

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the William J. Clinton
Presidential Library Staff.**

Collection/Record Group: Clinton Library Collection
Subgroup/Office of Origin: Council on Environmental Quality
Series/Staff Member: Kathleen (Katie) McGinty
Subseries: *[Correspondence]*

OA/ID Number: 2254
FolderID:

Folder Title:
[F - November 1993] [Loose]

Stack:	Row:	Section:	Shelf:	Position:
S	61	5	2	2

THE WHITE HOUSE
WASHINGTON

November 22, 1993

Mr. Eric A. Fischer
Director, Board on Biology
National Research Council
2102 Constitution Avenue
Washington, DC 20418

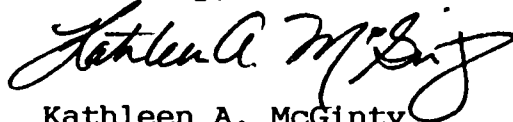
Dear Mr. Fischer:

Thank you for contacting me regarding your work on biodiversity and biological management resources. It was good to hear from you.

As you know, I share President Clinton's and Vice President Gore's commitment to the preservation of the environment in a way that leads to strong and sustainable economic growth. I appreciate receiving the copy of A Biological Survey for the Nation. I apologize that I was unable to attend the OSTP briefing on October 4, however I had a scheduling conflict. Thank you for the invitation.

Again, thank you for letting me hear from you.

Sincerely,



Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl

NATIONAL RESEARCH COUNCIL

COMMISSION ON LIFE SCIENCES

2101 Constitution Avenue Washington, D.C. 20418

DIRECTOR
BOARD ON BIOLOGY

Telephone: (202) 334 2215

Fax: (202) 334 1687

October 1, 1993

Ms. Kathleen McGinty
Director
Office of Environmental Policy
Old Executive Office Building, Room 360
Washington, DC 20501

Dear Ms. McGinty:

I have enclosed an embargoed copy of the new NRC report, *A Biological Survey for the Nation*, written by a committee chaired by Dr. Peter Raven, Director of the Missouri Botanical Garden and Home Secretary of the National Academy of Sciences.

I hope that you will be able to attend the pre-release briefing on this report that has been arranged by Mark Schaefer at OSTP. It will be in Room 472 of the Old Executive Office Building on Monday, October 4, at 3:30 p.m.

The report has findings and recommendations of broad relevance for the management of our nation's biological resources. Much of the discussion is germane to current federal initiatives on ecosystem management. Among the key recommendations of the report are the following:

- The United States should establish a new national, multisector, cooperative effort to perform a comprehensive, ongoing assessment of the nation's biological resources. The committee calls this proposed program the National Partnership for Biological Survey and recommends that it be coordinated by the Department of the Interior, with the National Biological Survey playing a central role.
- This partnership should perform a wide range of research needed to generate the information required for more effective management of the nation's biological resources. This should include collaborative, interdisciplinary projects in selected regions of the country. They should target areas that are changing rapidly because of human activity or that have important ecological characteristics. The information provided by such projects will be critical for the effective management of ecosystems.

Ms. Kathleen McGinty
October 1, 1993
Page 2

- Under the leadership of NBS, the partnership should establish a National Biotic Resource Information System – a distributed federation of databases designed to make existing information more accessible and to establish mechanisms for more effective dissemination of new information.
- Both the National Biological Survey and the National Partnership should be developed under the guidance of a single strategic implementation plan. This plan should be developed under the leadership of DOI but with full participation of other participants in the partnership.

I hope you can attend the briefing, which will be attended by committee members Peter Raven, Frank Davis, and Joe Hezir. The panel will give a brief opening statement and answer questions. If you are unable to attend but wish to discuss the report with staff, please contact my office at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Fischer", with a long horizontal flourish extending to the right.

Eric A. Fischer
Director
Board on Biology

THE WHITE HOUSE

WASHINGTON

November 22, 1993

Mr. Roger Featherstone
Mt. Graham Coalition
666 Pennsylvania Avenue, S.E.
Suite 200
Washington, D.C. 20003

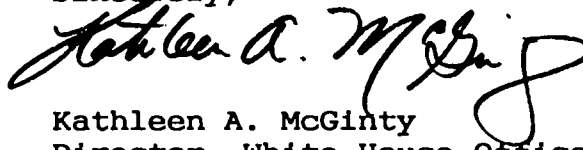
Dear Mr. Featherstone:

Thank you for contacting me regarding and the information you enclosed regarding your work at the Mt. Graham Coalition to increase public awareness about the importance of protecting the environment, specifically in the Mt. Graham region. I enjoyed meeting you recently at the reception for Mollie Beattie. It was good to hear from you.

