FOIA Number: 2017-1093-F

FOIA MARKER

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

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Office of Environmental Initiatives

Series/Staff Member: General Files

Subseries:

OA/ID Number: 19209

FolderID:

Folder Title:
Climate General: Climate Team II

Stack:	Row:	Section:	Shelf:	Position:
S	62	1	4	3

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	SF 171 [Lilburn Talley] (10 pages)	04/06/1997	b(6)

COLLECTION:

Clinton Presidential Records
Office of Environmental Initiatives
General Files
OA/Box Number: 19209

FOLDER TITLE:

Climate General: Climate Team II

2017-1093-F
rs3163

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Responsum to

[illegible]

C

THE WHITE HOUSE

WASHINGTON

April 17, 1998

MEMORANDUM FOR TODD STERN
ASSISTANT TO THE PRESIDENT FOR SPECIAL PROJECTS

FROM: MEREDITH CABE MC
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: The Climate Change Task Force

This memorandum responds to your request for guidance regarding the service of two individuals as agency representatives to the White House Climate Change Task Force and regarding your service as the coordinator of the Task Force's interagency efforts.

BACKGROUND

In February, 1997, the Council on Environmental Quality established the White House Climate Change Task Force ["the Task Force"]. The goal of this interagency task force is to coordinate and expand agency activities to educate the public and others about climate change, and to build support for the Administration's policies and international negotiating positions on climate change issues. White House Climate Change Task Force Charter, Sec. A. It is my understanding that since its inception, various agencies have had representatives who have served on the Task Force to carry out this mission. In particular, the Department of Energy and the Environmental Protection Agency currently have six employees working with the Task Force on issues of common interest to their respective agencies. In addition, over the course of the last year, employees from the Department of State, the United States Agency for International Development, and the Nuclear Regulatory Commission also have participated as representatives from their agencies to the Task Force.

New Hires Serving as Task Force Agency Representatives

You have inquired as to whether it is permissible for the Departments of State and Energy each to hire a former employee to serve as a representative to the Task Force. These individuals will work on climate change projects and issues on behalf of their respective agencies. I understand that these individuals currently are not employed by these agencies and that they have worked on issues related to climate change during their previous employment with these agencies. I further understand that these individuals have specific expertise that is relevant to these agencies as well as to the Task Force.

As you know, the Departments of State and Energy have both had representatives from their agencies serving on the Task Force. Thus; these agencies have determined that it serves their agencies' interests to have their employees working with the Task Force to further its mission. While it may not be the case with all newly hired employees, the individuals in this case possess

CPA

prior knowledge of the hiring agencies which will enable them to represent those agencies' interests as agency representatives to the Task Force. As such, it is both appropriate and consistent with current practice for these departments, if they so desire, to hire these individuals and assign them to represent their agencies in the coordinated efforts of the Task Force. And, assuming these agency officials determine that it serves their interests to hire these individuals to serve on the Task Force, in addition to performing any other agency duties, it is permissible for the Task Force to accept their services. As is the case with all agency representatives, agency officials will continue to supervise these individuals' work; they will be working on behalf of their agencies, though obviously the Task Force coordinator will identify those matters which are priorities and which would benefit from their assistance in support of the interagency effort.

Task Force Coordination

You also have inquired as to whether it is appropriate for you to serve as the coordinator of the Task Force's interagency efforts. It is my understanding that you currently serve as the White House's representative to the Task Force, and that you have been asked by the Chief of Staff's office to coordinate the Task Force's interagency activities. In particular, you have been asked to work with other agency representatives to the Task Force to develop and implement a cohesive Administration-wide strategy for advancing a climate change agenda through coordinated interagency efforts. As you know, agency representatives continue to report to their agency supervisors during their service on any task force or interagency effort. Nevertheless, it is permissible for you to facilitate the Task Force's work, and in particular, to coordinate the Task Force's activities and agenda to ensure that its goals are met efficiently, drawing on the expertise and support of the various interested agencies and their representatives.

Please call me if you have any questions.

