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ENVIRONMENTAL POLICY FOR A CHANGING WORLD

I. The Need for a New Environmental Thinking

A. The New Environmental Reality

According to a former CEQ Chairman and two former EPA Administrators:[1]

- A new environmental reality has emerged, and the American public is demanding "less pollution and more jobs."
- The "current approach" to environmental protection "has peaked in effectiveness" and is "no match for the environmental and economic challenges we face."
- A "whole new way of thinking about environmental governance in the United States" that adopts "a basic shift in emphasis from restrictions to incentives."

These environmental leaders are correct. While much has been accomplished in environmental protection, much more is required, and the current approach cannot deliver the desire for less pollution and more jobs. It cannot because it is ill-suited to the new economic reality also confronted by our Nation.

B. The New Economic Reality

Today, the world is an integrated, interdependent global economy. While still the largest single economy, the United States is no longer the only economic superpower. Japan and a uniting Europe are our equals, and other nations, particularly in Asia, are making significant advances, which makes the new global economy highly competitive.

In response to this changed world economy, the way American corporations conduct business has also changed significantly. Successful American businesses have become leaner, flatter and faster. In the competitive global economy, markets change rapidly and success is achieved by those that respond promptly to customer needs. In this world, the slow moving pyramidal, corporate structure of the past is a dinosaur.

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[1] J.G. Speth, R.E. Train, D.M. Costle, "And Going for the Gold--A National Strategy for Helping America Clean Up by Cleaning Up," *Washington Post* (October 4, 1992).

The competitiveness of the global economy is heightened at the present time by the significant world-wide industrial overcapacity that is set to be the defining characteristic for this decade, just as inflation was for the 1970s and the asset price boom was for the 1980s.[2]

- In industry after industry--including steel, coal, chemicals, textiles, pulp and paper, autos, shipbuilding, aircraft, computers, home appliances and defense--this global overcapacity is resulting in a major industrial restructuring.
- In this painful downsizing, marginal producers will be driven from the field. In host countries of marginal producers, jobs will be lost, wages weakened, and tax bases eroded.
- In this restructuring, efficiency and productivity will determine which are the marginal producers.

In any economic climate, environmental and economic goals do not have to conflict. Environmental policy can promote or impede efficiency and productivity depending how such requirements are structured. Under the current approach, however, environmental requirements are most often impediments.

C. The Current Environmental Approach

The current system for environmental protection has produced a cleaner environment, although much more is required. However, progress has been uneven with lesser problems (e.g., [insert example]) receiving undue attention and more important problems (e.g., [insert example]) being ignored. In many cases, where progress has been made, the costs have been very high for the benefit.[3]

The problem with the present approach are:

1. **No vision, no priorities.** Public health and environmental protection is a stated goal of every environmental statute--which is appropriate and necessary. However, we have no clearly articulated, harmonized, risk-based goals or principles to establish environmental priorities among the many environmental problems we face. Instead, our efforts are directed indiscriminately at everything at once with priority

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[2] Richard Evans, "Why Manufacturing Assets are Facing Devaluation," *Global Finance* (July, 1992) pp. 34-39.

[3] Council on Environmental Quality, *Environmental Quality: The Twenty-Second Annual Report* (March 1992), Table 14 at p. 234.

attention given and resources committed at any one time to the fear or problem of the moment, which may or may not be significant after further investigation and reflection. By contrast, the European Economic Community has a five year environmental action plan and the Netherlands has a 20-year National Environmental Plan.

2. **Media-specific, inflexible requirements.** Our environmental laws and regulations focus on particular pollutants and sources of pollution, and the solution of choice is a mandated, media specific end of pipe technology. Innovative solutions based on pollution prevention or cross-media or facility-based approaches are simply impossible to implement, even though they could be equivalent in environmental protection at significantly lower costs.[4] By contrast, our European and Japanese competitors are given significant flexibility in meeting environmental standards.

3. **Adversarial, conflict-based decisionmaking.** The process for environmental decisionmaking is a legalistic, regulatory structure, with solutions to particular problems decided in adversarial proceedings among competing interest groups. Rarely, if ever, are stakeholders brought into the process from the earliest stage in an effort to produce consensus-based, environmentally sound solutions. By contrast, government, industry and environmental groups in Europe and Japan work cooperatively to solve public health and environmental problems.

4. **Duplication and turf battles.** The conflict in the process is not only among industry, government and environmentalists, but also between the federal and state governments and among governmental agencies. As federal programs establish only minimum requirements, 50 state programs exist that are either redundant of or in conflict with federal programs.

D. The Consequences of the Current Approach

The results of this process are a very slow and complex decisionmaking process and a very costly program for the U.S. economy.

1. **Slow and complex decisionmaking.** The choice of technology and other decisions are based on a myriad of engineering and environmental judgments developed through a remote and opaque bureaucratic permitting

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[4] Ackerman & Stewart, "Reforming Environmental law." 13 *Columbia Journal of Environmental Law 171 (1980)*.

process comprehensible only to experts. The process is slow and cumbersome and resource and paper intensive. It is top driven rather than bottom driven, which is an anathema in today's competitive world economy. By contrast, permits are the exception not the rule in other industrialized nations.

2. **A very costly program to the U.S. Economy.** The costs to the U.S. economy of environmental requirements have not been fully characterized either in gross or cost effectiveness terms, although it is generally acknowledged that we lead other nations in expenditures for pollution control.[5] In 1990, EPA for the first time attempted to forecast aggregate national environmental compliance costs. The Agency estimated that environmental costs represented about 2 percent of Gross National Product in 1990 (about 40 percent of defense spending) and predicted that such costs would be about 3 percent in 1999[6]--a figure close to the 3.5 percent projected for national defense in 1997.[7] Thus, the costs to the economy must be viewed as significant by any measure.

3. **A example of the magnitude of costs.** The cost of one program, the Superfund program, has been intensely studied. Originally estimated to cost $5 billion by Congress when enacted in 1980, independent estimates now suggest program costs of between $106 and $302 billion for Superfund and between $500 billion and $1 trillion for related remedial programs[8]--a figure that at the high estimate is 25 percent of the National

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[5] In 1985, the United States devoted about 1.6 percent of GDP to pollution control; West Germany about 1.5 percent; Finland, Netherlands, and the United Kingdom about 1.3 percent; and France about 0.8 percent. Council on Environmental Quality, *Environmental Quality: The Twenty-Second Annual Report* (March 1992) at p. 59; see also "Environmentalism Runs Riot," *The Economist (August 8, 1992)* p. 11 (U.S. Edition).

[6] U.S. EPA, *Environmental Investments: The Cost of a Clean Environment* (EPA Publication No 230-11-90-083, November, 1990). The 1999 estimate is probably low as the 1999 estimate does not take into account the Clean Air Act Amendments of 1990 or coming revisions to other acts, programs administered by other federal agencies, or potential new programs for other problems, such as global climate change. See also "Environmentalism Runs Riot," *The Economist (August 8, 1992)* p. 11 (U.S. Edition): Editorial, "Environmental Risk," *Washington Post,* (March 26, 1992) at A-20.

[7] Address of Dick Cheney, Secretary of Defense to the Philadelphia World Affairs Council, October 16, 1992; Editorial, *Washington Post,* (April 30, 1992) at p. A-22.

[8] M. Russell, E.W. Colglazier and M.R. English, *Hazardous Waste Remediation: The Task Ahead,* Waste Management Research and Education Institute, A Center of Excellence at the University of Tennessee, Knoxville, Tennessee (December, 1991).

Debt. Notwithstanding the very significant costs, EPA's independent Science Advisory Board ranks risks associated with hazardous waste sites well below other issues receiving significantly less resources.[9] In such circumstances, the cost effectiveness of Superfund is in significant doubt.

If we are to produce more jobs and less pollution, we must attempt to create a new system built on cooperation and partnership that allows more environmental protection to be achieved at the least cost reasonably possible.

E. An Egregious Example of Old Environmental Thinking

The counterproductive environmental and economic consequences of the present approach to environmental protection is demonstrated by the EPA-AMOCO Yorktown Refinery Pollution Prevention Project.

At the Yorktown refinery, EPA and AMOCO agreed that a facility-wide emission strategy would reduce hydrocarbon emission currently targeted by eight separate regulatory and statutory programs by 97 percent at **one-quarter the cost** of eight single media programs.

Nonetheless, such a program was not implemented, because EPA's current policies and its statutory authorities would not permit the Agency to set a facility-wide emissions reduction target and allow the company to achieve that target any way it saw fit.[10]

II. Principles for A New Thinking on Environmental Policy

While there is a growing recognition that environmental "imperatives" may offer important economic "opportunities" through direct sales of environmental technologies and services, such "green opportunities" vary by region and industrial sector.[11] Moreover, an economy the size of the

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9 U.S. EPA, Science Advisory Board, *Reducing Risk: Setting Priorities and Strategies for Environmental Protection* (September, 1990).

10 David Stamps, "Making a Case for Facility-Wide Compliance," *Environmental Information Digest* (October, 1992) pp. 6-9; H. Klee, Jr. and M. Podar, *Amoco-U.S. EPA Pollution Prevention Project, Yorktown, Virginia* (December, 1991, as revised, May, 1992) at p. v.

11 The global market for environmental goods and services range from $200 to S370 billion a year, with $50 billion in international trade. U.S. export earnings in environmental goods and services were between $6 and $8 billion in 1991. See Timothy Wirth, "Easy Being Green...Lighten Up Loggers--Environmentalism Actually Creates Jobs," *Washington Post*, October 4, 1992. However, these numbers must be viewed in comparison to the size of the U.S. economy in 1991, about $5.7 trillion, and total

United States cannot be advanced through reliance on a strategy that relies only on "green opportunities."[12]

Instead, a broader strategy promoting the competitive advantage of American businesses must be pursued. That strategy must allow health and environmental standards to be achieved through the most cost-effective means reasonably available. Our society simply can no longer afford to waste resources through spending on environmental programs that do not present serious problems or spending more than required to deal with a legitimate environmental problem. Such waste results in lost opportunities in other areas and makes our society less able to invest in wealth generation for a better tomorrow. The ultimate result is a lower standard of living and less public health and environmental protection over the longer term.[13]

In promoting such a course, we are not advocating less environmental protection. On the contrary, we agree that environmental standards must be high. While American business may have been resistant to environmental initiatives in the past, that time has passed with a few exceptions. Today, a broad spectrum of the business community agrees that environment is an important value that must be taken into account in business decisionmaking.[14]

If our Nation is to have less pollution and more jobs, we must change adopt the following principles in developing environmental policy:

U.S. exports in that year, about $705 billion. Council on Environmental Quality, *Environmental Quality: The Twenty-Second Annual Report* (March 1992) at p. 219; U.S. Department of Commerce, *Survey of Current Business* (June, 1992) p. 60.

[12] See P. Hong and D.J. Yang, "Tree-Huggers vs. Jobs: It's Not That Simple," *Business Week* (October 19, 1992) pp. 108-109.

[13] Professor Paul Kennedy points with clarity to the relationship between a poor allocation of resources between wealth generation and military power in *The Rise and Fall of the Great Powers,* when he states (page xvi): "[W]ealth is usually needed to underpin military power, and military power is usually needed to acquire and protect wealth. If, however, too large a proportion of the state's resources is diverted from wealth creation and allocated instead to military purposes, then that is likely to lead to a weakening of national power over the longer term." The same is equally true with respect to domestic expenditures and the national standard of living. If the government diverts too large a proportion of a society's resources from wealth generation to non-productive uses or requires wasteful expenditures, the result is a lower standard of living (and a weaker society) over the longer term.

[14] This acceptance is demonstrated by significant corporate participation in EPA's voluntary program to reduce toxic releases to the environment by 33 percent before 1993 and by 50 percent before 1996.

A. **Where possible we must promote consensus-based development and implementation of environmental policy.**

- Standing advisory bodies--which include representatives from industry, environmental groups, states and local governments--should be created for each environmental regulatory program to serve as forums for information exchange, consensus building and advice at each stage of the legislative and regulatory process, with funds to support this process coming from public and private sources.

B. **A priority-based environmental action agenda must be established.**

- Environmental goals and priorities should be established that require that the most serious problems or problems where the most benefit can be achieved for the least cost be attended first; incentives should be provided for private sector efforts to address such problems quickly and penalties for those who procrastinate beyond legal compliance deadlines.

- Appropriations and other public funds for current programs should be requested and spent based on priorities established through such process.

C. **Objective risk assessments and economic analyses must be required for every environmental issue and program, regulate only where real risks are significant, and require only cost-effective solutions.**

- Where empirical data about the nature and scope of an environmental problem are unavailable, risk assessments must be performed to determine its magnitude and importance in **real** world terms. Those assessments should be based on the best scientific evidence available when performed and routinely updated to reflect the most current data.

- Accurate and complete economic analyses of the costs and benefits to society of addressing particular environmental problems must be routinely performed that include alternative solutions to problems and the cost effectiveness of each alternative.

- The public and decisionmakers need to know the "real risks" and the "full costs" of environmental programs so that societal resources can be intelligently and appropriately allocated among environmental programs and between environmental and other programs.

D. Wherever possible, incentive-based approaches should be adopted that achieve health and environmental goals at the least cost.

- Wherever possible, incentives should be preferred whenever such an approach produces equal or better environmental benefit at a lower cost than command and control alternatives; where laws do not permit such an approach they should be changed.

- Similarly, facility-wide approaches should also be preferred when they produce equivalent or better environmental at lower costs to requirements under separate media specific programs.

- Also, whenever possible, disincentives to least-cost ways of achieving environmental goals should be removed.

E. Regulatory programs must be simplified and rationalized, and, where not possible, companies must be allowed to opt into alternative programs that achieve equivalent or better environmental results at lower costs.

- Permitting, recordkeeping and reporting require significant resource that add unnecessary costs and procedural burdens that slow American response to market conditions must be streamlined.

- Pollution prevention should be promoted as an alternative to command and control systems, where facilities choose such a course and such an approach can demonstrate an environmental improvement at less cost.

F. A harmonized, international approach must be developed where environmental issues are global or have product implications

- Where problems are global--such as global climate change--international solutions rather than domestic legislation should be pursued so as avoid competitive disadvantage to American producers and the American economy.

- With respect to products, we should pursue international agreements to promote uniform labeling, content and disposal requirements in order to facilitate the free movement of products in interstate and foreign commerce.

III. Specific Initiatives in New Environmental Thinking

In order to promote a more effective environmental program that recognizes and balances the new environmental and economic realties, we recommend the following initiatives:

A. Policy and Organizational Initiatives.

1. The President should immediately make clear that the careful management of environmental regulatory policy will be a focus of his Administration's economic growth policies. Priorities should be given to promoting growth through expanding American environmental technologies, reducing serious health and ecological risks <u>and</u> unjustified regulatory burdens, eliminating anti-competitive distortions that disadvantage American business in the global economy, and fostering market-based regulatory programs where more cost-effective than command and control schemes.

2. Within 3 months, the President should establish one office in the White House to coordinate the government's environmental policy, including development of its legislative and regulatory agendas, general principles for risk management and benefits/costs assessments, and national environmental priorities, budget, and strategic plans. The office should also be responsible for coordinating environmental policy with other White House-level bodies responsible for management of national security, economic growth, and science policies. The environmental office should have staff with exceptional expertise in environmental issues and economic policy. (The office could be created by expanding the existing CEQ through transfer of staff from CEA, OMB, and EPA, Interior, Energy and Commerce. If EPA becomes a Cabinet Department, some of this function might be transferred to EPA, although the White House will need to continue to be able to coordinate inter-agency activities.)

3. The President should also establish an inter-agency environmental policy work group within three months. The workgroup should include senior political-level officials from EPA, Energy, Commerce, Interior, State, Justice, Health and Human Services and "ex officio" representatives from other Cabinet and relevant executive branch agencies. The workgroup should be responsible for:

- developing the government's general principles for risk assessment, risk management, and benefit/cost management;
- establishing environmental priorities, budgets, and strategic plans; and
- resolving complex inter-agency disputes.

The workgroup would be staffed by the White House environmental office.

B. General Initiatives.

1. Within six months, standing advisory bodies should be established. These should include representatives from business, environmental groups, labor, academia, and state and local governments. There should be one "general group." This group would focus initially on general principles for risk assessment, risk management, benefit/cost assessments, benefit/cost balancing, pollution prevention, the relative usefulness of command/control vs. market incentives, and development of national environmental priorities, budgets, and strategic plans. Subsidiary bodies should be created for air, water, waste management, toxics/pesticides, international issues, and federalism/enforcement/ management.

2. In 12-18 months, the President should adopt general risk assessment and management principles. This should be done, first, by expediting the work of the Risk Assessment and Management Commission created by §303 of the 1990 Clean Air Act Amendments; second, by simultaneously requiring each concerned federal agency, under White House supervision, to develop a generic set of assessment/management principles, which would be coordinated closely with the Commission's and the general advisory group's products on the same issues.

3. Within 24 months, the President should adopt similar general principles for assessing benefits and costs and balancing risk management with benefits and costs in environmental policy decisions.

4. Within 12 months, the President should present initial national environmental priorities and budgets.

5. Within 24 months, the President should present a national environmental strategic plan for the next 5-10 years, including refined statements of priorities and a national budget, based upon general principles and consultation through the national advisory bodies.

C. Legislative Initiatives.

1. The President's original economic growth proposals should ensure that relevant environmental issues are carefully coordinated by providing for fast-tracking siting and related regulatory approvals needed to promote economic growth where possible without compromising substantial environmental goals and by targeting infrastructure development to reduce substantial environmental risks and expand America's environmental technologies base.

2. Within the first 6-12 months, the President should issue principles to be followed by all agencies in the development of legislative proposals, premised upon:

   - Sound risk management and benefit/cost assumptions, derived from the general principle project items discussed above.

   - The national environmental priorities, budget, and strategic plan developed through the inter-agency workgroups and advisory body consultive process.

   - Review of existing programs according to the same principles and the national priorities, budget and plans; if existing programs do not conform to these principles, priorities, budget and plans, legislation should be proposed for reforms.

3. Within 3 months, the President should establish a special inter-agency workgroup to develop a common legislative agenda for reauthorizations of Superfund, RCRA, TSCA, and the Clean Water Act to ensure that consistent principles are used for any Administration proposals in these programs; that remediation schemes are based on abating serious health and environmental risks in the most cost-effective manner, minimizing duplicative government efforts; and that the fairest distribution is achieved of the public and private costs of implementing these programs. The results of this should be produced by the early Fall of 1993.