As you know, I share President Clinton's and Vice President Gore's commitment to the preservation of the environment in a way that leads to strong and sustainable economic growth. I appreciate your calling the efforts of the Mt. Graham Coalition to my attention. Rest assured that this Administration will continue in its efforts to address today's difficult ecosystem management issues.

Again, thank you for letting me hear from you.

Sincerely,

A handwritten signature in black ink, reading "Kathleen A. McGinty". The signature is fluid and cursive, with the last name "McGinty" being more prominent and stylized.

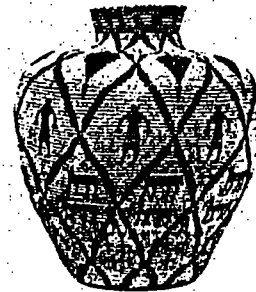
Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl



MT. GRAHAM COALITION

*An international coalition working for cultural
and ecological preservation of a sacred mountain*



October 12, 1993

Katie McGinty
Special Assistant to the President on the Environment
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Ms. McGinty,

It was a pleasure to meet you at the recent reception hosted by the Endangered Species Coalition for Mollie Beattie, Director of the US Fish and Wildlife Service.

I am pleased that you are aware of the history involving Mt. Graham. This battle of some members of the astronomy community to develop in the middle of Mt. Graham's last remaining old-growth is a tragic one. Fortunately, many people around the world feel that this controversy can ultimately be solved both to the benefit of astronomers, environmentalists, the native right community, and the mountain-top ecosystem by moving telescopes of this project to other existing astronomy locations.

I was intrigued that a member of the board of the Carnegie Foundation is interested in Mt. Graham enough to talk to you about it. Can you shed any more light on possible involvement from the Carnegie Foundation regarding Mt. Graham?

I've enclosed material that outlines the current status of Mt. Graham.

I would be honored to brief you on recent developments at your convenience.

Sincerely,

Roger Featherstone
Mt. Graham Coalition

WASHINGTON OFFICE:

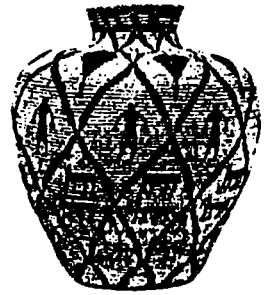
666 PENNSYLVANIA AVENUE SE, SUITE 200, WASHINGTON, DC 20003

[202] 547-9009 fax: [202] 547-9022



MT. GRAHAM COALITION

*An international coalition working for cultural
and ecological preservation of a sacred mountain*



MT. GRAHAM UPDATE 7/18/93

1. Red Squirrel count

“The estimated red squirrel population is 262.”

7/9/93 Phoenix Gazette, 7/9/93 Arizona Republic

2. Blowdown

“The tops of at probably 10% of cone bearing trees within the Refugium appear to be snapped of and on the ground.”

Personal communication with biologist Dr. Peter Warshall after his inspection of the Refugium on 6/12/93

“Ice storms combined with heavy snow accumulations and wind broke 80% of the tree tops over large areas of the mountains.”

Letter from Richard Kvale, Safford District Ranger, 7/15/93

2. Mexican Spotted Owl

“The proposed Mt. Graham telescope site change to Hill [sic] 10,298 will significantly, negatively, and permanently effect the activity areas of more than 50% of the active Mexican Spotted Owl management territories in the Pinaleno Mountains.”

Letter to Sam Spiller, 4/1/93 from Maricopa Audubon Society

4. Leveling Peak 10,298

““You’d end up taking the entire top of the peak off, dirt and rocks and all, all the way down to the level needed to create the pad and work surface,” [Lesley] Fitzpatrick [Phoenix USF&WS] said. ‘The tope would be sliced off flat like a mesa....A couple thousand or so truckloads’ of rock would be hauled off the mountain...”

AZ Daily Star 6/29/93

5. Any telescope site move off Emerald Peak does not fall under the “protection” of Title VI of the Arizona-Idaho Conservation Act. If the University of Arizona wishes to move to another site it needs to apply for another Special Use Permit and go through the entire permit process.