C

THE WHITE HOUSE

WASHINGTON

April 17, 1998

MEMORANDUM FOR TODD STERN
ASSISTANT TO THE PRESIDENT FOR SPECIAL PROJECTS

FROM: MEREDITH CABE MC
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: The Climate Change Task Force

This memorandum responds to your request for guidance regarding the service of two individuals as agency representatives to the White House Climate Change Task Force and regarding your service as the coordinator of the Task Force's interagency efforts.

BACKGROUND

In February, 1997, the Council on Environmental Quality established the White House Climate Change Task Force ["the Task Force"]. The goal of this interagency task force is to coordinate and expand agency activities to educate the public and others about climate change, and to build support for the Administration's policies and international negotiating positions on climate change issues. White House Climate Change Task Force Charter, Sec. A. It is my understanding that since its inception, various agencies have had representatives who have served on the Task Force to carry out this mission. In particular, the Department of Energy and the Environmental Protection Agency currently have six employees working with the Task Force on issues of common interest to their respective agencies. In addition, over the course of the last year, employees from the Department of State, the United States Agency for International Development, and the Nuclear Regulatory Commission also have participated as representatives from their agencies to the Task Force.

New Hires Serving as Task Force Agency Representatives

You have inquired as to whether it is permissible for the Departments of State and Energy each to hire a former employee to serve as a representative to the Task Force. These individuals will work on climate change projects and issues on behalf of their respective agencies. I understand that these individuals currently are not employed by these agencies and that they have worked on issues related to climate change during their previous employment with these agencies. I further understand that these individuals have specific expertise that is relevant to these agencies as well as to the Task Force.

As you know, the Departments of State and Energy have both had representatives from their agencies serving on the Task Force. Thus; these agencies have determined that it serves their agencies' interests to have their employees working with the Task Force to further its mission. While it may not be the case with all newly hired employees, the individuals in this case possess

CEP

prior knowledge of the hiring agencies which will enable them to represent those agencies' interests as agency representatives to the Task Force. As such, it is both appropriate and consistent with current practice for these departments, if they so desire, to hire these individuals and assign them to represent their agencies in the coordinated efforts of the Task Force. And, assuming these agency officials determine that it serves their interests to hire these individuals to serve on the Task Force, in addition to performing any other agency duties, it is permissible for the Task Force to accept their services. As is the case with all agency representatives, agency officials will continue to supervise these individuals' work; they will be working on behalf of their agencies, though obviously the Task Force coordinator will identify those matters which are priorities and which would benefit from their assistance in support of the interagency effort.

Task Force Coordination
You also have inquired as to whether it is appropriate for you to serve as the coordinator of the Task Force's interagency efforts. It is my understanding that you currently serve as the White House's representative to the Task Force, and that you have been asked by the Chief of Staff's office to coordinate the Task Force's interagency activities. In particular, you have been asked to work with other agency representatives to the Task Force to develop and implement a cohesive Administration-wide strategy for advancing a climate change agenda through coordinated interagency efforts. As you know, agency representatives continue to report to their agency supervisors during their service on any task force or interagency effort. Nevertheless, it is permissible for you to facilitate the Task Force's work, and in particular, to coordinate the Task Force's activities and agenda to ensure that its goals are met efficiently, drawing on the expertise and support of the various interested agencies and their representatives.

Please call me if you have any questions.

Climate Team
(3/27/98)

[Bill Antholis]

2 5 2 5

Outreach/Industry by Industry

2d 1. Dirk Forrister
3rd 2. Janet Anderson
3. Steve Seidel
2d 4. (Lisa McNeely replacment)

Federal Energy

1st 5. (Shelley Fidler)

Congressional

[Roger Ballentine]
1st 6. Julie Anderson

Communications

1st [Loretta Ucelli] {workspace}
1st [Stephanie Cutter] {workspace}
3rd 7. Martha Wofford
3rd 8. Justin Leites
3rd 9. Andrew Kauders

Diplomatic

[David Sandalow]
3rd 10. Jim Rubin

Outreach

11. (Tom Peterson)

Support

1st 12. Mary

Climate Team
(3/27/98)

[Bill Antholis]