4. Include within the national environmental budgets and strategic plan proposals for legislation needed to conform agency missions to the general principles on risk assessment, risk management, benefit/cost management and pollution prevention.

D. Clean Air Initiatives.

1. Immediately prioritize the key Clean Air Act rulemakings, review EPA's budget allocations to ensure that funds are being spent appropriately according to

priorities, and institute negotiated rulemaking procedures for all priority items.

2. Accelerate EPA's review of existing Reasonably Available Control Techniques guidances to ensure that outdated technology and cost-effectiveness data are not being used to determine the State Implementation Plan revisions that are to be resolved in late 1993.

3. Complete, but scrutinize carefully, EPA's study under §182F, Clean Air Act on the extent of contribution of NO_x emissions to ozone nonattainment, to ensure that the extent of NO_x contribution is not overstated, resulting in wide-spread imposition of unnecessary NOx control limits.

4. Accelerate the pace of EPA's general ozone modeling reviews which will add very significant new information on the need for additional controls on VOC and NO_x emissions that the states must impose under the "Reasonable Further Progress Program."

5. Complete EPA's revisions to its policies on new source review to maximize efficiency in permitting new and modified sources, concentrate on abating real emissions problems rather than theoretical exposures based on "design capacity" assumptions, and create incentives for pollution prevention and control applications.

6. To eliminate unnecessary paperwork burdens, accelerate the rulemaking to designate chemical-specific reportable quantity levels for air emission releases reportable under TRI.

E. Waste Management Initiatives.

1. Within 6 months, EPA should complete the Superfund Accelerated Cleanup Model (SACM) and related reform efforts in the Superfund response program, including the issuance of guidances on realistic land use choices; generic, presumptive response standards; for typical chemicals; standard, presumptive remedial technologies; and revised risk assessment guidance.

2. Within 6 months, EPA should revitalize the Superfund settlement program, by routinely issuing comprehensive PRP lists early in the site process, preparing allocations of responsibility at multi-party sites, offering *de minimis* settlement opportunities early in the process, and using mixed funding where there are substantial equitable problems in allocating responsibilities.

3. Within 6 months, EPA should develop proposals for regulatory revisions to the CERCLA and RCRA programs that will produce the most cost-effective scheme for abating serious risks, while avoiding expensive requirements on low-risk wastes. These revisions should be fully concluded within 24 months.

F. Enhancing Pollution Prevention and other Voluntary Efforts.

Within 12 months, EPA should issue general principles for pollution prevention in the most cost-effective manner, tailored to abate actual risks, creating the maximum incentives for voluntary pollution prevention and enhanced environmental management practices.

Nov 30, 1992

TO: Team Leaders

FROM: Brooks, Tim

RE: Draft Transition Policy Recommendations

Attached is a first draft for the Green Group of the "No-Brainer" iniatives taken from your team documents and presentations.

As you can see, it follows four packaged themes in accordance with the decision reached at our last meeting. Large, long term priorities are mentioned in the text but not listed as specific executive actions. In addition, there will be an introduction to the entire document drafted by Wednesday. This will include mention of the forestry summit, CAFE, and NAFTA implementation as "freight train" issues with timetables already established by Candidate Clinton. A separate paragraph on the role of an enhanced CEQ will be submitted to the Green Group for their decision and possible inclusion in the document.

Two appendices have been prepared. One, to accompany this document, lists the action, agency, and background of each specific recommendation. The second, by agency, lists all of the policy recommendations prepared by all of the teams. It will be submitted to the Green Group for their consideration and direction. As you will see, large policy initiatives are, for the most part, included in the text. It is beyond our authority (and our abilities) to sort out and make strategic recommendations for the entire long-term agenda.

If you have major suggestions or criticisms, you will need to respond immediately. Any corrections and/or additions will need to be received, by fax or Mac disc, to Kelly at LCV by Wednesday, midday.

We hope you like what we have put together. Thank you so much for the long hours you have put in and the quality material you have submitted.

DRAFT NOT FOR DISTRIBUTION
11/30/92

1. PLAYING BY THE RULES--MAKING GOVERNMENT RESPONSIVE AND RESPONSIBLE

The American people believe that if someone does a job, obeys the laws, and performs the duties of a citizen, that person should not be placed at a disadvantage by those that don't. Unfortunately, in environmental policy, our government has too often rewarded special interests which are uncompetitive, inefficient, or even unwilling to obey the law. Regulations have been bent for certain interests with particular political connections at the expense of the public at large and those businesses which have been responsible and innovative.

Worse, the government itself has not obeyed the rules it has laid out for private industry. Instead of leading the way toward efficient, competitive, innovative practices, the government has too often been worse than the private sector in its own unwillingness to follow its regulations, its own pollution practices, its recalcitrance to own up to past practices.

In our nation, pollution and its consequences disproportionately burden communities and people of lesser economic and political means. When environmental policies intersect with deficiencies in our national commitment to justice, our obligation is particularly strong. We can have no higher priority than the equal treatment of our citizens.

The Clinton-Gore Administration can lead by example, renewing the trust in government, asserting equal treatment of private interests, cleaning the environment by establishing federal responsibility at least equal to that demanded of our people, and -- most importantly -- establishing equity as a most important principle in the treatment of our citizens.

The following commitments will not be easy or without controversy but they are essential and immediate. To delay implementation will encourage opposition and lead to damaging inacton.

Regulatory Review. The President-elect has already committed to end the existing secret regulatory review process while at the same time retaining fair, public review procedures at the White House. Shortly after his inauguration, President Clinton should issue an Executive Order embodying his new regulatory review process, and setting forth the executive structure under which the new process will be conducted. The new process should send a strong signal to the business community and the public that laws will be enforced with firmness and fairness, and that the regulation governing their implementation will be prepared and reviewed with integrity and accountability.

"Greening" the Government. The federal government is the nation's largest employer; it is the largest purchaser, it is the worst polluter. By its scale, it has the capability to make immediate environmental gains for our nation. The President should lauch a comprehensive initiative to make the federal government a leader in environmental protection by requiring all government agencies to purchase and procure environmentally sound products, and by initiating a comprehensive review of the clean-up of polluted federal facilities.

Environmental Justice. The President should end the disproportionate burden of pollution on communities of color. He can begin by issuing an Executive Order requiring agencies to consider the impacts of race, income, and related factors in proposed environmental rules, planning, and budget. An interagency task force will be necessary to oversee the initiative and it should report annually. Agencies should target priority enforcement efforts at communities with disproportionately high levels of chemical use or disposal and low income or minority population.

Science and policy. Policies such as those covering wetlands, northwest forests, endangered species, and climate should first be firmly grounded in science before economic and political factors are considered. The masquerade of politics for science creates terrible environmental consequences and undermines agency morale and public trust in the federal government.

Taken together, the preceding agenda is broad and its timetable lengthy. Several of its most important aspects could be carried out be Executive decisions within the first 100 days. For immediate action, we recommend that the President--

1. Rescind Executive Orders 12291, 12498 , 12606, 12612, and 12630 which established and govern the Quayle Competitiveness Council. In their place, the President should execute orders to create a new open and public regulatory review charter that (a) shifts emphasis to an affirmative agenda for more effective programs, (b) reviews rules selectively, (c) establishes an open process for review, (d) sets clear time limits, (e) restores decision-making authority to agency heads, (f) faithfully adheres to law, and (g) provides for a new, objective review staff.

2. Issue an executive order to require agencies to consider impacts of race, income and related factors in proposed pollution rules, planning and budget measures.

3. Issue an executive order requiring federal facilities and contractors to comply with toxic release reporting requirements under the Community Right to Know Act.

4. Designate the Environmental Protection Agency as the leader in implementing the Federal Facilities Compliance Act requiring federal facilities to comply with all pollution laws.

5. Direct an energy efficiency campaign to (a) change federal procurement policy to increase the federal CAFE purchase requirements from 27.5 mpg; aggressively implement the Transit Fare Benefit Program for federal employees; (c) increase energy efficiency of federal buildings and equipment, by directing agencies to evaluate energy savings potential in facilities and develop implementation plans to achieve these savings; (d) survey and utilize cost-effective solar energy applications such as appliances and cellular phone batteries; and (e), initiate a multi-year strategy for procurement of renewable energy and advanced natural gas technologies to aid in the development of new technologies through the economies of scale.

6. Require that pollution prevention be a guiding principle in federal procurement and require federal agencies to identify means whereby facilities reduce solid waste, toxics, and identify environmentally friendly alternatives to existing materials.

7. Announce a policy which would base natural resource decisionmaking on solid science and end political interference in scientific inquiry. As an example, the President should commit to

taking full consideration of the conclusions of the National Academy of Science study of wetlands authorized by Congress when making revised policy guidelines for wetlands conservation under the Clean Water Act.

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2. PROVIDING GLOBAL LEADERSHIP--KEEPING THE RIO COMMITMENT

In the post-Cold War era, the United States must once again lead the world. Other nations know us as a force for democracy, free markets and in our efforts to maintain peace and security. However, leadership in the global effort to protect of shared environment has been left to other nations. Too often, the United States has not only shied from leadership, it has shirked responsibility and accountability while our neighbors stepped forward without us.

As a first step, our nation must revisit the lost opportunities of the Rio de Janiero Conference of 1992. It was a terrible mistake to weaken an international agreement to curb global warming. It was irresponsible to refuse to sign the Biodiversity Treaty. Both actions must be reversed.

Over the long term, global leadership means sharing responsibility for restoring our oceans and our skies. Our marine policy was severely weakened by the past two administrations and it must once again be centered on protecting and conserving our vital coastal resources, marine sanctuaries, and the ocean ecosystems which cover seven tenths of the planet's surface.

Our trading policies must not reward those nations which would damage the public health or sustainable natural resources. Both the implementation of the North American Free Trade Agreement (NAFTA) and the ongoing GATT talks provide opportunities to incorporate environmental protection in our economic activities.

Our nation's foreign assistance programs and those efforts of international development institutions such as the World Bank should operate under well understood enviromental principles which complement our nation's domestic environmental policies, experience and vision. Leadership within the United Nations must include a restoration of our contribution to the United Nations Population Fund.

Global leadership includes responsible stewardship of the natural resources within our own borders. It hypocritical to lecture less economically advantaged nations to protect internationally significant resources from short term gain while our nation maintains policies which deplete or destroy similar treasures. The United States maintains some of the earth's most important ecological areas. The Aministration should undertake programs to identify and protect our internationally significant ecosystems from irresponsible development, including the nation's temperate rainforests, especially the Ancient Forests of the Pacific Northwest and the Alaskan coast, the Florida Everglades, the Great Lakes, the Greater Yellowstone complex, and the unprotected desert wilderness resources managed by the Bureau of Land Management.

There are immediate opportunities, wholly within the power of the Executive to take global leadership. The President can reverse the outcome of the Rio Conference with regard to global warming and biodiversity; He can end punitive treatment of responsible international family planning measures. He can protect this nation's most internationally significant wilderness and wildlife resources against short term advantages of resource development.

We propose that the President should -- within the first 100 days --

1. Announce a firm policy goal for the US of stabilization of emissions of carbon dioxide and other greenhouse gases at 1990 levels by the year 2000, and an intention to seek prompt follow-on treaty negotioations on emissions reduction requirenents for industrial nations. This goal should be embodied in a revised National Action Plan under the Climate Treaty. The Action Plan should consider innovative economic means of reducing carbon emissions, including accelerating the use of alternative transportation fuels, investing in intercity rail transport, and utilizing a combination of fuel economy standards, feebates, and tax incentives to increase average light vehicle fuel efficiency.

2. Sign the Rio Treaty on Biodiversity.

3. Repeal the Mexico City policy which bars assistance to family planning programs abroad that use non-US funds to provide abortion related services, counseling or information.

4. Threaten appropriate action against any nation which resumes commercial whaling in violation of the International Whaling Commission moratorium.

5. Issue an Executive Order under the National Environmental Policy Act (NEPA) and the Endangered Species Act to remove geographic limitations on these statutes so that U.S. agencies will follow consistent procedures in international activities.

6. Announce his intention to seek reauthorization of a strong, scientifically-based Endangered Species Act.

7. Direct that the federal trustees of the Exxon Valdez oil spill settlement fund shall use the $50 million criminal restitution monies on the acquisition of wildlife habitat in the areas affected by the spill and that habitat acquisition will be the priority use of the federal share of the remaining civil settlement.

8. Withdraw the 1987 development recommendation ("1002 Report") for the coastal plain of Arctic National Wildlife Refuge and announce support for wilderness legislation pending before the 103rd Congress.

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SECURING A BRIGHTER FUTURE--OUR CHILDREN'S HERITAGE

For the first time, current--and future--generations of this country may not enjoy the same quality of life as previous generations. This loss of a basic tenent of American beliefs is deeply rooted in the crippling national deficit. Not only does our nation suffer today because of this huge burden of debt, it is looming as the single largest legacy we will leave our children.

Economic troubles, coupled with disregard, even contempt, for the health of our environment, has lead to unhealthy water and air. Our cities, once places of wealth and achievement, are unhealthy and dangerous. And the neglect of our parks, historic landmarks, and wild areas may mean that future generations may never know this country's heritage and boundless beauty.

Fortunately, many solutions to our natural resource problems will also begin to heal the economy and control the deficit. The Clinton Administration can curb subsidies and appropriations which degrade our environment, drain the federal coffers,and foreclose important new sources of revenue. Programs designed to improve our environment will create jobs and give our current, and future, work force badly needed skills and experience while enhancing their appreciation for the outdoors.

For our children's sake, we must change course. New economic initiatives must lead to *permanent* improvements in the quality of life--not just a temporary jobs boost. We must quantify the "external" environmental and public health costs associated with energy production and consumption and encourage the development of clean production and green factories. The budgets for R&D must be substantially increased to foster development of new technologies that maximize efficiency and minimize waste. Governments and consumers alike must be given opportunities to conserve and use renewable resources. We should prevent the destruction of our fragile resources for unnecessary energy production. For example, existing moratoria should be extended to prohibit oil and gas leasing in environmentally sensitive areas of the Outer Continental Shelf.

We can simultaneously tackle our environmental and economic problems. One way is the establishment of a new Citizens Conservation Corps which will provide immediate environmental restoration, as well as instilling in youth an appreciation for our natural heritage and providing them with much-needed work experience and a means to repay education loans.

We must change our thinking for a different world. The end of the Cold War means new opportunities and priorities. To capitalize on our reduced dependency on the military, the Secretary of Defense and Secretary of Interior should enter into a Memorandum of Agreement to screen lands on military bases due to be closed for natural values and possible natural resource use.

Over the long term, the new Administration must radically improve the stewardship of our public lands. Our abused and degraded rangelands must be restored and subsidies, which encourage and perpetuate this degradation, must be ended. Likewise, reform of the 1872 Mining Law is critical. We are giving away our federal mineral resources and allowing our public lands to be polluted and degraded by those profiting from this grossly outdated law.

The health of our waters--lakes, rivers, streams, and oceans--is inexorably linked to the future of our planet. The new Administration must work closely with congressional allies to pass a strengthened Clean Water Act, including strong protection for wetlands.

These actions will signal to the American people a new way of thinking. If we are to leave a better world for our children we must consider the impact on our natural resources in all our economic decisions, make restoration and preservation of our parks and historic places a priority, and place a premium on protecting our environment for the sake of future generations.

In the first 100 days, President Clinton should:

1. Order a review and revision of the current "Principles and Guidelines" for the preparation of federal water resources projects reinstating environmental quality objectives, as well as economic considerations in decision-making.

2. Order the coordination of policies between adjacent federal land management agencies and other federal projects such as power plant development so as to prevent degradation of national park resources.

3. Order the Director of the U.S. Fish and Wildlife Service to initiate a review of National Wildlife Refuges to identify incompatible and harmful activities and resolve or eliminate these activities and reform adminstration of the refuge system.

4. Call upon the IWC parties at their May 1993 meeting to adopt a permanent ban on commercial whaling while also cosponsoring the French proposal to esablish an Antarctic Whale Sancturary.

5. Revise the existing Executive Order on "takings" to affirm the new administration's commitment to an effective and balanced national policy on the protection of property rights and public resources.

6. Direct the Environmental Protection Agency to immediately issue the proposed guidance for uniform water quality standards for the Great Lakes.

7. Direct the Secretary of Interior to place a moratorium on R.S. 2477 "right-of-way" designations.

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4. PUTTING AMERICA TO WORK -- REBUILDING OUR ENVIRONMENTAL INFRASTRUCTURE

The American economy's need for short-term investment stimulus can be the basis for a Federal effort to promote jobs and economic growth and, at the same time, an unusual opportunity to set public infrastructure spending on an environmentally sustainable course for the future.

President-elect Clinton has indicated his belief in the need for such an investment package, and his transition advisors are already considering possible elements for inclusion. For this reason, although we have not included an in-depth discussion of budget priorities elsewhere in this document, and have generally restricted our short-term recommendations to actions that can be accomplished administratively, we have discussed the possible elements of a "green" investment package below.

A positive infrastructure agenda can achieve dramatic gains in environmental protection. A successful environmental investment initiative by the Clinton/Gore Administration will put to rest the misguided view that job creation and environmental protection are inconsistent objectives.

To do so, the infrastructure investment package must use innovative, incentive-based approaches to encourage smart investments and discourage unproductive expenditures. Whether an investment is in transportation, sewage treatment, or energy efficiency, strong federal incentives to promote performance will not only stretch federal spending, but will promote environmental protection.

In the last few years, many public spending programs have been justifiably criticized for "pork barrel" spending, as increasing amounts of taxpayer funds were spent on questionable projects. We believe that our proposal's emphasis on performance can be used to strongly discourage "pork barrel" spending and encourage cost-effective investments by tying funding allocations directly to performance criteria.

In addition, we believe there are many good opportunities to create employment by investing in our nation's natural infrastructure -- particularly in the restoration of degraded wetlands, streams and rivers.

In order to make the Clinton economic stimulus package succeed in both economic and environmental terms, we recommend that it:

1. Invest in repairing and rebuilding the nation's highways and bridges. Fully fund the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) for FY'93. This would require $5 billion, which should be allocated for maintenance and rehabilitation projects in metropolitan communities, for investments in transit, and for other authorized highway program activities, such as interstate and bridge maintenance.