“Subject to the terms and conditions of Reasonable and Prudent Alternative Three of the Biological Opinion,....the Secretary shall immediately approve the construction of the following items:

WASHINGTON OFFICE:

666 PENN. AVE. SE, SUITE 200, WASHINGTON, DC 20003
(202) 547-9009 fax: (202) 543-2980

TUCSON OFFICE:

PO BOX 41822, TUCSON, AZ 85717-1822
(602) 326-2511



MT. GRAHAM COALITION

*An international coalition working for cultural
and ecological preservation of a sacred mountain*



BRIEFING PAPER

UNIVERSITY OF ARIZONA SITE CHANGE FOR COLUMBUS TELESCOPE

The University of Arizona (UA), on March 1, 1993, asked the US Forest Service for a modification of their Special Use Permit on Mt. Graham to allow the move of the Columbus telescope to a new mountain peak called Peak 10,298. UA's letter states:

“...Specifically, we plan to construct a primitive access road, clear the telescope site, and conduct geological testing so that foundation designs for the building can be completed.”

What is most interesting about the timing of this site move is that UA has known since at least June of 1990 that they did not prefer the location given them by the Arizona-Idaho Conservation Act (AICA).

“We are not yet firm on Emerald Peak as the location for the Columbus as there is a nominal site to the west (10,298) which is our best guess now...”

--RECORD OF INTERVIEW (Telcon) 140635 with Peter Stritmatter of Steward Observatory and GAO Representatives --June 4, 1990

UA assured the US Forest Service (USFS) and the US Fish & Wildlife Service (USF&WS) throughout the process of the Environmental Impact Statement and the Biological studies that they had done extensive site testing and that Emerald Peak was the best site for astronomy. Mt. Graham International Observatory (MGIO) opponents had maintained that UA had not considered the amount of wind turbulence on the mountain. Environmentalists stated throughout the hearing process that UA has not adequately studied alternative telescope sites to Mt. Graham. Instead of making this information public when UA first learned of siting difficulties and jeopardizing the continuation of MGIO construction, UA chose to build first and make changes later. The UA knew that it would be much harder for environmentalists to stop a project in progress.

Further doubt that the US believed Emerald Peak was the best astronomical site has been cast by the release of a draft study done by UA Steward Observatory astronomers. This study looked at five sites on Mt. Graham and also at Mt. Hopkins to determine which site had the best “seeing.” The study shows that the best images are available on Mt. Hopkins. In fact, the study shows that there are at least two other sites on Mt. Graham that are better than Peak 10,298. The question arises: is UA interested in the best site, or do they simply want to develop another observatory?

In March of 1993, USF&WS listed the Mexican Spotted Owl as threatened. We know that the Mexican Spotted Owl uses Mt. Graham's Spruce-Fir old-growth for foraging. Peak 10,298 is within the management territories of several Spotted Owls. The consulting agencies must write a Biological Opinion on the Mexican Spotted Owl before any site move to Peak 10,298 is approved.

- * "This alternative specifies that the three telescopes would be located in the Emerald Peak area, clustered off the west end of the existing fuel break on FR-669."
—USF&WS Biological Opinion, 1988 p32

3. UA states that Peak 10,298 is the best site for the Columbus telescope on Mt. Graham.

Response:

- * "Comparison of the total seeing values at the best sites on Mt. Graham and Mt. Hopkins shows that comparable seeing may be obtained on Mt. Graham when an acceptable elevation of the telescope is used."
—The Effects of Mountain Topography and Trees on Astronomical Seeing and Turbulence in the Local Boundary Layer, March 1993 (Draft), R. H. Cromwell, C. N. Blair, and N. J. Woolf Steward Observatory

4. UA states there are no squirrel middens (food storage caches) near the new (proposed) location and the proposed Columbus telescope move would be better for the Red Squirrel.

Response:

- * Moving Columbus 1/2 mile will create yet another major area of disturbance and create more "edge" than the current grouping given the UA by the 1988 rider. This would increase the potential for additional "blow-down" and cause warming of the micro-climate of the area.*
- * The UA has erroneously concluded that the midden is the center of activity for the squirrel. This allows UA to say that since no middens are found, there are no impacts on the squirrel.
 "...the major caching site [midden] is not necessarily identical to the focal center of behavior."
—Memorandum on the MGIO Monitoring Program, June 7, 1991. Prepared for Arizona Game & Fish by Dr. Peter Warshall
- * The USFS has not allowed independent biologists near Peak 10,298 to verify midden locations. Therefore, the only data available is that which comes from UA biologists.

5. UA states the SMT (sub-millimeter telescope - Max Planck of Germany) was moved, as was the location of the support building. The agencies did not oppose this move, and the UA would prefer the agencies not oppose the Columbus move.

