization and Agency Briefings Liaison with Congressional Interests Development of Issues Initial Data Gathering/Mapping
1 February '94	Final Mission Statement Submission of Time-Phase Work Plan
February '94	Meetings in Basin re Issues e.g., 15 Cities & Counties w/ other organizations invited by local sponsor(s) COE Division/District Engineers State Conservationists Business Interests Meetings with Agencies & Organizations re Issues e.g., National Disaster Coalition National Association of Home Builders Think Tanks American Banking Association National Association of Conservation Districts Farm Bureau Coalition to Restore Aquatic Ecosystems Issues Characterization and Consolidation Conduct of SAST Analyses Finalization of Data Bases and Maps
March '94	Conduct of Economic Analyses Development of Draft SAST Report Conduct of Additional SAST Analyses Issues and Options Development Incorporation of SAST Report into Preliminary Review Report
April '94	Draft Issue "Monographs" Development Draft Issue "Monographs" For Targeted Review Meetings with Agencies/Organizations re Options/Proposals Meetings in Basin re Options/Proposals Development of Preliminary Report from Monographs
1 May '94	Submission of Preliminary Review
May '94	Administration Review
1 June '94	Submission of Final Review to Administration Task Force on Floodplain Management

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INTERAGENCY FLOODPLAIN MANAGEMENT REVIEW

MISSION STATEMENT

Introduction

The flooding of 1993 in the Upper Mississippi and Lower Missouri River basins was some of the most devastating in the history of the nation. The magnitude of these floods has raised serious concerns about this country's ability to provide adequate flood protection and to respond quickly and effectively during post-flood recovery. Perhaps most significantly, it has forced us to reconsider the best long term strategy, not only to prevent a recurrence of the 1993 experience, but to ensure that the assets of the floodplain are used to the fullest extent possible in ways that reflect current environmental as well as economic values.

The floodplains and watersheds of the Upper Mississippi and Missouri Rivers, and their tributaries, are an extraordinary area, supporting substantial development and commerce and great ecological wealth. They are also the site of periodic losses. While an exceptional event, the Great Flood of '93 is merely a larger example and should not overshadow the smaller, more frequent floods that cause locally severe economic and social dislocation. While the Great Flood serves as the catalyst to review floodplain management, consideration must be given to the full range of flood events, great and small, with a view toward encouraging better floodplain management, including all activities within the watershed that may influence the outcome of flood events. There is a clear need to reexamine and improve the collective efforts of Federal, state, and local governments, individuals and the private sector in the utilization of these regionally and nationally significant assets that fully reflect the economic, social, and environmental tradeoffs.

In response to these requirements, the Interagency Floodplain Management Review will undertake an intensive review to understand what happened and why, to solicit opinions, and to make recommendations as to what changes in current policies would most effectively achieve the goals of floodplain management, i.e. risk reduction, economic efficiency, and environmental enhancement. The goals of the review will be to:

- reevaluate existing Federal programs that affect activities within floodplains;

- determine the best uses of limited resources, both Federal and non-Federal (including the private sector), to meet comprehensive floodplain management objectives;
- improve coordination among Federal agencies and among all levels of government to optimize floodplain management for multiple objectives;
- develop a decision framework for improving floodplain management by describing clearly the questions that must be addressed and identifying the data and resource needs; and
- develop concepts and policy recommendations that can be applied nationally as well as in the study area.

Areas of Review

The review, conducted by closely coordinated interagency teams, will address the following general areas:

- Determination of the major causes and consequences of what happened;
- Assessment of the current balance between competing uses of the floodplain to determine whether that balance is appropriate, with full consideration given to economic, environmental, and safety concerns;
- Examination of the incentive structures that are built into existing policies to determine the degree to which these policies are consistent with sound floodplain management;
- Restoration of the natural and beneficial functions and values of the river area ecosystems, not only as a means of reducing flood risks and flood damages, but as means of assuring that use of the river areas fully reflect national environmental values;
- Enhancement of interagency and intergovernmental recovery programs, coordination, and consistency in flood related and floodplain activities;
- Development of a greater understanding of how decisions made in one area of the floodplain affect other areas, not only for major floods such as the 1993 experience, but also for floods occurring with a greater frequency;
- Identification of the necessary information gathering and sharing activities required for effective and coordinated floodplain management.

