

THE WHITE HOUSE
WASHINGTON

August 20, 1996

MEMORANDUM FOR CAROL RASCO

FROM: DIANE REGAS

SUBJECT: ENVIRONMENTAL INITIATIVE

I have been working closely with CEQ, NEC, and EPA to present options to the President for a toxics initiative.. I am sending you the memo that we have prepared, and I will not repeat that information here. I have some additional thoughts and background that are not reflected in the memo.

BACKGROUND

The first option presented in the memo is, in my view, a throw away option. The only significant differences between it and "Alternative A" is that Alternative A is cheaper. The reason for this is that the lower end of the superfund estimate (1.5 Billion) is taken in Alternative A, and some elements are slightly cut. The range of superfund estimates came from EPA, but Administrator Browner assures me that EPA can live with 1.5, not 2 billion to support the stated goal. As far as I know, no one supports the first option.

Alternative A is the option that both CEQ and EPA are supporting, and I believe it is the only viable option presented (although not the only option available). I will discuss the pros and cons of this alternative later in this memo.

Alternative B seeks to spread less money (about half) over essentially the same initiative. As a result the initiative is not adequately funded to accomplish the goals set out, and would undermine the President's strong environmental record. My strong view is that *if the President wants to spend no more than \$1.5 billion on an environmental initiative then he should ask his staff to go back to the drawing board.*

In addition, the core piece of alternative B is flawed in concept, but the process for developing this option did not allow for full consideration of its problems. The core piece of this option is that we should clean up the backlog of Superfund sites that are lining up waiting for federal money to become available. I was initially interested in this approach, because there is a strong argument that communities should not have to wait for cleanups; further I was hopeful that we could argue that our

Superfund reforms (and Congressional budget cuts) have created the backlog.

Based on my conversations with EPA this evening, neither of these arguments squares with the facts. First, while we can cleanup the current backlog, we would still expect new sites to be lining up--we would never catch up. Therefore setting out "catch-up" as the goal is setting the President up for failure. Second, the backlog of sites is partially due to a failure to request enough money--in addition to budget cuts. Last, the backlog is a vulnerability, that is not widely understood. By announcing an initiative that highlights it we would be announcing, but not solving, the problem. I believe that these negatives should be enough to reject Alternative B.

The remaining question is whether Alternative A is a good choice. In my view the strongest reasons to adopt Alternative A are as follows:

- . Through Superfund cleanup, brownfields and community right to know, we expect real benefits to people's health and to the economic viability of communities.
 - . The pace of cleanups has been a key Superfund issue, and this initiative is very responsive to that concern.
 - . The community right to know expansion will give people new information that has direct health implications. (some examples: Exposure to high levels of ozone can cause asthma attacks--parents can reduce the chances of this if they know the levels of ozone at given time. Similarly, swimming in polluted water currently causes many cases of disease, knowing the local coliform count can help people decide whether to swim at a particular beach.)
- . The water quality proposal would implement the new Safe Drinking Water Act, and go further to help protect waters from pollution. There is a significant component of protecting streams from abandoned mines--a significant problem in the West (particularly Colorado, etc) and in Appalachia.
- . The environmental crime proposal would help close a gap between environmental and other crimes.

POTENTIAL NEGATIVES

- The two biggest potential negatives (besides cost) are:
- . The goal of doubling the pace of cleanup for only \$1.5 billion seems very ambitious. However, we have EPA's assurance that the numbers are credible. EPA will need to work hard to make sure that the statement is backed up and that even probing questions can be answered.
 - . This proposal puts down markers for the future on legislation and budgets that have not been explicitly balanced with other environmental priorities (the two biggest omissions are probably air pollution and global climate change). We can expect that these issues will need

significant attention and/or resources over the next year..

OTHER ISSUES

OMB may raise a question about whether one aspect of this proposal is likely to create a storm of criticism from industry (particularly the mining industry). While this may happen, the recent focus on Yellowstone and the need to reform the mining laws is likely to mute this criticism.

RECOMMENDATION

I recommend that you support Alternative A because it will be a significant positive step that strengthens the Presidents overall environmental record significantly.

ENVIRONMENTAL INITIATIVES

OVERVIEW: Under the theme of protecting communities from toxic chemicals, these are several initiatives building on the Administration's environmental record:

1. Increase Superfund cleanups at the nation's worst toxic waste sites, with the goal of cleaning up two-thirds of the sites on the current priority list. (cost: \$1.5 – \$2 billion)
2. A new set of proposals to cleanup and re-develop "Brownfields" to complement the Administration's previously announced tax incentive. (cost: \$400 million)
3. Safe drinking water for all Americans' communities through implementation of the recently enacted Safe Drinking Water Act reauthorization, and protection of drinking water sources. (cost: \$800 million)
4. Expanding the community right-to-know program to collect and make available via computer local information about toxic threats in air and water. (cost: \$355 million)
5. An environmental crimes legislative proposal that would increase penalties for the worst environmental offenders and strengthen the federal government's partnership with state and local law enforcement. (cost: zero)

TOTAL COST:

Total 4-Year Cost for this agency-proposed agenda: \$3.05 – 3.55 billion

The package summarized above is set out in greater detail in the following pages. To construct an environmental package at lower cost, *two alternative packages* may be considered:

Alternative Package A: (cost: \$2.9 billion)

- Low end of Superfund range would be selected. (revised cost: \$1.5 billion)
- Brownfields same as above. (cost: \$400 million)
- The scope of the right-to-know initiative would be limited to fewer communities. (revised cost: \$250 million)
- The drinking water budget would be trimmed. (revised cost: \$750 million)
- Environmental crimes, same as above. (cost: none)

Alternative Package B: (cost: \$1.5 billion)

Erase the Superfund Backlog: provide sufficient funding to permit EPA to clear out its current backlog of 70 Superfund sites which are ready to be cleaned up, but for which funds have been unavailable. (New sites would continue to be added, however.) We would also expand the Reagan executive order to give more environmental agencies (in addition to EPA) authority to order cleanups. This proposal would end the waiting for communities with Superfund sites at which all preliminary assessments and design work has been completed but actual cleanup has been stalled because of a lack of funds. (cost: \$500 million)

Brownfields: Increase the EPA grant program to local governments for brownfields site assessment and cleanup as discussed in item II, but at a lower level. (cost: \$245 million)

Safer Drinking Water Implementation as described in item III, below, but at a lower level and without source water protection. (cost \$400 million)

Community Right-to-Know: As described below in item IV. (cost: \$355 million)

The Environmental Crimes legislative proposal described item V.

Note: Both CEQ and EPA believe that the resources in this alternative are too few, and too thinly spread among proposals, to support a presidential initiative on toxics, specifically, that will be either credible or well-received among major constituencies. There are other difficulties as well: the proposal to "clear the Superfund backlog" highlights the fact that we have created a backlog by inadequate budget requests; the drinking water request is likely to be derided by any constituency informed about the magnitude of the need.

I. ACCELERATED SUPERFUND CLEANUPS (cost: \$1.5 – \$2 billion)

OVERVIEW: There are currently 1,387 Superfund toxic waste sites. Some 362 cleanups have been completed, and at current levels of funding, a total of 650 sites will be cleaned up by the year 2000. This proposal would increase the total number of cleanups by the year 2000 to some 900 sites, allowing us to say two-thirds of the current sites will be cleaned up and the pace of additional cleanups doubled.

The proposal:

Accelerate the Pace Of Cleanup. Set an ambitious new goal for Superfund: doubling the pace of cleanup so that two-thirds of the existing Superfund sites are cleaned up by the year 2000.

Issue an executive order to provide agencies with new authority to make polluters clean up toxic waste sites they created. By executive order, give Interior, USDA, and NOAA new authority to make polluters clean up toxic pollution, which will boost site cleanups and clean water protection. (These agencies already must oversee cleanup at many sites

that are not on EPA's priority list, but lack full authority. This would modify the Reagan executive order delegating Superfund authority.)

Potential Negatives

The fight with Congress over reauthorization has generally been very positive for the Administration in terms of our position that the largest polluters must pay their fair share. However, the congressional leadership has sought to suggest that we take our position just to be friendly to the trial lawyers as they say we have sought to do in other areas.

We have based this initiative on our estimates of the time and money typically involved in cleaning up a Superfund site. Despite our best efforts at sampling and other work to determine the extent of contamination at a Superfund site, we do sometimes find levels or types of contamination that take longer to remediate than originally anticipated. Such unanticipated circumstances -- or other unexpected delays (severe weather, labor problems, etc.) -- could keep us from reaching the goal set out in this initiative. We do believe that clean up will be completed or substantially completed on the additional sites covered by the initiative by 2000.

As with other aspects of our "polluter pays" message, the executive order expanding Superfund cleanup authority may generate criticism from those companies who are liable at particular sites. These are primarily mining sites managed by Interior, USDA, and NOAA that mining companies have contaminated and abandoned.

II. CLEANUP AND REDEVELOPMENT OF BROWNFIELDS (cost: \$400 million)

Numbers reflect combined impacts of a new EPA initiative and the President's proposed Brownfields tax incentive.

OVERVIEW: This initiative would clean up and redevelop up to 30,000 contaminated brownfield sites in 300 communities. Brownfields sites are contaminated, abandoned, properties. The contamination is not serious enough for EPA to list the site on its ranking of the worst sites requiring cleanup, but serious enough that banks generally will not lend money for redevelopment because of their fear of potential liability for the contamination. Thus the site stays idle and remains a blight on our cities and communities. GAO estimates that there are some 450,000 brownfield sites in the United States. Of that number, EPA and Treasury estimate that some 130,000 would be eligible for the brownfields tax credit -- a fair estimate of the number of sites that are good candidates for redevelopment. This program would, therefore, help clean up as much as 25% of the sites that are candidates for redevelopment. This proposal will result in improved quality of life for 15 million Americans living within 5 miles of at least one brownfield site. It would also create new jobs in cleanup and redevelopment work, increase the local tax base; spur private-sector investment; and discourage urban sprawl by enhancing preservation of "greenfields." The proposal includes:

Enactment of the Administration's Brownfields tax incentive, announced in the State of the Union and later introduced in the House and Senate, to accelerate brownfields cleanup (\$2 billion cost already budgeted).

\$340 million EPA brownfields grants program; grants to cities for site assessment (up to \$200,000 each) and cleanup (up to \$500,000 each).

\$40 million EPA state voluntary cleanup program support: provides technical support and needed expertise for states offering cleanup guidance to industry.

\$20 million EPA Worker Training Program to train citizens living in brownfield communities in cleanup technologies to create opportunity for employment at these sites.

Potential Negatives

This proposal would only provide a marginal increase in sites (13,000, not 30,000) cleaned up. The proposal "double counts" the number of clean-ups that will result from the Administration's announced \$2 billion tax incentive (17,000 sites).

III. SAFER WATER FOR ALL AMERICAN COMMUNITIES. (Cost: \$800 million over 4 years in addition to funding already included in our budget. EPA, NOAA, Interior, USDA.

OVERVIEW: This proposal reflects the recently signed Safe Drinking Water Act's expansion of EPA's drinking water program. The proposal incorporates a series of steps to stop toxic pollution from entering our drinking water sources and other streams and rivers, while providing new resources to state and local governments fighting toxic pollution. The proposal makes use of existing authority to make polluters clean up toxics that threaten our lands and waters. Legislative proposals for reauthorization of the Clean Water Act would advance these principles and strengthen protection against toxic pollution, especially from polluted runoff.

Making Polluters Clean Up More Toxic Threats to Lands and Waters. (no cost) Replace the Reagan Administration Executive Order that limits agency authority to compel polluters to clean up toxic waste sites that threaten our lands and waters with a new Executive Order that expands the authority of Interior, NOAA, and USDA to compel polluters to clean up.

Protection for Drinking Water Sources. (\$400 million) Congress has not yet provided full funding for the Safe Drinking Water bill, which you signed earlier this month and which contains proposals to strengthen the ability of EPA and state and local governments to protect drinking water supplies. This proposal would challenge Congress to restore the money for communities to protect their drinking water, through the Safe Drinking Water Revolving Fund that you proposed and provide additional funding for communities to protect their drinking water sources.

Protecting Communities from Toxic Mine Wastes. (\$332 million) Dedicate a Hard Rock Mining Reclamation Fund (DOI) and an expanded cleanup program to stop toxic discharges from hundreds of mines and restore thousands of miles of rivers to productive use. USDA would also undertake related activities.

Targeting Farm Bill Resources to Reducing Toxic Cleanup. (cost: none) The 1996 Farm Bill provided a number of opportunities for USDA to work in partnership with local governments and soil conservation districts on voluntary, community-oriented conservation projects. This initiative would direct USDA to focus those programs on reducing toxic and agricultural pollution into our waterways, beginning with an effort to focus the Conservation Reserve Program on water quality goals. These efforts should result in water quality protection efforts covering more than 50 million acres of lands nationwide.

State and Local Protection of Rivers and Beaches. (cost: \$64 million) In order to provide front-line protection of rivers and beaches this initiative would have you direct EPA and NOAA to create new partnerships with state and local governments to control polluted runoff, and to manage critical coastal zone areas.

Potential Negatives

The new resources for drinking water that may be viewed as an inadequate financial commitment, when needs are estimated to be in the tens of billions of dollars. In addition; other elements similarly may be regarded as inadequate to the magnitude of the need.

IV. HONORING AMERICANS' RIGHT TO KNOW ABOUT TOXICS (Cost: \$355 mil.)

OVERVIEW: Announce a broad initiative to enhance the Right-To-Know program. Under this proposal, by the year 2000, EPA, the Department of the Interior, and NOAA will make more local environmental information about the quality of the air and water -- which for ordinary citizens can often be impossible to find -- available instantly for all American communities. This information would be coupled with information about food and products that present major risks to families. This new service would complement the information available from EPA's Toxics Release Inventory, which has been highly effective in informing citizens about chemical data from major manufacturing facilities in their neighborhoods.

A Call for Expanded Right-to-Know Legislation. (cost: none) Cabinet agencies will be directed to build on the success of our right-to-know laws to help families make informed choices about the products they use. The Administration will work with parents, scientists, the business community, and the Congress to provide better information to families, so that they will have the tools to protect themselves. This initiative will include common-sense and cost-effective ways to meet the following objectives:

-- Assist parents in assessing and avoiding unique environmental health risks to

children from products and chemicals;

- Provide information on the whole range of environmental health risk from toxics, including cancer, developmental, endocrine, and reproductive risks; and
- Encourage informed consumer choices by providing improved information.

Making Right-to-Know Accessible to all Americans. (cost: \$250 million) By the year 2000, every American should have access to timely information about toxic and other pollutants in their local air, land, and water through a comprehensive monitoring system with computer links to schools, libraries, community centers and home computers in all cities with populations over 100,000.

- For the first time, set up a nationwide, federally funded, network to monitor key health indicators in the air and water. Monitoring would provide families with access to timely health-related data to make informed choices that directly affect their health, without requiring private parties to report more. For example, timely air quality information can mean the difference between hospitalization and a healthy day for an asthmatic child. Asthma is now the leading cause of hospitalization for young children in the United States.
- Expanding Right-to-Know About Water Quality. (cost: \$85 million) Federal agencies now monitor water quality in only half the nation's rivers, lakes, streams, and beaches. President Clinton is expanding the effort so that communities across America have information about what are the sources of pollution to their rivers, lakes and beaches.
- Increasing Availability of Right-to-Know Information. (cost: \$20 million) President Clinton is directing EPA to lead an effort to ensure that, by the year 2000, Americans have one-stop access to all of the environmental information available. Several government agencies, like NASA, the Interior Department, and the Commerce Department will bring together the information they already collect, so that citizens can get access through one place.

Potential Negatives

Right to Know is criticized as increasing the paperwork burden facing industry in a manner unrelated to real environmental risks. These concerns, however, should not apply to an approach that makes better use of existing reporting requirements and that focuses on vital common public health resources, such as clean air and water.

V. GETTING TOUGH ON ENVIRONMENTAL CRIMES (Cost: none)

OVERVIEW: This proposal would increase penalties for the worse offenders, strengthen our partnership with state and local law enforcement agencies, and plug loopholes in existing laws that allow environmental crimes to go unpunished.

Illegal dumping of toxics and other environmental crimes are real crimes, and our families are the victims. Prosecutors, police, and investigators need better tools to protect our communities from the toxic threat posed by environmental criminals. To address these problems, we recommend the Administration propose a new Environmental Crimes Bill, which will strengthen community protection against environmental criminals. Illegal dumping of toxics and other pollutants is real crime, and communities are the victims. Police, prosecutors, and investigators need better tools to protect our communities from the toxic threat posed by environmental criminals. This bill will ensure that the assets of environment criminals can be secured even before conviction, and are used to restore the communities they victimize. The bill would impose stronger penalties for the worst environmental crimes, and strengthen our partnership with state and local prosecutors. The bill will include provisions to:

- ***New authority for prosecutors to secure the assets of environmental criminals,*** even before conviction, when those assets are needed to repair the environmental harm that has been done. Prosecutors should be able to secure the assets of environmental criminals when they threaten our communities. Criminal defendants are often able to shield their assets from prosecutors, and communities are often at risk that the damage done by the crime will remain unrestored. Authorize prosecutors to get a prejudgment order making placing criminal defendants' assets within the control of the court, to make sure those assets are available to clean up the environment. Broader even than a lien, this provision will allow prosecutors, after a hearing, to secure any of the assets belonging to an environmental criminal and make sure the money is there to clean up the environment for victimized communities.
- ***Impose stronger penalties for the worst environmental crimes,*** and strengthen our partnership with state and local prosecutors with more tools and resources. Current law has no provision for environmental criminals whose offenses result in death or injury to the public, including to police and other law enforcement personnel. This proposal would enhance penalties for environmental crimes that result in death or serious bodily injury to law enforcement personnel or the public;
- ***Outlaw "attempts" to commit environmental crimes.*** There are no laws against attempted environmental crimes, which hampers efforts to capture criminals before environmental damage is done through "sting" operations and other undercover work. This proposal will make it possible to conduct undercover operations and otherwise to make an arrest before toxics are released into the environment.
- ***Modify statutes of limitation to allow additional time for prosecution*** (not to exceed a total of eight years from the date of the violation) where a criminal tries to conceal an environmental crime. Current statutes of limitations have no exceptions for those who

conceal their environmental crimes, with the result that some of the most egregious environmental crimes cannot be prosecuted.

- ***Strengthen environmental law enforcement partnerships.*** Local law enforcement agencies often lack the resources to support environmental crimes prosecutions or to train their officers on detection and handling of environmental crimes. This problem hampers joint federal-state prosecutions, and has been made more urgent by the government shutdown and other efforts to cut EPA's enforcement budget and take the environmental cop off the beat. This initiative would provide that state and local officials would be able to receive an award of their costs in joint prosecutions with federal authorities of environmental crime, and the cost award would be added to the criminal fine the defendant would have to pay. The bill would seek \$1,000,000 in new money for training and support of state and local law enforcement officials.
- ***Assure restitution for victims of environmental crimes.*** The authority of courts to require environmental criminals to provide "restitution" to communities victimized by environmental crime should be clear. The communities that are victims of environmental crime should the right to have their environment and natural resources restored. The proposal would clarify the law to ensure that the courts may order convicted criminals to pay restitution for their crimes, by making payments to remediate or restore the quality of the environment to the full extent that it is damaged by an environmental crime.