If transportation funding above ISTEA's authorized levels is considered appropriate as an economic stimulus, we recommend that it be directed primarily to an expanded "Rebuild and Repair Fund," and that any funding available for new project investment be allocated according to meaningful environmental and efficiency-based performance criteria, such as reductions in vehicle miles travelled (VMT) per capita.

2. Invest in needed Wastewater Treatment Capacity. $2 billion should be committed through the State Revolving Fund to begin work on projects that have been identified as needed and ready-to-go by state water control administrators.

3. Invest in restoring the nation's wetlands, streams, and rivers. This could be accomplished through a variety of job-creating initiatives, such as: fully funding the U.S. Fish and Wildlife Service's cooperative restoration programs for privately-owned wetlands; accelerating the restoration of the Kissimmee River in Florida; accelerating riparian restoration and road decommissioning on Forest Service lands; and eliminating the backlog of authorized mitigation projects on Forest Service and BLM lands.

4. Invest in the nation's unseen environmental infrastructure. Expanding the Federal Government's annual investment in low-income weatherization program by an additional $400 million would create 20,000 jobs and raise the real income of weatherized households by $125 per household per year.

5. Set clear environmental criteria for all infrastructure investments, and don't skirt needed environmental reviews of individual projects.

Appendix DRAFT **NOT FOR DISTRIBUTION**

Specific Actions for the First 100 Days of the Clinton/Gore Administration

PLAYING BY THE RULES--MAKING GOVERNMENT RESPONSIVE AND RESPONSIBLE

This agenda is broad and its timetable lengthy. Several of its most important aspects could be carried out be Executive decisions within the first 100 days.

Action 1:

1. Rescind Executive Orders 12291, 12498 , 12606, 12612, and 12630 which established and govern the Competitiveness Council. In their place, the President should execute orders to create a new open and public regulatory review charter that:
(a) shifts emphasis to an affirmative agenda for more effective regulatory review programs;
(b) reviews rules selectively;
(c) establishes an open process for review;
(d) sets clear time limits;
(e) restores decision-making authority to agency heads;
(f) faithfully adheres to law; and
(g) provides for a new, objective review staff.

Explanation:

The current operation of the Competitiveness Council has been to provide a voice for ideologies opposed to regulation. It has given industry a secrete conduit through which to petition for favorable rulemaking, and has thwarted and intimidated agencies responsible for drafting regulations conforming to congressional intent. The Council has made discredited claims of economic benefits, and the secrecy surrounding their operation has called into question the legality of their influence on agency rulemaking. Eliminating the Council in its current form will provide an important symbol that special interests will no longer have preferential access to and influence on the rule-making process.

A new regulatory review council could be called the Environmental Efficiency Council, or the Regulatory Review Board****Brooks we need to reconcile this with the fears of OMBs reviews.

Action 2:

Issue an executive order to require all agencies to consider impacts of race, income and related factors in proposed pollution rules, planning and budget measures.

Explanation:

Environmental justice is a major issue facing this Nation. Too often in the past, the enormous burden of toxic dump sites and failure to cleanup areas has fallen on the backs of the most vulnerable members of society; those who are too poor to fight for themselves effectively.

Action 3:

Lift Regulatory Moratorium.

Explanation:

President Bush proclaimed a 90-day regulatory moratorium in his State of the Union Address in January 1992 and has subsequently extended it. It was supposedly aimed at regulations that would impede economic recovery, and not thwart progress toward regulatory goals and statutory deadlines. In fact the moratorium has obstructed legitimate rulemaking, given the Council on Competitiveness additional leverage in the rulemaking process, and stalled many important regulations beyond statutory deadlines. The Administration has made extravagant claims of economic benefits, which are widely discredited. More importantly, it has sown confusion among regulated industries who will eventually have to comply with environmental rules. Many industries have put pollution control investments on hold, and the uncertainty is impeding the efficient response to environmental regulations.

Lifting the moratorium and eliminating the Council on Competitiveness would provide more certainty (and therefor economic efficiency) in regulated industries.****Molly added. **Needs checking with DG...**

Action 4:

Issue an executive order requiring federal facilities and contractors to comply with toxic release reporting requirements under the Community Right to Know Act.

Explanation:

Private companies are required to provide annual reports on their toxic emissions into the air, water, and land. The Federal government's facilities should do the same. The Department of Energy has recently agreed to do this on a voluntary basis. The Department of Defence has not.

Action 5:

Designate the Environmental Protection Agency as the leader in implementing the Federal Facilities Compliance Act requiring federal facilities to comply with all pollution laws.

Explanation:

At present not all of the federal facilities comply with all pollution laws. It is important that the new Administration is seen to be playing fair and by the same rules we expect other businesses to adhere to.

Action 6:

By Executive Order, direct an energy efficiency campaign to:
(a) change federal procurement policy to increase the federal CAFE purchase requirements from 27.5 mpg;
(b) aggressively implement the Transit Fare Benefit Program for federal employees;
(c) increase energy efficiency of federal buildings and equipment, by directing agencies to evaluate energy savings potential in facilities and develop implementation plans to achieve these savings;
(d) survey and utilize cost-effective solar energy applications such as appliances and cellular phone batteries ******Brooks--the submitted list is much longer***** ; and

(e), initiate a multi-year strategy for procurement of renewable energy and advanced natural gas technologies to aid in the development of new technologies through the economies of scale.

Action 7:

Issue a pollution order requiring pollution prevention be a guiding principle in federal procurement and require federal agencies to identify means whereby facilities reduce solid waste, toxics, and identify environmentally friendly alternatives to existing materials. *****Brooks--this is a condensation*****

Explanation:

The Federal government is one of largest generators of waste in the Nation. By providing leadership on the important issue of waste minimization and pollution prevention, the Government can play a major role in stimulating innovative business solution to these important problems.

Action 8:

Announce a policy which would base natural resource decision-making on solid science and end political interference in scientific inquiry. As an example, the President should commit to taking full consideration of the conclusions of the National Academy of Science study of wetlands authorized by Congress when making revised policy guidelines for wetlands conservation under the Clean Water Act.

Explanation:

During the past 12 years, the scientific basis of environmental protection has been undermined significantly by a politization of Science. It has reduced the public credibility of our government's major agencies and often resulted in forcing good professionals into unjustifiable policy positions. This was a short sighted approach to the very real environmental problems this Nation and Earth face, and it's time we took the best available scientific information seriously in our policy development.

PROVIDING GLOBAL LEADERSHIP--KEEPING THE RIO COMMITMENT

We propose that the President should -- within the first 100 days --

Action 1:

Announce a firm policy goal for the US of stabilization of emissions of carbon dioxide and other greenhouse gases at 1990 levels by the year 2000, and an intention to seek prompt follow-on treaty negotiations on emissions reduction requirements for industrial nations. This goal should be embodied in a revised National Action Plan under the Climate Treaty.

Action 2:

President Clinton should sign the Biodiversity Convention.

Explanation:

Signing the Biodiversity Convention will signal to the world that the Clinton Administration intends to re-assert U.S. leadership on the Environment. The Biodiversity Convention, which has already been signed by 159 countries, is an important step toward world-wide cooperation to stop the alarming trends of species extinction. According to many scientists, species extinction rates are reaching dangerous levels. The Convention is not without its problems. However, the U.S. failed to provide leadership on this important issue, and the result is a framework treaty which still needs to clarify ambiguous issues of interest to the U.S. such intellectual property rights, and funding mechanisms. The opportunity to resolve these issues still exists in the four expert panels which will be convened, the protocols , and in the implementing regulations for the Convention.

Not signing the Convention would be a major missed opportunity to show the environmental community and the world that the Clinton/Gore Administration is taking a new, constructive approach to conserving the worlds biological diversity. The treaty has gone on without the U.S., it is up to the U.S. to demonstrate we are commited to seeing the Biodiversity Convention a success by contributing to it.

Action 3:

Repeal the Mexico City policy which bars assistance to family planning programs abroad that use non-US funds to provide abortion related services, counseling or information.

Explanation:

The President should re-establish U.S. Leadership on the critical issue of international population assistance. Over-population, as well as over consumption are vital issues facing the whole planet. The U.S. has a major responsibility which it should live up to. Reversing the Mexico City policy is a good way to begin this process.

Action 4:

Threaten appropriate action against any nation which resumes commercial whaling in violation of the International Whaling Commission moratorium.

Explanation:

Contrary to public assumptions, the Whales have not been saved. In recent years, the U.S. has abdicated its leadership in the protection of whales. Norway announced at the last International Whaling Commission (IWC) meeting that it would resume commercial whaling in 1993, regardless of actions taken by the Commission. Japan has continued to take hundreds of Minke whales in Antarctica for "research" and commercial markets, in spite of the moratorium prohibiting commercial whaling. The U. S. should be willing to take serious diplomatic and if necessary economic actions to insure the moratorium remains strong and renegade countries are brought into compliance. If we fail to save the whales... there is very little hope for humans on this planet, and we will have denied future generations their birthright.

Action 5:

Issue an Executive Order under the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) to remove geographic limitations on these statutes so that U.S. agencies will follow consistent procedures in international activities.

Explanation:

Both NEPA and ESA require the preparation of environmental (or endangered species) impact statements prior to taking certain categories of federal actions. The Reagan/Bush Administrations limited the application of both statutes directly, and adopted the general interpretation that U.S. laws do not apply overseas, even if the application concerns U.S. Agency action directed in Washington. It is our obligation under international law not to harm the natural environment of other nations. These familiar procedures when applied to overseas actions, would allow us to comply with that duty in the normal course of agency planning. In the future, if we are going to be able to help the world achieve a survivable standard of environmental protection, these standards should also apply to all U.S. business and industrial activities abroad. Leadership of example by the U.S. could have a dramatic impact on the standard operating procedures of all nations and business'.

Action 6:

Announce his intention to seek reauthorization of a strong, scientifically-based Endangered Species Act.

Explanation:

The endangered species program of the Interior Department is the principal program through which the United States can demonstrate its leadership on Biodiversity to the rest of the world. Over the past 12 years, the program has been undermined by political interference, inconsistent leadership inadequate funding and over emphasis of economic values over extinction of species. The re-authorization of a strong ESA will mean a better chance that future generations will be able to witness the splendor of a spotted owl.

Action 7:

Direct that the Secretary of the Interior (federal trustees of the Exxon Valdez oil spill settlement fund) shall use the $50 million criminal restitution monies on the acquisition of wildlife habitat in the areas affected by the spill and that habitat acquisition will be the priority use of the federal share of the remaining civil settlement.

Explanation:

Many scientists and environmentalists in Alaska believe that there is relatively little that can be done to restore the Alaskan environment that was damaged by the spill, and that the best use of the money obtained in the Exxon oil spill settlement would be to protect the habitat that species affected by the spill depend on and to prevent harmful activities that would further damage species and habitat. To date the trustees have been unwilling to spend any of the settlement money on acquisition, choosing instead to spend it on further studies.

Action 8:

Withdraw the 1987 development recommendation ("1002 Report") for the coastal plain of Arctic National Wildlife Refuge and announce support for wilderness legislation pending before the 103rd Congress.

Explanation:

The Arctic Refuge and Canada's adjoining North Yukon National Park make up the worlds most ecologically complete and undisturbed arctic ecosystem, an area of international significance. Proposed for oil development by the Bush and Reagan Administrations, (by a report submitted in accordance of Sec. 1002 of the Alaska National Interest Lands Conservation Act), the coastal plain is the biological heart of the Arctic National Wildlife Refuge and the last portion of America's Arctic Ocean coastline not available for oil development. The U.S. Senate stripped an Arctic development provision from the 1992 Energy Act after a filibuster halted the original legislation. Candidate Clinton pledged support for the Arctic Wilderness during the campaign.

SECURING A BRIGHTER FUTURE--OUR CHILDREN'S HERITAGE

In the first 100 days, President Clinton should:

Action 1:

Order a review and revision of the current "Principles and Guidelines" for the preparation of federal water resources projects reinstating environmental quality objectives, as well as economic considerations in decision-making.

Explanation:

The "Principles and Standards for Planning Water and Related Land Resources" were first established in 1973 to provide a uniform approach for preparation of water resource-related reports, proposals, and plans for federal water development agencies. These project evaluation procedures were revised in 1979-80, and included important revisions to emphasize water conservation and development of non-structural alternatives as part of project planning. In 1983 James Watt approved new guidelines which prescribed that "National Economic Development was the single federal objective, eliminating "environmental quality" as a co-equal objective, and down-grading the planning requirements from "rules" to "guidelines".

Action 2:

Order the coordination of policies between adjacent federal land management agencies and other federal projects such as power plant development so as to prevent degradation of national park resources.

Explanation:

Currently National Parks suffer degradation due to activities on other adjacent public lands, such as clearcutting and geothermal development immediately next to the Yellowstone National Park. These activities are causing problems within the park area. Where possible this type of contradictory land use practice should be avoided and better coordinated.

Action 3:

Order the Director of the U.S. Fish and Wildlife Service to initiate a review of National Wildlife Refuges to identify incompatible and harmful activities and resolve or eliminate these activities and reform administration of the refuge system.

Explanation:

After a long series of damning reports and mounting pressure from Congress, the Bush Administration promised to develop and implement new standards and processes to guide management of activities other than fish and wildlife conservation on National Wildlife Refuges. Over two years ago, the U.S. Fish & WIldlife Service promised new guidance to ensure that such uses are compatible with the primary purpose of the Refuge. That guidance has yet to be developed and clearly incompatible uses continue. Consequently, green groups have filed law suits challenging the Service's failure to end such incompatible uses.

Action 4:

Modify the existing Executive Order on "takings" while simultaneously affirming the new administration's commitment to an effective and balanced national policy on the protection of public and individual property rights.

Explanation:

The current interpretation of what constitutes "takings" is a radically conservative ideological view and has constrained federal agencies from carrying-out their statutory mandates under federal laws designed to protect the environment, public health and safety.

Action 5:

Direct the Environmental Protection Agency to immediately issue the proposed guidance for uniform water quality standards for the Great Lakes.

Explanation:

The Great Lakes are the world's largest freshwater ecosystem, containing 20% of the planet's fresh water..The Lakes are particularly threatened by pollution from persistent toxic chemicals which bio-accumulate in the food chain, persist in the environment for a long time and cause significant damage to human health and the environment.

The U.S. is committed by international law in the Great Lakes Water Quality Agreement with Canada to "virtually eliminate" the discharge of "persistent toxic chemicals" in Great Lakes waters.

The initiative has not been easy. The paper industry, the state of Ohio and other parties have tried to discredit the the initiative.

Action 6:

Direct the Secretary of Interior to place a moratorium on R.S. 2477 "right-of-way" designations.

Explanation:

The moratorium would prevent potential roading of National Parks, National Wildlife Refuges, and BLM wilderness study areas. The States most effected are Utah and Alaska.

PUTTING AMERICA TO WORK -- REBUILDING OUR ENVIRONMENTAL INFRASTRUCTURE

In order to make the Clinton economic stimulus package succeed in both economic and environmental terms, we recommend:

Action 1:

Invest in repairing and rebuilding the nation's highways and bridges. Fully fund the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) for FY'93. This would require $5 billion, which should be allocated for maintenance and rehabilitation projects in metropolitan communities, for investments in transit, and for other authorized highway program activities, such as interstate and bridge maintenance.

If transportation funding above ISTEA's authorized levels is considered appropriate as an economic stimulus, we recommend that it be directed primarily to an expanded "Rebuild and Repair Fund," and that any funding available for new project investment be allocated according to meaningful environmental and efficiency-based performance criteria, such as reductions in vehicle miles travelled (VMT) per capita.

Action 2:

Invest in needed Wastewater Treatment Capacity. $2 billion should be committed through the State Revolving Fund to begin work on projects that have been identified as needed and ready-to-go by state water control administrators.

Action 3:

Invest in restoring the nation's wetlands, streams, and rivers. This could be accomplished through a variety of job-creating initiatives, such as: fully funding the U.S. Fish and Wildlife Service's cooperative restoration programs for privately-owned wetlands; accelerating the restoration of the Kissimmee River in Florida; accelerating riparian restoration and road decommissioning on Forest Service lands; and eliminating the backlog of authorized mitigation projects on Forest Service and BLM lands.

Action 4:

Invest in the nation's unseen environmental infrastructure. Expanding the Federal Government's annual investment in low-income weatherization program by an additional $400 million would create 20,000 jobs and raise the real income of weatherized households by $125 per household per year.

Action 5:

Set clear environmental criteria for all infrastructure investments, and don't skirt needed environmental reviews of individual projects.

Tim, I didn't want to guess at these explainations so I will get detail from BR tomorrow. Also many of these actions have explanations in the Action, most importantly I'm pooped. See you soon. MO.

ENVIRONMENT INITIATIVES -- FIRST 100 DAYS

- o BUDGET REVISIONS????

- o Begin immediate interagency process to upgrade National Action Plan on Climate Change; Issue Order that Plan shall result in stabilization of emissions of CO_2 at 1990 levels by the year 2000.

- o Begin international discussions (host a meeting of Parties?) on a Protocol to the Framework Convention on Climate Change

- o Host meeting of Parties to the Biodiversity Convention; discuss possible amendments to facilitate US signature

- o Announce that U.S. will support a strong, high-level Sustainable Development Commission at the UN to build on commitments made at the Earth Summit

- o Announce support for a Commission to monitor US progress in implementing Agenda 21

- o Announce support for a strengthened United Nations Environment Program as an effective vehicle for international collaboration of environment agencies

- o Summit meeting with G77 (developing country) leaders; dialogue on a partnership in sustainable development (public and private development financing; technology cooperation; debt reduction; trade reforms; link US private sector capabilities to developing country needs).