Methods

The foundation for this effort will be an assessment of the data collected for this study, and of pertinent technical information from other sources such as the recently completed "Floodplain Management in the United States". The review will develop broad policy themes within the areas listed above and from these themes, derive specific recommendations. An analysis of the economic, social, and environmental impacts of each recommendation will be an integral part of this review.

It is recognized from the outset that the Federal Government cannot and should not solve these problems by itself. The subject of floodplain management is enormously complex involving a broad array of Federal, state, and local programs and responsibilities. The views of State and local Governments and the private sector must be fully considered in the reevaluation of floodplain management. This review will provide significant and sustained opportunities for non-Federal interests to provide information and perspectives on the issues under review. Soliciting public input will be an important element in this study. To ensure that regional and local perspectives are fully integrated into the effort, several regional workshops will be planned. In addition, state and local officials and representatives of many interested organizations will be continually consulted for their comments, recommendations and advice as the review proceeds.

Products

The final report of this review will include the following:

- A description of the flood event, including quantitative assessments of the damages incurred;
- A summary of the concerns of affected parties as expressed during the public input phase of this study;
- Identification of geographic areas where alternative flood management efforts might be focused to yield the highest overall safety, financial, and environmental payoff;
- Proposals for administrative or legislative change which would enhance the flexibility and effectiveness of disaster recovery and sound floodplain management; and
- Development of a decision framework to focus and guide development of comprehensive answers for improved floodplain management by determining the questions that must be addressed and identifying data and resource needs.

Organization of the Effort

The Interagency Task Force on Floodplain Management, chaired by the White House Office on Environmental Policy, the Office of Management and Budget and the U.S. Department of Agriculture, will establish a Floodplain Management Review Committee to undertake the review of floodplain management programs and policies in the wake of the 93 floods.

The Committee will be comprised of an Executive Director and several full time assignees from the core participating agencies (USDA, EPA, FEMA, DOI, and the Corps). This "core" group will be centrally located in Washington, D.C. and will devote their full time to the review. A portion of the Committee will also be located in Sioux Fall, South Dakota. They will be assisted on an as-needed basis by additional support within each of the participating agencies. Several specific support functions including communications, legal assistance and Congressional relations will be assigned to specific offices and individuals within the core agencies.

EXECUTIVE DIRECTOR. The Executive Director of the Committee will be assigned to the White House and given day-to-day responsibility for the work of the Committee. The Executive Director shall report directly to the chairs and members of the Interagency Task Force. The Executive Director will be the primary representative of the Committee for purposes of public outreach and communications, and shall have general executive responsibility for organizing and executing the work of the Committee.

STAFF. The Committee will be comprised of up to one dozen full time professional staff assigned to it from the participating agencies. Administrative support staff will also be assigned to it as needed. The core staff will represent the several disciplines required to undertake the review, including hydrology, economics, ecology, engineering, floodplain management and disaster response. The core staff will operate as a unified staff, with work assignments and teams established on an as needed basis to address the subjects described below.

Under the guidance of the Executive Director, three working teams will be established to address the following topics, with additional assignments undertaken as necessary.

1. **The Scientific Assessment and Strategy Team (SAST).** The Scientific Assessment and Strategy Team will provide scientific and technical information and advice to the Committee as it undertakes the review and develops and analyzes the options. The SAST will organize information in existing databases and develop new databases that will also aid the short-term decisionmaking processes of officials involved in the recovery effort.

2. The River Flow Management Team. The River Flows Management Team will analyze opportunities to improve the management of the overall hydrology of the basin and reduce the risks of flooding while balancing multiple flow and floodplain requirements. The Flows Team will examine such issues as:

- o high, medium and low flow river management objectives for multiple purposes including navigation, at-risk species conservation, agricultural uses and habitat needs;
- o alternative approaches to flood control including both structural and nonstructural approaches; and
- o improvements in upper watersheds management.