Potential Negatives

May be concern in industrial community about aggressive enforcement.

THE WHITE HOUSE
WASHINGTON

Eliz.
FYI.
Diane

September 20, 1996

MEMORANDUM FOR CAROL RASCO
FROM: DIANE REGAS 
SUBJECT: FAMILY RIGHT TO KNOW

Attached is a copy of a memo from EPA to the President outlining a family right to know proposal. EPA has proposed some important policy changes that could move the country forward in providing protection to children from toxics. The key ideas are providing warning labels on products about risks to children (and therefore requiring new kinds of product testing); and requiring that federal regulations specifically be based on protection of children.

These proposals are common sense changes to our laws, and would provide warnings to parents about toxics, and incentives to companies to minimize the use of toxics. The proposals also raise difficult and potentially controversial issues about implementation, benefits, cost, and the ability of government to provide clear standards.

I would like your guidance on the process we should use to resolve these issues. We could push hard to come to consensus on the outlines of these proposals in the next few weeks; we could ask EPA to develop additional analysis and work with outside groups to more fully develop this proposal over the next few months, or we could start with some minor parts of the EPA proposal and move forward with those parts quickly.

I would be happy to discuss this issue further over the weekend or on Monday.



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

THE ADMINISTRATOR

MEMORANDUM FOR THE PRESIDENT AND THE VICE PRESIDENT

Subject: Protection of Children from Environmental Health Threats

Today I released a major new EPA report assessing the impact of toxics in the environment on children. The report addresses the ways in which children are more susceptible and vulnerable to environmental toxics (for example, asthma is now the leading cause of childhood hospitalization), the many steps we have taken during your Administration to address children's environmental health, and an agenda for concrete future actions to assure the nation meets the challenges posed by this issue. I anticipate a very favorable reaction to our report.

I believe that there are two actions that you can take in the next several weeks to underscore your continuing commitment to protect children and address the concerns of America's families about environmental toxics:

- **Executive Order.** I recommend the adoption of an Executive Order that: requires every health and safety regulation and standard to be adequately protective of the unique risks faced by children from environmental threats; coordinates research concerning children's health across the government; and provides information from all areas of government for inclusion in a pamphlet available to families about practical steps they can take to protect themselves from environmental threats.
- **Family Right to Know Legislation.** I recommend you challenge Congress to adopt legislation -- embodied in a set of principles issued with that challenge -- that would provide consumer informational labels to families warning of any unique health risks to children from products containing toxic compounds. A general initiative along these lines was part of your announcement in Kalamazoo, Michigan, on August 28.

Over the last several months, we have been working with staff at the White House and other agencies on these recommendations. I want to be certain you are personally aware of them so that we do not lose the opportunity to move forward on a meaningful time frame should you be interested in pursuing them. I appreciate your continuing commitment to these issues and look forward to further discussion of these opportunities.

A handwritten signature in black ink, appearing to read "Carol M. Browner".

Carol M. Browner



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GREAT OUTDOORS
COLORADO

WILL SHAFROTH
Executive Director

June 19, 1996

Elizabeth Drye
Chief of Staff
Domestic Policy Council
Old Executive Office Building, Room 213
Washington, D.C. 20502

Dear Elizabeth:

It was nice to meet you at Environment Day on June 6. I have to commend you and others who put that event together. I believe it was very worthwhile from the standpoint of those of us who participated.

As promised, I am sending you some information about Great Outdoors, Colorado. As you may recall, GOCO is a newly created entity in Colorado which receives a portion of the state lottery proceeds for investments in parks, open space, and wildlife. The Board of Trustees has developed a close working relationship with federal agencies. It has also developed some very interesting and innovative partnerships on resolving natural resource-related issues and providing recreational benefits. The Board has, since its inception in 1993, awarded nearly \$70 million in grants to public agencies and non-profit organizations.

Please feel free to call on me if you ever need any assistance on matters related to Colorado or the environment. I look forward to keeping in touch.

Sincerely,

Will Shafroth
Executive Director

WS:dm

Attachments



GREAT OUTDOORS COLORADO

What is the Great Outdoors Colorado Trust Fund?

In November 1992, Colorado voters approved Amendment 8, the Great Outdoors Colorado Amendment. Under this constitutional amendment, a portion of Lottery revenue is earmarked for funding programs for parks, wildlife, outdoor recreation, environmental education, open space, and natural areas. To make sure all previous commitments of Lottery dollars are honored, Great Outdoors Colorado will receive a projected average of \$10 - \$20 million per year through 1998, when it will begin receiving approximately \$44 million a year. These funds are being used by the Great Outdoors Colorado Board to help the people of Colorado preserve, enhance, appreciate, and enjoy our parks, wildlife, trails, rivers, and open space by awarding strategic grants.

Who is responsible for distributing Great Outdoors Colorado money?

The Great Outdoors Colorado Trust Fund is governed by a 15-member Board of Trustees. The Trustees are appointed by the Governor and confirmed by the Colorado State Senate. The Board's Executive Director is Will Shafroth.

What has been accomplished to date?

Great Outdoors Colorado has made grants totaling \$69.7 million for 521 projects since 1994. Those grants were leveraged by an additional \$227 million in partner contributions. Grants have been awarded in 58 of Colorado's 63 counties.

Grants to the Division of Parks and Outdoor Recreation -- \$7 million in grants were awarded in 1995 to Colorado State Parks for 47 projects including open space, trail, and water projects at Colorado River State Park in Grand Junction and Boyd Lake State Park east of Loveland. In 1994, State Parks received \$1.5 million for 19 projects.

Grants to the Division of Wildlife -- In 1996 \$3.75 million was awarded to the Division for 33 projects across Colorado that target programs to assure viable populations of species at risk, protect critical habitats, develop wildlife watching opportunities at Colorado State Parks, and provide wildlife education programs for school children. Fifty-five projects were funded in 1994 and 1995 with \$4.85 million from Great Outdoors Colorado, including \$500,000 for an urban wildlife conservation education center at the Denver Zoo.

Grants for Local Governments -- To date, the Board has awarded \$6.15 million in grants for 124 projects in 50 counties across the state to local governments for acquiring, establishing, expanding, enhancing, and improving park and outdoor recreation facilities including environmental education facilities. In April 1996, the Board awarded \$1.1 million for thirty-six trail projects from the eastern plains to the western slope and along the Front Range. In 1994 and 1995, \$2.2 million in grants were given to 68 local government trail projects.

Open Space and Natural Areas -- The total amount of grants awarded for open space to date is \$10.8 million, with 33,350 acres being conserved in urban, suburban, and rural areas of Colorado. Since September 1994, awards of \$2.46 million have been given for planning and capacity building, primarily for land conservation to local governments and non-profit organizations.

Legacy Projects

In May 1996 the Board invested \$30 million in six projects of regional and statewide significance. The Board created the Great Outdoors Colorado Legacy Projects program to provide grants of \$2 to \$10 million per project for regional and statewide land and water conservation projects that integrate at least two of GOCO's four funding areas. These projects include multiple public and private partners. The Board anticipates funding up to twelve projects in the next two years. Funding for all additional grant programs will remain at substantially the same level.

STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

Board members are appointed by the Governor and subject to confirmation by the Colorado State Senate. There must be two members from each congressional district. No two members from one congressional district can be from the same political party. One member of the Board must represent agricultural interests. Two members must live west of the Continental divide. In addition, the Executive Director of the Colorado Department of Natural Resources and one representative each from the Colorado State Parks Board and the Wildlife Commission are members of the Board.

* indicates term expires 4/15/99 **indicates terms expires 4/15/97 ***indicates new appointment awaiting Senate consideration
Some addresses listed are business addresses.

Congressional District 1

***George Beardsley -- (U)**

Real Estate/Urban Development
G. Beardsley Associates, Inc.
2 Inverness East, Suite 200
Englewood, CO 80112

*****Michael Cheroutes -- (D)**

Attorney
Hogan & Hartson
1200 17th Street, Suite 1500
Denver, CO 80202

Congressional District 2

***Ruth Wright -- (D)**

former Colorado legislator
1440 High Street
Boulder, CO 80304

*****Victor Vargas -- (U)**

Landscape Architect
Vargas Property Services
11700 Crystal Views Lane
Longmont, CO 80501

Congressional District 3

***Tilman M. Bishop -- (R)**

Colorado State Senate
2697 G Road
Grand Junction, CO 81506

****Tom Farley -- (D)**

Attorney; former Colorado legislator
Peterson & Fonda, P.C.
650 Thatcher Building
Pueblo, CO 81003

Congressional District 4

***Robert Tempel -- (R)**

former Prowers County Commissioner
P.O. Box 7
Wiley, CO 81092

****Susan Kirkpatrick -- (D)**

Political Science Professor at UNC;
former Ft. Collins Mayor
2312 Tanglewood Drive
Fort Collins, CO 80525

Congressional District 5

***Jane Ragle -- (D)**

Small Business Owner
4495 Monitor Rock Lane
Colorado Springs, CO 80904

****J. Fred Niehaus -- (R)**

Project Management/Strategic Planning
Intermountain Partners
1510 Thistle Ridge Road
Highlands Ranch, CO 80126

Congressional District 6

***Elmer Chenault -- (R)**

Retired EPA Senior Management Official
845 Front Range Road
Littleton, CO 80120

****John Fielder -- (D)**

Photographer; Publisher
Westcliffe Publishers, Inc.
2650 South Zuni Street
Englewood, CO 80110

EX-OFFICIO

Jim Lochhead

Executive Director
Colorado Department of Natural Resources
1313 Sherman Street, Room 718
Denver, CO 80203

State Board of Parks & Outdoor Recreation

Vacant

Rebecca Frank

Journalist
Wildlife Commission
2004 Wood Court
Grand Junction, CO 81503

What GOCO Means for Colorado

Since 1994, Great Outdoors Colorado has:

- ✓ Awarded \$30 million in grants for 402 projects
- ✓ Helped conserve 9575 acres of open space
- ✓ Provided funds for the construction of 56 miles of trails
- ✓ Awarded 52 Colorado State Parks grants for:
 - 10 projects to acquire & establish new parks
 - 8 projects to enhance existing state parks
 - 2 environmental center projects
 - 15 education & interpretation projects
 - 8 projects to provide water for recreation
 - \$544,000 for trails grants & trail linkages in parks
- ✓ Awarded 55 Colorado Division of Wildlife grants for:
 - 11 habitat protection projects
 - 20 species protection projects
 - 6 watchable wildlife projects
 - 18 wildlife education projects
- ✓ Made awards to local governments for:
 - 19 new park/land acquisition projects
 - 88 park enhancement projects
 - 16 environmental education projects

In the Next Issue ... Legacy Project Grant Awards ... Open Space Grant Awards ... Trail Project Grant Awards

Board Schedule

April 9 -- Colorado Springs Open House from 5:30 p.m. - 7:00 p.m. El Pomar Center

April 10 -- Board Meeting from 9:00 a.m. to 2:45 p.m. at the Red Lion Hotel - Colorado Springs

**May 21 -- La Junta Open House
May 22 -- Denver Board Meeting**

July 10/11 -- Steamboat Springs

September 11/12 -- Durango

October 23/24 -- Greeley

December 3 -- Denver

Specific times, locations, and events are yet to be determined for many meetings. Information will be publicized in areas two to three weeks in advance of the meeting. For updated information, call GOCO at (303) 863-7522.

**Great Outdoors Colorado
303 East 17th Avenue, Suite 900
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GREAT OUTDOORS
COLORADO

Spring 1996 Newsletter

Great Outdoors Colorado Awards \$2 Million to Local Governments for Parks, Outdoor Recreation, and Environmental Education Facilities

In late February, the Great Outdoors Colorado Board awarded \$2 million in grants to communities in 38 counties across Colorado to help enhance local park and outdoor recreation resources. Projects funded include 8 land acquisition projects for new parks, 20 park enhancement projects, construction of 5 environmental education facilities, and development of 14 baseball and soccer fields.

"There is a real need for diverse recreation opportunities for all age groups," said Will Shafroth, Great Outdoors Colorado Executive Director. "These grants make a huge difference in large and small communities throughout Colorado."

The Great Outdoors Colorado Board received 167 applications totaling nearly \$12 million in requests. In all, 47 projects received funding. Projects funded include:

◆ *The Bradford/Olson addition to Bohn Park, in the Town of Lyons* -- A \$100,000 GOCO grant will help fund the acquisition of 28.5 acres of flat meadow land in Lyons. In the future, the property will be developed into a recreation area with ball fields, soccer fields, and trails. The property also provides a sanctuary for numerous birds and wildlife.

◆ *The Dove Creek Recreation Infrastructure Improvement Project in Dolores County* -- GOCO awarded \$50,000 for acquisition of four acres of land, and the construction of two athletic fields. Dolores County currently only has two ball fields, and construction of these new fields will help meet growing recreation needs in the area.

◆ *The Environmental Program Center at Sondermann Park in Colorado Springs*. An environmental program center will be constructed in the park which will feature an outdoor classroom with an observation deck for the study of adjacent wetlands and wildlife habitat. GOCO awarded \$67,500 for this center.

LOCAL GOVERNMENT Page 6



Great Outdoors Colorado has awarded \$6 million for 123 community park, outdoor recreation, and environmental education facilities to date. In 1995, the City of Gunnison received an award for enhancements to Charmar Park.

Inside this issue: Legacy Projects Advance . . . \$3.5 Million Awarded to Colorado State Parks . . . New GOCO Board Members . . . Outdoor Recreation Survey

**Great Outdoors Colorado
Trust Fund**

303 East 17th Avenue, Suite 900
Denver, Colorado 80203
(303) 863-7522 (303) 863-7517 (fax)
E-Mail: GOCOLO@AOL.COM

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- Mr. John Fielder, Greenwood Village
- Ms. Rebecca Frank, Grand Junction
Colorado Wildlife Commission Representative
- Mr. Jim Lochhead, Glenwood Springs
Colorado Department of Natural Resources
- Rotating (see page 5)
Colorado State Parks Board Representative
- Mr. J. Fred Niehaus, Highlands Ranch
- Mr. Bob Tempel, Wiley
- Mr. Victor Vargas, Longmont*
- Ms. Ruth Wright, Boulder
- *Awaiting State Senate confirmation

GOCO Staff

- Will Shafroth, Executive Director
- Rick Hum, Deputy Director
- Lise Aangeenbrug, Program Manager
- Debbie Pentz, Program Manager
- Angela Padilla, Program Manager
- Chris Leding, Communications Manager
- Jeff Jones, Administration Manager
- Ruth McMillen, Program Assistant
- Ed Brown, Grant Administrator
- Audrey Moen, Administrative Assistant
- Abigail Aukema, Secretary/Receptionist

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1400 Citizens Surveyed...

**Coloradans Remain Enthusiastic about
Outdoors and Protection of Natural Heritage**

Great Outdoors Colorado and Colorado State Parks recently received the results of a public opinion survey regarding Coloradans' outdoor recreation preferences and how they want to see Colorado Lottery dollars invested. Ciruli Associates conducted the survey interviewing 1400 Coloradans.

The Parks Board and the GOCO Board will use the information collected through the 70 questions in the survey to help set project priorities in the coming years.

Some interesting results drawn from the survey are:

Coloradans lean toward slower population and economic growth. When asked about the environment and the economy:

- 3%** of those surveyed said Colorado must have more jobs and economic development even if the resulting growth may mean more crowding, pollution, and loss of open space.
- 31%** said Colorado must have more jobs and economic development and as much as possible the environment should be protected, but the economy must grow.
- 44%** said Colorado needs more jobs and economic development, but that the environment must be protected even if growth has to be slowed.
- 20%** said Colorado really does not need more jobs and economic development because there is already too much pollution, crowding, and loss of open space. They don't want to see any more growth.

Priorities for Lottery fund investments emphasize land protection. Managing and protecting land and increasing stream flows for wildlife habitat are what respondents indicated are their top priorities for the investment of Lottery dollars. Expanding threatened and endangered species programs ranked second, with acquiring open space and greenbelt areas in and around cities and towns third. Residents rated improvement of local parks and recreation programs fourth. In general, park priorities emphasized improvement and modernization of existing parks ahead of building and acquiring new parks and facilities.

OUT R S VEY rt page

Program Increases Agency Capacity to Manage Volunteers
by Jim Chesnutt, Volunteers for Outdoor Colorado

Colorado's federal, state, and local land management agencies are facing a unique challenge: to effectively manage our natural resources in a time when budgets are shrinking and the state's population is growing dramatically. Their ability to rise to this challenge has profound implications for all Coloradans, as the quality and future of our public lands are at stake.

In 1990, the U.S. Forest Service recorded 37.3 million recreational visitor days in Colorado. In 1994 that figure jumped to 49.6 million - a 33% increase in four years. In another alarming statistic, the Bureau of Land Management and the U.S. Forest Service report that over half of the 18,000 miles of Colorado trails they manage need substantial maintenance.

Volunteers for Outdoor Colorado (VOC) helps agencies meet the growing backlog of work through the "Extending Your Reach" program; a project made possible through a \$40,000 Capacity Building grant from the Great Outdoors Colorado Trust Fund.



VOC received a \$40,000 GOCO grant to help agencies manage their own volunteer programs and to increase the number of volunteers who work on public land projects. (Photo courtesy of Volunteers for Outdoor Colorado)

"Extending Your Reach" is designed to increase the collective capacity of land management agencies to manage volunteer projects, to publicize a statewide listing of volunteer opportunities, and to match volunteers directly with agencies. In this way, volunteers are beginning to fill the gaps left by a diminished work force and reduced capital budgets.

VOC volunteer instructors and staff use the VOC model for project management in a series of seminars addressing a variety of topics including: technical construction considerations, leadership skills, volunteer recruitment, training and retention, logistics, promotion, fund raising, and public relations.

While "Extending Your Reach" was designed to increase the *capacity* of agencies to manage their own volunteer programs, this summer VOC will launch a program called "Hands On Colorado" to increase the *number* of volunteers through a statewide media campaign.

Both of these programs further the ideal that citizens can play a much larger role in the stewardship of their public lands and build a healthy sense of community in the process.

News Briefs

GOCO Joins Internet GOCO has established an E- Mail address on America On-Line. Messages and requests for information may be sent to GOCOLO@AOL.COM. In addition, staff are developing a home page for the internet that will contain grant schedules, past awards, meeting schedules, and more. An internet account is not needed to access the page, as it can be accessed for free through libraries, dialing up at home, or at the office - though this version will not provide access to graphics or photos. Assistance in setting up a GOCO home page is being provided by the Access Colorado Library and Information Network, or ACLIN. Through a grant program, ACLIN provides

consulting to nonprofit organizations on getting connected. The GOCO home page will be on-line in May.

New Staff at GOCO **Debbie Pentz** joined GOCO in November as a Program Manager. Debbie will administer the Open Space and Planning/Capacity Building grant cycles, and will assist with Legacy Project grants. Her background is in open space preservation, land use, public lands, and water rights issues. Debbie previously worked for the City of Boulder Office of Environmental Affairs on environmental policy issues.