- o Issue Directive for EPA to accelerate phaseout of ozone-destroying chemicals pursuant to Section 606 of the Clean Air Act and in light of November meeting of Parties to the Montreal Protocol

- o Host Meeting of NAFTA Parties to Discuss Supplemental Measures on Environmental Enforcement

- o Convene and Interagency Task Force through the Council on Environmental Quality on Sustainable Development; Require report from each Agency on UNCED follow-up

- o Introduce legislation instituting a National Environment Strategy -- a multi-year plan of action containing measurable goals for improving environmental performance in manufacturing, energy, agriculture, transportation, and other sectors

- o Launch a series of Roundtable Strategy Sessions with Business leaders through the Council on Environmental Quality on Sustainable Development; Environment and the Economy; Environmental Technologies

- Convene Interagency Task Force through the Council on Environmental Quality on Market-Based Environmental Initiatives, such as the use of pollution taxes (work on campaign pledge to develop and implement revenue neutral market incentives that reward conservation and penalize polluters and energy-wasters); incentives to stimulate new investment that accelerates the replacement of environmentally burdensome products and processes; promote pollution prevention; promote voluntary initiatives such as environemntal audits, green labeling, recognition of progressive corporate initiatives

- Eliminate Council on Competitiveness

- Lift Regulatory Moratorium

- End Mexico City Policy

- Convene Timber Summit

- Issue Recycled Commodity Procurement Directive

- Create A Solid Waste Reduction Program per campaign pledge

- Issue Executive Order on Federal Energy Use -- Increase Efficiency; Increase use of Renewables to implement campaign pledge to increase energy efficiency in every federal agency and set standards ot insure that federal grants, contracts, and projects support conservation goals (See here what already in the Energy Bill; how could be stepped up in an EO)

- Create a Commission (with participation of industy, federal labs, etc.) on Energy Efficiency to implement campaign pledge to improve overall energy efficiency by 20 percent by the year 2000; to promote changes in utility regulation to make energy efficiency profitable; strengthen federal programs to encourage energy efficient housing

- 1994 Energy Budget revision to emphasize efficiency and renewables

- Introduce Department of the Environment Legislation

- Withdraw regulation opening National Parks to Stripmining

- Launch Rebuild America initiative with focus on use of environmental technologies

- Arctic Coastal Plain Wilderness: Withdraw Interior Department recommendation to drill under the 1002 Report EIS, or alternatively, concede to the lawsuit that challenges adequacy of the EIS

- Alaska Land Purchase Under the Exxon Settlement: Use $ now available to Federal Exxon trustees to purchase available inholdings and native corporation wildlife lands in the maritime province, particularly on Afognak, Kodiak, and the Alaska Peninsula

o Wetlands: Immediately withdraw the 1991 Proposed Wetlands Manual and refer the question of the appropriate definition of wetlands to the National Academy of Sciences. 1987 Manual could be used in the interim, with instruction to the Corps of Engineers and the EPA to reconcile any differences in respective applications

o Auto Fuel Efficiency: Establish a Commission on the US Auto Industry charged with, including other key competitiveness issues (such as fair trade and health care costs), enhanced fuel economy

o Directive to include conservation incentives in the federal matching fund program to implement campaign pledge to adopt transportation strategies and highway spending programs that encourage car-pooling and high-efficiency; high tech transportation systems and mass transit (how add to highway bill here??)

o Directive to convert federal fleet to natural gas (per campaign pledge -- probably should only be considered for some percentage of the fleet); additional measures to expand markets for natural gas in every sector per campaign pledge

o Reintroduce legislation to re-orient mission of federal labs to produce enviromental technologies

o Introduce legislation on green technologies; civilian advanced research initiative (campaign pledge)

o Order DOE assessment of priorities (begin implementation of campaign pledge to oppose increased reliance on nuclear power; stop spending 60 percent of budget on nuclear weapons; invest more in development of renewable energy sources)

o Clean Water Act amendments with standards for "non-point-source" pollution (campaign pledge)

o Superfund reform (campaign pledge)

o Environmental Justice Task Force

o Task force to explore establishing the initernational equivalent of the Nature Conservancy per campaign statements

Quiet Efforts

fix EPA's budget problem
- in real terms, EPA budget today lower than 1980

wetlands reform
- advanced identification (mapping)
- categorization by value and replaceability
- banking

pollution taxes
- carbon taxes with recycling of revenues
- water effluent fees (in CWA reauthorization?)
- virgin material fees

RCRA reform
- prepare for reauthorization
- use market incentives (e.g., deposit/refund schemes)

Superfund overhaul
- attention to liability effect (enriching lawyers)
- get focus on cleanup

Clean Water Act reauthorization
- need new thinking -- especially market incentives

food safety legislation -- pesticide "registration" reform
- current program (FIFRA '88) is a failure
- need crop-wide analysis not chemical-by-chemical
- use California "Prop 65" model
- shift burden of showing safety to companies

develop a "sectoral" focus for EPA
- transportation -- implementing ISTEA
- energy -- EPA/DOE cooperation on conservation, etc.
- agriculture -- pesticide and fertilizer runoff, etc.

integrated permitting

revise National Income Accounting to reflect resource depletion
- "sustainable" GNP and GDP analysis

expand Enterprise for the Americas Initiative

environmental education -- build environmental values
- "environment in the schools" initiative
- curriculum development

develop habitat strategy

environmental labeling
- expand FTC/EPA cooperation

AID reform
- use EPA environmental expertise
- launch "environmental corps"

- broaden Peace Corps environmental focus
    - build on existing EPA/Peace Corps MOU

"Environment for People" initiative
- geographic focus on eco-systems people know and love
    - Grand Canyon
    - Chesapeake Bay
    - Jersey shore
    - Puget Sound
    - Great Lakes
    - etc.
- establish comprehensive airshed and watershed approaches
- reorient EPA budget and staff to regional office

new EPA building

hold an EPA/state "environmental summit"
- focus on shortfalls in implementation of enviro laws
- look at state and local funding options
- develop plans for state and local "capacity building"

EPA "Futures" project public unveiling

National Environmental Goals
- launch public dialogue over priorities and programs

launch a "green data" initiative
- match data bases and capacities to environmental needs
- draw on CIA and NSA assets

Climate Change Action Program

* lead agency.

- voluntary CO2 reporting (using recent energy legislation)
- corporate greenhouse gas reduction program → company-wide rather than pilot projects, etc.
- launch outreach to states on climate change
- issue NEPA interpretation to cover climate effects

build Environmental Leadership program
- environmental seal of approval for companies
- like the Baldridge quality awards

expand President's Environmental awards -- celebrate success
- broaden categories beyond students
- include cities, companies, groups
- focus on key themes -- e.g. pollution prevention, recycling

U.N. Sustainable Development Commission
- show interest and support
- name a high profile U.S. representative
  - the Vice President?
  - EPA Administrator

establish an Environmental Disaster Response Team
- ready to respond to oil spills, chemical accidents, etc.
- both domestic and international capability

support a corporate "environmental auditing" requirement
- require identification of enviro liabilities in SEC filings

announce intention to sign Biodiversity Convention
- issue interpretive statement to address:
  - intellectual property protection
  - biotechnology regulation
  - funding mechanism

stewardship of federal lands
- manage federal lands on a truly sustainable basis

* population
- reverse "Mexico City" policy

cancel plans to open ANWR

* for most part handle issues ad hoc basis.

[Carmen Suro-Bredie (USTR) * 395-7320] until decision-making wrap.

Early Opportunities

inaugural address -- mention environmental program

Alaska wetlands rule

climate change protocol commitment
- withdraw and revise U.S. National Action Plan

environmental equity policy statement
- outreach to key groups -- tribes, farm workers

* federal recycling order (withdraw and revise existing order)

abolish the Quayle Council on Competitiveness
- restructure EPA-OMB relationship (regulatory review)
- revise and reissue Executive Order 12291

* staff seats on NSC & DPC & EPC as well as authority for EPA to have a seat.

institutionalize EPA's role in government-wide decisionmaking
- put EPA on the new DPC and EPC
- recognize that some NSC issues require EPA participation

* announce plans to elevate EPA to cabinet status
- pursue reorganization options simultaneously → but 1° is to elevate.

launch environmental technology and competitiveness initiative
- expanded technical assistance to developing countries
  - build on USETI model (public/private partnership)
  - use climate change country studies as a platform
- develop an EPA/DOC environmental export program
- * provide support for enviro technology venture fund
- establish "Swords to Plowshares" enviro R & D program
  - EPA/DOE cooperation, esp. through National Labs
  - redirect DOE R & D budget

* turn over some (one?) lab to EPA

companies pay 0-25K/yr (depending on size) ↓ & ↑ # of courses! Now 10 10) old ↑ 20/30 maybe ↑ # of parts of country involved. Now done in DC old do overseas.

include environment in any infrastructure program
- ensure highway projects, etc. are enviro appropriate
- include environmental infrastructure projects
  - combined sewer overflows
  - waste water treatment facilities
- set up an "environmental youth corps"
  - urban tree planting
  - riparian restoration

cut subsidies that hurt the environment
- water
- timber
- grazing
- mining
- oil extraction
- (some require legislation; some can be done by rule)

* look @ ex. forest roads → instead of just ~~helm corps~~

commit to launching a GATT "Green Round"

DAAG Synrist.

To: Katie McGinty
% Reed Hundt

From: Trey

19 pgs

* will call w/ names *

ENVIRONMENT INITIATIVES -- FIRST 100 DAYS

o BUDGET REVISIONS????

o Begin immediate interagency process to upgrade National Action Plan on Climate Change; Issue Order that Plan shall result in stabilization of emissions of CO2 at 1990 levels by the year 2000.

o Begin international discussions (host a meeting of Parties?) on a Protocol to the Framework Convention on Climate Change

o Host meeting of Parties to the Biodiversity Convention; discuss possible amendments to facilitate US signature

o Announce that U.S. will support a strong, high-level Sustainable Development Commission at the UN to build on commitments made at the Earth Summit

o Announce support for a Commission to monitor US progress in implementing Agenda 21

o Announce support for a strengthened United Nations Environment Program as an effective vehicle for international collaboration of environment agencies

o Summit meeting with G77 (developing country) leaders; dialogue on a partnership in sustainable development (public and private development financing; technology cooperation; debt reduction; trade reforms; link US private sector capabilities to developing country needs).

o Issue Directive for EPA to accelerate phaseout of ozone-destroying chemicals pursuant to Section 606 of the Clean Air Act and in light of November meeting of Parties to the Montreal Protocol

o Host Meeting of NAFTA Parties to Discuss Supplemental Measures on Environmental Enforcement

o Convene and Interagency Task Force through the Council on Environmental Quality on Sustainable Development; Require report from each Agency on UNCED follow-up

o Introduce legislation instituting a National Environment Strategy -- a multi-year plan of action containing measurable goals for improving environmental performance in manufacturing, energy, agriculture, transportation, and other sectors

o Launch a series of Roundtable Strategy Sessions with Business leaders through the Council on Environmental Quality on Sustainable Development; Environment and the Economy; Environmental Technologies o Convene Interagency Task Force through the Council on Environmental Quality on Market-Based Environmental Initiatives, such as the use of pollution taxes (work on campaign pledge to develop and implement revenue neutral market incentives that reward conservation and penalize polluters and energy-wasters); incentives to stimulate new investment that accelerates the replacement of environmentally burdensome products and processes; promote pollution prevention; promote voluntary initiatives such as environemntal audits, green labeling, recognition of progressive corporate initiatives

o Eliminate Council on Competitiveness

o Lift Regulatory Moratorium

o End Mexico City Policy

o Convene Timber Summit

o Issue Recycled Commodity Procurement Directive

o Create A Solid Waste Reduction Program per campaign pledge

o Issue Executive Order on Federal Energy Use -- Increase Efficiency; Increase use of Renewables to implement campaign pledge to increase energy efficiency in every federal agency and set standards ot insure that federal grants, contracts, and projects support conservation goals (See here what already in the Energy Bill; how could be stepped up in an EO)

o Create a Commission (with participation of industy, federal labs, etc.) on Energy Efficiency to implement campaign pledge to improve overall energy efficiency by 20 percent by the year 2000; to promote changes in utility regulation to make energy efficiency profitable; strengthen federal programs to encourage energy efficient housing

o 1994 Energy Budget revision to emphasize efficiency and renewables

o Introduce Department of the Environment Legislation

o Withdraw regulation opening National Parks to Stripmining

o Launch Rebuild America initiative with focus on use of environmental technologies

o Arctic Coastal Plain Wilderness: Withdraw Interior Department recommendation to drill under the 1002 Report EIS, or alternatively, concede to the lawsuit that challenges adequacy of the EIS

o Alaska Land Purchase Under the Exxon Settlement: Use $ now available to Federal Exxon trustees to purchase available inholdings and native corporation wildlife lands in the maritime province, particularly on Afognak, Kodiak, and the Alaska Peninsula

o Wetlands: Immediately withdraw the 1991 Proposed Wetlands Manual and refer the question of the appropriate definition of wetlands to the National Academy of Sciences. 1987 Manual could be used in the interim, with instruction to the Corps of Engineers and the EPA to reconcile any differences in respective applications

o Auto Fuel Efficiency: Establish a Commission on the US Auto Industry charged with, including other key competitiveness issues (such as fair trade and health care costs), enhanced fuel economy

o Directive to include conservation incentives in the federal matching fund program to implement campaign pledge to adopt transportation strategies and highway spending programs that encourage car-pooling and high-efficiency; high tech transportation systems and mass transit (how add to highway bill here??)

o Directive to convert federal fleet to natural gas (per campaign pledge -- probably should only be considered for some percentage of the fleet); additional measures to expand markets for natural gas in every sector per campaign pledge

o Reintroduce legislation to re-orient mission of federal labs to produce enviromental technologies

o Introduce legislation on green technologies; civilian advanced research initiative (campaign pledge)

o Order DOE assessment of priorities (begin implementation of campaign pledge to oppose increased reliance on nuclear power; stop spending 60 percent of budget on nuclear weapons; invest more in development of renewable energy sources)

o Clean Water Act amendments with standards for "non-point-source" pollution (campaign pledge)

o Superfund reform (campaign pledge)

o Environmental Justice Task Force

o Task force to explore establishing the international equivalent of the Nature Conservancy per campaign statements

file together
1st 100 days

MEMORANDUM

MEMORANDUM

TO: Barry Carter

FROM: Katie McGinty

DATE: 30 October 1992

Environment Initiatives: First 100 Days

I. Domestic Initiatives -- Competitiveness

A. **ACTION:** The President should direct the Council on Environmental Quality to initiate a series of roundtable strategy sessions with the private sector to promote economically-sound environmental strategies. The roundtables should address specifically: sustainable development; the environment and the economy; and strategies to develop and export U.S. produced environmental technologies.

EXPLANATION: It is essential that the Administration reach out to the private sector and signal a willingness to work with industry on economically efficient environmental strategies. Through a series of roundtable discussions, industry concerns can be identified and incorporated in the Administration's environmental plans. Under the coordination of the Council on Environmental Quality, the Administration should solicit private sector input on achieveable environmental goals and cost-effective, flexible strategies for achieving those goals. Most importantly, economic opportunities -- at home and abroad -- should be identified for public-private partnership in the development and marketing of environmentally critical technologies.

B. **ACTION:** Convene summit meeting with G-77 leaders to dialogue on a partnership in sustainable development: public and private development financing; technology cooperation; debt reduction; trade reforms (especially Uruguay Round reforms); matching U.S. private sector capabilities to developing country needs.

EXPLANATION: Thirty-five percent of U.S. exports in 1991 were to developing nations. A summit level meeting with developing country leaders would further strengthen these important export markets and promote sustainable economic development. Further, such a summit would signal U.S. global environmental and economic leadership. Finally, it could be part of a process of developing

Third World markets for U.S. environmental technologies.

C. **ACTION:** Eliminate Council on Competitiveness.

EXPLANATION: The Council on Competitiveness is chaired by the Vice President and has seven permanent members: Secretary of the Treasury, Attorney General, Secretary of Commerce, White House Chief of Staff, Director of OMB, and Chairman of the Council of Economic Advisors. It grew out of the Reagan Task Force on Regulatory Relief (Chaired by VP Bush). Its stated purpose is to coordinate and supervise regulatory implementation and to seek to minimize the regulatory burden on U.S. economy.

In actual operation, the Council has provided a voice for ideologues opposed to regulation, has given industry a secret conduit through which to petition for favorable rulemaking, and has thwarted and intimidated agencies responsible for drafting regulations conforming to Congressional intent. The Council has made discredited claims of economic benefits, and the secrecy surrounding their operation has called into question the legality of their influence on agency rulemaking.

Eliminating the Council will provide an important symbol that special interests will no longer have preferential access to, and influence on, the rulemaking process. The legitimate executive function of regulatory review and coordination is vested in the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA), which must conduct its review program with public accountability. This underscores the importance of the OMB director and the OIRA director in maximizing regulatory benefits and minimizing cost. These appointments are crucial to obtain a balanced and reasonable regulatory program.

D. **ACTION:** Lift Regulatory Moratorium.

EXPLANATION: President Bush proclaimed a 90-day regulatory moratorium in his State of the Union Message in January 1992, and has subsequently extended it. It was supposedly aimed at regulations that would impede economic recovery, and not thwart progress toward regulatory goals and statutory deadlines.

In fact, the moratorium has obstructed legitimate rulemaking, given the Council on Competitiveness additional leverage in the rulemaking process, and has stalled many important regulations beyond statutory deadlines. The Administration has made extravagant claims of economic benefits, which are widely discredited. More importantly, it has sown confusion among regulated industries who will eventually have to comply with environmental rules. Many industries have put pollution control investments on hold -- and the uncertainty is impeding the efficient response to environmental regulations.

Lifting the moratorium and eliminating the Council on Competitiveness would provide more certainty (and, therefore economic efficiency) in regulated industries. These actions should be announced in a spirit of open government operations, and with assurances that the regulatory program will be neither obstructed by political manipulation, nor unnecessarily expanded beyond Congressional intent. A new Administration can signal both regulatory flexibility and responsiveness to economic concerns without resorting to ideologically inspired shenanigans. For example, recent rulemaking innovations such as "negotiated rulemaking" (reg-neg) have provided industry with improved input into the rulemaking process, and should continue.

II. Domestic Initiatives -- Energy

A. ACTION: The President should issue an Executive Order directing federal agencies to explore opportunities for energy efficiency improvements in federally-owned or leased buildings with a payback period of 10 years or less. The Executive Order should require each Department to execute five energy saving performance contracts within one-year and to seek participation in utility energy efficiency and water conservation programs, pursuant to the Energy Policy Act of 1992 (section 152 (f)). Finally, the order should direct Departments to investigate opportunities for utilizing renewable energy sources.

EXPLANATION: It is estimated that the Federal government could reduce its energy costs by approximately $1 billion annually through the installation of energy efficiency measures in its buildings. Energy saving performance contracts and utility rebate/incentive programs can help the Federal government finance energy efficiency improvements at little or no initial cost. The federal government can provide a powerful market for manufacturers of energy efficient and renewable energy technologies, thus encouraging the commercial viability and market penetration of environmentally-sound energy technologies.