Outreach/Industry by Industry

1. Dirk Forrister
2. Janet Anderson
3. Steve Seidel
4. (Lisa McNeely replacment)

Federal Energy

5. (Shelley Fidler)

Congressional

[Roger Ballentine]
6. Julie Anderson

Communications

[Loretta Ucelli] {workspace}
[Stephanie Cutter] {workspace}
7. Martha Wofford
8. (Justin Leites)
9. Andrew Kauders

Diplomatic

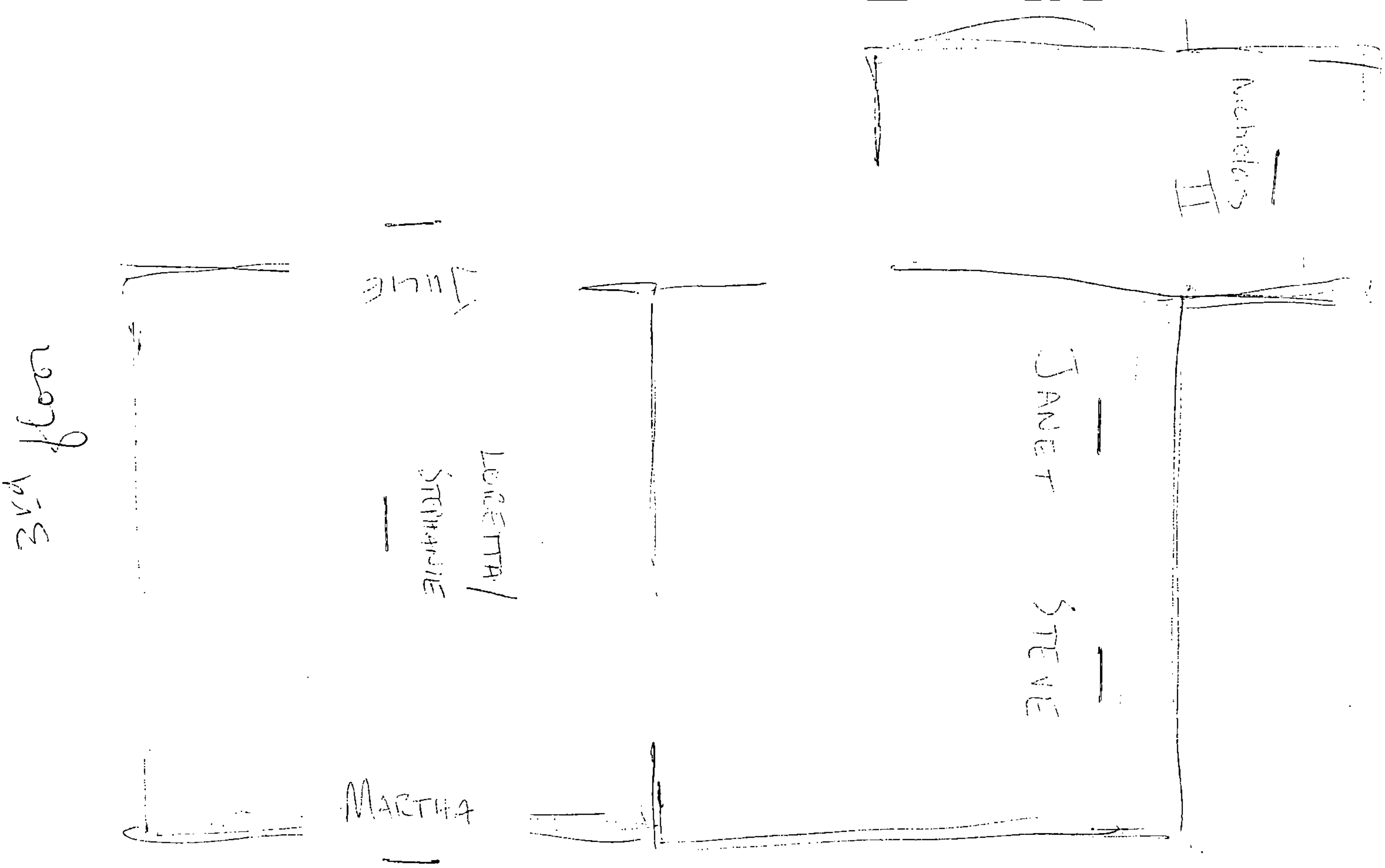
[David Sandalow]
10. Jim Rubin

Outreach

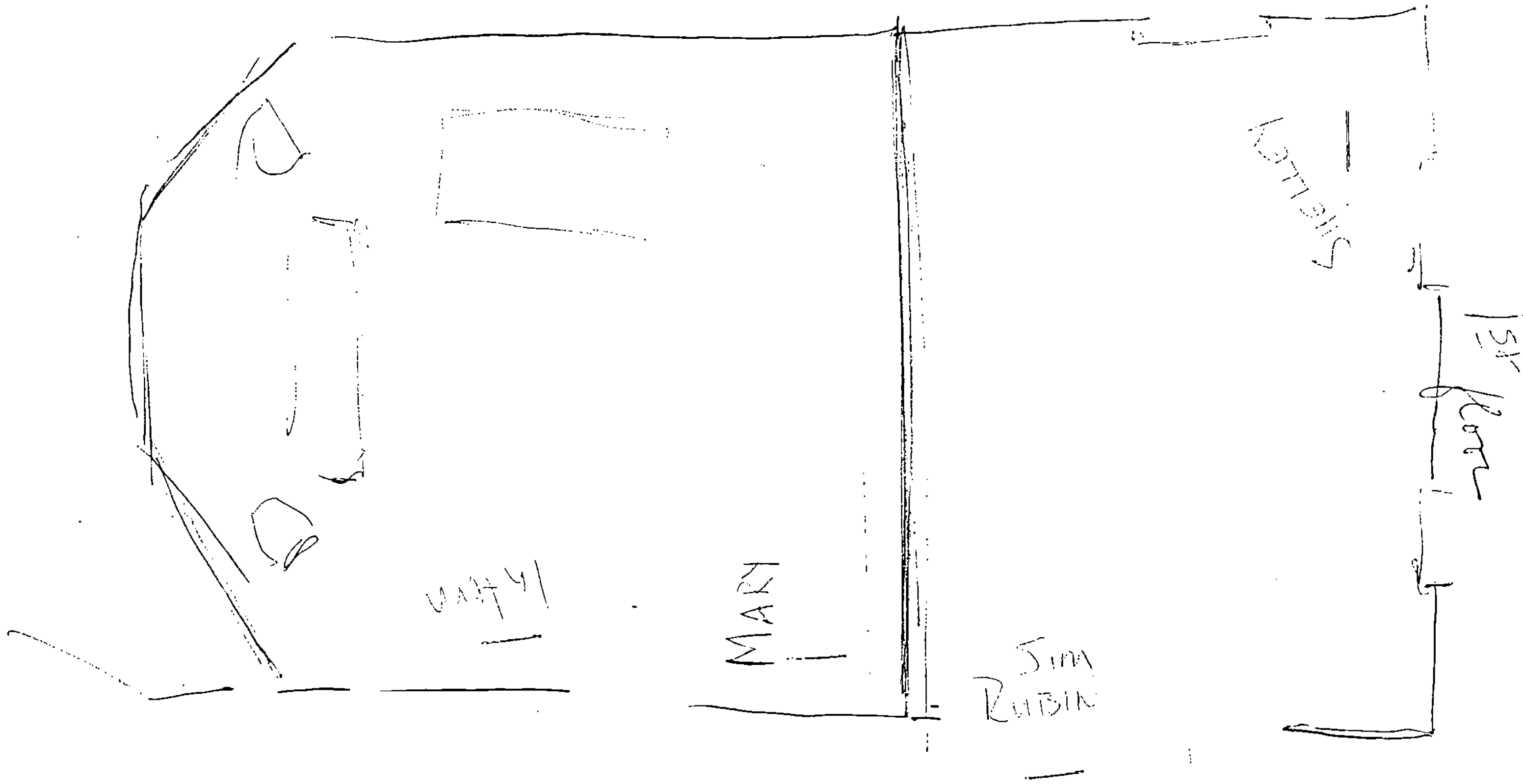
11. (Tom Peterson)