Ten Legacy Projects Advance to Application Phase Seven Additional Projects Receive Planning Grants

The Great Outdoors Colorado Board has invited sponsors of ten projects to submit Great Outdoors Colorado Legacy Project applications.

Great Outdoors Colorado Legacy Projects will address regional or statewide needs and integrate at least two of GOCO's four funding areas. Multi-year commitments totaling \$2 to \$10 million per project will be made to about a dozen projects. Great Outdoors Colorado has approximately \$40 million available for Legacy Projects over the next three years. Sixty-seven concept papers from across Colorado were received in response to the program.

"The Board is impressed with the creativity and commitment of the local governments, state agencies, and nonprofit organizations who presented Legacy concepts to the Board," said GOCO Executive Director Will Shafroth. "The projects that can now apply for funding appear to meet the criteria the Board established, and are ready to get underway or are already underway."

Six sponsors will submit applications in March with the Board making grant awards in May. GOCO will award no more than \$27 million of the \$40 million available at that time. The six Track 1 projects are:

- ◆ The South Platte River Project in Denver
- ◆ The I-25 Conservation Corridor Project on the southern Front Range
- ◆ The Colorado Riverfront Greenway in Mesa County
- ◆ The Historic Arkansas Riverwalk Project in Pueblo
- ◆ The Yampa River System Project in Routt and Moffat counties
- ◆ The Great Plains Reservoir Project in southeast Colorado

Four sponsors will submit applications in June, with the Board making grant award decisions in September. The four Track 2 projects are:

- ◆ The Cache la Poudre/Big Thompson River Heritage Project in Larimer and Weld counties
- ◆ The Denver & Rio Grande/Roaring Fork Rail Corridor in Eagle, Garfield, and Pitkin counties
- ◆ The Durango/Animas River Corridor Project in La Plata County
- ◆ The Pikes Peak Greenway Project in El Paso County

Advancing to the application phase does not guarantee funding for any of the projects. Prior to a funding decision, GOCO staff and the Board's Legacy Committee will review applications, visit each project site, and applicants will make presentations to staff and the Board Committee.

In addition, seven potential Legacy Projects have received planning grants. The funds will allow applicants to prepare for future rounds of either Legacy funding or other GOCO grant programs. The award of Legacy planning dollars does not ensure funding in the future.

The idea for Legacy came about in response to communities expressing a need to achieve regional visions that incorporate open space, wildlife, park, and outdoor recreation components. Additionally, GOCO has received higher than expected Lottery proceeds which makes funding available for both Legacy Projects and the Board's other grant programs.

The next opportunity to submit Legacy concept papers and Legacy planning grant applications is the Fall of 1996.

March 1996 -- Track 1 project applications due
May 1996 -- Track 1 project Board decisions
June 1996 -- Track 2 project applications due
Sept. 1996 -- Track 2 project Board decisions
Fall 1996 -- New Legacy Project Cycle Initiated

Colorado State Parks Receive \$3.5 Million from GOCO \$1.2 Million Dedicated to Land and Water Acquisition

Colorado State Parks got a boost in November when the GOCO Board awarded \$3.5 million for 11 projects. The money will go towards acquisition and establishment of new parks, enhancement of existing state parks, and for trails, education, and resource protection.

One third of the total dollars -- \$1.2 million -- will buy and protect land and water at parks. Of that amount, \$900,000 is dedicated to the acquisition of buffers and inholdings as they become available at Colorado River State Park in Mesa County, Castlewood Canyon in Douglas County, Barr Lake in Adams County, Rifle Gap in Garfield County, and for Arkansas River access sites. The remaining \$300,000 is for water purchases at Trinidad State Park in Las Animas County and Cherry Creek State Park in Arapahoe County.

In order to promote good stewardship of state parks and other lands, visitor outreach and environmental education programs received funding. Interpretation projects will enhance visitor's knowledge about taking care of the land, and outreach programs will focus on youth and underserved urban populations.

GOCO's grants are matched with \$10.6 million in partner contributions from State Parks, local governments, state and federal agencies, land trusts, private sector donors, and volunteers.

"Colorado State Parks is excited about each of the projects which have received funding," said State Parks Director Laurie Mathews. "These projects invest in present systems while meeting the goals of our strategic long-term vision for the future of state parks. The projects funded encompass a wide-range of program areas including completely rebuilding one of our parks on the Western Slope, adding a beautiful new visitor center, supporting our conservation efforts by expanding our environmental education and urban outreach programs, and continuing a major state trails programs again this year."



North Sterling State Park in Logan County is taking shape as a premier getaway in the wide open spaces of Colorado's High Plains. A \$400,000 GOCO grant will provide a new camping area and a trail. (Photo courtesy of Colorado State Parks)

New Board Members Join GOCO

Governor Roy Romer has appointed **Michael Cheroutes** of Denver and **Victor Vargas** of Longmont to the GOCO Board. Michael will fill the First Congressional District seat that Tom Strickland resigned in order to dedicate full time to his U.S. Senate campaign. Michael is an attorney with Hogan & Hartson and specializes in public/project finance law. Victor is owner of Vargas Property Service of Lafayette. He is a member of the American Landscape Contractors of Colorado. He fills the Second Congressional District seat of Sal Gomez who resigned to devote more time to his businesses. Both terms expire in April 1997.

Also, **Pat McClearn** has stepped down as the Colorado State Parks Board representative to the GOCO Board. Parks Board members will fill this position on a rotating basis until a new representative is appointed.

Great Outdoors Colorado Board and staff welcome these new members, and thank Tom, Sal and Pat for their service to the Board.

Group Plans for State Wide Youth Corps Expansion

by Angela Padilla, GOCO Program Manager

Last September the Great Outdoors Colorado Board awarded a challenge grant of \$15,000 to a Colorado Youth Corps Advisory Group. The group is developing a strategic plan to guide the expansion of youth conservation corps in Colorado. Since then, many partners have met the challenge with financial contributions including the Anschutz Family Foundation, Schuller International, El Pomar Foundation, ARCO Coal Company, the Colorado Commission on National & Community Service, the Piton Foundation and the National Association of Service & Conservation Corps.

Youth corps are organizations which employ youth for short or long periods of time to work on projects which involve a public benefit. The idea of providing skills and training to young people while they provide community service is not new. Its first embodiment was during the Great Depression when the Civilian Conservation Corps was initiated by Franklin D. Roosevelt. From 1933 to 1942 more than three million young men accomplished an enormous amount of work on the nation's parks and forests. In Colorado, their efforts left a well-recognized legacy through projects such as the Red Rocks Amphitheater and at Rocky Mountain National Park.

Many of the youth corps around the country today have natural resource conservation and recreation enhancement as a primary focus of their work. In Colorado there have been a number of statewide and locally-based corps initiatives over the past ten years, but many have struggled to sustain themselves. With the project funded by GOCO and other partners, there is now an opportunity to develop a statewide strategy to promote innovative corps programs by building the

capacity of new and existing programs, establishing a broader and more stable funding base, and by reaching out to areas of Colorado that are not currently being served by corps.

A goal of the GOCO Strategic Plan is to identify programs for youth related to the GOCO mission. Youth corps could be used on many GOCO projects such as trail construction and wetland and riparian restoration. By encouraging the use of corps, GOCO can provide youth an opportunity to learn about and contribute to Colorado's natural heritage.

The focus of the planning effort is to explore the youth corps model as an approach to achieve the following outcomes:

- ◆ *Environment & Youth* -- Enhance Colorado's outdoor resources and build a stronger sense of environmental stewardship among its young people.
- ◆ *Diversity* -- Involve young men and women of different socioeconomic, geographic, and racial and ethnic backgrounds in community service.
- ◆ *Partnerships* -- Build strong partnerships that provide for active participation of community-based, public and private entities that ensure a sustainable funding base.

The Youth Corps Advisory Group is now translating these principles into a strategic plan that will be presented to GOCO's Board of Directors and other partners later this year. This effort has the potential to be a valuable program for the future stewards of Colorado's natural heritage and for all of Colorado.

LOCAL GOVERNMENT GRANT AWARDS (continued from page 1)

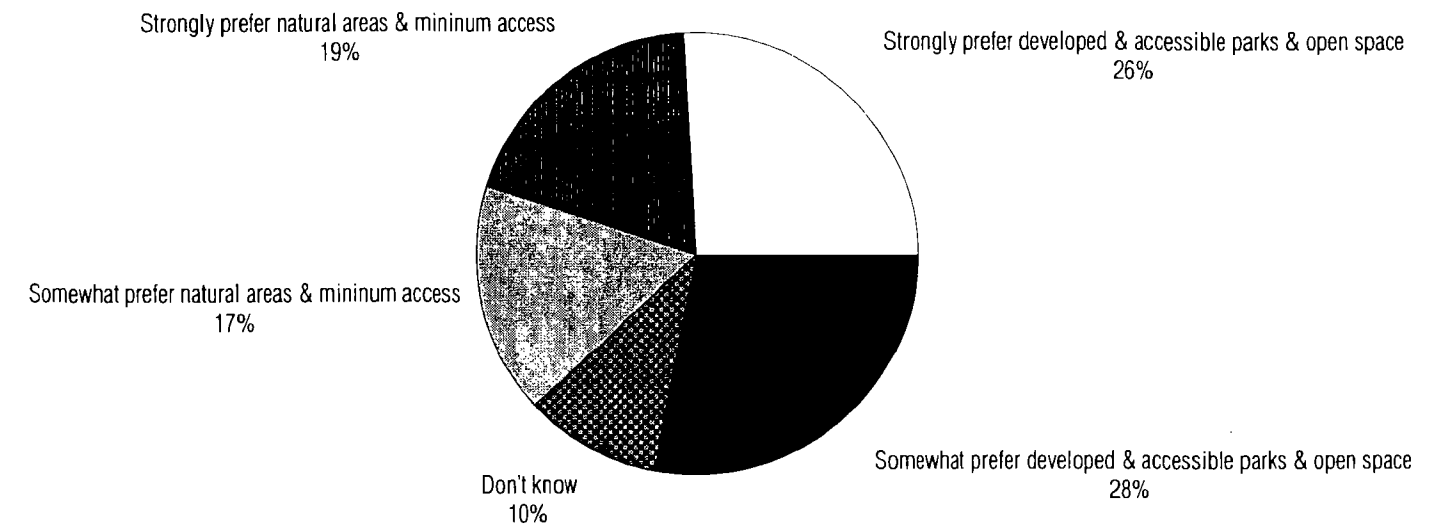
◆ *The Medicine Arrow Park Improvement Project in the Town of Cheyenne Wells in Cheyenne County* -- A \$32,500 GOCO award will be used to make improvements to this park, including the construction of a loop trail with foot bridges and exercise stations to be used by walkers, joggers, bikers, and roller bladers. A playground will also be installed. This is the first GOCO competitive award made in Cheyenne County.

The \$2 million in awards is being leveraged with \$13.6 million in partner contributions. While the required match for these projects is thirty percent, project partners far exceeded that amount with matching cash, volunteer hours, and in-kind services.

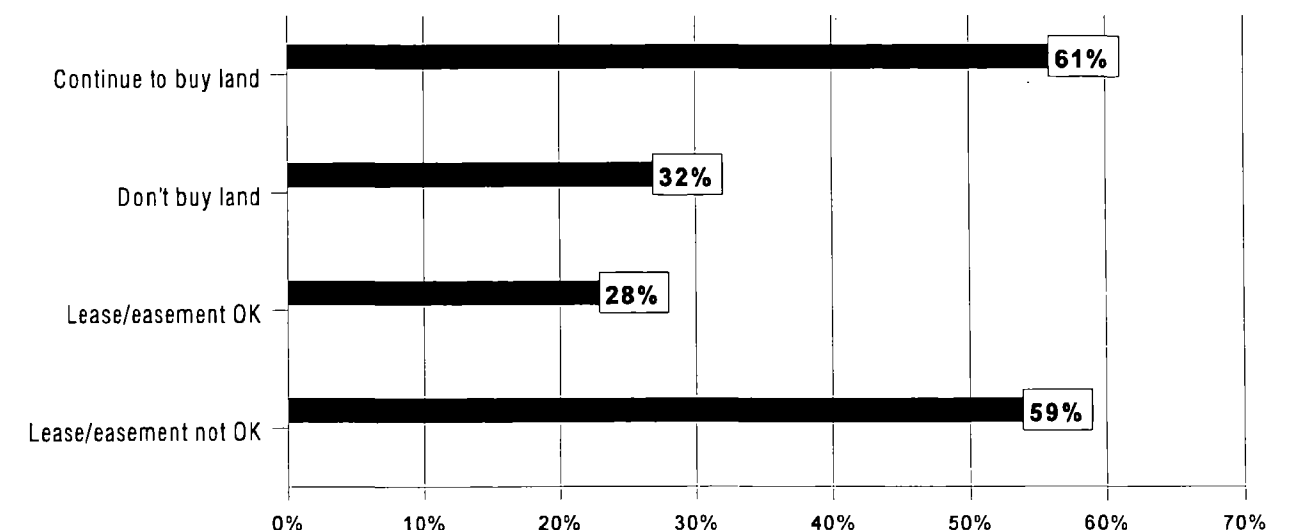
The next opportunity for local governments to apply under this grant program is June 1996 with grants being awarded in the Fall.

OUTDOOR SURVEY (continued from previous page)

Coloradans, especially those with children, are practical in their choice of park areas, preferring those that are more developed and accessible. However one-fifth of those surveyed strongly prefer wilderness type parks:



Coloradans support continued conservation of land for parks, open space, and protected areas. Respondents were asked if Colorado had enough government controlled land and should not buy more land for open space, parks, and protected areas with tax dollars or if Colorado needs more land for those purposes and should continue buying it with tax dollars. Of the 32% of the respondents who said there was enough land in public ownership, 28% of them did say they would support additional land protection if it was achieved using long term leases or conservation easements instead of outright government ownership.



Coloradans remain true outdoor enthusiasts. The most popular activities are trail activities, camping, and picnicking. State parks receive heavy usage for camping, fishing, and water recreation. Residents enjoy State Parks because they are well managed with facilities and equipment.

More information on the survey can be obtained by calling Chris Leding at 303-863-7522.



GREAT OUTDOORS COLORADO

1995 Grants

To date in 1995, the State Board of the Great Outdoors Colorado Trust Fund has made grant awards of \$16.5 million for 212 projects statewide. Those grants are being leveraged with nearly \$54.4 million in partner contributions. In 1994, awards of \$7.7 million were made for more than 100 park, wildlife, trail, and open space projects. Listed below are 1995 grants given to date by county.

☆ Open Space Grants

In September 1995, the Board awarded \$3.7 million to local governments, land trusts, and Colorado State Parks for 18 open space projects, helping to preserve 3330 acres in urban, suburban, and rural areas. These grants are being leveraged by \$13.8 million in partner contributions.

Adams/Sand Creek Greenway/\$100,000
Adams/Barr Lake State Park Buffer/\$500,000
Arapahoe/deKoevend Park Open Space Addition/\$300,000
Boulder/Sugarloaf Mountain/\$375,000
Delta/Hotchkiss Riparian Park/\$85,000
Denver/Commons Park/\$350,000
Douglas/Cherry Creek Trail-Pfeifer Property/\$17,500
Douglas/I-25 South Corridor Project/TBD
Douglas/Jones Ranch/\$150,000
El Paso/Sinton Pond/\$150,000
Garfield/Colorado River Riparian Corridor/\$25,000
Jefferson/Crown Hill Addition/\$400,000
La Plata/Westside Mountain Park Addition/\$125,000
Larimer/Cathy Fromme Prairie/\$400,000
Larimer/Meadowdale Ranch/\$185,000
Larimer/Boyd Lake State Park-Heinricy Property/\$100,000
Summit/McCullough Gulch Wetlands/TBD
Metro Denver/Urban Community Gardens/\$7,000

Larimer/Larimer County Conservation Inventory/\$45,000
Mesa/Mesa County Natural Heritage Inventory/\$40,000
Mesa/Mesa County Land Conservancy/\$20,000
Metro Denver/East Metro Area Open Space Project/\$50,000
Metro Denver/Community Gardens/\$26,500
Metro Denver/I-25 Conservation Corridor/\$40,000
Montezuma/Ag Lands, Open Space, Wildlife Comp. Plan/\$20,000
Park/South Park Heritage Resource Area/\$15,000
Pueblo/Strategic Natural Resources & Env. Ed. Plan/\$50,000
San Miguel/Telluride Open Lands Plan/\$20,000
San Miguel/Landowner Education/\$8,500
Weld/Weld County Open Space Comprehensive Plan/\$25,000
Yuma/Yuma County Comprehensive Plan/\$14,000

Multi-jurisdictional Projects:

San Isabel Foundation Capacity Building/\$25,000
Denver & Rio Grande RR Recreation Access/\$10,000
NW Council of Govts. Watershed Decision-Making/\$40,000
San Luis Valley Trails & Recreation Master Plan/\$50,000
San Luis Valley Community Project/\$35,000
San Juan Skyway Open Space Plan/\$25,000

Statewide Projects:

AFT Demonstration Land Project/\$45,000
CO Cattlemen Landowner Needs Assessment/\$30,000
DNR Geographic Information System/\$37,000
CCCT Land Protection Education/\$45,000
VOC-Extending Your Reach/\$40,000

□ Planning Grants

In May 1995, the Board awarded \$1 million to 32 local governments and land conservation organizations for planning for future projects to further the preservation, protection, enhancement, and management of the state's wildlife, park, river, trail, and open space heritage. These grants are being leveraged by \$1.86 million in partner contributions.