Response:

- * The SMT telescope move was only 450 feet and remained a cluster. This move occurred between the time the 1988 rider was passed and the MGIO Management Plan (published as required by the 1988 rider) was written. Although not opposed by the agencies, the SMT move was vigorously protested by environmental groups. The SMT move and the support building move are very minor and do not open another area for development. The location of the support building was moved to consolidate public restroom facilities and support into a single building to stay within the allotted 8.6 acres. UA cannot continue to rearrange placement of buildings without independent study by biologists and the public.
- * "Edge" occurs when the UA cuts old-growth trees for roads and telescope pad sites. This would lead to micro-climate warming. This would allow the temperature of the newly opened area to rise and the area to dry. The Red Squirrel's food supply (which is stored in piles of debris called middens) would then spoil.

THE WHITE HOUSE
WASHINGTON

November 22, 1993

Ms. Alyson C. Flourney
Associate Professor
University of Florida
College of Law
Office of the Faculty
Gainesville, FL 32611

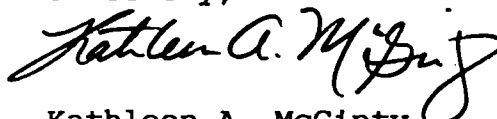
Dear Ms. Flourney:

Thank you for contacting me regarding your work on forest management and the spotted owl. It was good to hear from you.

As you know, I share President Clinton's and Vice President Gore's commitment to the preservation of the environment in a way that leads to strong and sustainable economic growth. I appreciate receiving a copy of your paper. The resolution of these natural resource conflicts are at the heart of many of the issues the Administration now faces.

Again, thank you for letting me hear from you.

Sincerely,

A handwritten signature in black ink, reading "Kathleen A. McGinty". The signature is fluid and cursive, with the first name "Kathleen" and last name "McGinty" clearly legible.

Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl



College of Law
Offices of the Faculty

GAINESVILLE 32611
(904) 392-2211

September 13, 1993

Kathleen McGinty
Dep. Assistant to the President and Director
Office of Environmental Policy
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Dear Ms. McGinty:

Because of your responsibilities for and interest in natural resource policy and law, I have taken the liberty of sending you a reprint of an article I wrote last year. The article examines the controversy over the northern spotted owl and old-growth forests as a paradigm of the type of conflict we will increasingly confront between competing uses of our natural resources.

The first half of the article outlines the history of the dispute, with which you are undoubtedly all too familiar. But I hope that the observations in Parts IIIC, IV and V may be of some interest or use to you. They offer support for reauthorization and continued enforcement of the Endangered Species Act but also highlight the need for additional reforms, such as an increased focus on ecosystem protection, in light of the root causes of the problem that has so often been misdiagnosed as a "spotted owl problem".

Very truly yours,

Alyson C. Flournoy
Alyson C. Flournoy
Associate Professor of Law

Enclosure

THE WHITE HOUSE

WASHINGTON

November 16, 1993

Ms. Gale Felton
2945 Aras Peak Road
Napa, CA 94558

Dear Ms. Felton:

Thank you for your recent letter regarding President Clinton's Forest Management Plan. It was good to hear from you.

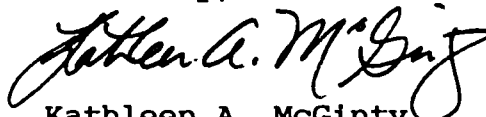
The President, the Vice President and I are committed to the preservation of the environment in a way that leads to strong and sustainable economic growth. We believe that the Forest Conference was a significant step toward the resolution of the problems facing the Pacific Northwest.

As you know, President Clinton recently announced his Forest Plan for a Sustainable Economy and a Sustainable Environment, based on the analytical work of three working groups established at the Forest Conference. This Administration believes that the Forest Plan is scientifically-sound and legally responsible and will provide a sustainable harvest. This plan also includes a new economic assistance program that helps local workers, businesses and communities in strengthening the region's economy by creating family-wage jobs, offering new economic opportunities, and ensuring the region's long-term economic health.

I certainly appreciate learning your views about this very important matter. We continue to seek a Forest Plan that is scientifically-sound and legally responsible and will provide a sustainable harvest.

Again, thank you for sharing your thoughts with me.

Sincerely,



Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl

SAVE OUR SISKIYOU

KATHLEEN MCGINTY
Office of Environmental Policy
OLD EXECUTIVE OFFICE Bldg. Rm 398
WASHINGTON, DC 20501

The endangered Siskiyou Forest in southwestern Oregon desperately needs your help. This is the largest, most intact Ancient Forest ecosystem on the West Coast, with almost 300,000 acres of unprotected roadless wildlands. It is a global treasure, a genetic Noah's Ark containing the most diverse coniferous forest in the world. Scientists have recognized this region as one of the biologically most valuable areas in all of North America. Please do not allow these irreplaceable wild areas - so important as habitat for owls, salmon and scores of rare plants - to be sacrificed for a few more years of jobs and profits for the timber industry.