3. Floodplain Uses and Restoration Team. The Floodplain Uses and Restoration Team will assess current programs and practices which affect the uses and activities in the floodplain and develop a set of recommendations to those programs to encourage overall optimum use of the floodplain while minimizing costs to the general taxpayer. Topics for review include Federal activities directly affecting development and use of the floodplain, Federal incentives affecting floodplain activities, and Federal programs to protect or restore the natural resources and ecological values of the floodplain.

Economic Analyses. The Council of Economic Advisors will assume the lead responsibility for assembling a core group of economists from the participating agencies to assist the work of the Committee through the conduct of the numerous economic analyses that will be required during the review.

Comments Received on December 1, 1993 Draft Mission Statement

Federal

Kent Keenlyne, Missouri River Coordinator's Office, US Fish and Wildlife Service, Pierre, SD
Andrew Hawkins, Jr., Upper Mississippi River National Wildlife and Fish Refuge, Winona, MN
Gary Dyhouse, US Army Corps of Engineers, St. Louis, MO
BG Eugene Witherspoon, Mississippi River Commission, Vicksburg, MS
Michael Huerta, Office of Intermodalism, US Department of Transportation
Jon Goldstein, Department of the Interior
Jan Odeshoo, Federal Emergency Management Agency, Chicago, IL
Earl Eiker, US Army Corps of Engineers, Washington, DC

State

E. Benjamin Nelson, Governor, Nebraska
Jeffrey Janvrin, Department of Natural Resources, WI
Jerry Presley, Missouri Department of Conservation, Jefferson, MO
D. Kline, Iowa Department of Natural Resources, IA
Deck Major, Illinois Department of Conservation, IL
Brett Manning, Illinois Department of Conservation, Chicago, IL
Dan Sallee, Illinois Department of Conservation, IL

National/Regional/Local Organizations

E. Schenck, Ducks Unlimited, Pratt, KS
Roger Castenson, American Society of Agricultural Engineers, St. Joseph, MI
Dan Ray, McKnight Foundation, Minneapolis, MN
Richard Andrew, Brownville-Nemaha Levee District No. 2, Brownville, NE
Wm. Scott Power, Attorney for Iowa River-Flint Creek Levee District No. 16 of Louisa and Des Moines Counties, IA;
Des Moines County Drainage District No.7 and 8 and Louisa-Des Moines County Drainage District No.4, IA
Quincy Area Chamber of Commerce, Quincy, IL
James Adamson, TLC Water Project District, Centerville, South Dakota
Max Hutchinson, Cache River Wetlands Project, The Nature Conservancy, Ullin, IL
Holly Stoerker, Upper Mississippi River Basin Association, St. Paul, MN
Michael Klinger, Upper Mississippi Flood Control Association, Quincy, IL
John Robb, Upper Mississippi Flood Control Association, Quincy, IL
Charles Spencer, Illinois Farm Bureau
David Galat, Missouri Chapter, American Fisheries Society
Constance Hunt, World Wildlife Fund
Doug Plasencia, Association of State Floodplain Managers, Inc. Madison, WI
Great River Economic Development Foundation, Quincy, IL