Chaffee/Chaffee County Trail System Master Plan/\$25,000
Denver/Vision for the South Platte River/\$50,000
El Paso/El Paso and Colorado Springs Open Space Plan/\$85,000
Garfield/Garfield County Open Space & Trails Plan/\$30,000
Gunnison/Gunnison County Trails Commission/\$50,000
Jackson/Lions Park/\$9,000
La Plata/Community Service Park/\$7,500
Larimer/Poudre River Implementation Plan/\$45,000

◇ Local Government Trail Grants

In April 1995, the Board awarded \$1.1 million for 32 trail projects. These funds are being leveraged by \$5.2 million in partner contributions. Projects approved include multi-use trails, single-use trails, trails for hikers, bicyclists, and equestrians, and trails that are ADA accessible:

Adams/South Platte River Greenway/\$30,000
Adams/Sand Creek Trail/\$50,000
Adams-Jefferson/Big Dry Creek Trail/\$45,000
Arapahoe/Centennial Park Connection/\$10,000
Arapahoe/Big Dry Creek Trail - Phase I/\$40,000
Boulder/Josh's Pond - Rock Creek/\$25,000
Boulder/St. Vrain Greenway - Phase IV/\$25,000

◆ Local Government Trail Grants, continued

Chaffee/Salida Trail System/\$38,500
Douglas/Cherry Creek Trail/\$50,000
Douglas/Sulphur Gulch Trail/\$45,000
Eagle/Dowd Junction Recreation Trail/\$70,000
El Paso/Sinton Trail/\$36,000
Fremont/Big Horn Trail/\$2,600
Garfield/Glenwood Springs River Trail/\$50,000
Grand/Mudd Pass - Rabbit Ears/\$39,300
Grand/Grand Lake Snowcat/\$20,300
Gunnison/Mt. Crested Butte Path/\$40,000
Jefferson/Bear Creek Trail Extension/\$40,000
La Plata/Animas River Trail/\$65,000
Lake/Mineral Belt Trail/\$50,000
Larimer/Loveland Trail System/\$25,000
Lincoln/Limon Pedestrian-Bicycle Trail/\$27,000
Mesa/Colorado River Watson Island/\$30,000
Montrose/Sunset Mesa Recreation Trail/\$50,000
Otero/Melon Run Trail/\$7,800
Pitkin/Horse Ranch Rim Trail/\$17,800
Pueblo/Fountain Creek Trail/\$25,000
Rio Grande/South Cat Creek Trail/\$31,000
Summit/Oro Grande Trail/\$9,900
Teller/Colorado Midland Trail/\$15,000
Weld/Poudre River Trail - Island Grove/\$50,000
Weld/Windsor Poudre Trail/\$50,000

● Local Government Parks, Outdoor Recreation, and Environmental Education Facilities Grants

In March 1995, the Board awarded \$4 million in grants to local governments to acquire, establish, expand, and enhance park and outdoor recreation and environmental education facilities. These grants are being leveraged by \$15.6 million in partner contributions. In all, 76 projects in 44 counties received funding:

Adams/Carl Park Recreation & Comm. Center Restoration/\$24,000
Adams/Brighton Park Playground/\$50,000
Adams/Clayton-Bertha Heid Restoration Project/\$75,000
Alamosa/Environmental Education at Great Sand Dunes/\$40,000
Arapahoe/Lowry Community Park Development/\$100,000
Arapahoe/Watson Lake Riparian Reserve/\$75,000
Arapahoe/Sod Village Improvement-Plains Cons. Ctr./\$75,000
Archuleta/South Pagosa Park/\$60,000
Boulder/Jamestown Park/\$10,000
Boulder/Meadow Park Development - Phase I/\$50,000
Boulder/Lafayette Outdoor Classroom/\$50,000
Costilla/El Parque - A Village Park for San Luis/\$75,000
Crowley/"Teaming Up For Our Kids"/\$18,676
Crowley/Crowley County Community Complex/\$44,500
Custer/Silver Cliff Town Park Improvements/\$17,500
Delta/North Fork Swimming Pool/\$75,000
Denver/Rockmont Park/\$125,000
Douglas/Castle Rock North Park Improvement Plan/\$23,500
Douglas/Challenger Regional Park - Phase III/\$50,000
Douglas/Larkspur Community Park - Phase I/\$50,500
El Paso/Garden of the Gods Restoration & Enhancement/\$100,000
El Paso/Green Mountain Falls Lake Park Expansion /\$49,000
El Paso/Aiken Canyon Environmental Education Center/\$75,000

Elbert/Year Around Outdoor Sports Park/\$24,381
Fremont/River Station Phase II, Santa Fe Depot Park/\$125,000
Garfield/Stephens Park/\$16,000
Garfield/Hendrick Ranch Park/\$80,000
Gilpin/Gilpin County Ballfield Improvement Project/\$40,000
Grand/Fraser Valley Outdoor Sports Complex/\$50,000
Gunnison/Charmar Park Project/\$13,500
Jackson/Lions Park Acquisition/\$38,450
Jefferson/Dinosaur Ridge Visitors Center/\$125,000
Jefferson/Bear Creek Lake Park Environmental Ed. Bldg./\$30,000
Jefferson/Lake Arbor Park/\$35,000
Jefferson/Westgold Meadows Park/\$40,000
Jefferson/O'Connell Community Center Site Development/\$75,000
Kit Carson/Stratton Swimming Pool & Tennis Courts/\$125,000
La Plata/Fort Lewis Mesa's Park & Outdoor Rec. Ctr./\$27,000
La Plata/Riverview Sports Complex/\$75,000
Lake/Lake County Recreation Natatorium Renovation/\$31,500
Larimer/Kroh Park/\$125,000
Larimer/North Inlet Bay Campground Enhancement & Expansion/\$40,000
Las Animas/Kim Community Outdoor Recreation Project/\$41,615
Lincoln/Genoa Memorial Park Update/\$23,000
Logan/Peetz Recreation Project - Phase II/\$33,200
Mesa/Intermountain Veterans Memorial Park/\$21,650
Mesa/Columbine Park Playground Equipment/\$35,000
Moffat/Covered Event & Picnic Facility/\$40,000
Montrose/Town of Nucla Park Improvements/\$23,750
Montrose/Naturita City Park Multi-Use Enhancement/\$50,000
Montrose/Sunset Mesa Youth Sport Complex - Phase I/\$55,000
Otero/Rocky Ford Fairgrounds Improvement Project/\$40,000
Ouray/Uncompahgre River Reclamation/\$125,000
Ouray/Ridgway Town Park Renovation Project/\$35,000
Park/Wilkerson Pass Visitor & Environmental Ed. Ctr./\$11,300
Pitkin - Eagle/Rocky Mtn. Jeep Journeys "Inward Bound"/\$20,000
Pitkin/Yarrow Park Amenities & Stream Restoration/\$30,000
Prowers/Holly Youth & Adult Ball Park/\$13,000
Prowers/Willow Creek Park Enhancement/\$87,500
Pueblo/Colorado City Outdoor Ecology Lab & Prairie Trail/\$28,555
Pueblo/Greenway & Nature Center Env. Ed./\$45,000
Pueblo/City Park Tennis Court Complex Renovation/\$99,000
Rio Grande/Improving South Fork's Town Park/\$18,627
Routt/Trafalgar Park Building/\$50,000
Routt/Carpenter Ranch Education Center/\$50,000
Routt/Oak Creek Ice Rink Locker Room & Spectator Facility/\$70,000
Saguache/Community Park Enhancement Project/\$50,000
San Miguel/San Miguel Basin Events Center & Indoor Arena/\$80,000
Summit/Town of Frisco Ballfield Project/\$75,000
Teller/Hayden Divide Regional Park/\$40,000
Teller/Meadow Wood Park Enhancement/\$75,000
Weld/Ada Park Renovation/\$25,000
Weld/Butler Elem. School & City Playground & Park/\$40,000
Weld/Weld County Missile Site Park Improvement/\$45,000
Weld/Riverside Park Ballfields/\$50,000
Yuma/Wray Playground Equipment/\$50,000

■ Grants through the Colorado Division of Parks and Outdoor Recreation

In January 1995, the Board awarded \$3.5 million through the Colorado Division of Parks and Outdoor Recreation for 22 projects. Funds are being leveraged with \$11.2 million in partner contributions and are being used to acquire and establish new state parks, enhance existing state parks, build multi-use trails, acquire water for recreation, and improve environmental education opportunities:

Chaffee/Arkansas Headwaters Additions/\$485,000
Delta/Bureau of Reclamation Matching Grant Construction Program at Crawford State Park/\$400,000
Eagle/Sylvan Lake Partnership/\$30,000
(with Colorado River State Park)
Gilpin - Jefferson/Golden Gate Environmental Center/\$100,000
Jackson/State Forest Moose Center/\$119,000
Larimer/Boyd Lake Buffer Acquisition/\$100,000
Larimer/Boyd Lake Recreation Pool/\$85,000
Larimer/Trail Linkages in Parks -- Boyd Lake/\$25,000
Logan/Trees for the High Plains -- North Sterling State Park/\$125,000 (with Jackson Lake State Park)
Mesa/Colorado River State Park Additions/\$350,000
Morgan/Trees for the High Plains -- Jackson Lake State Park/\$125,000 (with North Sterling State Park)
Pueblo/Trail Linkages in State Parks -- Lake Pueblo/\$50,000
Teller/Mueller State Park Campground/\$300,000

Multiple County/Priority Watchable Wildlife Projects/\$156,000
Entryway Kiosks at:
Archuleta/Navajo State Park
Douglas/Castlewood Canyon State Park
Douglas/Roxborough State Park
Huerfano/Lathrop State Park
Mesa/Highline State Park
Morgan/Jackson Lake State Park
Routt/Steamboat Lake State Park
Yuma/Bonny State Park

Archuleta/Navajo State Park Piedra River Overlook
Douglas/Castlewood Canyon Overlook
Mesa/Highline State Park Winter Waterfowl Viewing

Partnership Building Grants/\$75,000
Club 20/Western Slope Trails - The Missing Links
Volunteers for Outdoor Colorado

Statewide/Interpretation & Visitor Outreach/\$210,000
Statewide/Natural Areas Protection/\$80,000
Statewide/Priority Buffer Acquisitions/\$100,000
Statewide/Priority Water Acquisitions/\$255,000
Statewide/State Trails Program/\$350,000
Statewide/Youth Education Programs/\$80,000

△ Grants through the Colorado Division of Wildlife

The Board has awarded \$3.2 million through the Colorado Division of Wildlife for 32 projects. Funds are being leveraged with \$6.8 million in partner contributions. Programs funded will assure viable populations of species at risk, protect critical wildlife habitats, develop wildlife watching opportunities at Colorado State Parks, and provide environmental education programs for school children:

Denver/Urban Wildlife Conservation Education Center/\$500,000
Denver and Adams/Bluff Lake Environmental Education/\$40,000
Denver/South Platte River Stewardship Program/\$100,000
Garfield/Glenwood Canyon Wildlife Interpretation/\$40,000
Jackson and Larimer/North Park Wildlife Viewing/\$40,000
Larimer and Summit/System for Conservation Planning/\$220,000
Pueblo/Teaching Environmental Science Naturally/\$5,000

Multiple Counties/Arkansas Darter Recovery Plan/\$30,000
Multiple Counties/Boreal Toad Recovery Plan/\$60,000
Multiple Counties/Colorado Bird Observatory Field Ornithology Station/\$75,000
Multiple Counties/Colorado Greenback Cutthroat Trout Recovery/\$10,000
Multiple Counties/Denver Audubon Society Urban Education Project/\$30,000
Multiple Counties/Inventory of Amphibians - Reptiles/\$40,000
Multiple Counties/Least Tern-Piping Plover Survey/\$23,000
Multiple Counties/Plains-Front Range Fishes Inventory/\$20,000
Multiple Counties/Plains Sharp-Tailed Grouse Recovery/\$25,000
Multiple Counties/Preble's Meadow Jumping Mouse/\$30,000
Multiple Counties/Rio Grande Sucker Recovery Plan/\$20,000
Multiple Counties/Urban Wildlife Conservation Education/\$29,000
Multiple Counties/Watchable Wildlife in Parks/\$223,000
Multiple Counties/Wetland Enhancement/\$85,000
Multiple Counties/Wildlife in the Classroom/\$11,000
Multiple Counties/Wildlife Resources Information System/\$17,000
Multiple Counties/Wood Frog Recovery Plan/\$10,000

Statewide/Aquatic Wildlife Recovery/\$110,000
Statewide/Basinwide Habitat Classification/\$55,000
Statewide/Biological Conservation Database/\$300,000
Statewide/Colorado Youth Naturally/\$40,000
Statewide/Habitat Acquisition/\$250,000
Statewide/Nongame Habitat Protection Grants/\$150,000
Statewide/Stopping the Decline of Colorado Songbirds/\$115,000
Statewide/Wildlife Education Curriculum Correlation/\$32,000

Great Outdoors Colorado 1995 Grants Summary

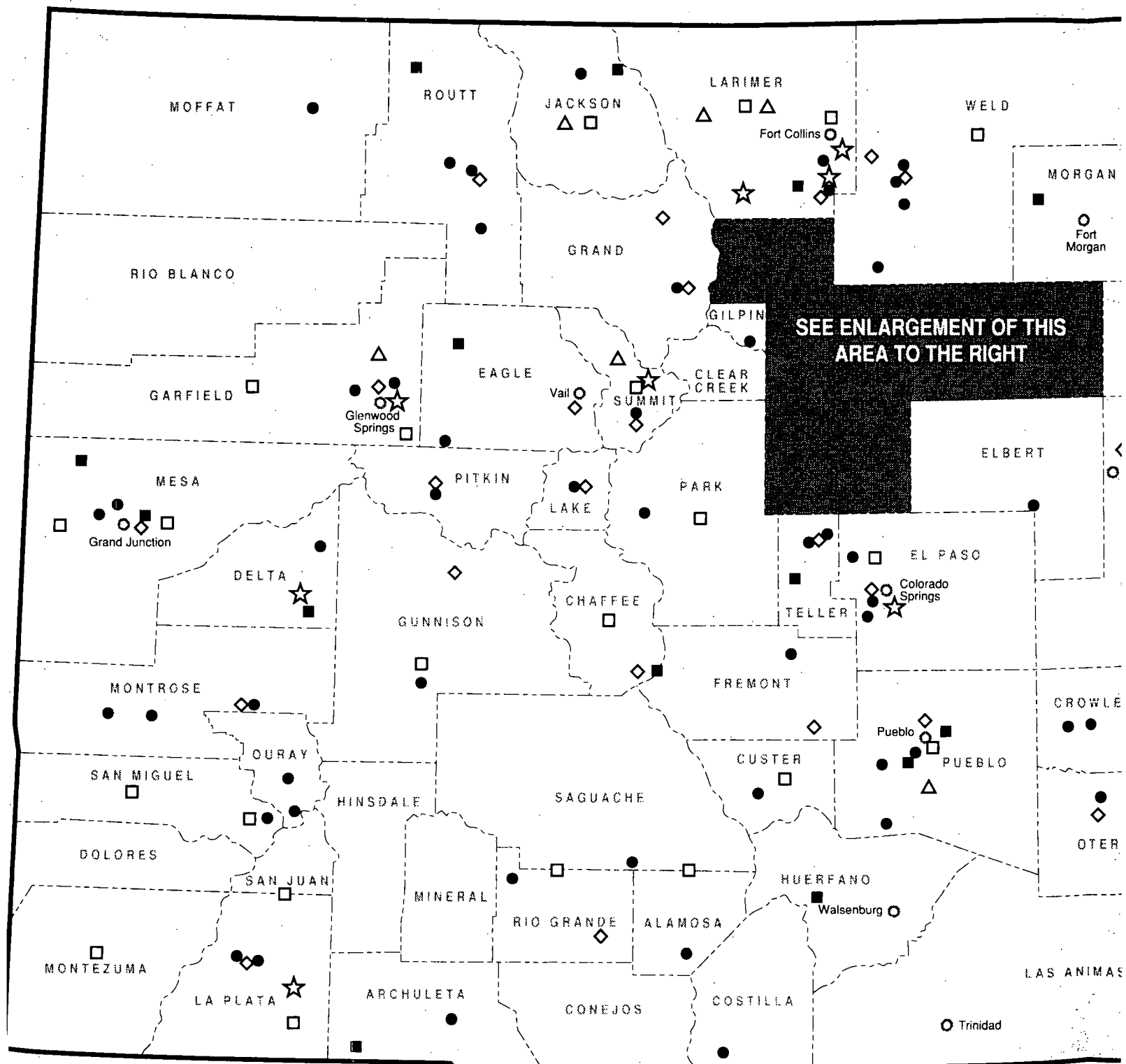
Type of Project	Dollars Awarded	Projects Funded	Partner Contributions
Open Space	\$ 3.7 million	18	\$13.8 million
Planning & Capacity Building	\$ 1.0 million	32	\$ 1.8 million
Local Government Trails	\$ 1.1 million	32	\$ 5.2 million
Local Government Facilities	\$ 4.0 million	76	\$15.6 million
Colorado Department of Parks and Outdoor Recreation	\$ 3.5 million	22	\$11.2 million
Colorado Division of Wildlife	\$ 3.2 million	32	\$ 6.8 million
1995 TOTALS	\$16.5 million	212	\$54.4 million



GREAT OUTDOORS COLORADO

1995 Grants

Colorado State Parks Grants • Colorado Division of Wildlife Grants • Local Government Park, Outdoor Recreation, and En

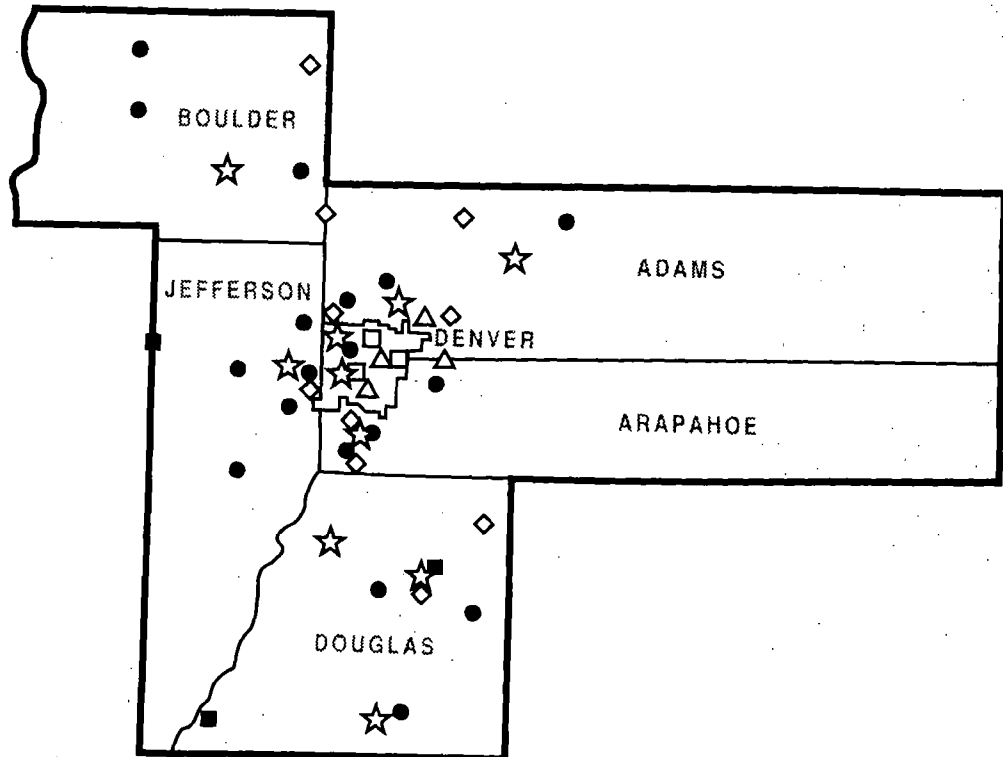
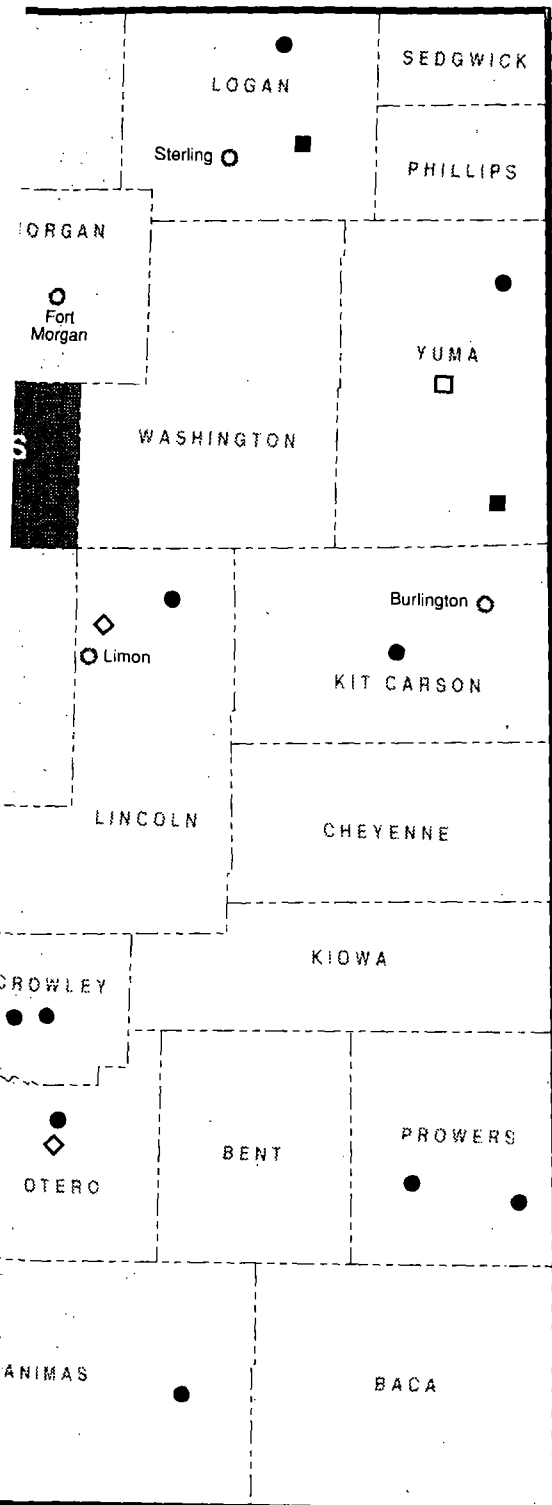




OUTDOORS COLORADO

Grants

and Environmental Education Facilities Grants • Local Government Trails Grants • Planning Grants • Open Space Grants



- Colorado State Parks
- △ Wildlife
- Local Government Facilities
- ◇ Trails
- Planning Grants
- ☆ Open Space

THE WHITE HOUSE
WASHINGTON

May 17, 1996

MEMORANDUM FOR HAROLD ICKES
CAROL RASCO
KATIE McGINTY

FROM: Bradley M. Campbell *BMC*
Diane Regas *Diane Regas*

SUBJECT: Healthy Port Initiative for New York Harbor (revised)
(summary)

I. Background

Inadequate dredging of the channels and berthing areas serving the Port of New York and New Jersey is now hampering Port operations and ultimately may threaten the region's economic health. The primary obstacle to adequate dredging is the lack of disposal options for highly contaminated sediment. Concurrently, concern about disposal of contaminated dredged material has generated active and well-publicized protests by environmental organizations in New Jersey shore communities.