Please permanently withdraw all Siskiyou National Forest Roadless Areas from logging and development. Adopt Forest Plan Option 1 of the Spotted Owl Environmental Impact Statement, which would create a true Ancient Forest Reserve System, protected from all logging. Also, make no exceptions to existing environmental laws, and stop all raw log exports.

Sincerely,

Name Dave Felton

Address 2945 Atlas Peak Rd

City, State, Zip Napa, Calif 94558

THE WHITE HOUSE

WASHINGTON

November 12, 1993

Mr. Limor Farber
19 Hearthstone Ct.
San Raphael, CA 94903

Dear Mr. Farber:

Thank you for your recent letter regarding President Clinton's Forest Management Plan. It was good to hear from you.

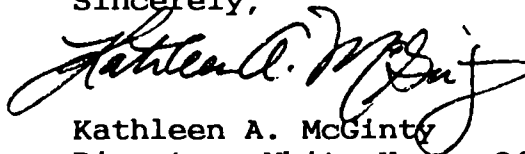
The President, the Vice President and I are committed to the preservation of the environment in a way that leads to strong and sustainable economic growth. We believe that the Forest Conference was a significant step toward the resolution of the problems facing the Pacific Northwest.

As you know, President Clinton recently announced his Forest Plan for a Sustainable Economy and a Sustainable Environment, based on the analytical work of three working groups established at the Forest Conference. This Administration believes that the Forest Plan is scientifically-sound and legally responsible and will provide a sustainable harvest. This plan also includes a new economic assistance program that helps local workers, businesses and communities in strengthening the region's economy by creating family-wage jobs, offering new economic opportunities, and ensuring the region's long-term economic health.

I certainly appreciate learning your views about this very important matter. We continue to seek a Forest Plan that is scientifically-sound and legally responsible and will provide a sustainable harvest, and we are currently soliciting advice and comments on possible improvements to the proposed plan.

Again, thank you for sharing your thoughts with me.

Sincerely,



Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl

Dear
Kathleen McGinty, President's assistant in charge
of the ancient forests issue.

The endangered Siskiyou Forest in Southwestern Oregon desperately needs your help. This is the largest, most intact Ancient Forest ecosystem on the West Coast, with almost 300,000 acres of unprotected roadless wildlands. It's a global treasure, a genetic Noah's Ark containing the most diverse coniferous forest in the world. Scientists have recognized this region as one of the biologically most valuable areas in all of North America! Please do not allow these irreplaceable wild areas - so important as habitats for owls, Salmon, and scores of rare plants - to be sacrificed for a few more years of jobs and profits for the timber industry.

PLEASE PERMANENTLY WITHDRAW ALL SISKIYOU NATIONAL FOREST ROADLESS AREAS FROM LOGGING AND DEVELOPMENT. Adopt Forest Plan Option 1 of the Spotted Owl Environmental Impact Statement, which would create a true Ancient Forest Reserve System, protected from all logging. Also, make no exceptions to existing environmental laws, and stop all raw log exports.

Sincerely, Limor Farber

Limor Farber
19 Hearthstone Ct.
San Rafael, CA. 94903

THE WHITE HOUSE

WASHINGTON

November 16, 1993

Ms. Katie Fite
11341 Lloyd
Caldwell, ID 83605

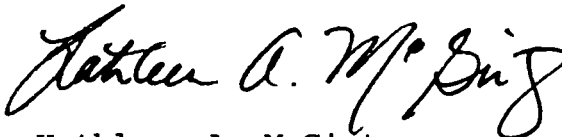
Dear Ms. Fite:

This is to notify you that I am in receipt of your letter regarding the proposed Big Springs Bombing Range in Owyhee County, Idaho. It was good to hear from you, and I sincerely apologize for the delay in my response.

As you know, I share President Clinton's commitment to the preservation of the environment in a way that leads to strong and sustainable economic growth. I certainly appreciate your sharing these concerns with me. You may also know that this past week the Air Force released their draft EIS, which is currently under review by the Bureau of Land Management in the Department of Interior. They hope to make a suitable decision in the near future.

Again, thank you for letting me hear from you.

Sincerely,

A handwritten signature in black ink, reading "Kathleen A. McGinty". The signature is written in a cursive, flowing style.

Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl

8/30/93

MS. KATIE MCGINTY
DEPUTY ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF ENVIRONMENTAL POLICY
OLD EXECUTIVE OFFICE BLDG.
ROOM 358
WASHINGTON, D.C.
20501

DEAR MS. MCGINTY,

I AM WRITING TO YOU ABOUT THE PROPOSED
"BIG SPRINGS BOMBING RANGE" IN OWYHEE COUNTY,
IDAHO.

THE OWYHEE UPLANDS AND CANYONLANDS ARE
A BEAUTIFUL AND SPECTACULAR WILD AREA.

PLEASE DO ALL YOU CAN TO PREVENT ANDRUS'S
MISDIRECTED BOMBING RANGE FROM HAPPENING.

BLM DIRECTOR SACA RECENTLY MADE VERY
TRUE AND COURAGEOUS COMMENTS ABOUT THE
ENVIRONMENTAL CONSEQUENCES OF THE "RANGE."
PLEASE SUPPORT HIM AND HELP PROTECT THIS LAST
GREAT WILD AREA FROM DESTRUCTION.

I SPEND 80-100 DAYS A YEAR IN THE OWYHEES,
ON PUBLIC LAND, SPECIFICALLY BECAUSE OF THEIR
GREAT WILDLIFE AND SCENIC VALUES.

SINCERELY,

Katie Fite
KATIE FITE
11341 LLOYD
CALDWELL, ID
83605

THE WHITE HOUSE

WASHINGTON

November 5, 1993

Mr. Terry Ferguson
President
DeWitt County Farm Bureau
R.R. 3, Box 205
Clinton, IL 61727

Dear Mr. Ferguson:

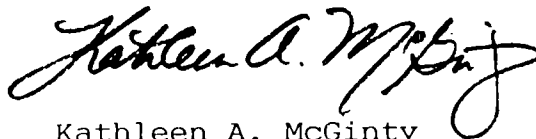
Thank you for contacting me regarding your thoughts about the use of ethanol.

I share President Clinton's and Vice President Gore's commitment to the preservation of our environment in a way that leads to strong and sustainable economic growth. President Clinton and I believe that we must encourage the study and development of technologies for alternatively fueled vehicles. As you know, the U.S. Environmental Protection Agency is currently looking into a proposed rule on the use of ethanol and its status under the Clean Air Act of 1990. I await the EPA's findings in this regard.

I appreciate learning your concerns about the listing of ethanol under the Clean Air Act. Rest assured that this Administration will continue its efforts to promote clean-burning fuels.

Again, thank you for sharing this information with me.

Sincerely,

A handwritten signature in black ink, reading "Kathleen A. McGinty". The signature is fluid and cursive, with the first name "Kathleen" being more prominent and the last name "McGinty" following in a similar style.

Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl

October 17, 1993

Ms. Kathleen McGinty
Old Executive Office Building Rm. 360
The White House
Washington DC 20501

Dear Ms. McGinty,

I am writing as a corn producer from central Illinois that is very concerned about the future of the Ethanol industry and my ability to have a market for my corn crop.

Congress drafted the Clean Air Act with the intent of having ethanol playing an important part in the RFG program. Science has proven that ethanol does not increase total ozone production any more than the toxic MTBE formulation that the oil companies are promoting.

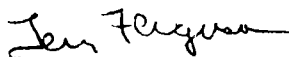
Ethanol, unlike MTBE, is produced in America's heartland, not some far off Middle Eastern country. The production of Ethanol creates jobs for American workers, expands markets for American farmers, and has a positive impact on the Federal budget.

It would seem that an Administration that campaigned to be for Ethanol fuels, wants to clean up America's atmosphere, has promised to create new jobs, and increase efforts for rural development could do only one logical thing, that is INCLUDE ETHANOL IN THE RFG PROGRAM NOW!

Reinventing government should provide more than new taxes and programs, it should also provide for logical solutions and cut the bureaucratic choke hold that regulatory agencies have on the citizens and the businesses of the nation.

Please do what is right for America, not what is easy for regulators to control. Ethanol in the RFG program will provide us with cleaner air, more jobs, and an alternative to the toxic MTBE as a fuel additive.

Sincerely,



Terry Ferguson
President DeWitt County Farm Bureau
R.R. #3 Box 205
Clinton, IL 61727

THE WHITE HOUSE
WASHINGTON

November 4, 1993

Ms. Deeohn Ferris
Program Director
Environmental Justice Project
Suite 400
1400 Eye Street, N.W.
Washington, D.C. 20005

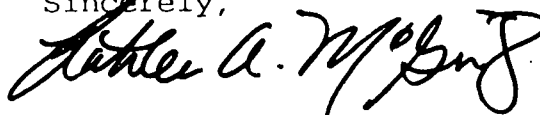
Dear Deeohn:

Thank you for sharing your thoughts with me about environmental equity issues and specifically the draft Executive Order on Environmental Justice. It was good to hear from you.