Individuals

Dora Dawson, Meredosia, IL
Gary Mensinger, Camanche, IA

COMMITTEE ACTIVITIES
January-February 1994

1. The following meetings were attended, during January by a majority of the Committee:

Jerry Peterson, COE, on floodplain management and technical services;
Harry Kitch, COE, on COE Project Formulation;
Larry Zensinger, Karen Helbrecht, and Todd Davison, FEMA, on Relocation, Hazard Mitigation, and Enforcement Programs;
Ed Hecker and Paul Dobie, COE, on PL84-99 and coordinated levee repair;
Curtis Carlton and Laura Buchbinder, FEMA, on Disaster Response and Public Assistance;
Louise Wise, EPA, on EPA Watershed Program;
Randy Weber, USDA/ASCS; James Rodance, FmHA; and Michael Hand, FCIC on loan programs, crop insurance, and commodity supports;
Chris Brown, NPS, on the Rivers and Trails Program;
Larry Larson and others, Association of State Floodplain Managers, on floodplain management;
Don Collins, FEMA, on the National Flood Insurance Program;
Adm. Frank Young and Kevin Tonat, HHS, on human and mental health issues;
Gary Dyhouse, George Johnson, and Chet Worm from the midwestern COE districts, on river hydrology and management, flood impacts, activities, and myths;
Ed Reikert and Tom Wehri, SCS, on watershed project disaster response authorities
Don Patch and others, HUD, on Community Development Block Grants and disaster response;
Andy Manale, EPA, on agriculture/economic modeling efforts;
Gene Stallings, NWS, on flood forecasting, flood warning systems;
Mary Jean Pajak and Mike Robinson, FEMA, on floodplain regulations and mapping;
Frank Thomas, FEMA, on Unified National Program for Floodplain Management
Jeanne Melanson, EPA, on wetlands
Steve Cone, COE, on economic aspects of PL 84-99
Dan Cotter and Cynthia Pollnow, FEMA, on Geographic Information System in disaster;
Warren Lee, SCS, Watersheds;
Ed Melisby, Philip Thompson, Susan Gaskins, Matt Welbes, Steve Shapiro, and Camille Mittleholtz, DOT, on compliance with floodplain management;
Earl Eiker and Bob Daniel, COE, on risk and uncertainty;
Bill Hagy and Sue Wefpeek, RDA, on RDA programs;
Michael Davis, ASA; Charlie Rewa, FWS; Cliff Rader, EPA; and Bill Teels, SCS, on Sec 404 and Swampbuster;
Bill Klesh and Ellen Cummins, COE, on environmental policy and Sec 1135 Program; and
Warren Lee, Karl Rhinehart, and Karl Otte, SCS, on watershed management upland programs

Bruce Long and Norm Starler, OMB, on project review and budget authorities

2. Committee economists have met twice with the CEA sponsored Economics Group.

3. The Executive Director, accompanied in some cases by members of the Committee, has met with the following individuals/agencies/activities:

WWF Floodplain Use Workshop, Rock Island, IL
WWF Floodplain Use Workshop, Winona, MN
Wetland Restoration Workshop, St. Louis, MO
Midwest Regional Officers, NACD, Chicago IL
Flood Recovery Workshop, Davenport IA
President, MARC 2000
CEO, American Corn Growers
Executive Director, Upper Mississippi River Basin
Association
President and Executive Director, Association State
Floodplain Managers
Margie Siegel and Jim Solyst, NGA and Governors
Representatives
6 Midwest States (NGA)
Mississippi River Aquatic Restoration Coalition (2)
Senate Staff
Pat Westoff, Senior Economist, Agriculture, Nutrition and
Forestry
Kris Warren and Ira Paull, Banking and Housing
Jonathan Winer, Senator Kerry
Carrie Apostolou and Stephen Kohashi, Appropriations, HUD
Sue Masic and Cherrie Cooper, Appropriations, Interior
Kathy Ruffalo, Jean Louver and Dan Delish, Environment and
Public Works
House Staff
Jim Jepsen, Representative Durbin

4. The following meetings are scheduled or will be scheduled during February:

Washington

OMB on project review and budget priorities
DOI on habitat values and fishand wildlife programs
RDA on agency programs
EDA on agency programs
SBA on recovery program
Corn Growers Association

Field

Wisconsin Flood Recovery Task Force, Madison, WI
Missouri Flood Recovery Task Force, Jefferson City, MO
Iowa Flood Recovery Task Force, Des Moines, IA

UMRBA State Representatives, St. Louis, MO
SAST, Sioux Falls, SD
NRDC (modeling)
American Banking Association
Conservation Reserve Program Conference
State Conservationists
Business Interests (MARC 2000)
Corps Division/District Engineers
15 Cities (Des Moines, Ames, Ottumwa, Dubuque,
Davenport, Jefferson City, Grafton, Hannibal, Ste
Genevieve, St. Joseph, Vallmeyer, Quincy, St.
Louis, Kansas City, and Black River Falls)