The impediments to dredging the Port and the lack of leadership to solve them have caused several major port companies to announce that they may relocate their hub operations to Halifax, Nova Scotia. Company decisions are expected in June or July. Fearful of job losses to Canada, the longshoremen are planning to march on Albany and Trenton late this month. Visible, credible, federal and state leadership is needed. Some members of the New Jersey congressional delegation would like to announce a joint initiative with the Administration before markup of the Water Resources Development Act in late May. Governors Whitman and Pataki have already announced some steps, and have promised more in August.

Representative Menendez and Representative (and Senate candidate) Torricelli have strongly urged us to join them in announcing an initiative that would be memorialized in a House bill. Anything we do should be announced before markup of the Water Resources Development Act in late May.

II. Issue

The primary obstacle to adequate dredging is the lack of disposal options for highly contaminated sediment. By regulation, highly contaminated sediment may not be disposed in the ocean, instead it must be put on land or in specially constructed containment islands. For the short term, decisions about where to put dredged material must await controversial decisions by the two states. Ocean disposal is permitted for the less contaminated and the clean dredge material. But disposal options for this material have been constrained by Governor Whitman's popular pledge that nothing but clean material should be disposed of in the ocean -- a pledge endorsed by a number of environmental organizations. Strong opposition from local communities has made the states, and others, reluctant to fully develop other land and water disposal options for all contaminated sediment.

III. Recommendation

We recommend that the Secretaries of Transportation, and the Army and the Administrator of the Environmental Protection Agency announce an initiative, with congressional participation. The initiative would include commitments to long-term growth of the port, long term environmental protection and strong partnerships with the states. The basic elements of the initiative are listed below, and detailed in the attachment.

1. **Action for a Healthy Regional Economy:**

- . Start action to deepen a federal channel to accommodate the full range of world-class ships. The Administration will immediately begin the process to seek authorization for a 50-foot deep port with the goal of deepening the port by the year 2010 (the first step is a feasibility study).
- . When dredging is needed, the Administration will keep the federal rules clear, and make decisions quickly and protectively.
- . Urge Congress to enact long-term solutions
- . Report to the President to keep solutions on track.

2. **Action for a Healthy Environment:**

- . The Administrator will make recommendations concerning a phase out of ocean disposal of Category II material in the New York New Jersey area by January 1, 1997.
- . Stop the sources of toxics to the New York Harbor--so the mud we must dredge is safe for all uses.
- . Protect and restore significant coastal habitats and resources.
- . Monitor and clean up places where toxics have been dumped in the past. Make the polluters pay to clean up.
- . Invest in alternatives to marine disposal.

3. **Action for a Strong Partnership in the Region:**

- . Continue to work closely with state and local officials to develop and support environmentally sound decisions that keep the port thriving.

A more aggressive initiative could endorse specific disposal sites, and issue the federal authorization for some sites--conditional on highly controversial water quality determinations to be made by the states. We are not recommending this approach because an Administration endorsement of particular disposal sites could polarize the issue further, and divert the states' energy from finding solutions towards pointing out the drawbacks of the Administration's approach.

IV. Decision

_____ Approve _____ Disapprove _____ Let's Discuss

THE WHITE HOUSE
WASHINGTON

May 17, 1996

MEMORANDUM FOR HAROLD ICKES
CAROL RASCO
KATIE McGINTY

FROM: Bradley M. Campbell *BMC/or*
Diane Regas *Diane Regas*

SUBJECT: Healthy Port Initiative for New York Harbor (revised)

I. Action-Forcing Events

Inadequate dredging of the channels and berthing areas serving the Port of New York and New Jersey is now hampering Port operations and ultimately may threaten the region's economic health. The primary obstacle to adequate dredging is the lack of disposal options for highly contaminated sediment. Concurrently, concern about disposal of contaminated dredged material has generated active and well-publicized protests by environmental organizations in New Jersey shore communities.

The impediments to dredging the Port and the lack of leadership to solve them have caused several major port companies to announce that they may relocate their hub operations to Halifax, Nova Scotia. Company decisions are expected in June or July. Fearful of job losses to Canada, the longshoremen are planning to march on Albany and Trenton late this month. Visible, credible, federal and state leadership is needed. Some members of the New Jersey congressional delegation would like to announce a joint initiative with the Administration before markup of the Water Resources Development Act in late May. Governors Whitman and Pataki have already announced some steps, and have promised more in August.

II. Background/Analysis

Economic Concerns

The Port of New York-New Jersey, long dominant among east coast ports, is at risk of losing its competitive position and many of the 180,000 jobs it provides to the region. The pressures on the Port include the emergence of new classes of deep-draft ships, the high

labor and operations costs in the New York–New Jersey region, and competition from naturally deep port of Halifax, Nova Scotia. The competitive position for Halifax has been enhanced by passage of the North American Free Trade Agreement (NAFTA).

The most immediate and severe challenge faced by the Port, however, is its failure to maintain adequate depth in its channels and berthing areas. This failure to dredge has forced port companies and shipping lines to curtail or modify their operations in ways that create greater cost and greater risk, and greater competitive disadvantage. Adaptive strategies include diverting fully laden ships to Halifax, or lightering (transferring cargo to smaller ships or to barges) in New York Harbor itself. These and other strategies increase labor and operational costs significantly, creating competitive disadvantages for the Port.

The failure to dredge enough annually to maintain the Port's current authorized depth (40 feet) takes on added significance, because a new generation of ships requires a 50-foot depth. Among port companies and organized labor, failure to solve the dredging problem feeds doubt that the Port will deepen its channels to 50 feet to remain competitive as a "hub" port.

Current Impediments to Dredging

The primary obstacle to adequate dredging is the lack of disposal options for highly contaminated sediment. By regulation, highly contaminated sediment ("category III material") may not be disposed in the ocean, instead it must be put on land or in specially constructed containment islands. Until 1991 only five percent of the material to be dredged from New York Harbor was category III material. Under updated 1991 EPA–Corps of Engineers testing requirements, category III material ballooned to 60 percent of the total. This increased need for non–ocean disposal far outstrips planned capacity.

For the short term, decisions about where to put dredged material must await highly controversial decisions by the two states. Ocean disposal is permitted for the less contaminated dredge material (category II (which is lightly contaminated) and category I (which is essentially clean)). But disposal options for this material have been constrained by Governor Whitman's popular pledge that no category II material should be disposed of in the ocean -- a pledge endorsed by a number of environmental organizations. Opposition from local communities has made the states, and others, reluctant to fully develop other land and water disposal options for all contaminated sediment.

Governors Whitman and Pataki recently announced that they are committed to a 50-foot port, that they intend to seek \$130 million in new funding for dredging projects, and that they will develop a joint plan by August 1 to address disposal options. Although presented as a major step in resolving the impasse over dredging, the announcement was criticized for failing to resolve the issue of where to put millions of tons of contaminated sediment. Port companies are skeptical, derided the plan as "a check with nowhere to spend it." The longshoremen are particularly critical, complaining that "we've gotten a lot of plans over the years and none have become reality."

Many elements of the governors' joint disposal plan in August will be based on work by the Corps of Engineers on a dredge material management plan (DMMP) for the region. The Corps had not planned to finalize the DMMP until the end of August, so the Corps risks having the governors preempt its work. Many of the options within the plan will take years to plan and implement. For example, the DMMP may recommend construction of a containment island for long-term disposal of Category III sediment, but this option will require 7-10 years to plan and build. Other federal initiatives to facilitate dredging include expansion of cost-sharing to include upland disposal, and increased funding for decontamination technology. Both land disposal and decontamination options are years away from possible implementation.

Focus on disposal options has been distracted by controversy over Environmental Protection Agency (EPA) testing requirements for permit applications. At present, EPA's requirements are under a legal cloud, which has made potential applicants reluctant to take the legal and financial risk of a permit application. To fix the problem, EPA issued a proposed revision to its regulation. While EPA treated the proposal as a technical change, environmental groups vehemently criticized the merits of the proposal. The criticisms generated adverse press in New Jersey's shore communities and prompted EPA to extend the comment period for the rule. A final rule, consequently, is not anticipated before August.

Constituency and State Concerns

We have met with representatives of all of the major constituencies affected by this issue, and believe there will be broad support of an Administration initiative that addresses these issues and that delivers more for both the Port and the environment than the Whitman-Pataki effort.

Labor groups (primarily the longshoremen and operating engineers) have been vocal and effective at highlighting the extent to which the current impasse over dredging threatens the loss of union jobs and otherwise imperils the economy of the region. So far, the unions have focused their criticism on Governor Whitman, because of her refusal to allow ocean dumping of category II material and her refusal to agree to any short-term disposal options. The unions have been planning a march on Trenton and Albany in late May to keep pressure on Governor Whitman. This may be coupled with a sympathy strike of longshoremen on the West Coast.

The unions' message has been reinforced by the major shipping lines and port operators serving the port, who contend that the port already has lost hundreds of thousands of tons of cargo to Halifax and other ports. These companies privately have derided the Whitman-Pataki announcement as an empty promise. Uniformly, these companies say that resolution of the current obstacles to dredging, and a long-term commitment to a 50-foot port, will be a key factor in their decisions as to whether to stay in the region or shift operations to Halifax.

A coalition of environmental groups focused on this issue has been equally vocal and effective at portraying EPA's revisions to its testing rules as a "rollback" in environmental

protection of the oceans. This message has swayed a number of communities and editorial boards in the South Jersey shore area to criticize EPA and to support Governor Whitman's stand on ocean dumping. Indeed, some of these groups protested at the President's environmental event in March. A few have even been willing to credit Governor Whitman as being more "green" than the Administration, by contrasting Governor Whitman's stand on category II material with the proposed changes in EPA's rule that they oppose. EPA is currently engaged in a dialogue with these groups to address their concerns about the rule. Overall we expect to have at least a modicum of support among environmentalists for any initiative with strong environmental provisions and even for the EPA rule once it is revised. Unqualified support for an administration initiative is unlikely, but support from even a subset of the environmental community will be an improvement over the current state of affairs.

We also have met with the Port Authority of New York and New Jersey, and with Pataki's counsel and Whitman's chief of staff to discuss these issues. At this point, both the Port Authority and Governor Pataki are likely to be supportive of an Administration initiative if it is handled properly. Both share our interest in getting the problem solved and in denying Whitman an opportunity to posture on the environmental issue, since she has been as willing to embarrass Pataki as she has been to criticize the Administration. We do not expect cooperation from Governor Whitman's staff, but an initiative that has the support we anticipate from port companies, the Port Authority, Governor Pataki, and some environmental organizations, is unlikely to prompt her criticism.

Concerns of the Congressional Delegations

The New Jersey delegation is divided between those focused on the risks to the port from the current dredging impasse and those representing shore communities who are focused on perceived flaws in EPA's proposed changes to its rules. Representative Menendez and Representative (and Senate candidate) Torricelli have strongly urged us to join them in announcing an initiative that would be memorialized in a House bill. Senator Lautenberg is also supportive, and has agreed to work with us on a companion bill in the Senate that Senator Bradley would likely join. We continue to have problems with Pallone and a few other members of the delegation who have vocally joined in the criticisms of the EPA rule. EPA's effectiveness at getting environmental organizations to support its final rule, and at communicating the merits of the rule in the New Jersey press, will be decisive at turning Pallone and other members of the delegation around.

The New York delegation has been less engaged on this issue, with the notable exception of Representative Nadler. Nadler, along with Representative Schumer, has actively promoted a plan to concentrate new dredging in the channels and berthing areas serving Brooklyn. Agencies have reviewed this proposal and found that it would be impracticable and inordinately costly.

Options available for a Dredging initiative

The options available to the Administration

1. Option 1. A Presidential "Healthy Ports Initiative." Our recommended initiative, and the one strongly supported by the Congressmen Menendez and Torricelli, is a "Healthy Ports Initiative" comprised of a series of legislative proposals and administrative actions that will signal our commitment 1) to the Port port's future growth; and 2) environmental protection. There will be a commitment to a series of steps to meet immediate dredging needs, along with steps toward longer-term commitments on environmental protection and funding of disposal options. The gloss on this option will be bipartisan, but there will be a number of elements that will increase pressure on the governors to resolve local disposal issues.

A draft of this proposed initiative is attached.

Pros: Such an initiative will garner support from the New Jersey and New York delegations, longshoremen and other labor groups, port companies, the Port Authority, Governor Pataki, and at least some environmental organizations.

The initiative signals appropriate federal leadership of a difficult regional issue.

Cons: This initiative assumes some federal responsibility for the problem, prompting expectations that the Federal government can solve a problem that turns on many politically risky decisions that only Whitman and Pataki can make.

The proposal is subject to the criticism that it does not fully solve the short term, central problem, which is where should contaminated dredged material go in 1996 and 1997. Our response is that this initiative gets the federal house in order to support the states' decisions on where to dispose of the material.

2. Option 2. A more aggressive "Healthy Ports Initiative." There are several elements that have been omitted from "Option 1" that would more clearly push for immediate dredging in contrast to the cautious approach taken up to now. For example, this version could endorse specific disposal site options, or direct the Corps to issue "conditional permits" that are approved subject to highly controversial water quality determinations to be made by the states.

Pros: This approach will increase pressure on the states, and may increase the strength of support for the initiative among industry and labor.

Cons: The approach will be seen as highly partisan and will deny the Administration the apparent high ground in seeking a solution, incur criticism from environmental groups, and permit Governor Whitman to deflect criticism from her policies to those of the Administration.

3. *Option 3. "Report card" to the delegation* The initiative could be limited to the President's endorsement of legislation being prepared by the Congressional delegation for the Water Resources Development Authorization bill. A letter of endorsement could include a "report card" on all of the actions EPA and the Corps are taking to keep dredging on track.

Pros: This approach will avoid having us assume federal "ownership" of a difficult and contentious issue, while communicating the credible start we have made toward long-term solutions.

Cons: This approach increases the risk of corporate relocations and job losses, and will cede all credit for any ultimate solution to the two governors.

III. Recommendations

We recommend Option 1, as more fully described in the attached draft.

IV. Decision

_____ Approve _____ Disapprove _____ Let's Discuss

cc: Marcia Hale
Doug Sosnick
John Hilley
T. J. Glauthier
Sally Katzen
Ronald Klain

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

PRESIDENT CLINTON'S INITIATIVE FOR
A HEALTHY PORT IN NEW YORK HARBOR

The Port of New York and New Jersey is a vital national asset, and its health is essential to the long-term growth of the region and the Nation. From the time of the earliest settlements on the continent, through the eras of tall ships and luxury ocean liners and through two world wars, this port has been of paramount importance to our development and identity as a nation. Today, the Port continues to be a major hub of commerce on the East Coast, and its wharves provide jobs to more than 180,000 Americans in the region. The New York and New Jersey coastlines, including the New York Bight Apex and the Harbor, provide habitat for a variety of marine life, and support significant economic activities in the form of fishing, tourism, and recreational activities. Protection of these marine resources is important to the environment and the area's economy.

The Port faces complex and difficult challenges to meet the demands of the new economy and new generations of Americans. Today's ocean fleet requires deeper channels and berthing areas if the Port is to remain competitive as a hub in the world's economy. Yet, the dredged material from some areas within the Port contains pollution at levels that make it inappropriate to continue the decades-long practice of ocean disposal. Recently, the lack of safe and acceptable disposal options has reached crisis proportions and has delayed the dredging needed to maintain and improve channels and berths. This delay hurts shipping to and from New York and has resulted in increased lightering, increased risks of grounding, and consequent concern for ships, sailors, and the environment.

It is imperative that disposal options that meet the needs of the Port and that are safe for human health and the environment be identified as quickly as possible. To this end, President Clinton is directing federal agencies to take action to support a healthy Port and a healthy marine environment, building on the work this Administration has undertaken over the last three years. Many of the most important actions on these issues must be made by, or in consultation with the New York and New Jersey governors, so the President is directing the federal agencies to work in close partnership with the States.

Federal Actions for a Healthy Port

Federal agencies are directed to take appropriate steps, and to support appropriate legislation, to achieve the following goals.

1. Actions for a Healthy Regional Economy:

We will take action to deepen and maintain a federal channel to accommodate the full

range of world-class ships. The Administration will immediately begin the process to seek authorization for a 50-foot deep port with the goal of deepening the Port by the year 2010.