As you know, the preservation of our nation's environment continues to be one of this Administration's highest priorities. I certainly appreciate learning your thoughts about the draft Executive Order. Your thoughts are important to us as we formulate our environmental agenda, and I have forwarded a copy of your information to Linda Breggin, who is handling this important issue. Rest assured that this Administration will continue to work ardently on this and other issues related to environmental equity.

Again, thanks for keeping me apprised of your thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen A. McGinty". The signature is fluid and cursive, with the first name "Kathleen" and last name "McGinty" clearly distinguishable.

Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/avl



LAWYERS' COMMITTEE
FOR CIVIL RIGHTS UNDER LAW

SUITE 400 • 1400 EYE STREET, NORTHWEST • WASHINGTON, D.C. 20005 • PHONE (202) 371-1212

CABLE ADDRESS: LAW CIV, WASHINGTON, D.C.
TELEX: 205662 SAP UR
FACSIMILE: (202) 842-3211 or (202) 842-0683

September 13, 1993

Hon. Katherine McGinty
Deputy Director to the President
Director of Office on Environmental Policy
Old Executive Office Building
Room 360
Washington, DC 20501

Dear Katie:

I appreciate the President's pledge to achieve environmental justice and the White House initiative to advance the tenets of equal environmental protection for everyone in this nation. To facilitate the Administration's progress in accomplishing these goals, I have reviewed the Draft Executive Order on Environmental Justice (dated July 27, 1993) and provide to you the enclosed detailed comments.

In general, the draft Executive Order laudably augments existing environmental and civil rights protections. Environmentally and economically disadvantaged communities could benefit from extending prohibitions against discrimination to all governmental programs and activities that affect human health and the environment, recipients of associated federal funds, and entities subject to federal oversight and approval.

The draft Order recognizes that, as the lead agency responsible for civil judicial enforcement, the Department of Justice is an integral agent in instituting approaches to guaranteeing the right to a clean, safe and healthy environment. Pursuant to this Order, the Department could spearhead aggressive pursuit of civil rights and traditional environmental enforcement by addressing violations in under-protected communities. As you know, the Lawyer's Committee's Environmental Justice Project charted this course in our Recommendations to the Presidential Transition Team on Federal Enforcement of Environmental and Civil Rights Laws, which was submitted to the Department on December 16, 1992.

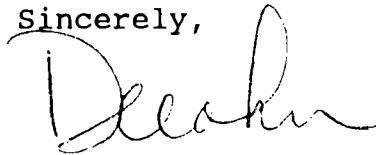
Ms. Katherine McGinty
September 13, 1993
Page 2

Additionally, the draft Order adopts a proposal by environmental justice activists for an inter-agency task force to propel examination of programs and policies that exacerbate disproportionate environmental impact. These concepts were presented in our Recommendations to the Presidential Transition Team for the U. S. Environmental Protection Agency on Environmental Justice Issues Submitted by the Environmental Transition Group on December 21, 1992.

Finally, through this Executive Order, the Executive Branch can expedite progress on environmental justice issues on a more accelerated timetable than the typical federal legislative process. However, as you know, while implementation of this Order would be beneficial, it cannot supplant a statutorily imposed mandate to reform governmental systems which will ensure the effectiveness of environmental protection programs for all Americans.

Again, I appreciate the hard work invested by the Administration in redressing environmental justice concerns. Please contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deohn", with a stylized, flowing script.

Deohn Ferris, Program Director
Environmental Justice Project

Enclosure

Ms. Katherine McGinty
September 13, 1993
Page 3

Comments of Deeohn Ferris
Program Director
Environmental Justice Project
on the
Draft Executive Order on Environmental Justice
Submitted to the
White House Office on Environmental Policy
September 13, 1993

A. GENERAL COMMENTS

(1) Goals of the Executive Order: The draft Executive Order (dated July 27, 1993) on Page 1 recognizes the need to provide a healthy environment for everyone. However, thereafter, the draft language refers to disproportionate environmental impact and proportionate sharing of pollution hazards. Instead, the Order should articulate pollution prevention as the goal, emphasizing the nexus between this overarching objective and protecting everyone. As a result, in lieu of a White House directive that merely reinforces the notions of controlling or managing hazards, the Executive Order advances the goal of preventing exposure to hazards.