Support

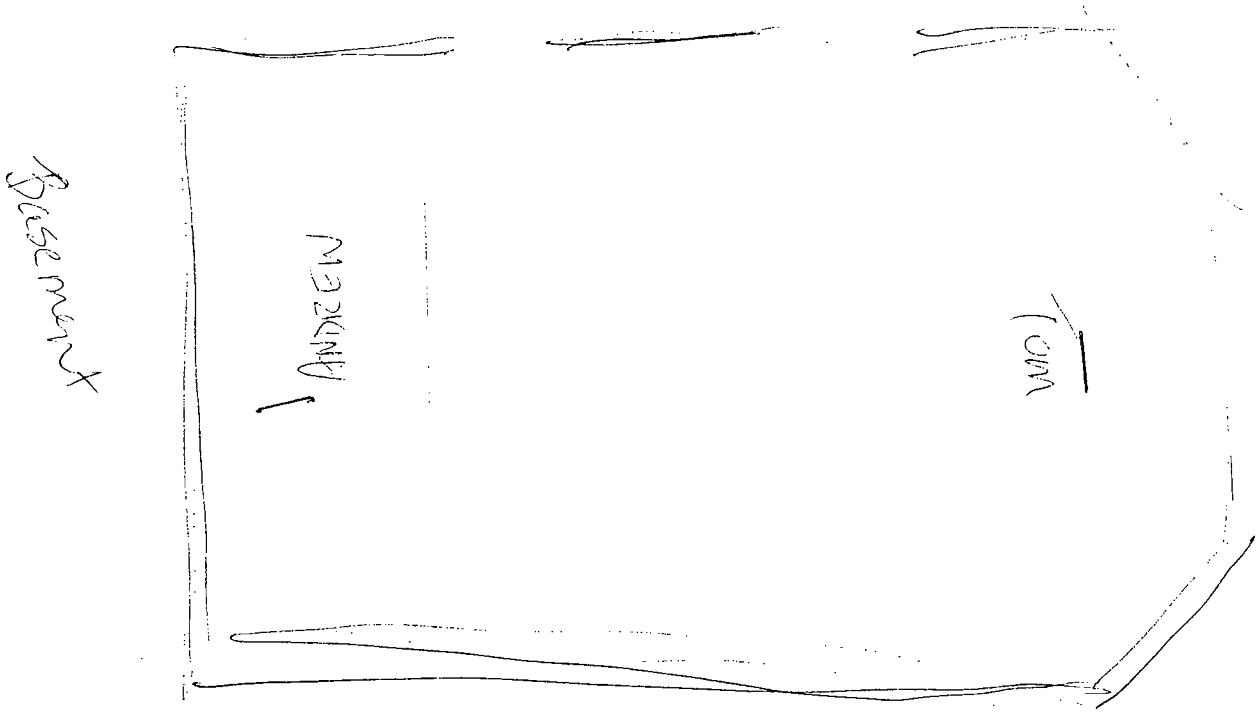
12. Mary

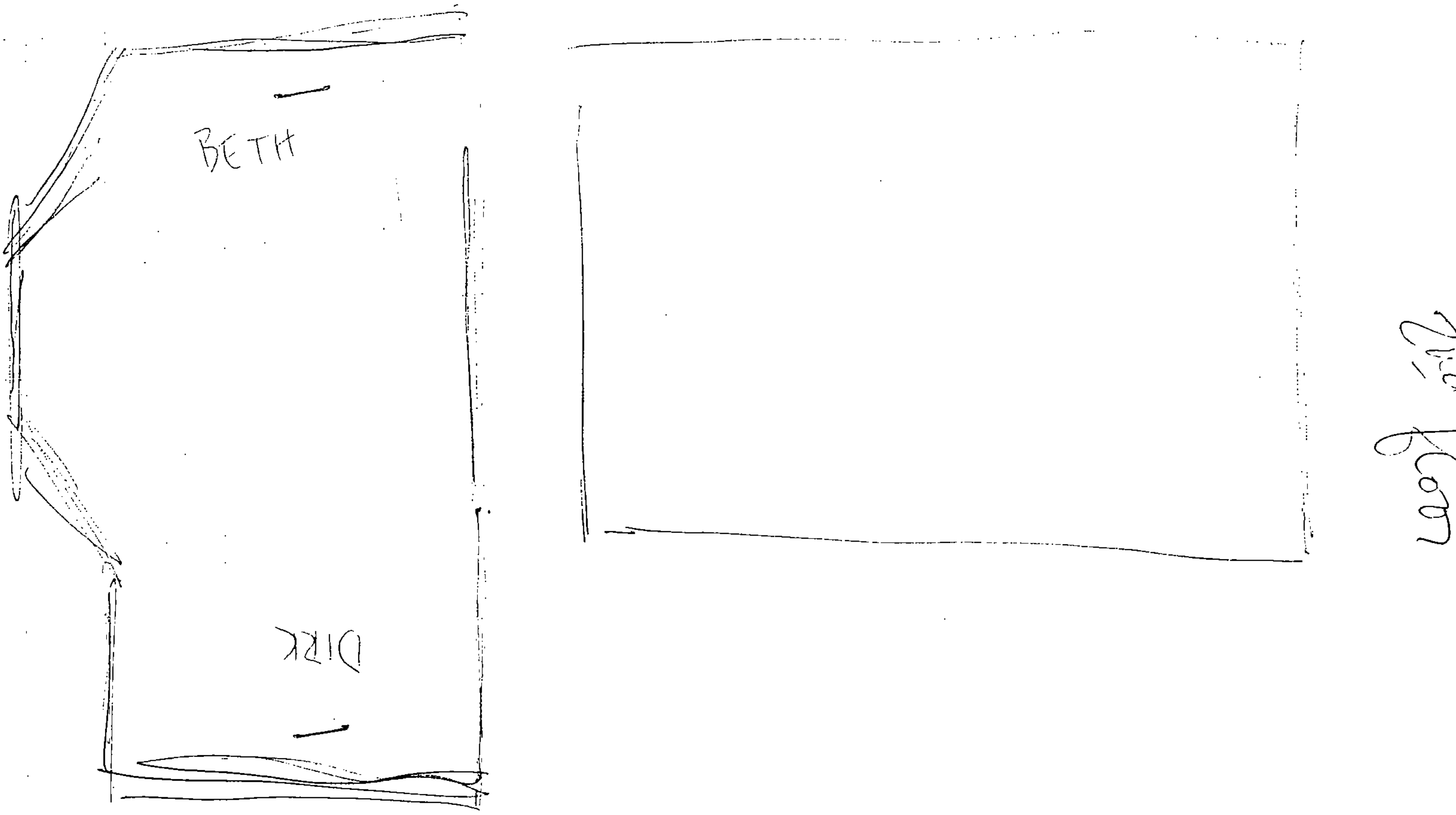


PHOTOCOPY
PRESERVATION



MARY
JIM RUBIN
1st floor


Basement
Andrew
Tom


BETH
DIRK
2nd Floor

Climate Team
(4/9/98)

[Bill Antholis]

Outreach/Industry by Industry

1. Dirk Forrister
2. Janet Anderson
3. Steve Seidel
4. (Lisa McNeely replacment)

Federal Energy

5. ***(Shelley Fidler)***

Congressional

[Roger Ballentine]
6. Julie Anderson

Communications

[Loretta Ucelli] {workspace}
[Stephanie Cutter] {workspace}
7. Martha Wofford
8. ***(Justin Leites)***
9. Andrew Kauders

Diplomatic

[David Sandalow]
10. Jim Rubin

Outreach

11. ***(George Frampton)***
12. ***(Asst. to Frampton)***
13. (Tom Peterson)

Support

14. Mary Washington

FOR: Todd Stern

FROM: Justin Leites

Justin Leites
3000 Connecticut Avenue, NW #407
Washington, DC 20008
202-234-7164 (h)
202-276-4172 (cell)

Virginia State Director, National Jewish Democratic Council Political Action Committee (September - November 1997): Worked to organize the state's Jewish community to provide grass-roots support for the Democratic ticket. Ran direct mail, phone banks and "meet the candidate" events across northern Virginia, as well as cultivating major donors.