- > The Secretary of the Army shall begin an expedited study of a 50 foot deep Port. The Secretary shall seek Congressional authorization to reprogram money to begin the study in 1996, and the study shall be designed for completion in 1999.
- > The Secretary of the Army shall prepare, within 30 days, and implement a plan for restoring and maintaining the highest priority channels necessary to support the economic viability of the New York/New Jersey Harbor. At a minimum the plan will ensure completion of 10 high-priority federal channel projects before the end of 1997.
- > The Secretary of Transportation shall study the comparative economic position of ports on the east coast of the United States versus other North American ports on the east coast. The Secretary shall report to the President within six months, and recommend any changes necessary to ensure fair competition.
- > The Secretary of the Army shall complete an interim dredged material management plan by August 1, after consultation with the Administrator of the Environmental Protection Agency (EPA), the Governors of New York and New Jersey, affected local governments, and affected industry and environmental organizations. The Secretary shall complete the final dredge material management plan by September, 1998. The interim plan shall identify short-term disposal options for 1.6 million cubic yards of dredge material in the dredge material management plan.
- > In consultation with respective Governors, the EPA should examine the feasibility of expanding the capacity of the Mud Dump Site through increased elevation of the site. EPA shall also issue for public review, by October 1996, its evaluation of the feasibility of remediation of areas adjacent to the site that have been contaminated historically.
- > The Secretary of the Army shall assure adequate and available funding for maintenance of channels serving the Port of New York and New Jersey.

When dredging is needed, we will keep the federal rules clear, and make the decisions quickly and protectively.

- > The Secretary of the Army will issue dredging permits for public notice within 15 days of application or will have requested any additional information necessary to make the application complete.
- > The Secretary of the Army will respond to all applicants for dredging permits in the Port of New York and New Jersey within 90 days by either 1) issuing a dredging permit; or 2) informing the applicant in writing of the Corps of Engineers plan (including a schedule) for reaching a permit decision.
- > The Administrator of EPA is directed to take appropriate action by August 1,

1996, on a testing rule that restores certainty to the permit process and ensures protection of the marine environment.

We are urging Congress to enact long-term solutions:

- > The Administration will seek authorization to construct an environmentally sound confined containment facility or facilities, consistent with the dredge material management plan, allowing a federal cost share consistent with the Water Resources Development Act.
- > The Administration will seek enactment of proposals by Senator Lautenberg and Representative Franks for cost-sharing and management of disposal strategies, with such changes as are necessary to render these proposals consistent with Administration policies.

Report to the President to keep solutions on track.

- > The Secretary of the Army in coordination with the Secretary of Transportation and the Administrator of EPA shall report to the President by September 30, 1996, on any continuing obstacles to dredging the Port or to effective environmental protection, and shall recommend appropriate steps for removing those obstacles.

2. Actions for a Healthy Environment:

The Administrator shall make a recommendation to the President concerning the phase-out of ocean disposal of Category II material at the Mud Dump site. Such recommendation shall be made by January 1, 1997, and shall include consideration of the availability of environmentally sound and practicable alternatives that are acceptable to the States.

Stop the sources of toxics to the New York Harbor -- so the mud we must dredge is safe for all uses.

- > Beginning before September 1996, EPA and NOAA will work with the States to track down and control the significant sources of chemicals of concern into the Harbor. Actions will include revising water discharge permits, eliminating discharges, and requiring pollution prevention plans.
- > EPA will seek to minimize polluted runoff by funding and supporting local and region-wide watershed planning and implementation activities.
- > EPA shall recommend to OMB supplemental 1997 and appropriate 1998 funding for the implementation of the Harbor-Estuary Comprehensive Conservation and Management Plan.

Protect and restore significant coastal habitats and resources

- > The Fish and Wildlife Service in cooperation with EPA and the States shall identify and promote habitat restoration projects to enhance the coastal habitats

within the harbor. Potential projects will be identified for the public before June 1997.

- > Within twelve months after completion of the project list, the Secretary of the Army shall conduct a pilot habitat restoration project within the harbor, and report on the results.

Monitor and clean up places where toxics have been dumped in the past. Make the polluters pay to clean up.

- > By executive order, the President is extending the authority to issue administrative cleanup orders under Superfund to NOAA and other federal natural resource trustees who may be trustees for resources in the watershed.
- > The EPA will expedite action to remediate the historic contamination at the Diamond Alkali Superfund site.
- > The Department of Justice, the EPA and NOAA shall develop a joint strategy to compel responsible parties to perform or pay for clean up of toxics affecting the Harbor area.

Invest in alternatives to marine disposal

- > The Administrator of the EPA is directed to seek \$10 million for fiscal years 1997-99 for a decontamination technology development and demonstration program.
- > Urge Congress to authorize cost-sharing of upland disposal facilities.
- > To promote wetlands restoration and other beneficial uses of dredged material, the Secretary of the Army is directed to propose changes to the Corps of Engineers' regulations to account for the benefits of dredged material management options in choosing the least costly alternative.

3. Actions for a Strong Partnership for the Region:

Continue to work closely with state and local officials to develop and support environmentally sound decisions that keep the port thriving.

- > The Administration will sign the CCMP before July 15, 1996, and urge the Governors to join in the signing.
- > The President recognizes that the Dredged Material Management Forum, established by EPA in 1993, has solidified important partnerships with State and others. The President directs EPA, in coordination with other federal agencies, to report to the Council on Environmental Quality quarterly on the progress of the Forum.
- > EPA and the Corps of Engineers will undertake action to expedite creation and implementation of the Regional Dredging Team with responsibility for the New York - New Jersey Harbor area.

Clinton Presidential Records Digital Records Marker

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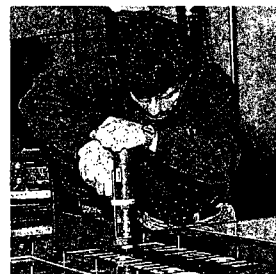
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Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

*Proven health solutions
within the legal process
to help you improve
the health of communities*

...The Public Health Trust

a nonprofit
with expertise in public health
fiscal management
and the law.



◆ Ralph Waldo Emerson

Public Health Trust Settlements Summary (as of March 1996)

1996

Children's Public Health Concerns: (up to \$600,000; \$137,000 received) Medical laboratory billing fraud; to be spent on children's health issues in Southern California. Exact use of funds to be determined. People v. Susan D. MD, et al.

East Bay Asthma Study: (not yet determined; \$10,000 received) Proposition 65 case regarding failures to warn consumers about carbon monoxide exposure in parking garages; settlement to be used for developing medical/educational protocols to reduce hospitalization from asthma, including statewide dissemination of findings. Mateel Environmental Justice Center v. Heitman Properties, et al.

Toxic Exposures Risk Evaluations: (\$675,000) Proposition 65 case regarding failure to warn consumers about exposure to lead in water faucets; funds available to identify exposures to workers and consumers from other Proposition 65 chemicals (a portion of the funds will emphasize drinking water exposures). Recipients of funds to be determined. People, et al v. American Standard, et al.

Mateel Environmental Justice Center v. D: (uncertain) Proposition 65 case regarding failure to warn consumers about exposures to chromated arsenic in building materials.

1995

Lead in Water: (\$150,000) Proposition 65 case regarding failure to warn consumers about exposures to lead in submersible pumps; funds available for public education about lead in drinking water. Funds distributed to: Chinatown Resource Center (San Francisco); Sonoma County Department of Health Services; McKinley Avenue Elementary School (south central Los Angeles); US Public Health Service/Indian Health Service; California Public Health Foundation/Childhood Lead Poisoning Prevention Program. People v. Aermoter, et al.

School Drinking Fountains: (\$132,000) Proposition 65 case regarding failure to warn consumers about exposures to lead in drinking fountains; 337 lead-free drinking fountains were distributed free of charge to elementary schools throughout the state. People v. Haws.

Proposition 65 Education: (\$22,000) Residual funds remaining from a Proposition 65 case regarding exposures to truckers to carbon monoxide in diesel engine exhaust; funds available to the Occupational Lead Prevention Program for a educational campaign about "take home" lead exposures targeted at workers. Mateel Environmental Justice Center v. Caterpillar, et al.

Previous Settlements

The following settlements were secured prior to the formation of the Public Health Trust:

Lead Tableware Education and Enforcement Project: (approximately \$1 million) Proposition 65 case regarding failure to warn consumers about lead in ceramic tableware. Funds directed towards a statewide program to educate consumers, retailers and other parties about the hazards of lead exposure. Particular emphasis in the Latino/Hispanic and Asian communities because traditional ceramic tableware is known to have very high lead levels. People v. Wedgewood, et. al.

California Adolescent Nutrition and Fitness Program (CANFit): (approximately \$2 million) Unfair Business Practices case for misleading advertising of children's breakfast cereals. Funds targeted at community-based nutrition and fitness programs for low-income multi-ethnic adolescents. Public Advocates v. General Foods (the "Children's Television" case).

Alternative Dispute Resolution and Public Interest Settlements

Case Study: The Public Health Trust

Marice Ashe, Esq., MPH

Despite the intense focus on protecting individual rights, protecting public interests is also a primary goal of law. The rights of individuals are vindicated, at least in part, to protect the interests of the unknown members of the public who could suffer the same injury at a future time. Product liability, environmental, constitutional, business, tax, labor, securities, health care law and other legal areas, all focus on the individual as a leverage to protect the current or future rights of the whole community.

Given the inherent public interest underlying most legal disputes, how can the settlement be structured to reach beyond individualized apportionments of damages to provide for more community-focused benefits?

THE PUBLIC HEALTH TRUST

A new program, the *Public Health Trust*, is answering this question for those legal disputes in which an injury to the public's health is at stake. The goal of the *Public Health Trust* is to channel litigation-generated funds into national, statewide or local health protection and promotion programs. By finding the connection (the "nexus") between the litigation and public health needs, the *Public Health Trust* creates opportunities going beyond the immediate interests of the disputants to serve the health needs of a broad community or even the nation.

An example of such a settlement is the California Adolescent Nutrition and Fitness (CANFit) program which evolved out of a class action suit based on California's Business and Professions Code. The CANFit program had its genesis when Public Advocates, a nonprofit law

firm, sued a children's breakfast cereal manufacturer for alleged misleading advertisements that inferred their cereals were healthy when, in fact, they were more than 50% sugar. After ten years of litigation, with determination of the merits of the case still unresolved, the parties agreed to settle the case to the satisfaction of *both* litigants: i.e., in the public's interest.

The CANFit settlement is described in pertinent detail below to illustrate five characteristics that should be hallmarks of all public interest and/or public health settlements. Public interest/public health settlements should:

(1) **Provide a nexus between the injury and the remedy:** A key feature of every public interest settlement should be its direct connection to the original injury or harm at issue in the dispute. The prevalent practice of dispersing settlement funds to charities or nonprofit organizations unrelated to the injury in dispute should be discouraged strongly both by the parties and by the courts.

How it works: The CANFit settlement designed a \$2 million nutrition and fitness leadership development program aimed at low-income multi-ethnic adolescents – the class deemed most at risk of being misled by the advertisements when the case was originally filed.

(2) **Ensure public accountability.** Since the injury at the root of litigation has a link to a public interest, the litigation-generated funds should be accountable to that public purpose.

How it works: In the CANFit program, accountability is achieved via a strategically designed advisory board



Marice Ashe

"The goal of the *Public Health Trust* is to channel litigation-generated funds into rational, statewide or local health protection and promotion programs."

which has three categories of participants overseeing program implementation: (1) the plaintiff and defendant parties; (2) nutritionists from public universities, medical centers and the Department of Health Services; and (3) private nutrition and fitness specialists, educators, and advocates for the needs of low-income and ethnic communities. The deliberate design of the advisory board ensures the purpose of the original suit, state-wide nutritional needs, and the needs of the target audience are all reflected and protected as the settlement funds are expended.

- (3) **Avoid conflicts of interest.** Courts are wary of "bounty-hunters" – litigation brought primarily to enhance the coffers of a law firm or special interest group to fund the next round of litigation. A litmus test for "bounty-hunters" is exorbitant attorneys fees and inflated costs with little or no settlement funds remaining for remedial programming.

How it works: While the plaintiff and defendant parties serve on the advisory board to ensure accountability over the use of the funds, they do not have a controlling interest in the implementation of the CANFit program. Furthermore, the CANFit program has no stake in any past or future litigation. It is independently administered via a nonprofit public health organization, the Western Consortium for Public Health, which has no organizational or financial ties with the settling parties. In other words, the organization implementing the settlement should be a neutral party vis-a-vis the original dispute.

- (4) **Build capacity for prevention activities.** Public interest settlements should not

be considered the equivalent of charity funds that are distributed as emergency aid to needy recipients. Rather, public interest and public health settlements should enhance the ability of communities to prevent future harms like those at issue in the original litigation. Long-term prevention is far more complex and difficult to achieve than providing emergency aid, but the great potential of prevention-oriented programs is to create the structural and societal changes necessary to surmount the need for emergency services.

How it works: The CANFit program distributes funds to community-based organizations which can demonstrate two commitments: (1) that low-income adolescents will be leaders in developing the nutrition and fitness interventions, and (2) that neighborhood and civic organizations throughout the community will be involved in the intervention. Therefore, the program design ensures skills development, creates a state-wide network of grassroots nutrition experts, and leverages other resources benefiting the entire population. In short, the program changes the context so adolescents have the decision-making skills and social support necessary for making healthy nutrition and fitness choices.

- (5) **Benefit a group having few available resources, but potential for addressing the harm or injury.** Litigation-generated funds are most valuable and productive when directed at populations with both demonstrated need and the ability to maximize limited resources.

How it works: The CANFit program is directed at low-income multi-ethnic adolescents because epidemiological data show those groups have the

greatest unmet nutrition education needs. That need, coupled the program design that promotes skills development and community involvement, ensures ripple effects throughout California communities, thus providing maximal long-term health impact with relatively few financial resources.

ADR AND PUBLIC INTEREST SETTLEMENTS

The *Public Health Trust* utilizes the five characteristics of public interest settlements to assist parties in creating public health interventions to settle legal disputes. The *Public Health Trust* staff specializes in the synthesis of legal and public health paradigms so that the resources of both systems and traditions influence the design of public health settlements. Although public interest settlements are most widely used in the consumer class action context, the model is appropriate for many types of legal disputes. With accusations ricocheting throughout statehouses and emblazoning headlines about the urgent need for tort reform to limit windfall profits to individuals, the concept of public interest/public health settlements deserves serious consideration. Unfortunately, the debate devolves around the rights of injured individuals versus big business or big government. There is rare opportunity to address any of the larger social issues which often generate the legal dispute or litigation.

ADR forums are especially well suited to developing public interest/public health settlements. The CANFit settlement, emerging from ten years of litigation, had the ability to embody the common goals of both parties: both the plaintiffs and the cereal manufacturers cared about childhood and adolescent nutrition. While

neither party achieved its ultimate goal (for the plaintiffs to halt or limit advertising aimed at children, and for defendants to protect their product and marketplace without cost), both parties left the dispute committed to the health of California adolescents, a remarkable outcome from an adversarial process geared towards the winner takes all mentality.

Marice Ashe, Esq, MPH is the Program Director of the Public Health Trust. The Public Health Trust is a program of the California Public Health Foundation (CPHF) located in Berkeley, California. CPHF is a sister organization of the Western Consortium for Public Health which manages the CANFit program.

CANFit settlement seeks to:

- 1) Provide a nexus between the injury and the remedy;
- 2) Ensure public accountability;
- 3) Avoid conflicts of interest;
- 4) Build capacity for prevention activities; and
- 5) Benefit a group having few available resources, but potential for addressing the harm or injury.

THE WHITE HOUSE

WASHINGTON

April 25, 1996

MEMORANDUM TO: CAROL RASCO

JEREMY BEN AMI

ELIZABETH DRYE

FROM:

DIANE REGAS *Diane Regas*

SUBJECT:

DREDGING THE NEW YORK - NEW JERSEY HARBOR

This memorandum is to provide you background information on the current status of dredging issues in the Port of New York. These issues are very contentious among the States, environmentalists, and business and labor interests in New York and New Jersey. Our work to find solutions to this problem is complicated by the potential for election-year finger-pointing by many in the region.

BACKGROUND

The port of New York must be dredged to stay competitive with other major ports along the Atlantic seaboard (in both Canada and the U.S.).¹ Without dredging, the port will fill in with sediment such that fully laden ships can not travel through the channels and into the berthing areas. Already some ships must unload part of their cargo before they can come into the harbor because parts of the harbor are too shallow to accommodate large tankers. New ships require even deeper water, and the shippers would like the port expanded to accommodate the newest ships.

The dredged material is sometimes contaminated with pollution from upstream farms, factories and cities. For the decades since dredging began, dredged material from the bottom of the Harbor was taken out to sea and dumped. In the 1970s the Federal Marine Protection, Research, and Sanctuaries Act began to regulate the dumping of dredged material into the ocean. *Until 1991, less than 10% of the dredged material was considered contaminated, meaning that 90% of the dredged material could be sent to the ocean.*

¹Historically 6 million cubic yards of sediment per year are dredged to keep the port at an appropriate depth (one million cubic yards is a football field in length, width and height).

In 1991 EPA and the Corps of Engineers changed the test methods used to determine whether material was contaminated. The EPA Region and the New York Department of the Environment classify dredged material into three categories. Category 1 (uncontaminated); category 2 (no discernable toxic effects, but do contain low levels of toxics), and category 3 (must not be disposed in the ocean because of potential to contaminate marine life). Under the more sensitive 1991 methods, more than half of the dredged material in the Harbor is category 3--making disposal more expensive and more difficult.

Since the 1991 testing changes began to be implemented, dredging of New York harbor has been irregular. The question of how to dispose of the millions of cubic yards of dredged material has not been solved. No site for disposal of contaminated material is ready, and no site acceptable to all involved has been identified for the short term. Major dredging of contaminated areas has been delayed because of lack of a disposal site.

To make matters more difficult, controversy over the proper application of the 1991 test methods is currently slowing down dredging. In February of 1996, EPA proposed regulations to clarify the testing issue. While the proposal was welcomed by businesses and labor, it infuriated environmentalists. The proposed regulation stirred controversy with members of Congress and Governor Whitman.

The responsibility for decisions regarding dredging and disposal is divided among federal agencies, the states and the Port. In general, the responsibility for finding a non-ocean site for the dredged material is the Port's, and the Port is controlled by the two states. The responsibility for setting environmental standards and designating ocean dumping sites is EPA's. The Corps of Engineers must issue permits for dredging to proceed, and some of those permits require state approval--particularly if material will be dumped into state waters. The Corps of Engineers conducts the dredging for the federal channel, while private areas are dredged by private companies.

Many segments of the public are extremely concerned about this issue. Among New Jersey residents, environmental protection for the coasts is an extremely high priority--and the question of what happens to the dredged material is also of great concern. Labor unions are very concerned that unless needed dredging moves forward, thousands of jobs that directly and indirectly rely on the Port will be lost. (Labor unions are preparing to stop work in the Port and march on Trenton on May 30.) Companies are seeking to plan where they can send fully loaded ships now and in the future and are discouraged at the lack of clear commitment to sustained adequate dredging. Both Governors have appointed task forces on this issue; Governor Whitman has made strong statements appearing to support going further than the federal requirements to limit ocean dumping and other, contradictory, comments

criticizing federal regulations as too strict. EPA and the Corps of Engineers in the region have several working groups to map out solutions, but no single, clear solution is available.