In April 1991, President Bush signed an Executive Order requiring a 20% reduction in federal facility energy use from 1985 levels by 2000. Very little progress has been made toward this goal. Section I, Subtitle F of the Energy Policy Act of 1992 (HR 776) made this goal mandatory, and provided specific timetables for agency action.

Although HR 776 requires federal action, the new Administration could signal that federal energy conservation will be a high priority by making the necessary appointments and forging interagency agreements prior to statutory deadlines. If the actions taken pursuant to the Energy Policy Act of 1992 are given sufficient visibility and resources, the budget savings will begin to accrue more rapidly.

Cost-effective investment opportunities in energy conservation for the federal government can provide the basis for a short-run fiscal stimulus with long-run budget savings. In particular, accelerating investments in building energy conservation and low-income household conservation could stimulate earnings in the building trades and energy technology sectors. Estimates vary, but a full spendout of cost effective investments in energy conservation is on the order of $1 to $3 billion, which could eventually realize up to $1 billion annually in energy savings --an attractive rate of return.

B. **ACTION:** The President should direct the Secretary of Energy to develop a strategy for improving overall energy efficiency in the United States by 20 percent by the year 2000.

EXPLANATION: During the campaign, Governor Clinton pledged to seek a 20 percent improvement in U.S. energy efficiency by the year 2000. This ambitious goal can only be realized through early and coordinated action. This effort should be part of the overall manufacturing and competitiveness strategy to ensure that energy efficiency is given adequate attention in such areas as defense conversion, national laboratory reorientation, manufacturing extension program, federal housing policy, etc. This option could be patterned after previous Presidential Council's on Competitiveness and Sustainable Business.

C. **ACTION:** Order DOE reassessment of agency priorities. This action would begin implementing campaign pledge to oppose increased reliance on nuclear power, and to re-assess DOE mission with goal of directing budget priorities away from nuclear weapons (currently 60% of budget), toward more investment in renewables, efficiency, and conservation.

EXPLANATION: Under Reagan-Bush, two-thirds of DOE's budget and an even greater share of its attention was focussed on the nuclear weapons complex. Domestic energy policy was essentially nonexistant -- rather, energy choices were to be determined solely on the basis of market forces. This action item would signal that sound domestic energy policy addressing security, economic, and environmental concerns will be a high priority under Clinton-Gore. This can be done through Presidential statements, and revisions to the FY94 budget that shift some of the nuclear weapons budget (now $7.5 billion) to environmental clean-up research, domestic energy issues, and nuclear dismantlement and proliferation. The DOE labs should be given the mandate to become more involved in environment and energy technology r&d efforts undertaken in concert with industry.

III. Domestic Initiatives -- Conservation and Natural Resources

A. ACTION: Convene Forest Summit.

EXPLANATION: Pursuant to a campaign pledge, the President should convene a forestry summit within the first 100 days. The objective of this summit must be to avoid getting trapped in the longstanding stalemate among environmentalists, labor, industry and Congress. Consideration should be given immediately to developing a comprehensive strategy for the new Administration so that it has clearly identified objectives and plans well in advance of the summit.

B. ACTION: At the earliest possible date, the President should direct the withdrawal of the rule proposed by the Department of Interior (Office of Surface Mining) on July 18, 1991 that proposes a new definition of "valid existing rights" for coal under the Surface Mining Control and Reclamation Act (SMCRA). At the same time, the President should make clear his intention to prohibit stripmining in U.S. National Parks, other national interest lands, as well as private homes, businesses, schools, churches and cemeteries, as originally contemplated in SMCRA.

EXPLANATION: During the campaign, the Bush Interior Department's proposed rule to allow stripmining in national parks has been severely criticized. Essentially, this proposal would place an extremely broad interpretation on the "valid existing rights" of coal owners, for purposes of understanding the government's authority to protect nation, state and private lands from being stripmined by comapanies that own coal rights underneath parks, churches, etc. SMCRA makes the prohibition on stripmining such lands subject to "valid existing rights."

Efforts under the Carter Administration to interpret "valid existing rights" narrowly apply only in cases where a coal owner had an approved mining plan as of the date of SMCRA's enactment were struck down in the courts as overly restrictive. The proposed rule, however, bends over backward in the other direction, relying in part on Executive Order 12630, and presuming that a "taking" has occurred whenever a coal owner is prevented from mining. This interpretation could force the government to pay millions or hundreds of millions of dollars in claims to prevent unacceptable damage to national and private lands from stripmining.

C. **ACTION:** The President should withdraw the Interior Department's April, 1987 recommendation to Congress to authorize an oil and gas leasing program in the coastal plain of the Arctic National Wildlife Refuge (ANWR). In addition, the President should announce his intention to develop legislation designating the Arctic National Wildlife Refuge as wilderness.

EXPLANATION: The fate of the ANWR has been a major point of controversy between the environmental community and several major oil companies since the debate over the Alaska National Interest Lands Act (ANILCA) in 1980. The House version of the Alaska Lands bill would have protected the coastal plain as wilderness; the Senate version, which was signed into law by President Carter after the 1980 election, mandated a study of the area and further recommendations.

The Reagan Administration's recommendation to drill was presented to Congress in April 1987, in the form of the Department of Interior's "1002 Report." Highly controversial itself, the report obscured the reservations of federal scientists concerning the results of drilling such a fragile and wildlife-rich area, and recommended opening the entire area to drilling. Despite this recommendation, and strong support from both Reagan and Bush, the 100th, 101st and 102nd Congresses consistently rejected drilling legislation.

Preservation of ANWR is one of top priorities of national environmental organizations. Withdrawing the Interior Department's recommendation to drill would help fulfill a campaign pledge and help signal a new approach to national energy policy focused on efficiency, natural gas and alternative energy resources.

IV. Domestic Initiatives -- Pollution

A. **ACTION:** Issue Directive for EPA to accelerate phaseout of ozone-destroying chemicals pursuant to Section 606 of the Clean Air Act and in light of November meeting of Parties to the Montreal Protocol.

EXPLANATION: Section 606 gives the EPA Administrator authority to promulgate more rapid phase-out schedules for ozone depleting substances when warranted by new scientific evidence. Scientific evidence released within the past 12 months warrants a more rapid phase out of the most harmful ozone depleting subtances. The Bush

Administration has failed to promulgate more stringent regulations despite stating its intention to do so. A directive to EPA will ensure the rapid issuance of a more stringent phase-out schedule.

V. International Initiatives -- UNCED Follow-Up

A. ACTION: In order to follow-up on the non-binding action plan (Agenda 21) established at the United Nations Conference on the Environment and Development, the President should convene an interagency task force, under the direction of the Council on Environmental Quality, to define/explore the U.S. role in promoting sustainable development. The President should also direct all agencies of the U.S. government to develop a report detailing the responsibilities they would/could undertake to implement Agenda 21.

EXPLANATION: At the UNCED, participating governments negotiated a comprehensive action plan to promote sustainable economic development. This plan, known as Agenda 21, involves program areas that would necessarily require action by most agencies of the U.S. government. While it is a non-binding agreement, a high-level Sustainable Development Commission is to be established by the United Nations this fall to measure the progress of all nations in implementing Agenda 21. In addition, an independent "Earth Council," is being organized by the Secretary-General of the Earth Summit to monitor government progress in following up Agenda 21. The Earth Council is to be comprised of a world-renowned individuals who could leverage considerable public relations pressure on governments.

It is important, therefore, for the United States to begin immediately developing an organized and comprehensive program for implementing Agenda 21. As a first step, the President should establish an interagency task force, headed by the Council on Environmental Quality, to define sustainable economic development at home and abroad. To help facilitate this interagency effort, each Department of the federal government should review Agenda 21 to identify which proposals fall under its jurisdiction and to propose a plan for following up on those responsibilities.

B. ACTION: President Clinton should signal his support for an effective Sustainable Development Commission which will be established this fall by the United Nations General Assembly pursuant to agreements reached at the Earth Summit. The President should signal his support for a Commission that is given a strong mandate, independence, and the necessary resources to promote sustainable development around the globe.

EXPLANATION: At the United Nations Conference on Environment

and Development, nations agreed to establish a high-level Commission on Sustainable Development to effectively follow-up on the conference and enhance international cooperation to promote sustainable development. The UNCED recommended that the U.N. General Assembly establish the Commission during its 47th session this fall. Many expert observers believe that the Commission on Sustainable Development is the most important outcome of the UNCED conference. Therefore, a strong, independent entity should be created. The Bush Administration has proposed locating the Commission within the UN Department of Economic and Social Development, which would reduce both the independence and significance of the Commission.

The new President should signal his support for the Commission to be established as an independent Secretariat of the United Nations with authority to report directly to the Secretary General. The European Community and the developing country alliance, the G-77, support this position. Japan and China support the current U.S. position. The Commission also should be encouraged to allow more liberalized access for non-governmental organizations than currently exist with respect to the Economic and Social Council of the United Nations.

The Commission should have a broad mandate to review agreements reached at UNCED and to recommend new agreements based on evolving scientific, environmental, economic and social information. This mandate should allow the Commission to collect information from national governments, review progress toward funding of Agenda 21 and to recommend environmental reforms in multilateral development assistance programs.

Representation on the Commission should be at a high-level of government, including, at a minimum, a Ministerial-level component of the Commission's meetings. High-level representation will ensure that the Commission and its work are effective and respected.

In summary, the establishment of a Commission on Sustainable Development is a critical milestone on the road from Rio. It is essential that the Commission be well conceived and sufficiently strong to follow up on the historic UNCED conference. The environmental community views the proper establishment of the Commission as a high priority.

C. ACTION: The President should establish an interagency process to upgrade the U.S. National Action Plan on Climate Change and issue an Executive Order stating that the U.S. Plan shall result in the stabilization of U.S. CO_2 emissions at 1990 levels by the year 2000. In addition, the President should call for renewed

international discussions on the Framework Convention on Climate Change to develop binding targets and timetables for the developed nation parties to the treaty.

EXPLANATION: Pursuant to the Framework Convention on Climate Change signed by the United States at the Earth Summit and ratified by the United States Senate in October, 1992, the United States is committed to develop a national action plan aimed at returning manmade emissions of carbon dioxide and other greenhouse gases to their 1990 levels.

At the Earth Summit, President Bush pledged to have a U.S. action plan prepared by January 1, 1993 and urged other developed country Parties to finalize action plans by the same date. The Bush Administration is currently revising an earlier plan and is expected to present its revised plan at the next meeting of the Intergovernmental Negotiating Committee in December.

An executive order stating the United States' intention to stabilize carbon dioxide emissions at 1990 levels by the year 2000 would reverse the the Bush Administration position of opposing the establishment of firm targets and timetables when the Framework Convention was negotiated. All other industrialized nations had signalled a willingness to achieve the CO2 stablization goal. The National Academy of Sciences has estimated that the United States could reduce its greenhouse gas emissions by between 10-40 percent at very low cost, and perhaps at a net savings. The Office of Technology Assessment has made a similar finding. To regain the U.S. legacy of global environmental leadership, the United States should lead the world by committing to the stabilization of carbon dioxide emissions.

Concurrent with a U.S. pledge to stabilize carbon dioxide emissions, the President should urge the negotiation of a protocol to the Convention that would establish binding targets and timetables for greenhouse gas emission reductions. At a minimum, the United States should seek a protocol binding all industrializing countries to stabilizing carbon dioxide emissions at 1990 levels by the year 2000.

D. ACTION: President Clinton should overturn the Mexico City Policy (the international version of the gag-rule) and signal a willingness to resume funding for the United Nations Population Fund.

EXPLANATION: Announced by the Reagan Administration at the 1984 International Conference on Population in Mexico City, the so-called "Mexico City Policy" denies U.S. funding to private

voluntary organizations, such as Planned Parenthood Federation of America, from receiving U.S. population funding if the organization supports family planning agencies overseas that provide information on abortion or abortion services with private, non-U.S. funds. The policy has been implemented since 1985 without statutory authority and remains in effect at the discretion of the President. The Mexico City policy is not applied to foreign governments. Overturning the policy would do nothing to alter the long-standing prohibition on U.S. funds being used for abortion services. Overturning the policy is a priority for population, choice and environmental organizations and constituencies.

Also in 1985, Congress enacted the "Kemp-Kasten" amendment which denies foreign aid funding to any organization which "supports or participates in the management of a program of coerced abortion or involuntary abortion." This language has been appended to every foreign operations appropriations bill since 1985. The Reagan and Bush Administrations have interpreted this legislation to deny funding to the United Nations Population Fund (the principal multilateral organization providing worldwide family planning and population assistance) because of its program of assistance to China.

Despite the fact that the Agency for International Development found in 1985 that UNFPA "neither funds abortions nor supports coercive family planning practices in its programs," the Reagan/Bush Administrations have withheld a U.S. contribution. The United Nations program in China is focused on improving contraceptives in China; expanding maternal and child health programs in rural areas; and providing training for Chinese scientists.

Each year, pro-choice members of Congress have won approval for amendments to the foreign operations appropriations bill that would restore funding to UNFPA. In recent years, Senator Simpson has helped craft compromise language. Unfortunately, the Congress has been unable to establish a veto-proof margin of support and the UNFPA provisions have been stripped from funding bills. Restoring funding for UNFPA need not have any budgetary impact. The President should issue a finding declaring that UNFPA does <u>not</u> "support or participate in the management of a program of coerced abortion or involuntary sterilization." This would allow a U.S. contribution to UNFPA. Alternatively, the President could direct AID to develop a recommendation or appoint a commission to investigate UNFPA's role in the Chinese program. Finally, in his budget proposal, the President can signal his intention to restore funding to UNFPA by dedicating a portion of his overall population assistance request for UNFPA.

E. ACTION: Request a meeting of the Parties to the Biodiversity Convention for the purpose of discussing possible amendments to facilitate U.S. signature.

EXPLANATION: The U.S. did not sign the Biodiversity Treaty at the Earth Summit, claiming problems with intellectual property protection and funding mechanisms. However, there is strong evidence that these excuses were merely covers for another motive: the Council on Competitiveness feared that the implementing legislation for the Treaty would lead to a strengthened Endangered Species Act. This action item would therefore begin a good-faith process of negotiating amendments to the Treaty that address legitimate U.S. concerns, allowing the U.S. to sign onto a revised, meaningful Treaty that protects both U.S. commercial interests and biodiversity.

*** October 1992

RE: Upcoming International Environmental Events

<u>November</u>

United Nations General Assembly. (Nov.-Dec.) This UNGA is very important to the environmental community because international commitment to follow-up on the Earth Summit is on the agenda. Several items are of particular note:

<u>Commission on Sustainable Development</u>: The UNGA will discuss the structure and function of the proposed Commission on Sustainable Development beginning on November 2 and continuing through December. In order to fulfill hopes that the Commission will play an important role in promoting sustainable development, it must be given a broad mandate, and a high degree of autonomy in setting its agenda. To the maximum extent feasible it should be made independent of the U.N.'s Economic and Social Council which has been moribund at best. Agencies involved: State, EPA, CEQ

<u>Desertification</u>: The UNGA also needs to adopt a resolution establishing an intergovernmental negotiating committee for the elaboration of an international convention to combat desertification as agreed to in chapter 12 of Agenda 21. The goal is to finalize such a convention by June, 1994. The Administration originally opposed proposals to negotiate such a convention, but eventually agreed to accept them. A statement of strong U.S. support for the concept of the Convention would likely be well-received by African nations, although the Convention has received relatively little attention from the U.S. environmental community. If the

resolution setting the negotiating process in motion is agreed to, it is quite possible that the first meeting of the committee would take place in the first six months of 1993. Agencies involved: State

<u>Climate change</u>: The UNGA should pass a resolution extending the mandate of, and including financial support for, the Intergovernmental Negotiating Committee responsible for the Convention on Climate Change. The INC will initiate work identified in the Convention to be taken up by the Conference of the Parties after the Convention's entry into force (EIF). The INC was given this task because the Convention must be ratified by 50 countries to enter into force and this could take several year. The U.S. should, and it appears will, support adoption of such a resolution. Agencies involved: State

Intergovernmental Panel on Climate Change. (Nov. 9-13, Harare) This is the primary international body tasked with translating and interpreting the science of climate change; the IPCC's mission is technical, not political. The meeting will restructure the IPCC and discuss the timing and content of the next IPCC report, scheduled for release in 1995. A particularly important issue arises with regard to the chairmanship of the working groups that will be set up under the IPCC. The United States will chair one of the working groups. The US position has been that a political appointee, rather than a scientist, should fill that role. This position should be reversed. Agencies involved: State, NOAA, EPA

Antarctic Environmental Protection. (Nov. 9-20, Venice). This will be the first meeting of the Antarctic Treaty Consultative Parties since conclusion of the Protocol on the Environment which contains a 50 plus year moratorium on commercial mineral resource activities in the Antarctic. Two main topics will be discussed: the establishment of a secretariat for the Antarctic Treaty System and the regulation of tourist and NGO activities in Antarctica. The U.S. has supported a secretariat and it appears that Argentina may have dropped its long-standing opposition to such a move, albeit at the price that the Secretariat be located in Buenos Aires. The proposal for an Annex to the Protocol on the Environment protocol on tourist and NGO activities has been greeted with scepticism by the Administration, largely because it argues these activities are already covered in the Protocol on the Environment. The environmental community generally agrees with the Administration's view. Agencies involved: State, NSF, EPA

Ozone Depletion. (Nov. 16-25, Copenhagen). The parties to the Montreal Protocol will meet to agree to accelerated phaseout schedules for ozone depleting chemicals, the addition of new

substances to be controlled (HCFCs and methyl bromide), and to define the financial mechanism agreed to as part of the London Amendments to the Montreal Protocol. The U.S. should support the addition of the new substances to the control list and it appears that it will do so. Of some concern is the schedule for HCFC and methyl bromide limitations which have yet to be worked out. The U.S. is in a strong position to push for an aggressive phase-out schedule for methyl bromide since, under the Clean Air Act, the U.S. will have to phase out production of the substance by the year 2000. It appears likely, however, that support for methyl bromide reductions will coalesce around proposals to reduce production in the year 2000 by 25 percent from 1991 levels.