Whereas the short-term consequence of terminating the potential for expansion or location of new facilities in areas already inundated with pollution hazards may be risk-sharing among communities that bear none of this nation's pollution burden, the challenge to and focus of the environmental justice movement is to restructure programs, promulgate regulations and design policies which minimize hazards for everyone.

To complement the data collection and research agenda in the draft, the Order should require identification of areas around the nation which are disproportionally affected by environmental hazards. In addition, the word "health" should follow the words "social and economic" to read "social, economic and health impact" wherever impact is mentioned.

(2) Native Americans: While the draft Order appears to apply to all people of color and low income communities, nowhere is the language explicit about the special concerns of Native Americans on Tribal lands. Just as disproportionate impact on people of color is addressed in this draft, the federal government must address issues such as sovereignty and the importance of building and adequately funding Tribal environmental infrastructures.

Ms. Katherine McGinty
September 13, 1993
Page 4

(3) The Budget: Without clear direction from the Administration, Departments and agencies already faced with tight budgets may find it difficult to prioritize federal Executive and Legislative Branch mandates and reallocate monies to meet those priorities. Consistent with the Clinton Administration's commitment to limit the use of unfunded mandates, earmarking funds in each budget to achieve the objectives of the Executive Order is advisable.

(4) Covered Agencies: Applicability of the Executive Order to the Department of Defense, military installations and federal facilities should be explicit. Furthermore, the draft should clearly state which agency, agency head or office is responsible for and has authority to ensure government-wide compliance with the Executive Order.

(5) Covered Activities: It is unclear whether key linkages between labor and environmental issues, such as farmworker exposure to pesticides and worker exposure in the high-tech industry will be addressed pursuant to this Executive Order. These are critical issues on which to focus to remedy the triple threat of disproportionate exposure: ambient environmental impact (i.e., air, land and water); indoor environmental impact (i.e., asbestos and lead contamination); and occupational or workplace impact.

(6) Right-to-Know: In addition to requiring the collection of data and information (see Section 1-105), the Executive Order should provide public access to any repository on disparate impact and associated environmental health risks. Has consideration been given to whether a single agency (existing or new) should be responsible for across-the-board data collection and correlation, including demographics, health and economic data?

(7) Compliance Inspection & Enforcement Targeting: The draft Order should explicitly set forth a federal mandate for compliance inspection and enforcement targeting in under-protected communities. Each Department and regulatory agency with programmatic and enforcement responsibilities should be involved in the Inter-Agency Task Force established by Section 2-201 and should be required to comply with this targeting mandate.

(8) Potential Conflicts: The draft Executive Order should discuss how to resolve potential conflicts between agency actions that promote environmental justice and other economic-related goals, such as industry competitiveness or deficit reduction. Further, the Order should prioritize environmental justice regulations ensuring that the health of communities of color and low income communities is protected.

Ms. Katherine McGinty
September 13, 1993
Page 5

B. SPECIFIC COMMENTS

Draft Summary: The summary section fails to mention the various independent studies which conclude that environmental racism exists and that, even more important than income, race is the predominant factor in disproportional exposure. For example, the summary should reference the groundbreaking September, 1992 National Law Journal report entitled "Unequal Enforcement: The Racial Divide in Environmental Law."

Whereas Section: This section should explicitly establish as a goal equal enforcement of environmental laws and regulations.

Section 1-1: The subsections of Section 1-103 should underscore that prohibitions against discrimination based on race, color or national origin, also apply to economic status.

Section 1-104(c) should clarify with whom and how community-governmental collaboration under the National Environmental Policy Act should occur in order to "ameliorate significant and adverse social and economic effects on minority and low income communities."

Section 1-107 may create a conflict if an agency head responsible for implementation of Executive Order directives is the person to whom an aggrieved party must petition. A more impartial mechanism may be preferable, such as an administrative tribunal.

Section 2-2: Section 2-201 should specify agencies included in the Inter-Agency Task Force. At a minimum, the Task Force should include the following Departments and agencies: The Departments of Justice, Defense, Energy, Transportation, Interior, Agriculture, Labor, Health and Human Services, Housing and Urban Development, the U. S. Environmental Protection Agency, Centers for Disease Control, the Agency for Toxic Substances and Disease Registry, the National Institute for Occupational Safety and Health, and the National Institute for Environmental Health Sciences.

Additionally, under the Freedom of Information Act, the public should be provided full access to Task Force reports issued pursuant to Section 2-202.