GOALS

Our working goals are:

- . make clear that the Administration is committed to an environmentally protective approach to disposal of the dredged material and to supporting the continued economic viability of the port;
- . make clear that the Administration is doing everything in our power to ensure that dredging goes forward;
- . make clear that federal actions alone can not solve this problem.

ACTION TO DATE

- . Together with CEQ I have been working with the Department of Transportation, the Corps of Engineers and EPA to ensure that the federal government is doing every thing that we can to support timely and environmentally protective dredging of the port.
- . We have included other White House offices in the process, and we are working to keep them informed.
- . We have met with business leaders from the port, with labor leaders, and with environmentalists.
- . Representatives Pallone and Menendez are both extremely engaged, and we have been in touch with their staffs to listen to their views. Pallone and Saxton are sending a letter to the President (with 41 signatures) calling for indefinite delay in EPA's rule. Representative Menendez is sending a competing letter highlighting the importance of Port-dependent jobs.
- . EPA separately offered to meet with any interested member of the New Jersey and New York delegations to provide information on the dredging issue--most unusually every single member of the delegation accepted the invitation. There will be an inter-agency discussion before those briefings.
- . When we found that Gephardt was doing a NJ environmental event we arranged for the EPA Assistant Administrator to discuss the issue with him before the event.

NEXT STEPS

- . We have a working list of a set of actions that the federal government could announce in support of our objectives--everything from support for legislation to a commitment to pilot technology to decontaminate the sediment. The

agencies' reaction to the specific items on that list is due this week, and we plan to sit down and discuss it on Friday.

. One of the biggest challenges on this issue is to keep the competing interests focussed on solving the problem, not on finger-pointing. The difficulty and importance of this issue, particularly for New Jersey, presents some opportunities for destructive wrangling. To explore the possibility of working constructively with the Governors, Brad Campbell of CEQ and I would like to visit their staffs to make an overture of cooperation.

. If the States respond positively, appointees from EPA and the Corps would follow up with further discussions. If they respond negatively, Brad and I will reflect that position in jointly recommending a selection of actions from our working list.

TIMING

This issue promises to need continuing high level federal attention for the foreseeable future.

CC: Marcia Hale
Brad Campbell
Eric Eve

E.P.A. Plans Radical Change In Calculation of Cancer Risk

By JOHN H. CUSHMAN Jr.

WASHINGTON, April 15 — In a long-awaited move that will ripple across the nation's pollution-control programs, the Environmental Protection Agency is proposing major changes in how it determines which chemicals and pollutants cause cancer, relying less on animal tests and more on new techniques of microbiology.

The changes, proposed after years of review urged by industry officials and scientists alike, would affect regulatory decisions under most of the nation's main environmental laws. They could involve billions of dollars a year, whether measured by the sales of thousands of chemicals or by the costs of controlling the pollution that comes from making them.

Over time, the changes are expected to have a profound effect on Federal rules governing the uses of pesticides, methods for treating municipal drinking water, limits on fac-

ories' emissions into the air and their discharges into the water, and standards for cleaning up toxic waste dumps.

But it is still impossible to say what chemicals, what industries or what companies might be most affected — or for that matter whether more chemicals will be added to the roster of cancer agents than are subtracted.

More than ever before, the agency would weigh evidence beyond the single standard that has been its main guide: whether a chemical actually produced tumors in people or in laboratory animals like mice and rats exposed to large doses in laboratory experiments.

The heavy reliance on animal testing using huge doses has long been a point of debate among scientists, environmentalists and industry officials. The question has been whether that method, adopted when there was no other prudent basis for making regulatory decisions, overstates the risks from some chemicals because it tends to ignore how the chemicals behave in people, particularly at low exposures.

Acknowledging recent advances in molecular biology and other fields, the E.P.A.'s new proposal would give more weight to a broad range of evidence, including details about precisely how toxic agents wreak their harm on human cells and on the genetic material that controls the cells' reproduction. Officials say they hope that by taking the mechanics of cancer into account, the new approach will more precisely measure a chemical's cancer-causing potential.

At the same time, the new guidelines open the way for new statistical analyses about the effects that chemicals might have at the very

Continued on Page A18, Column 4

A DOSE OF CONTROVERSY FOR VITAMIN C

New research suggests the recommended daily allowance of vitamin C is too low, but also that megadoses do no good. *Science Times*, page C1.

Continued from Page A1

small doses that people are typically exposed to, rather than at the very large doses given to animals to test their effects.

"The simplest way to describe the change is that historically we have just looked at whether or not a chemical causes cancer," said Carol M. Browner, Administrator of the environmental agency. "Now we will also look at how. These are not minor changes. This is a significant change in how we will do this analysis."

Depending on what new data show, some chemicals may be controlled only in certain circumstances — in factories where pesticides are made, for instance, but not in fields where they are sprayed once a year. Others may be controlled because of the risks they pose to children or to other groups at special risk, or because of how they might work in combination with other contaminants.

But scientists at the E.P.A., and those outside the agency who have taken part in its review, said it was impossible to say whether more chemicals would be added to or taken off of the list of carcinogens under the new approach.

They said the goal of the review, which began only two years after the existing guidelines were put in place in 1986, was to increase confidence that the kinds of pollution that are most likely to endanger public health are controlled and that money is not wasted on protecting people from chemicals that pose very low risks.

And they said that the new evidence, to be accepted by the agency, would have to pass rigorous scientific review. Without the new kinds of evidence, the agency would simply make its judgments the way it has in the past.

"One can't generalize about the guidelines being more or less stringent than before," said Dr. Gail Charmley, a member of the environmental studies and toxicology board at the National Research Council, the research arm of the National Academy of Sciences. "More confident, that's the word."

But another toxicologist who has been involved in the review for

years, Dr. William Pease of the School of Public Health at the University of California at Berkeley, said the agency was inviting delay and obfuscation at the hands of industry and was setting its scientific aim too high given the shortage of data on the vast majority of suspected cancer agents.

"We don't have the kind of data that is needed for 90 percent of these compounds," he said. "My experience as a scientist is that no one can agree on these issues. So how do you finish your risk assessment? You don't need to analyze everything to death before you begin to take public health decisions about potential carcinogens."

Agency officials said that in a few cases, elements of the new approach had already been used to decide how to treat one chemical or another.

For example, some time ago the chemical company Rhone-Poulenc discovered that at extremely high doses one of its pesticides, Aliette, could cause bladder cancers in male rats. That fact alone would have earned the chemical a ranking as a probable human carcinogen under the old guidelines, potentially changing how it was regulated.

Further research showed that the tumors were caused by crystals growing in the bladder, perhaps because male rats have an unusual urine chemistry. The crystals were irritating tissues, stimulating the cancers. The entire mechanism was judged irrelevant to human health, and the chemical is now not viewed as a probable carcinogen.

John D. Graham, the head of the Center for Risk Analysis at the Harvard School of Public Health and a longtime critic of what he has called overzealous efforts to reduce relatively minor environmental risks,

called the changes "a modest positive step."

"The important principle that the guidelines embrace is that all carcinogens were not created equal," he said. "That is because the testing of chemicals in animals is much more relevant to humans for some chemicals than for others."

But he said the agency had not gone far enough to encourage scientists to quantify the risks of each chemical, which he said was increasingly possible as the scientific understanding of cancer increases.

Some environmentalists have reacted skeptically to the changes, saying that they preferred the rigidity of the current approach. "These guidelines would replace a bright red line with dim gray mush," said Al Meyerhoff, a senior lawyer at the Natural Resources Defense Council.

Industry groups have generally been supportive, although all sides said that how the guidelines are put into practice will be the crucial test.

The new guidelines have been under discussion for more than two years among scientists specializing in toxicology but have not been widely debated in public. On Tuesday, they are expected to be published in the Federal Register, beginning four months of public comment before they are put into final form.

The guidelines, in a dense and technical document of 170 double-spaced pages, call for scientists assessing a chemical's cancer risk to reach "a view of the entire weight of the evidence," in which "all data and inferences are merged."

In the past, the guidelines say, cancer rates of lab animals dominated decisions about whether a chemical had the potential to cause cancer in humans, if only because other information was usually too scarce to play anything but a secondary role.

But with growing scientific sophistication, it is possible to learn much more about exactly what happens when carcinogenic chemicals rampage like molecular bulls through the body's cellular china shop.

Whether an individual chemical will be assessed differently, the new guidelines say, will depend greatly on how much of that kind of evidence is presented to the regulators.

Despite Cold War's End, Russia Keeps Building a Secret Complex

By MICHAEL R. GORDON

A1

MOSCOW, April 15 — In a secret project reminiscent of the chilliest days of the cold war, Russia is building a mammoth underground military complex in the Ural Mountains, Western officials and Russian witnesses say.

Hidden inside Yamantau mountain in the Beloretsk area of the southern Urals, the project involves the creation of a huge complex, served by a railroad, a highway and thousands of workers.

The project, some Russian officials say, was begun during the era of Leonid I. Brezhnev, when the Soviet Union was locked in an arms race with the United States, the Communist Party ruled the country and the military budget seemingly knew no bounds.

Russia's decision to proceed with the costly venture underscores the continuing influence of the military at a time when the Government is struggling to pay back wages to its workers and to cope with a growing budget deficit.

The construction of the project, which has been observed by American spy satellites, mystifies American specialists, who speculate that it may be anything from an underground nuclear command post to a secret weapons production plant.

But while there is uncertainty over the purpose of the project, it has already become a politically delicate issue for the Clinton Administration.

The United States is spending hundreds of millions of dollars to help the cash-starved Russian Government dismantle old nuclear weapons. To win Congressional approval for the money, the Clinton Administration has had to certify that the Russians are not undertaking new military projects that go beyond their defensive needs.

The project is also being carried out despite complaints from members of Russia's Parliament that the

The Defense Ministry also declined to say whether Parliament has been informed about the details of the project, like its purpose and cost, saying only that it receives necessary military information.

For all the secrecy surrounding the Yamantau project, it is too vast to escape notice by the local press, through the nature of the facility has generally remained unclear.

The project has been variously described by present and former Russian officials as a mining site, a repository for Russian treasures, a food storage area, a dump for nuclear materials and a bunker for Russia's leaders in case of nuclear war.

According to a report in *Sovetskaya Rossiya*, the project involves construction of a railroad, a modern



Russia is building a huge military complex in Yamantau mountain.

highway and towns for tens of thousands of workers and their families.

"The complex is as big as the Washington area inside the Beltway," said an American official familiar with intelligence reports.

Whether the project is worrisome from a military perspective is a question that divides American specialists.

Senior Pentagon officials say they believe that it will serve as a command and control center for nuclear weapons and a bunker for military leaders.

According to this view, the project appears to be defensive in nature. During the cold war, the United States also developed a system of underground and airborne command posts, though the Government is no longer undertaking major new projects in this area.

Some officials believe that the Russian project may even make the military balance more stable by reducing the Russian military's worries about a surprise attack.

But other top Clinton Administration officials are more worried, asserting that the Russians have refused to provide a full accounting of the project.

Recalling the underground sites that North Korea has built, these officials fear that the Russian project may encompass weapons production facilities as well as other military programs that the Russian military wants to keep from Ameri-

can spy satellites.

"It is a possible command and control center," a senior Administration official said. "It is a possible project to maintain the capability to carry out wartime production after a nuclear strike. It is a possible storage area for weapons they do not want us to know about. If it is only command and control, why aren't they more transparent about it? It would help to know more."

A further complication is American legislation authorizing money for dismantling Russian nuclear weapons, which is sponsored by two politically powerful lawmakers: Senators Sam Nunn, Democrat of Georgia, and Richard G. Lugar, Republican of Indiana.

To prevent the Russians from taking advantage of millions of dollars in American assistance to subsidize their military programs, the law requires that the Administration certify that the Russians are "forgoing any military modernization program that exceeds legitimate defense requirements," "forgoing the replacement of destroyed weapons of mass destruction," and complying with arms control treaties.

The Administration recently renewed this certification, but the Russian secrecy surrounding the project worries American advocates of the aid.

"The toughest question we can get from the Congress when we ask them for funds to help disarm and dismantle the Russian strategic arsenal is why are they using their meager rubles to build such a thing as Yamantau mountain," a Pentagon official said.

The project was also a concern for the Bush Administration and was raised in diplomatic channels by

James A. Baker 3d, who was then Secretary of State.

Some enterprising Russian journalists have sought to puncture the official secrecy.

According to local press reports, Gen. L. Tsirkunov, the director of the project, said in 1992 that he was building an enterprise named the Ural Mining and Ore Dressing Combine.

That set off fears that it was a nuclear waste site, prompting an open letter from local ecologists, religious figures and politicians.

While the Russian military was not forthcoming, a former Communist official in the region insisted that the project was an underground shelter for Russia's leadership in case of nuclear war.

And in 1994, a journalist from a local newspaper described how he climbed through the splendor of birch forests and carpet of green moss only to stumble across a huge hole in the ground and a vast construction site, including barracks and a helicopter landing pad.

"There was so much iron junk down there, from water mains to rail car wheels," the journalist, N. Starikov, wrote in the local newspaper *Beloretsky Rabochy*. "Good Lord. How did it get there? The scale was enormous."

Referring to the mountain by its nickname, he added, "It sounds crazy, of course, but we visited the junkyard that today crowns Yaman."

THE NEW YORK TIMES
TUESDAY, APRIL 16, 1996

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Government does not have the money to comply with new treaties slashing strategic arms and mandating the destruction of chemical weapons.

"We can't say with confidence what the purpose is, and the Russians are not very interested in having us go in there," a senior American official said in Washington. "It is being built on a huge scale and involves a major investment of resources. The investments are being made at a time when the Russians are complaining they do not have the resources to do things pertaining to arms control."

The Russian Defense Ministry refuses to say anything about the project, which is proceeding with virtually no public debate.

Asked to respond to written questions, the Defense Ministry replied that, "The practice does not exist in the Defense Ministry of Russia of informing foreign mass media about facilities, whatever they are, that are under construction in the interests of strengthening the security of Russia."



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

NOV 21 1996

MEMORANDUM FOR DISTRIBUTION

FROM: EPA

SUBJECT: EPA's Proposed Ozone and Particulate Matter Public Health Standards

Issue for Consideration

Whether EPA should propose revisions to national air quality standards to ensure that these standards reflect the latest scientific knowledge and fully protect public health, most particularly for children and other at-risk individuals.

Overview

Under the Clean Air Act, EPA is required to set public health standards for certain fundamental air pollutants to assure the protection of public health with an adequate margin of safety. Pursuant to the law and court rulings, this public health decision is independent from any decisions regarding ultimate implementation strategies and costs. Once a public health standard is set, then a lengthy public process focuses on industry by industry, state by state, and city by city implementation mechanisms, taking into full account the cost of particular options.

An extensive, three-year, public scientific review, including multiple independent peer reviews, concluded that the current standards are not adequately protective of public health and that serious health risks arise -- particularly to children -- under the current ozone and particulate matter ("PM") standards. This scientific review process included both academic and industry scientists. The ozone external peer review panel found 185 relevant ozone health studies indicating that significant population groups were at risk under the current standard. The particulate matter scientific review panel found 67 of 86 relevant health studies indicated that the current standard was not protective.

Based on this extensive scientific review process, EPA recommends strengthening the ozone and particulate matter public health standards. This proposal, when culminated, will be a major and important step that will extend protections to 40 million children and help assure the health of some 133 million Americans. As with many EPA standards, its issuance is not without

controversy. Some will contend that we are acting precipitously and others will claim we are not being protective enough. We strongly believe, however, that the science is clear and results from an unprecedented independent process. Moreover, this unified proposal honors the requirement of the Clean Air Act to provide public health protections with a margin of safety.

In keeping with the reinvention goals of this Administration, in June of this year EPA delayed proposing the ozone standard until late November, allowing us thereby to merge the two proposals. This approach will allow us to speak to the common health effects, sources of pollution, and implementation strategies that arise from both standards.

It is important to note that the mere act of proposing -- or ultimately finalizing -- new health standards does not trigger any immediate regulatory requirements on any city, state, or business. Rather, these issues will be addressed in a lengthy, careful, and public process that can only occur once there is an indication of the precise level at which new standards will be set.

Public Health

Numerous peer-reviewed human health effect studies have found that the current standards are resulting in widespread adverse health effects in most large urban areas, including premature deaths, hospitalizations for respiratory illnesses, acute respiratory symptoms including severe chest pain, coughing and wheezing, aggravation of asthma, missed work and school days, and heightened susceptibility to other diseases. Since the standards were last revised, an increasingly large body of science points to particular risks to children, the elderly and people with respiratory problems. EPA believes that these health effects are unacceptable.

EPA's proposed new standards would result in:

- 20,000 lives saved annually;
- 450,000 - 650,000 fewer incidences annually of acute respiratory symptoms that can lead to missed work and school days, restricted activities and illness; and
- approximately 1.5 to 2 million fewer incidences annually of lung function decreases such as difficulty in breathing.

The ozone external peer review panel found 185 relevant ozone health studies indicating that significant population groups were at risk under the current standard. There was also consensus among the panel members that no bright line exists for ozone below which there will be no health effects. In other words, any ozone exposure above background has some health effects. The ozone standard consists of three interrelated variables; concentration, duration and form which determines the tolerance around the concentration. Merely altering any of those factors drastically changes the number of people at risk. While there was consensus among the panel members that the range of concentrations reviewed by EPA was appropriate, the panel concluded

that selection of a specific level, to be measured on an eight hour basis, is a decision reserved to EPA based upon how many people to protect from what effects. Such policy judgment is ultimately driven by which subpopulations and what health effects EPA thought appropriate to address.

Thus, pursuant to the Clean Air Act requirement of public health protection with an adequate margin of safety, EPA proposes a specific level of 0.08 ppm, which we believe is necessary to protect children and outdoor workers, particularly those with pre-existing respiratory disease.

While the panel members all agreed that the specific level was a policy judgment reserved to EPA, some, but not all, of the panel members did express their personal view to EPA. Of the eight of the sixteen who offered their personal views on the appropriate standard, they roughly split between .08 and .09 as appropriate.

In an effort to solicit public comment on this policy judgment, EPA's proposal to be published in the Federal Register does include a detailed discussion of what segments of the population would be protected and the degree to which health effects would be reduced at the .07, .08 and .09 levels. For example, the proposal details how many children and outdoor workers will be protected from increased severity of asthma attacks and other respiratory incidences at each level and solicits comment on the appropriateness of providing those protections.

Particulate: The particulate matter scientific review panel found that 67 of 86 relevant health studies -- some of which produced individual health data on hundreds of thousands of individuals -- indicated that the current standard was not protective. 19 of 21 members of this scientific advisory committee recommended setting a new standard to address finer particles than are presently addressed.

Litigation

Both the ozone and PM standard-setting processes have been subject to litigation brought by public health groups. During prior administrations, EPA scientists and other health experts had long believed that it was critical to conduct a thorough review of existing public health data on ozone and consider issuing tougher public health standards. Unfortunately, most recently the Bush-Quayle White House effectively prevented such a review.