With regard to the financial mechanism, some EC countries have proposed moving the mechanism into the Global Environment Facility of the World Bank/UNEP/UNDP. Developing countries strongly oppose this proposal. The U.S. should support continuation of an independent financial mechanism with the qualification that we will evaluate its effectiveness in one or two years. There is nothing to be gained by moving the mechanism to the GEF and such a move would alienate the developing countries.

Finally, the parties are considering adoption of an "essential use exemption" on the phaseout schedules. This loophole needs to be drawn much more tightly than in the current draft text. It is not clear at this point what definition of essential use the Administration will advocate.

Agencies involved: State, EPA.

Basel Convention on the Transboundary Movement of Hazardous Wastes. (Nov. 30 - Dec. 4, Montevideo). Although the Senate has granted its advice and consent to ratification, the United States has yet to become a party to the Convention because the Congress did not pass the necessary implementing legislation. As a result, the U.S. will participate as an observer rather than a party. Several major issues will be addressed at the meeting. First, the parties will initiate discussions on, and perhaps agree to, technical guidelines for meeting the Convention's requirement that hazardous waste be managed in an "environmentally sound manner." If these guidelines are weak, the Convention will be relatively ineffective. As the Foreign Relations Committee urged in its report on the Convention, the United States should support adoption of guidelines that provide equivalent environmental protection to standards established in U.S. law. Second, the parties will adopt rules of procedure. A key point in these discussions for the United States will be agreement that budgets only be adopted by consensus. Third, the Parties will discuss whether a protocol setting forth rules and procedures for liability and compensation for damage resulting from the transboundary movement of hazardous waste should be negotiated.

Agencies involved: State, EPA

December

Global Environment Facility. (Dec. 1-4, Abidjan). The meeting will, in theory, finalize the governing structure for the GEF. In an optimistic scenario, the GEF could become a principal source of funding for environmental activities in the areas of biodiversity protection, climate change, and oceans as well as a lever to improve the environmental "quality" of World Bank loans. In a pessimistic scenario, the GEF would do little more than become a green cover for continuation of business as usual at the Bank.

The U.S. should push for a transparent governance structure which nonetheless maintains some mechanism for U.S. review of or at least input into project approval. The U.S. should push for maximum public access to project documentation. The Administration has been fairly good on this.

Agencies involved: Treasury, State

Intergovernmental Negotiating Committee. (Dec. 7-10, Geneva). This meeting is intended to get the ball rolling on implementation of the Climate Convention even though it has not yet entered into force. One of the principal items on the agenda will be discussion of the items tasked to the first meeting of the Conference of the Parties (see attachment). The meeting's provisional agenda also notes that the participants could review the adequacy of the commitments undertaken in the Convention and recommend adoption of amendments. This opens the door for a discussion of adopting targets and timetables for stabilizing CO_2 emissions. This will be the first formal opportunity to advocate such measures within the Convention framework since its signing.

At the December meeting, the United States will also present a draft national plan to meet its obligations under the Convention. This plan will be presented pursuant to a promise by President Bush to have such a plan prepared by January 2.

Agencies involved: State, EPA, DOE

Follow-up Biodiversity Treaty Meetings, (Nairobi).

Other

International Conference on Population and Development. (Sept. 5-13, 1994, Cairo). Preparations for this Conference have already begun.

The first preparatory meeting (PrepCom) was held in spring, 1991. It has been followed by a series of experts and regional meetings. The second PrepCom will take place in August of 1993 and the third in 1994. Clearly, a new Administration will want its positions in line heading into the second PrepCom. Moreover, the United States will have to submit its country statement by December 31, 1992 for presentation to the European Regional Population Conference to be held March 23-26 in Geneva. Agencies involved: State

World Conference on Women (1995, Beijing) This U.N.-sponsored conference follows by ten years the Nairobi Conference on women. The conference will assess implementation of forward-looking strategies adopted in Nairobi on peace, development, and equality. The Congress has required a draft of U.S. report and recommendations to be submitted in the summer of 1993.

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file – 1st 100 days

from: Katie McGinty
Oct 30, 1992

Administration has failed to promulgate more stringent regulations despite stating its intention to do so. A directive to EPA will ensure the rapid issuance of a more stringent phase-out schedule.

V. International Initiatives -- UNCED Follow-Up

A. ACTION: In order to follow-up on the non-binding action plan (Agenda 21) established at the United Nations Conference on the Environment and Development, the President should convene an interagency task force, under the direction of the Council on Environmental Quality, to define/explore the U.S. role in promoting sustainable development. The President should also direct all agencies of the U.S. government to develop a report detailing the responsibilities they would/could undertake to implement Agenda 21.

EXPLANATION: At the UNCED, participating governments negotiated a comprehensive action plan to promote sustainable economic development. This plan, known as Agenda 21, involves program areas that would necessarily require action by most agencies of the U.S. government. While it is a non-binding agreement, a high-level Sustainable Development Commission is to be established by the United Nations this fall to measure the progress of all nations in implementing Agenda 21. In addition, an independent "Earth Council," is being organized by the Secretary-General of the Earth Summit to monitor government progress in following up Agenda 21. The Earth Council is to be comprised of a world-renowned individuals who could leverage considerable public relations pressure on governments.

It is important, therefore, for the United States to begin immediately developing an organized and comprehensive program for implementing Agenda 21. As a first step, the President should establish an interagency task force, headed by the Council on Environmental Quality, to define sustainable economic development at home and abroad. To help facilitate this interagency effort, each Department of the federal government should review Agenda 21 to identify which proposals fall under its jurisdiction and to propose a plan for following up on those responsibilities.

B. ACTION: President Clinton should signal his support for an effective Sustainable Development Commission which will be established this fall by the United Nations General Assembly pursuant to agreements reached at the Earth Summit. The President should signal his support for a Commission that is given a strong mandate, independence, and the necessary resources to promote sustainable development around the globe.

EXPLANATION: At the United Nations Conference on Environment

and Development, nations agreed to establish a high-level Commission on Sustainable Development to effectively follow-up on the conference and enhance international cooperation to promote sustainable development. The UNCED recommended that the U.N. General Assembly establish the Commission during its 47th session this fall. Many expert observers believe that the Commission on Sustainable Development is the most important outcome of the UNCED conference. Therefore, a strong, independent entity should be created. The Bush Administration has proposed locating the Commission within the UN Department of Economic and Social Development, which would reduce both the independence and significance of the Commission.

The new President should signal his support for the Commission to be established as an independent Secretariat of the United Nations with authority to report directly to the Secretary General. The European Community and the developing country alliance, the G-77, support this position. Japan and China support the current U.S. position. The Commission also should be encouraged to allow more liberalized access for non-governmental organizations than currently exist with respect to the Economic and Social Council of the United Nations.

The Commission should have a broad mandate to review agreements reached at UNCED and to recommend new agreements based on evolving scientific, environmental, economic and social information. This mandate should allow the Commission to collect information from national governments, review progress toward funding of Agenda 21 and to recommend environmental reforms in multilateral development assistance programs.

Representation on the Commission should be at a high-level of government, including, at a minimum, a Ministerial-level component of the Commission's meetings. High-level representation will ensure that the Commission and its work are effective and respected.

In summary, the establishment of a Commission on Sustainable Development is a critical milestone on the road from Rio. It is essential that the Commission be well conceived and sufficiently strong to follow up on the historic UNCED conference. The environmental community views the proper establishment of the Commission as a high priority.

C. **ACTION:** The President should establish an interagency process to upgrade the U.S. National Action Plan on Climate Change and issue an Executive Order stating that the U.S. Plan shall result in the stabilization of U.S. CO_2 emissions at 1990 levels by the year 2000. In addition, the President should call for renewed

international discussions on the Framework Convention on Climate Change to develop binding targets and timetables for the developed nation parties to the treaty.

EXPLANATION: Pursuant to the Framework Convention on Climate Change signed by the United States at the Earth Summit and ratified by the United States Senate in October, 1992, the United States is committed to develop a national action plan aimed at returning manmade emissions of carbon dioxide and other greenhouse gases to their 1990 levels.

At the Earth Summit, President Bush pledged to have a U.S. action plan prepared by January 1, 1993 and urged other developed country Parties to finalize action plans by the same date. The Bush Administration is currently revising an earlier plan and is expected to present its revised plan at the next meeting of the Intergovernmental Negotiating Committee in December.

An executive order stating the United States' intention to stabilize carbon dioxide emissions at 1990 levels by the year 2000 would reverse the the Bush Administration position of opposing the establishment of firm targets and timetables when the Framework Convention was negotiated. All other industrialized nations had signalled a willingness to achieve the CO2 stablization goal. The National Academy of Sciences has estimated that the United States could reduce its greenhouse gas emissions by between 10-40 percent at very low cost, and perhaps at a net savings. The Office of Technology Assessment has made a similar finding. To regain the U.S. legacy of global environmental leadership, the United States should lead the world by committing to the stabilization of carbon dioxide emissions.

Concurrent with a U.S. pledge to stabilize carbon dioxide emissions, the President should urge the negotiation of a protocol to the Convention that would establish binding targets and timetables for greenhouse gas emission reductions. At a minimum, the United States should seek a protocol binding all industrializing countries to stabilizing carbon dioxide emissions at 1990 levels by the year 2000.

D. ACTION: President Clinton should overturn the Mexico City Policy (the international version of the gag-rule) and signal a willingness to resume funding for the United Nations Population Fund.

EXPLANATION: Announced by the Reagan Administration at the 1984 International Conference on Population in Mexico City, the so-called "Mexico City Policy" denies U.S. funding to private

voluntary organizations, such as Planned Parenthood Federation of America, from receiving U.S. population funding if the organization supports family planning agencies overseas that provide information on abortion or abortion services with private, non-U.S. funds. The policy has been implemented since 1985 without statutory authority and remains in effect at the discretion of the President. The Mexico City policy is not applied to foreign governments. Overturning the policy would do nothing to alter the long-standing prohibition on U.S. funds being used for abortion services. Overturning the policy is a priority for population, choice and environmental organizations and constituencies.

Also in 1985, Congress enacted the "Kemp-Kasten" amendment which denies foreign aid funding to any organization which "supports or participates in the management of a program of coerced abortion or involuntary abortion." This language has been appended to every foreign operations appropriations bill since 1985. The Reagan and Bush Administrations have interpreted this legislation to deny funding to the United Nations Population Fund (the principal multilateral organization providing worldwide family planning and population assistance) because of its program of assistance to China.

Despite the fact that the Agency for International Development found in 1985 that UNFPA "neither funds abortions nor supports coercive family planning practices in its programs," the Reagan/Bush Administrations have withheld a U.S. contribution. The United Nations program in China is focused on improving contraceptives in China; expanding maternal and child health programs in rural areas; and providing training for Chinese scientists.

Each year, pro-choice members of Congress have won approval for amendments to the foreign operations appropriations bill that would restore funding to UNFPA. In recent years, Senator Simpson has helped craft compromise language. Unfortunately, the Congress has been unable to establish a veto-proof margin of support and the UNFPA provisions have been stripped from funding bills. Restoring funding for UNFPA need not have any budgetary impact. The President should issue a finding declaring that UNFPA does <u>not</u> "support or participate in the management of a program of coerced abortion or involuntary sterilization." This would allow a U.S. contribution to UNFPA. Alternatively, the President could direct AID to develop a recommendation or appoint a commission to investigate UNFPA's role in the Chinese program. Finally, in his budget proposal, the President can signal his intention to restore funding to UNFPA by dedicating a portion of his overall population assistance request for UNFPA.

E. **ACTION:** Request a meeting of the Parties to the Biodiversity Convention for the purpose of discussing possible amendments to facilitate U.S. signature.

EXPLANATION: The U.S. did not sign the Biodiversity Treaty at the Earth Summit, claiming problems with intellectual property protection and funding mechanisms. However, there is strong evidence that these excuses were merely covers for another motive: the Council on Competitiveness feared that the implementing legislation for the Treaty would lead to a strengthened Endangered Species Act. This action item would therefore begin a good-faith process of negotiating amendments to the Treaty that address legitimate U.S. concerns, allowing the U.S. to sign onto a revised, meaningful Treaty that protects both U.S. commercial interests and biodiversity.

*** October 1992

RE: Upcoming International Environmental Events

November

United Nations General Assembly. (Nov.-Dec.) This UNGA is very important to the environmental community because international commitment to follow-up on the Earth Summit is on the agenda. Several items are of particular note:

Commission on Sustainable Development: The UNGA will discuss the structure and function of the proposed Commission on Sustainable Development beginning on November 2 and continuing through December. In order to fulfill hopes that the Commission will play an important role in promoting sustainable development, it must be given a broad mandate, and a high degree of autonomy in setting its agenda. To the maximum extent feasible it should be made independent of the U.N.'s Economic and Social Council which has been moribund at best. Agencies involved: State, EPA, CEQ

Desertification: The UNGA also needs to adopt a resolution establishing an intergovernmental negotiating committee for the elaboration of an international convention to combat desertification as agreed to in chapter 12 of Agenda 21. The goal is to finalize such a convention by June, 1994. The Administration originally opposed proposals to negotiate such a convention, but eventually agreed to accept them. A statement of strong U.S. support for the concept of the Convention would likely be well-received by African nations, although the Convention has received relatively little attention from the U.S. environmental community. If the

resolution setting the negotiating process in motion is agreed to, it is quite possible that the first meeting of the committee would take place in the first six months of 1993. Agencies involved: State

Climate change: The UNGA should pass a resolution extending the mandate of, and including financial support for, the Intergovernmental Negotiating Committee responsible for the Convention on Climate Change. The INC will initiate work identified in the Convention to be taken up by the Conference of the Parties after the Convention's entry into force (EIF). The INC was given this task because the Convention must be ratified by 50 countries to enter into force and this could take several year. The U.S. should, and it appears will, support adoption of such a resolution. Agencies involved: State.

Intergovernmental Panel on Climate Change. (Nov. 9-13, Harare) This is the primary international body tasked with translating and interpreting the science of climate change; the IPCC's mission is technical, not political. The meeting will restructure the IPCC and discuss the timing and content of the next IPCC report, scheduled for release in 1995. A particularly important issue arises with regard to the chairmanship of the working groups that will be set up under the IPCC. The United States will chair one of the working groups. The US position has been that a political appointee, rather than a scientist, should fill that role. This position should be reversed. Agencies involved: State, NOAA, EPA

Antarctic Environmental Protection. (Nov. 9-20, Venice). This will be the first meeting of the Antarctic Treaty Consultative Parties since conclusion of the Protocol on the Environment which contains a 50 plus year moratorium on commercial mineral resource activities in the Antarctic. Two main topics will be discussed: the establishment of a secretariat for the Antarctic Treaty System and the regulation of tourist and NGO activities in Antarctica. The U.S. has supported a secretariat and it appears that Argentina may have dropped its long-standing opposition to such a move, albeit at the price that the Secretariat be located in Buenos Aires. The proposal for an Annex to the Protocol on the Environment protocol on tourist and NGO activities has been greeted with scepticism by the Administration, largely because it argues these activities are already covered in the Protocol on the Environment. The environmental community generally agrees with the Administration's view. Agencies involved: State, NSF, EPA

Ozone Depletion. (Nov. 16-25, Copenhagen). The parties to the Montreal Protocol will meet to agree to accelerated phaseout schedules for ozone depleting chemicals, the addition of new

substances to be controlled (HCFCs and methyl bromide), and to define the financial mechanism agreed to as part of the London Amendments to the Montreal Protocol. The U.S. should support the addition of the new substances to the control list and it appears that it will do so. Of some concern is the schedule for HCFC and methyl bromide limitations which have yet to be worked out. The U.S. is in a strong position to push for an aggressive phase-out schedule for methyl bromide since, under the Clean Air Act, the U.S. will have to phase out production of the substance by the year 2000. It appears likely, however, that support for methyl bromide reductions will coalesce around proposals to reduce production in the year 2000 by 25 percent from 1991 levels.

With regard to the financial mechanism, some EC countries have proposed moving the mechanism into the Global Environment Facility of the World Bank/UNEP/UNDP. Developing countries strongly oppose this proposal. The U.S. should support continuation of an independent financial mechanism with the qualification that we will evaluate its effectiveness in one or two years. There is nothing to be gained by moving the mechanism to the GEF and such a move would alienate the developing countries.

Finally, the parties are considering adoption of an "essential use exemption" on the phaseout schedules. This loophole needs to be drawn much more tightly than in the current draft text. It is not clear at this point what definition of essential use the Administration will advocate.

Agencies involved: State, EPA.

Basel Convention on the Transboundary Movement of Hazardous Wastes. (Nov. 30 - Dec. 4, Montevideo). Although the Senate has granted its advice and consent to ratification, the United States has yet to become a party to the Convention because the Congress did not pass the necessary implementing legislation. As a result, the U.S. will participate as an observer rather than a party. Several major issues will be addressed at the meeting. First, the parties will initiate discussions on, and perhaps agree to, technical guidelines for meeting the Convention's requirement that hazardous waste be managed in an "environmentally sound manner." If these guidelines are weak, the Convention will be relatively ineffective. As the Foreign Relations Committee urged in its report on the Convention, the United States should support adoption of guidelines that provide equivalent environmental protection to standards established in U.S. law. Second, the parties will adopt rules of procedure. A key point in these discussions for the United States will be agreement that budgets only be adopted by consensus. Third, the Parties will discuss whether a protocol setting forth rules and procedures for liability and compensation for damage resulting from the transboundary movement of hazardous waste should be negotiated.

Agencies involved: State, EPA

December

Global Environment Facility. (Dec. 1-4, Abidjan). The meeting will, in theory, finalize the governing structure for the GEF. In an optimistic scenario, the GEF could become a principal source of funding for environmental activities in the areas of biodiversity protection, climate change, and oceans as well as a lever to improve the environmental "quality" of World Bank loans. In a pessimistic scenario, the GEF would do little more than become a green cover for continuation of business as usual at the Bank.

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pls. make a file — 1st 100 Days

Issue Nine: "What is the first big National Parks/wilderness/public lands issue I will have to face and how do I make my action into a public policy and symbolic success?"

Background: Within a month of the Inauguration, the National Park Service must award a new 15-year contract for operation of the concessions (hotels, restaurants, gift shops, transportation) in Yosemite National Park. The new contract, while by its terms affecting only a single National Park, will set the direction of policies nationwide for the next decade or more.

In his Earth Day speech, Mr. Clinton proposed to rededicate the agencies that manage our national parks and wilderness lands to a true conservation ethic. Today, many of our national parks are overwhelmed by traffic, smog and commercialization (or poorly planned development) — the very problems that people seek to escape from when they visit the parks. Moreover, concessionaires that enjoy monopolies to run hotels, restaurants, gift shops and transportation services in the parks have been making huge profits by paying only meager fees to the U.S. Treasury.

Opportunity: Use the new 15-year Yosemite concessions contract to launch a new "National Parks Initiative," stressing resource protection for future generations over private profit making and business exploitation of the National Parks.

Proposal: We recommend announcing such a new initiative with actions in two of the Nation's flagship parks located in two important states: (1) Yosemite and (2) Everglades. The Secretary of the Interior and the Director of the National Park Service would (1) announce award of the Yosemite contract to a bidder committed to environmental protection and to moving commercial services outside park boundaries (as called for in the Service's own 1980 general management plan for the Park); (2) announce a Federal Everglades Restoration Program designed to protect and restore wetlands in the Park to enhance South Florida's water supply for wildlife and for urban water users; and (3) announce the President's intention to push the Park Service to enhance its reliance on scientifically-based management and preservation practices, as recommended by the National Academy of Sciences in its 1992 report on the parks.

What It Would Take to Accomplish: A contract award by the Secretary of the Interior for Yosemite can be handled administratively. For the Everglades, there would have to be multi-year legislation and budget authorization for the Army Corps of Engineers and the National Park Service actions in South Florida, much of which might be keyed to Hurricane Andrew recovery efforts. The science initiative is well developed and simply waiting for implementation by administrative and legislative action.

Timetable: The Yosemite contract award is scheduled for February 1993 and will be in progress by December 1992. Budget planning for a Federal Everglades Restoration Program must begin by early January.

"Bumper Sticker" Description: National Parks Are Forever.

Issue Ten: "Is there any way to defuse what may be the most politically divisive environmental issue of the first half of my term, the reauthorization of the Endangered Species Act?"

Background: The Endangered Species Act (ESA) is the key piece of Federal legislation for protecting natural habitats from disturbance and destruction. Because of its strength, it is under vigorous attack by a range of interests (often including Federal agencies themselves) whose actions nibble away at natural habitats.

In each case, there is a plausible explanation as to why this action or that permit should be made an exception to the ESA. But such an incremental nibbling away at habitat, each time with a "reasonable" explanation, inexorably results in the gradual eradication of species and subspecies, any one of which may play a key rôle in an ecosystem or provide some valuable drug or simply add to the necessary diversity and beauty of life.

Most observers believe that the reauthorization fight will be hard fought and emotional with powerful economic interests, who talk in seemingly concrete terms about economic disruptions, arrayed against a group of scientists and environmentalists whose arguments are couched in terms of possibilities, complex webs of interdependence and notions of biological diversity. Although most biologists and ecologists agree that preservation of species is the key to the preservation of biological diversity, and common experience is that diversity is the source of ecological health, the very foundation of our economic future, short term interests will always seek to prevail.

Opportunity: It is important that the first statement from the new Administration sets the context within which this important debate is waged. If it is framed (as it has been by the Bush Administration) as a question of "owls vs. jobs," the discussion will be stacked against species preservation. However, if the Administration makes a powerful statement from the first that the issue is biological diversity as a cornerstone of economic health and sustainability, the terms of the discussion can be strongly influenced in that direction.

MEMORANDUM

MEMORANDUM

TO: Barry Carter

FROM: Katie McGinty

DATE: 30 October 1992

Environment Initiatives: First 100 Days

I. Domestic Initiatives -- Competitiveness

A. **ACTION:** The President should direct the Council on Environmental Quality to initiate a series of roundtable strategy sessions with the private sector to promote economically-sound environmental strategies. The roundtables should address specifically: sustainable development; the environment and the economy; and strategies to develop and export U.S. produced environmental technologies.

EXPLANATION: It is essential that the Administration reach out to the private sector and signal a willingness to work with industry on economically efficient environmental strategies. Through a series of roundtable discussions, industry concerns can be identified and incorporated in the Administration's environmental plans. Under the coordination of the Council on Environmental Quality, the Administration should solicit private sector input on achieveable environmental goals and cost-effective, flexible strategies for achieving those goals. Most importantly, economic opportunities -- at home and abroad -- should be identified for public-private partnership in the development and marketing of environmentally critical technologies.

B. **ACTION:** Convene summit meeting with G-77 leaders to dialogue on a partnership in sustainable development: public and private development financing; technology cooperation; debt reduction; trade reforms (especially Uruguay Round reforms); matching U.S. private sector capabilities to developing country needs.

EXPLANATION: Thirty-five percent of U.S. exports in 1991 were to developing nations. A summit level meeting with developing country leaders would further strengthen these important export markets and promote sustainable economic development. Further, such a summit would signal U.S. global environmental and economic leadership. Finally, it could be part of a process of developing

Third World markets for U.S. environmental technologies.

C. **ACTION:** Eliminate Council on Competitiveness.

EXPLANATION: The Council on Competitiveness is chaired by the Vice President and has seven permanent members: Secretary of the Treasury, Attorney General, Secretary of Commerce, White House Chief of Staff, Director of OMB, and Chairman of the Council of Economic Advisors. It grew out of the Reagan Task Force on Regulatory Relief (Chaired by VP Bush). Its stated purpose is to coordinate and supervise regulatory implementation and to seek to minimize the regulatory burden on U.S. economy.

In actual operation, the Council has provided a voice for ideologues opposed to regulation, has given industry a secret conduit through which to petition for favorable rulemaking, and has thwarted and intimidated agencies responsible for drafting regulations conforming to Congressional intent. The Council has made discredited claims of economic benefits, and the secrecy surrounding their operation has called into question the legality of their influence on agency rulemaking.

Eliminating the Council will provide an important symbol that special interests will no longer have preferential access to, and influence on, the rulemaking process. The legitimate executive function of regulatory review and coordination is vested in the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA), which must conduct its review program with public accountability. This underscores the importance of the OMB director and the OIRA director in maximizing regulatory benefits and minimizing cost. These appointments are crucial to obtain a balanced and reasonable regulatory program.

D. **ACTION:** Lift Regulatory Moratorium.

EXPLANATION: President Bush proclaimed a 90-day regulatory moratorium in his State of the Union Message in January 1992, and has subsequently extended it. It was supposedly aimed at regulations that would impede economic recovery, and not thwart progress toward regulatory goals and statutory deadlines.

In fact, the moratorium has obstructed legitimate rulemaking, given the Council on Competitiveness additional leverage in the rulemaking process, and has stalled many important regulations beyond statutory deadlines. The Administration has made extravagant claims of economic benefits, which are widely discredited. More importantly, it has sown confusion among regulated industries who will eventually have to comply with environmental rules. Many industries have put pollution control investments on hold -- and the uncertainty is impeding the efficient response to environmental regulations.

Lifting the moratorium and eliminating the Council on Competitiveness would provide more certainty (and, therefore economic efficiency) in regulated industries. These actions should be announced in a spirit of open government operations, and with assurances that the regulatory program will be neither obstructed by political manipulation, nor unnecessarily expanded beyond Congressional intent. A new Administration can signal both regulatory flexibility and responsiveness to economic concerns without resorting to ideologically inspired shenanigans. For example, recent rulemaking innovations such as "negotiated rulemaking" (reg-neg) have provided industry with improved input into the rulemaking process, and should continue.

II. Domestic Initiatives -- Energy

A. ACTION: The President should issue an Executive Order directing federal agencies to explore opportunities for energy efficiency improvements in federally-owned or leased buildings with a payback period of 10 years or less. The Executive Order should require each Department to execute five energy saving performance contracts within one-year and to seek participation in utility energy efficiency and water conservation programs, pursuant to the Energy Policy Act of 1992 (section 152 (f)). Finally, the order should direct Departments to investigate opportunities for utilizing renewable energy sources.

EXPLANATION: It is estimated that the Federal government could reduce its energy costs by approximately $1 billion annually through the installation of energy efficiency measures in its buildings. Energy saving performance contracts and utility rebate/incentive programs can help the Federal government finance energy efficiency improvements at little or no initial cost. The federal government can provide a powerful market for manufacturers of energy efficient and renewable energy technologies, thus encouraging the commercial viability and market penetration of environmentally-sound energy technologies.

In April 1991, President Bush signed an Executive Order requiring a 20% reduction in federal facility energy use from 1985 levels by 2000. Very little progress has been made toward this goal. Section I, Subtitle F of the Energy Policy Act of 1992 (HR 776) made this goal mandatory, and provided specific timetables for agency action.

Although HR 776 requires federal action, the new Administration could signal that federal energy conservation will be a high priority by making the necessary appointments and forging interagency agreements prior to statutory deadlines. If the actions taken pursuant to the Energy Policy Act of 1992 are given sufficient visibility and resources, the budget savings will begin to accrue more rapidly.

Cost-effective investment opportunities in energy conservation for the federal government can provide the basis for a short-run fiscal stimulus with long-run budget savings. In particular, accelerating investments in building energy conservation and low-income household conservation could stimulate earnings in the building trades and energy technology sectors. Estimates vary, but a full spendout of cost effective investments in energy conservation is on the order of $1 to $3 billion, which could eventually realize up to $1 billion annually in energy savings --an attractive rate of return.

B. ACTION: The President should direct the Secretary of Energy to develop a strategy for improving overall energy efficiency in the United States by 20 percent by the year 2000.

EXPLANATION: During the campaign, Governor Clinton pledged to seek a 20 percent improvement in U.S. energy efficiency by the year 2000. This ambitious goal can only be realized through early and coordinated action. This effort should be part of the overall manufacturing and competitiveness strategy to ensure that energy efficiency is given adequate attention in such areas as defense conversion, national laboratory reorientation, manufacturing extension program, federal housing policy, etc. This option could be patterned after previous Presidential Council's on Competitiveness and Sustainable Business.

C. ACTION: Order DOE reassessment of agency priorities. This action would begin implementing campaign pledge to oppose increased reliance on nuclear power, and to re-assess DOE mission with goal of directing budget priorities away from nuclear weapons (currently 60% of budget), toward more investment in renewables, efficiency, and conservation.

EXPLANATION: Under Reagan-Bush, two-thirds of DOE's budget and an even greater share of its attention was focussed on the nuclear weapons complex. Domestic energy policy was essentially nonexistant -- rather, energy choices were to be determined solely on the basis of market forces. This action item would signal that sound domestic energy policy addressing security, economic, and environmental concerns will be a high priority under Clinton-Gore. This can be done through Presidential statements, and revisions to the FY94 budget that shift some of the nuclear weapons budget (now $7.5 billion) to environmental clean-up research, domestic energy issues, and nuclear dismantlement and proliferation. The DOE labs should be given the mandate to become more involved in environment and energy technology r&d efforts undertaken in concert with industry.

III. Domestic Initiatives -- Conservation and Natural Resources

A. ACTION: Convene Forest Summit.

EXPLANATION: Pursuant to a campaign pledge, the President should convene a forestry summit within the first 100 days. The objective of this summit must be to avoid getting trapped in the longstanding stalemate among environmentalists, labor, industry and Congress. Consideration should be given immediately to developing a comprehensive strategy for the new Administration so that it has clearly identified objectives and plans well in advance of the summit.

B. ACTION: At the earliest possible date, the President should direct the withdrawal of the rule proposed by the Department of Interior (Office of Surface Mining) on July 18, 1991 that proposes a new definition of "valid existing rights" for coal under the Surface Mining Control and Reclamation Act (SMCRA). At the same time, the President should make clear his intention to prohibit stripmining in U.S. National Parks, other national interest lands, as well as private homes, businesses, schools, churches and cemeteries, as originally contemplated in SMCRA.

EXPLANATION: During the campaign, the Bush Interior Department's proposed rule to allow stripmining in national parks has been severely criticized. Essentially, this proposal would place an extremely broad interpretation on the "valid existing rights" of coal owners, for purposes of understanding the government's authority to protect nation, state and private lands from being stripmined by comapanies that own coal rights underneath parks, churches, etc. SMCRA makes the prohibition on stripmining such lands subject to "valid existing rights."

Efforts under the Carter Administration to interpret "valid existing rights" narrowly apply only in cases where a coal owner had an approved mining plan as of the date of SMCRA's enactment were struck down in the courts as overly restrictive. The proposed rule, however, bends over backward in the other direction, relying in part on Executive Order 12630, and presuming that a "taking" has occurred whenever a coal owner is prevented from mining. This interpretation could force the government to pay millions or hundreds of millions of dollars in claims to prevent unacceptable damage to national and private lands from stripmining.

C. **ACTION:** The President should withdraw the Interior Department's April, 1987 recommendation to Congress to authorize an oil and gas leasing program in the coastal plain of the Arctic National Wildlife Refuge (ANWR). In addition, the President should announce his intention to develop legislation designating the Arctic National Wildlife Refuge as wilderness.

EXPLANATION: The fate of the ANWR has been a major point of controversy between the environmental community and several major oil companies since the debate over the Alaska National Interest Lands Act (ANILCA) in 1980. The House version of the Alaska Lands bill would have protected the coastal plain as wilderness; the Senate version, which was signed into law by President Carter after the 1980 election, mandated a study of the area and further recommendations.

The Reagan Administration's recommendation to drill was presented to Congress in April 1987, in the form of the Department of Interior's "1002 Report." Highly controversial itself, the report obscured the reservations of federal scientists concerning the results of drilling such a fragile and wildlife-rich area, and recommended opening the entire area to drilling. Despite this recommendation, and strong support from both Reagan and Bush, the 100th, 101st and 102nd Congresses consistently rejected drilling legislation.

Preservation of ANWR is one of top priorities of national environmental organizations. Withdrawing the Interior Department's recommendation to drill would help fulfill a campaign pledge and help signal a new approach to national energy policy focused on efficiency, natural gas and alternative energy resources.

IV. Domestic Initiatives -- Pollution

A. **ACTION:** Issue Directive for EPA to accelerate phaseout of ozone-destroying chemicals pursuant to Section 606 of the Clean Air Act and in light of November meeting of Parties to the Montreal Protocol.

EXPLANATION: Section 606 gives the EPA Administrator authority to promulgate more rapid phase-out schedules for ozone depleting substances when warranted by new scientific evidence. Scientific evidence released within the past 12 months warrants a more rapid phase out of the most harmful ozone depleting subtances. The Bush

Administration has failed to promulgate more stringent regulations despite stating its intention to do so. A directive to EPA will ensure the rapid issuance of a more stringent phase-out schedule.

V. International Initiatives -- UNCED Follow-Up

A. ACTION: In order to follow-up on the non-binding action plan (Agenda 21) established at the United Nations Conference on the Environment and Development, the President should convene an interagency task force, under the direction of the Council on Environmental Quality, to define/explore the U.S. role in promoting sustainable development. The President should also direct all agencies of the U.S. government to develop a report detailing the responsibilities they would/could undertake to implement Agenda 21.

EXPLANATION: At the UNCED, participating governments negotiated a comprehensive action plan to promote sustainable economic development. This plan, known as Agenda 21, involves program areas that would necessarily require action by most agencies of the U.S. government. While it is a non-binding agreement, a high-level Sustainable Development Commission is to be established by the United Nations this fall to measure the progress of all nations in implementing Agenda 21. In addition, an independent "Earth Council," is being organized by the Secretary-General of the Earth Summit to monitor government progress in following up Agenda 21. The Earth Council is to be comprised of a world-renowned individuals who could leverage considerable public relations pressure on governments.

It is important, therefore, for the United States to begin immediately developing an organized and comprehensive program for implementing Agenda 21. As a first step, the President should establish an interagency task force, headed by the Council on Environmental Quality, to define sustainable economic development at home and abroad. To help facilitate this interagency effort, each Department of the federal government should review Agenda 21 to identify which proposals fall under its jurisdiction and to propose a plan for following up on those responsibilities.

B. ACTION: President Clinton should signal his support for an effective Sustainable Development Commission which will be established this fall by the United Nations General Assembly pursuant to agreements reached at the Earth Summit. The President should signal his support for a Commission that is given a strong mandate, independence, and the necessary resources to promote sustainable development around the globe.

EXPLANATION: At the United Nations Conference on Environment

and Development, nations agreed to establish a high-level Commission on Sustainable Development to effectively follow-up on the conference and enhance international cooperation to promote sustainable development. The UNCED recommended that the U.N. General Assembly establish the Commission during its 47th session this fall. Many expert observers believe that the Commission on Sustainable Development is the most important outcome of the UNCED conference. Therefore, a strong, independent entity should be created. The Bush Administration has proposed locating the Commission within the UN Department of Economic and Social Development, which would reduce both the independence and significance of the Commission.

The new President should signal his support for the Commission to be established as an independent Secretariat of the United Nations with authority to report directly to the Secretary General. The European Community and the developing country alliance, the G-77, support this position. Japan and China support the current U.S. position. The Commission also should be encouraged to allow more liberalized access for non-governmental organizations than currently exist with respect to the Economic and Social Council of the United Nations.

The Commission should have a broad mandate to review agreements reached at UNCED and to recommend new agreements based on evolving scientific, environmental, economic and social information. This mandate should allow the Commission to collect information from national governments, review progress toward funding of Agenda 21 and to recommend environmental reforms in multilateral development assistance programs.

Representation on the Commission should be at a high-level of government, including, at a minimum, a Ministerial-level component of the Commission's meetings. High-level representation will ensure that the Commission and its work are effective and respected.

In summary, the establishment of a Commission on Sustainable Development is a critical milestone on the road from Rio. It is essential that the Commission be well conceived and sufficiently strong to follow up on the historic UNCED conference. The environmental community views the proper establishment of the Commission as a high priority.

C. **ACTION:** The President should establish an interagency process to upgrade the U.S. National Action Plan on Climate Change and issue an Executive Order stating that the U.S. Plan shall result in the stabilization of U.S. CO_2 emissions at 1990 levels by the year 2000. In addition, the President should call for renewed

international discussions on the Framework Convention on Climate Change to develop binding targets and timetables for the developed nation parties to the treaty.

EXPLANATION: Pursuant to the Framework Convention on Climate Change signed by the United States at the Earth Summit and ratified by the United States Senate in October, 1992, the United States is committed to develop a national action plan aimed at returning manmade emissions of carbon dioxide and other greenhouse gases to their 1990 levels.