When this Administration took over, it was under a court-imposed order to complete a review of the current ozone standard within three months. EPA had not, however, considered more than 2,000 potentially relevant peer-reviewed and published scientific studies regarding ozone. Recognizing that the Bush-Quayle Administration's review had been inadequate -- and

subject to litigation challenging EPA's failure to consider these studies -- EPA committed in a *Federal Register* notice (Attached as Appendix B), and subsequently in both the federal District Court and Court of Appeals for the D.C. Circuit, to undertake a thorough scientific review to be completed by mid-1996. While the Court of Appeals accepted EPA's proposed schedule, it also explicitly noted that the American Lung Association could file a motion for unreasonable delay if it became necessary in the future. The Lung Association has informed us of their intention to so proceed if EPA fails to act as promised by November 29th.

On particulate matter, the American Lung Association sued EPA to ensure prompt issuance of the standard. After litigation, the court in 1994 imposed a court-ordered deadline. In June 1996, EPA filed a notice in the *Federal Register* indicating that we would move forward with both the ozone and PM proposals together. This notice and the Court order specify November 29, 1996, for completing the scientific review and proposing and publishing any new standard, with a June 1997 deadline for final agency action.

In light of this history of aggressive litigation by public health groups on both the ozone and PM standards, it is absolutely clear that delay could lead to contempt or further litigation. Delay in issuing EPA's ozone proposal would almost certainly change the public perception from one where the Administration would have acted to propose strong public health protections, to one where we would be forced to do so in response to a lawsuit by the American Lung Association.

Implementation Strategies

Again, it is important to note that the mere proposal, or finalization, of new public health standards does not create, in and of itself, any new regulatory requirement. The mechanisms for achieving the public health standards will be developed over many years, with full public participation. EPA has already established and will expand its Clean Air Act Advisory Committee to facilitate dialogue and input from all. All individual implementation decisions will obviously be subject to full public comment. EPA is committed to working with other agencies, large and small businesses, state and local governments, and the public to develop a fair approach to implementing new standards. EPA is specifically committed to employing the assistance of a small business advisory panel in addressing implementation issues during the period between the proposal and finalization of new standards.

During the last four years, EPA -- working with industry and states -- has developed a number of new mechanisms for reducing air pollution. EPA believes the actions the Administration has accomplished and now has under development for other purposes will satisfy many of the new obligations that cities and industry may ultimately face. Important steps -- such as reducing toxic air emissions, controlling incineration, providing for cleaner gasoline and automobiles -- all will provide an important head start toward meeting new standards. We are

fully committed to continuing this outreach to develop successful common-sense and cost-effective strategies to implement new standards.

Furthermore, the history of clean air compliance in our nation has been a tribute to the ingenuity of industry to develop cost-effective strategies. As with the phaseout of chloroflourocarbons (CFCs) or the acid rain utility control provisions (where Congress contemplated allowances at \$700-\$1500 but at the latest auction they went for \$70), initial industry estimates of pollution control costs were quickly disproven and cleaner air was achieved at much lower costs than initially predicted.

Cost/Benefit

While the Clean Air Act does not permit the consideration of costs during the health-based standard setting stage of the process, in keeping with EPA's desire to expand the use of cost/benefit as an important tool to assist in our work, EPA did conduct a regulatory impact analysis of these proposals.

Obviously such an analysis prior to finalization of specific standards and development of individual implementation strategies is speculative at best. While separate economic analyses were done for each standard, there will be significant overlap in implementation strategies by the joining of the standards leading to likely decreases in costs. Moreover, it is important to remember that historically, early cost estimates of compliance with the Clean Air Act have been far greater than reality. The regulatory impact analysis for both standards calculates combined costs of \$6.6 billion to \$8.5 billion and monetized benefits of \$70 billion to \$120 billion. Not included in the benefits estimates are health effects including premature aging of the lungs, lung function decreases, increased susceptibility to respiratory infection and environmental benefits such as improved visibility and ecosystem protection.

Conclusion

This Administration and this President have stood firm for, and prided themselves on, strong public health protections -- based on the best available science confirmed by peer review -- and employing reinvention to achieve common sense and cost-effective approaches that allow for sustained economic growth. This proposal will meet all of these commitments.

EPA's proposed health standards are about: extending protections to 40 million children; respecting thousands of hours of independent and scientific peer review; linking for the first time major pollution standards; and honoring the President's commitment to provide the public with the information to know about the health of its community.

EPA has worked hard during this Administration, in carrying out its extensive regulatory agenda, to make the OIRA review process and Executive Order 12866 a success. Some have suggested that allowing these proposals to move forward now will result in renewed Congressional interest in regulatory reform legislation. We firmly believe that whether or not this rule will spur regulatory reform efforts in Congress is far more likely to turn on the quality of the science and its attendant peer review and public comment processes -- which is unprecedented here -- than on whether OMB had a full review period at the conclusion of this three year rule development effort. Indeed, as Attachment C indicates, EPA has been consulting extensively with OMB and other agencies on review of these proposed standards since 1993, and we believe review could be accomplished during the current period.

We look forward to working with all in the Administration to honor the President's commitments to protect public health and the environment while ensuring strong economic progress for our nation.

THE CLEAN AIR ACT SETS OUT A MODEL SCIENTIFIC PROCESS FOR REVIEWING AIR QUALITY STANDARDS

The Scientific Review for the NAAQS Proposal is Among the Most Thorough and Ambitious in EPA's History

- In reviewing the ozone and particulate matter standards, EPA started with a literature search of over 3,000 studies for each.
- Over a three-year process, the scientific process identified 185 human-health related studies of ozone, including controlled human studies, epidemiological studies and toxicological studies and 86 studies of links between particulate matter and human health, including epidemiological studies and toxicological studies
- These studies overwhelmingly indicated that neither the current ozone nor particulate matter standards adequately protect public health.

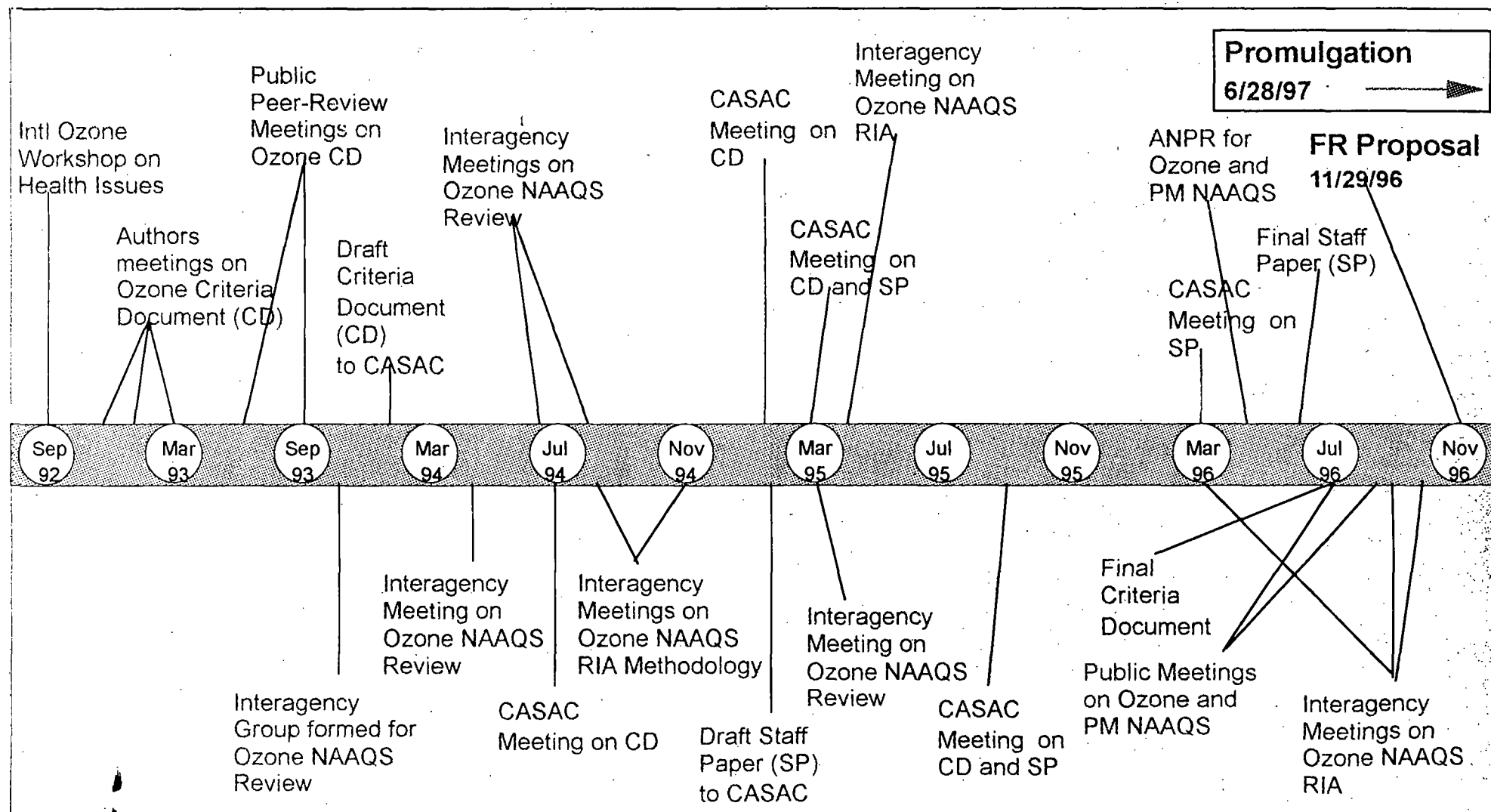
EPA Relies on Peer Reviewed Science and the Recommendation of Independent Scientists

- The Clean Air Act requires the Administrator of EPA to review and determine whether air quality standards are adequate to protect public health with an adequate margin of safety at least every five years.
- In reviewing the standards, the Act requires EPA to rely on the advice of an independent scientific review committee -- called the Clean Air Scientific Advisory Committee (CASAC).
- CASAC is made up of nationally recognized experts in many disciplines -- physicians, toxicologists, epidemiologists, atmospheric scientists -- from academia, industry and the states.
- EPA prepares two major documents for CASAC's consideration -- a criteria document that reviews the state of the science and a staff paper that attempts to interpret the science.
- The scientific review is extensively peer reviewed -- for a study to be considered for the criteria document, it must first appear in a peer review journal. National scientific experts peer review individual chapters of the criteria document before CASAC even considers them.
- CASAC peer reviews both the criteria document and the staff paper. Upon completion of its review, CASAC advises the Administrator as to whether the criteria document represents an adequate review of the available science and whether the staff paper constitutes an adequate basis for regulatory decisions.

The Scientific Review is a Public Process

- Drafts of the criteria document and the staff paper are made publicly available for review prior to the CASAC meetings where they are discussed.
- CASAC meetings are open to the public.
- EPA maintains a publicly available docket of all CASAC and standard-related proceedings. EPA also distributes this material through an extensive mailing list and over the Internet.

History of Ozone NAAQS Review



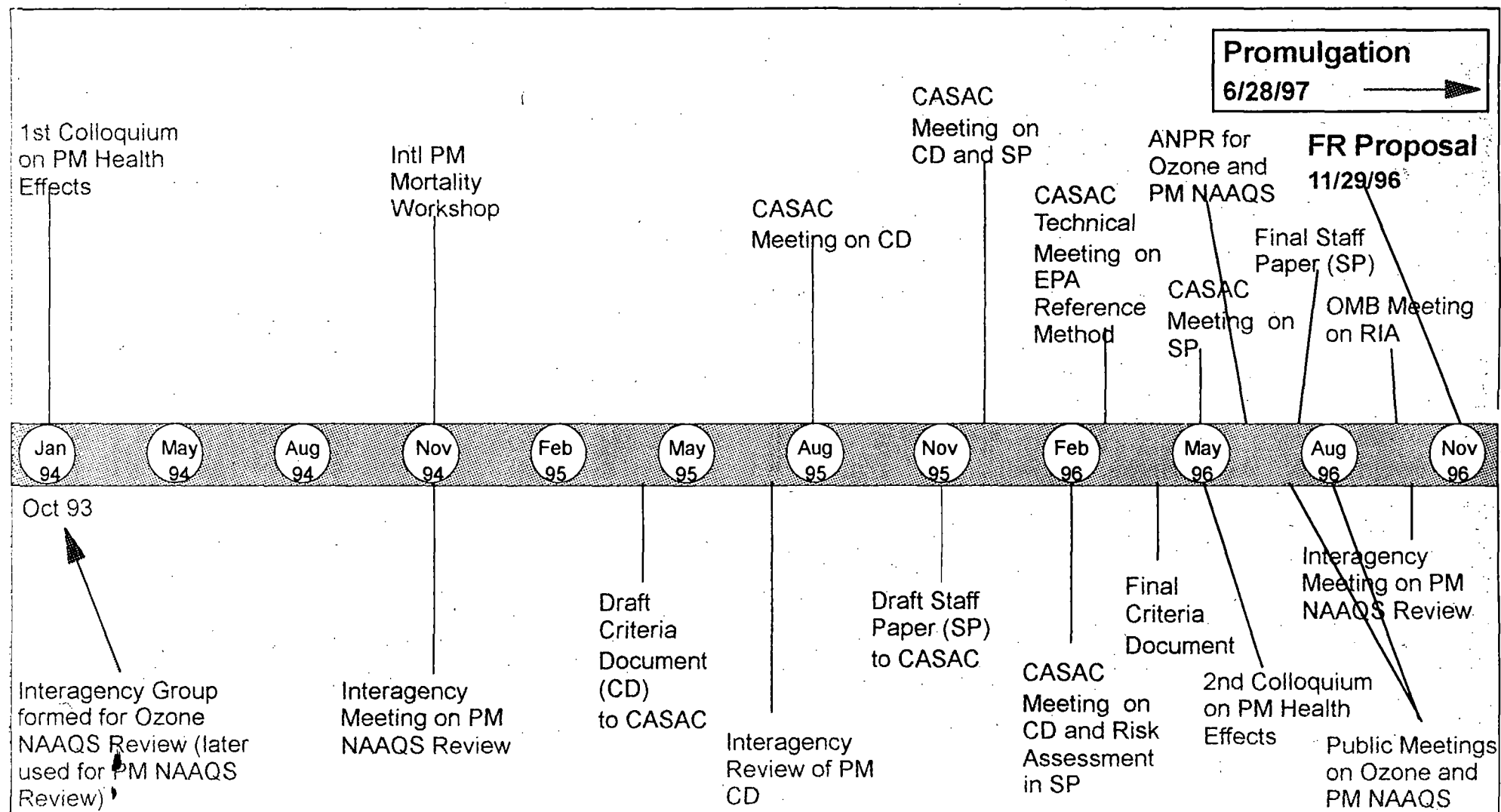
Blue Text: Peer-review process with Clean Air Scientific Advisory Committee (CASAC)

Red Text: Interagency Meetings

Black Text: Science Meetings

Green Text: Public Meetings

History of PM NAAQS Review



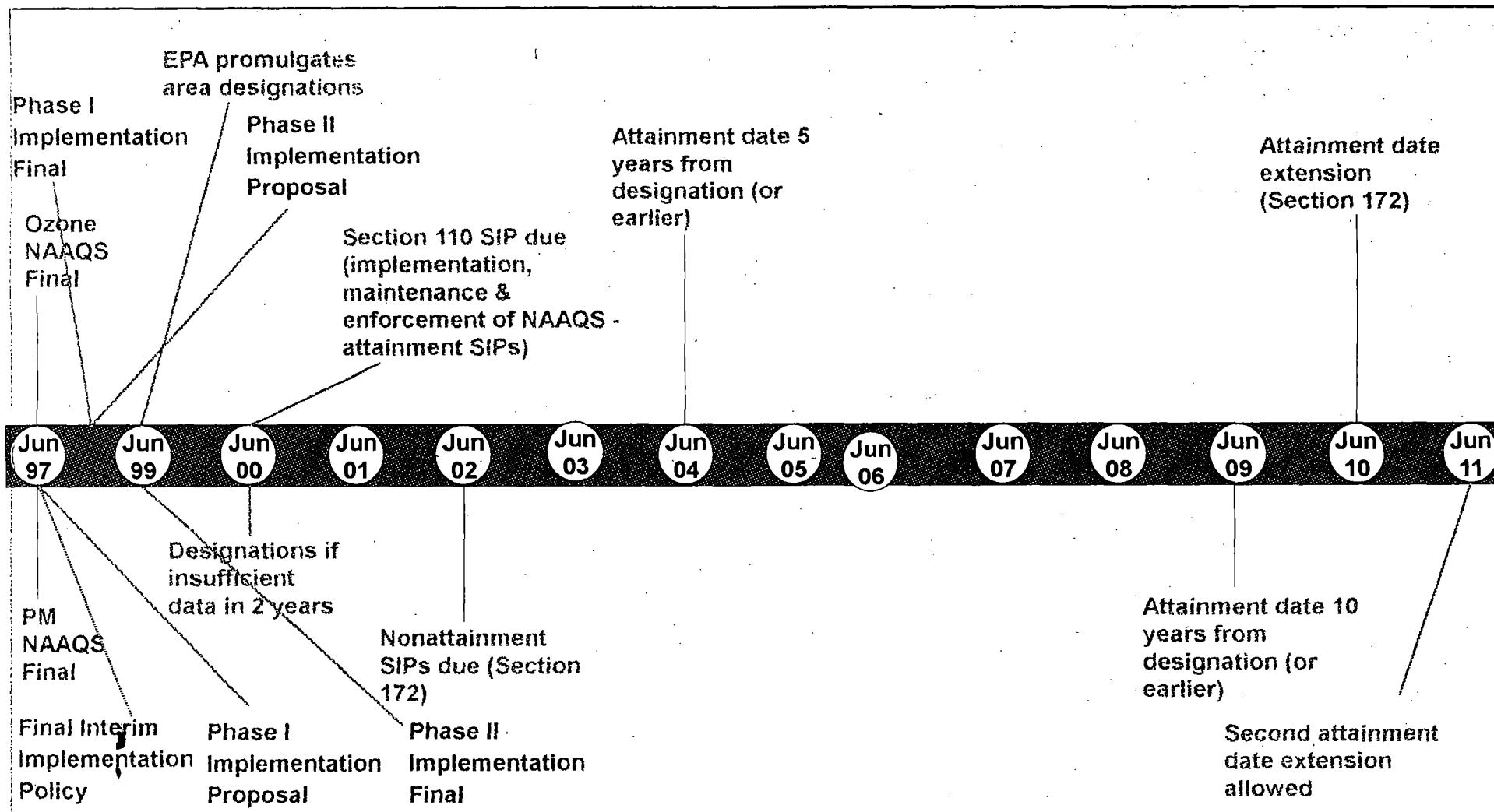
Blue Text: Peer-review process with Clean Air Scientific Advisory Committee (CASAC)

Red Text: Interagency Meetings

Black Text: Science Meetings

Green Text: Public Meetings

New NAAQS Timeline



Blue Text: EPA Policy or Rulemaking
Green Text: Statutory Requirements