At the Earth Summit, President Bush pledged to have a U.S. action plan prepared by January 1, 1993 and urged other developed country Parties to finalize action plans by the same date. The Bush Administration is currently revising an earlier plan and is expected to present its revised plan at the next meeting of the Intergovernmental Negotiating Committee in December.

An executive order stating the United States' intention to stabilize carbon dioxide emissions at 1990 levels by the year 2000 would reverse the the Bush Administration position of opposing the establishment of firm targets and timetables when the Framework Convention was negotiated. All other industrialized nations had signalled a willingness to achieve the CO2 stablization goal. The National Academy of Sciences has estimated that the United States could reduce its greenhouse gas emissions by between 10-40 percent at very low cost, and perhaps at a net savings. The Office of Technology Assessment has made a similar finding. To regain the U.S. legacy of global environmental leadership, the United States should lead the world by committing to the stabilization of carbon dioxide emissions.

Concurrent with a U.S. pledge to stabilize carbon dioxide emissions, the President should urge the negotiation of a protocol to the Convention that would establish binding targets and timetables for greenhouse gas emission reductions. At a minimum, the United States should seek a protocol binding all industrializing countries to stabilizing carbon dioxide emissions at 1990 levels by the year 2000.

D. **ACTION:** President Clinton should overturn the Mexico City Policy (the international version of the gag-rule) and signal a willingness to resume funding for the United Nations Population Fund.

EXPLANATION: Announced by the Reagan Administration at the 1984 International Conference on Population in Mexico City, the so-called "Mexico City Policy" denies U.S. funding to private

voluntary organizations, such as Planned Parenthood Federation of America, from receiving U.S. population funding if the organization supports family planning agencies overseas that provide information on abortion or abortion services with private, non-U.S. funds. The policy has been implemented since 1985 without statutory authority and remains in effect at the discretion of the President. The Mexico City policy is not applied to foreign governments. Overturning the policy would do nothing to alter the long-standing prohibition on U.S. funds being used for abortion services. Overturning the policy is a priority for population, choice and environmental organizations and constituencies.

Also in 1985, Congress enacted the "Kemp-Kasten" amendment which denies foreign aid funding to any organization which "supports or participates in the management of a program of coerced abortion or involuntary abortion." This language has been appended to every foreign operations appropriations bill since 1985. The Reagan and Bush Administrations have interpreted this legislation to deny funding to the United Nations Population Fund (the principal multilateral organization providing worldwide family planning and population assistance) because of its program of assistance to China.

Despite the fact that the Agency for International Development found in 1985 that UNFPA "neither funds abortions nor supports coercive family planning practices in its programs," the Reagan/Bush Administrations have withheld a U.S. contribution. The United Nations program in China is focused on improving contraceptives in China; expanding maternal and child health programs in rural areas; and providing training for Chinese scientists.

Each year, pro-choice members of Congress have won approval for amendments to the foreign operations appropriations bill that would restore funding to UNFPA. In recent years, Senator Simpson has helped craft compromise language. Unfortunately, the Congress has been unable to establish a veto-proof margin of support and the UNFPA provisions have been stripped from funding bills. Restoring funding for UNFPA need not have any budgetary impact. The President should issue a finding declaring that UNFPA does <u>not</u> "support or participate in the management of a program of coerced abortion or involuntary sterilization." This would allow a U.S. contribution to UNFPA. Alternatively, the President could direct AID to develop a recommendation or appoint a commission to investigate UNFPA's role in the Chinese program. Finally, in his budget proposal, the President can signal his intention to restore funding to UNFPA by dedicating a portion of his overall population assistance request for UNFPA.

E. ACTION: Request a meeting of the Parties to the Biodiversity Convention for the purpose of discussing possible amendments to facilitate U.S. signature.

EXPLANATION: The U.S. did not sign the Biodiversity Treaty at the Earth Summit, claiming problems with intellectual property protection and funding mechanisms. However, there is strong evidence that these excuses were merely covers for another motive: the Council on Competitiveness feared that the implementing legislation for the Treaty would lead to a strengthened Endangered Species Act. This action item would therefore begin a good-faith process of negotiating amendments to the Treaty that address legitimate U.S. concerns, allowing the U.S. to sign onto a revised, meaningful Treaty that protects both U.S. commercial interests and biodiversity.

*** October 1992

RE: Upcoming International Environmental Events

<u>November</u>

United Nations General Assembly. (Nov.-Dec.) This UNGA is very important to the environmental community because international commitment to follow-up on the Earth Summit is on the agenda. Several items are of particular note:

<u>Commission on Sustainable Development</u>: The UNGA will discuss the structure and function of the proposed Commission on Sustainable Development beginning on November 2 and continuing through December. In order to fulfill hopes that the Commission will play an important role in promoting sustainable development, it must be given a broad mandate, and a high degree of autonomy in setting its agenda. To the maximum extent feasible it should be made independent of the U.N.'s Economic and Social Council which has been moribund at best. Agencies involved: State, EPA, CEQ

<u>Desertification</u>: The UNGA also needs to adopt a resolution establishing an intergovernmental negotiating committee for the elaboration of an international convention to combat desertification as agreed to in chapter 12 of Agenda 21. The goal is to finalize such a convention by June, 1994. The Administration originally opposed proposals to negotiate such a convention, but eventually agreed to accept them. A statement of strong U.S. support for the concept of the Convention would likely be well-received by African nations, although the Convention has received relatively little attention from the U.S. environmental community. If the

resolution setting the negotiating process in motion is agreed to, it is quite possible that the first meeting of the committee would take place in the first six months of 1993. Agencies involved: State

Climate change: The UNGA should pass a resolution extending the mandate of, and including financial support for, the Intergovernmental Negotiating Committee responsible for the Convention on Climate Change. The INC will initiate work identified in the Convention to be taken up by the Conference of the Parties after the Convention's entry into force (EIF). The INC was given this task because the Convention must be ratified by 50 countries to enter into force and this could take several year. The U.S. should, and it appears will, support adoption of such a resolution. Agencies involved: State.

Intergovernmental Panel on Climate Change. (Nov. 9-13, Harare) This is the primary international body tasked with translating and interpreting the science of climate change; the IPCC's mission is technical, not political. The meeting will restructure the IPCC and discuss the timing and content of the next IPCC report, scheduled for release in 1995. A particularly important issue arises with regard to the chairmanship of the working groups that will be set up under the IPCC. The United States will chair one of the working groups. The US position has been that a political appointee, rather than a scientist, should fill that role. This position should be reversed. Agencies involved: State, NOAA, EPA

Antarctic Environmental Protection. (Nov. 9-20, Venice). This will be the first meeting of the Antarctic Treaty Consultative Parties since conclusion of the Protocol on the Environment which contains a 50 plus year moratorium on commercial mineral resource activities in the Antarctic. Two main topics will be discussed: the establishment of a secretariat for the Antarctic Treaty System and the regulation of tourist and NGO activities in Antarctica. The U.S. has supported a secretariat and it appears that Argentina may have dropped its long-standing opposition to such a move, albeit at the price that the Secretariat be located in Buenos Aires. The proposal for an Annex to the Protocol on the Environment protocol on tourist and NGO activities has been greeted with scepticism by the Administration, largely because it argues these activities are already covered in the Protocol on the Environment. The environmental community generally agrees with the Administration's view. Agencies involved: State, NSF, EPA

Ozone Depletion. (Nov. 16-25, Copenhagen). The parties to the Montreal Protocol will meet to agree to accelerated phaseout schedules for ozone depleting chemicals, the addition of new

substances to be controlled (HCFCs and methyl bromide), and to define the financial mechanism agreed to as part of the London Amendments to the Montreal Protocol. The U.S. should support the addition of the new substances to the control list and it appears that it will do so. Of some concern is the schedule for HCFC and methyl bromide limitations which have yet to be worked out. The U.S. is in a strong position to push for an aggressive phase-out schedule for methyl bromide since, under the Clean Air Act, the U.S. will have to phase out production of the substance by the year 2000. It appears likely, however, that support for methyl bromide reductions will coalesce around proposals to reduce production in the year 2000 by 25 percent from 1991 levels.

With regard to the financial mechanism, some EC countries have proposed moving the mechanism into the Global Environment Facility of the World Bank/UNEP/UNDP. Developing countries strongly oppose this proposal. The U.S. should support continuation of an independent financial mechanism with the qualification that we will evaluate its effectiveness in one or two years. There is nothing to be gained by moving the mechanism to the GEF and such a move would alienate the developing countries.

Finally, the parties are considering adoption of an "essential use exemption" on the phaseout schedules. This loophole needs to be drawn much more tightly than in the current draft text. It is not clear at this point what definition of essential use the Administration will advocate.

Agencies involved: State, EPA.

Basel Convention on the Transboundary Movement of Hazardous Wastes. (Nov. 30 - Dec. 4, Montevideo). Although the Senate has granted its advice and consent to ratification, the United States has yet to become a party to the Convention because the Congress did not pass the necessary implementing legislation. As a result, the U.S. will participate as an observer rather than a party. Several major issues will be addressed at the meeting. First, the parties will initiate discussions on, and perhaps agree to, technical guidelines for meeting the Convention's requirement that hazardous waste be managed in an "environmentally sound manner." If these guidelines are weak, the Convention will be relatively ineffective. As the Foreign Relations Committee urged in its report on the Convention, the United States should support adoption of guidelines that provide equivalent environmental protection to standards established in U.S. law. Second, the parties will adopt rules of procedure. A key point in these discussions for the United States will be agreement that budgets only be adopted by consensus. Third, the Parties will discuss whether a protocol setting forth rules and procedures for liability and compensation for damage resulting from the transboundary movement of hazardous waste should be negotiated.

Agencies involved: State, EPA

December

Global Environment Facility. (Dec. 1-4, Abidjan). The meeting will, in theory, finalize the governing structure for the GEF. In an optimistic scenario, the GEF could become a principal source of funding for environmental activities in the areas of biodiversity protection, climate change, and oceans as well as a lever to improve the environmental "quality" of World Bank loans. In a pessimistic scenario, the GEF would do little more than become a green cover for continuation of business as usual at the Bank.

The U.S. should push for a transparent governance structure which nonetheless maintains some mechanism for U.S. review of or at least input into project approval. The U.S. should push for maximum public access to project documentation. The Administration has been fairly good on this.

Agencies involved: Treasury, State

Intergovernmental Negotiating Committee. (Dec. 7-10, Geneva). This meeting is intended to get the ball rolling on implementation of the Climate Convention even though it has not yet entered into force. One of the principal items on the agenda will be discussion of the items tasked to the first meeting of the Conference of the Parties (see attachment). The meeting's provisional agenda also notes that the participants could review the adequacy of the commitments undertaken in the Convention and recommend adoption of amendments. This opens the door for a discussion of adopting targets and timetables for stabilizing CO2 emissions. This will be the first formal opportunity to advocate such measures within the Convention framework since its signing.

At the December meeting, the United States will also present a draft national plan to meet its obligations under the Convention. This plan will be presented pursuant to a promise by President Bush to have such a plan prepared by January 2.

Agencies involved: State, EPA, DOE

Follow-up Biodiversity Treaty Meetings, (Nairobi).

Other

International Conference on Population and Development. (Sept. 5-13, 1994, Cairo). Preparations for this Conference have already begun.

The first preparatory meeting (PrepCom) was held in spring, 1991. It has been followed by a series of experts and regional meetings. The second PrepCom will take place in August of 1993 and the third in 1994. Clearly, a new Administration will want its positions in line heading into the second PrepCom. Moreover, the United States will have to submit its country statement by December 31, 1992 for presentation to the European Regional Population Conference to be held March 23-26 in Geneva. Agencies involved: State

World Conference on Women (1995, Beijing) This U.N.-sponsored conference follows by ten years the Nairobi Conference on women. The conference will assess implementation of forward-looking strategies adopted in Nairobi on peace, development, and equality. The Congress has required a draft of U.S. report and recommendations to be submitted in the summer of 1993.

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fle - 1st 100 days

28 October 1992
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UN Sustainable Development Commission

Action

1) The President-elect could announce strong support for an enabling resolution to formally establish the high level Commission on Sustainable Development at the United Nations, which has as its mandate the effective implementation of Agenda 21.

2) Appoint the Vice President (or his representative) to be the U.S. "Environmental Ambassador" to the UN Sustainable Development Commission.

3) The President should make it known that the U.S. will take an active interest in the senior appointments to such a Commission, and will take a strong interest in seeing adequate funding levels support such a Commission.

Explanation

The Secretary-General's second round of UN reforms in the next 2-4 months is critical to the effective implementation of UNCED within the UN system. The UN Commission on Sustainable Development will provide the primary ongoing mechanism to achieve the objectives of the Earth Summit; and in particular Agenda 21.

By appointing the Vice President (or his representative) to such a Commission, the U.S. would be clearly demonstrating to the Nation and the rest of the world the seriousness and priority of a "New World Order" in the Clinton Administration. It would 'up the ante' and encourage other major nations to rally. It would also give Gore the platform to provide major world leadership on issues he is passionate about.

In order for the Commission to be effective, it will need to be an independent unit reporting directly to the Secretary-General. The Chief Executive Officer's rank should be at least at the Director-General's level. This will ensure that the rest of the UN structure takes this commission and its role seriously. If the Secretary-General's reforms include a new Deputy Secretary-General position encompassing environment/development responsibilities, this individual could also head the Commission's Secretariat.

No congressional action is required for the proposed actions, however, the congress or an appointed task force or domestic commission will want to address the important questions of U.S. implementation of domestic Ecologically Sustainable Development initiatives. This domestic initiative could include restructuring present agencies to include: a **Commission For the Future**, to look at supporting innovative technology, clean production and green business/economic initiatives; a **Resource Assessment Commission**, to look at the ecological sustainability of natural resource industries such as old growth logging, to address early, resource use, environmental regeneration and job retraining to avoid jobs vs environment confrontations in future.

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G77 Summit Meeting on Ecologically Sustainable Development

Action

The President-elect could announce, (as part of a package of international conservation initiatives) that the U.S. will host a G77 (developing country) leaders summit meeting.

Explanation

As a clear sign of a new U.S. willingness to dialogue on a partnership in ecologically sustainable development, the U.S. could call together all the leaders of the developing countries (G77) to discuss:

- Public and private development financing;
- Technology cooperation and transfer;
- Debt reduction including debt for nature swaps; (Campaign promise 22 April 1992); and
- Trade reforms.

The objective would be to link U.S. private sector capabilities to developing country needs.

It is important to note that such a meeting would need to occur in the context of a package of initiatives, and that a major sore point for developing countries has been the U.S.' unwillingness to put up new and additional funding for important G77 issues related to ecologically sustainable development. In fact, it would be fair to say that the U.S. has not accepted its responsibility on a range of international conservation programs including untied funding for the Global Environment Facility (GEF), the United Nations Environment Program (UNEP), Technology Transfer, and the Climate change and Biodiversity Conventions.

If conducted in the context of other international conservation initiatives it could be a very promising way to heal some of the wounds and ensure great strides are made toward achieving ecologically sustainable development.

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Biological Diversity Convention

Action

1) The U.S. should sign the Biodiversity Convention.

2) The United States could host a meeting of the parties to the Biological Diversity Convention, to discuss implementing regulations.

Explanation

The immediate signing of the Biodiversity Convention would be a clear illustration of America's new willingness to provide global leadership -- leadership that Bush clearly relinquished at the Earth Summit. It could be announced as part of a package of initiatives for international environmental leadership. To date, 154 Countries, including all major nations except the U.S., have signed the Biodiversity Convention. The U.S. decision not to sign the Convention was a shock to the rest of the participants at the Rio Earth Summit. Reilly was quoted saying that "The U.S. early on supported the need for a Biodiversity Convention so it was a perverse twist that we alone rejected it."

The reasons for Bush's unwillingness to sign:

a) Provisions intended to ensure that developing countries share financially in the benefits/profits from exploitation of biological /genetic resources in their countries, potentially infringing on "intellectual property rights" (IPR). Publicly, Bush said that it would cost American jobs. Many news accounts blamed intensive lobbying by the pharmaceutical industry. Biotech industries in Europe voiced no opposition to their government's support for the treaty. Even in the U.S., 70 scientists and other employees of Genetech wrote to the President stating that his refusal to sign the treaty was likely to do more harm than good to the industry. It is widely understood that Quayle's Council on Competitiveness was the source of the obstruction.

b) Funding mechanisms and schedules in developing countries. These problems could be addressed in any implementing regulations once the U.S. becomes a party to the Convention.

The U.S. could host a meeting of the Parties to the Biodiversity Convention once we have signed it, to address implementing regulations. This would be a positive way to overcome any perceived difficulties with the convention.

This is an easy, popular, action with no budgetary implications in the first 100 days. To do anything other than sign the Convention would be perceived as very weak.

No immediate congressional action required.

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[Withdraw Interior Department Recommendation to Develop the Arctic National Wildlife Refuge "1002" Area]

Action:

We recommend that the President, in the first weeks of the new Administration, withdraw (by letter) the Interior Department's April, 1987 recommendation to Congress to authorize an oil and gas leasing program in the coastal plain ("1002 Area") of the Arctic National Wildlife Refuge. Simultaneously, the President should submit to Congress a recommendation, with accompanying legislation, to designate the entire Arctic National Wildlife Refuge as wilderness under the 1964 Wilderness Act.

Background:

The fate of the Arctic NWR coastal plain has been a major point of controversy between the environmental community and several major oil companies since the debate over the Alaska National Interest Lands Act (ANILCA) in 1980. The House version of the Alaska Lands bill would have protected the coastal plain as wilderness; the Senate version, which was signed into law by President Carter after the 1980 election, mandated a study of the area and further recommendations.

The Reagan Administration's recommendation to drill was presented to Congress in April, 1987, in the form of the "1002 Report." Highly controversial itself, the report obscured the reservations of federal scientists concerning the results of drilling such a fragile and wildlife-rich area, and recommended opening the entire area to drilling. Despite this recommendation, and strong support from both Reagan and Bush, the 100th, 101st, and 102nd Congresses consistently rejected drilling legislation. In each Congress, the number of co-sponsors for wilderness legislation, first offered by Mo Udall and more recently by Senator Baucus and Rep. Mrazek, has grown. This year, the House and Senate wilderness bills accumulated 133 and 25 cosponsors, respectively.