Special Adviser to the Under Secretary of State for Global Affairs (June - September 1997): As Tim Wirth's speechwriter and press officer, responsible for drafting congressional testimony and other major policy statements, as well as for backgrounding reporters from the *New York Times*, *Washington Post*, and other national media. Most of my focus was on climate change, in preparation for the international conference in Kyoto.

Deputy Press Secretary, Michigan Democratic Party Coordinated Campaign (July - November 1996): Served as the Press Secretary for the Detroit media market and the Deputy Press Secretary for all of Michigan. Lead for local press on four presidential visits. Helped to re-elect Senator Levin and all nine of Michigan's incumbent House Democrats, as well as regain Democratic control of the state House of Representatives.

Special Adviser to the Deputy Secretary of State (April 1994 - July 1996): As Strobe Talbott's sole speechwriter, responsible for drafting all of his prepared statements, from congressional testimony to journal articles to toasts to major foreign policy addresses. Major topics included Bosnia, Russia, NATO expansion, and the promotion of democracy. Also planned the overall public affairs strategy for the Deputy Secretary, including regular regional and national radio and television appearances and town hall meetings in cities across the country.

Associate Director, President's Commission on White House Fellowships (February 1993 - April 1994): At the start of the Administration, helped recruit this 35 member presidential commission, which includes VIPs from political circles as well as from the business, entertainment and academic communities. Planned and implemented an aggressive outreach campaign, targeted at professional women and environmental groups. As a result of this outreach effort, the overall number of applications for the program doubled within one year, with a five-fold increase in the number of female applicants.

Campaign and Transition Staff of Tipper Gore (August - December 1992): As part of Mrs. Gore's Little Rock Staff, drafted most of her correspondence and many campaign statements, and assisted with scheduling.

Instructor, Department of Philosophy, Yale University (1988 - 1992): For the first three years of graduate school, I was a teaching assistant for the Yale Philosophy Department. Each semester, I was responsible for teaching and evaluating the work of about 50 Yale undergraduates. In my fourth year, I was awarded a Teaching Prize Fellowship by the University, based on the recommendations of my students. As a Teaching Prize Fellow, planned and taught two Yale College seminars for junior and senior philosophy majors.

Assistant Director for Development, Yale Hillel (1989 - 1992): Worked as part of five-member team to raise over $3,000,000. Helped develop strategy for approaching major donors. Responsible for writing fund-raising letters and promotional material; planning alumni events; and direct-mail solicitations.

M.Phil., Yale University (1993)

B.A., Yale College (1988)

FAX TRANSMISSION

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

'98 MAR 6 AM 10:54

DATE: 3/5/98

CLIENT NO.: Z9991.100

MESSAGE TO: Todd D. Stern

COMPANY: Executive Office of the President

FAX NUMBER: (202) 456-2215

PHONE: (202) 456-2702

FROM: Peter J. Kadzik

PHONE: (202) 775-4704

PAGES (Including Cover Sheet): 3 **HARD COPY TO FOLLOW:** ___ YES X NO

MESSAGE: I understand that you are in charge of the "global warming team." If you need a good Congressional Affairs type, Julie worked for me on the campaign and is excellent.

If your receipt of this transmission is in error, please notify this firm immediately by collect call to our Facsimile Department at 202-861-9106, and send the original transmission to us by return mail at the address below.

JULIE M. ANDERSON
5147 King Charles Way
Bethesda, MD 20814
(301) 530-6180 (h)
(202) 260-5203 (w)

EXPERIENCE

U.S. EPA, Office of Congressional & Legislative Affairs 1993 - Present
Acting Associate Administrator March-June 1997
Deputy Associate Administrator February 1997 - Present
Senior Policy Development Counsel

•Legislative counsel to Administrator and senior EPA officials on legislative and regulatory issues including the Agency's promulgation of revised National Ambient Air Quality Standards for particulate matter and ozone, Superfund reauthorization, Fast Track and Basel Convention legislation, EPA appropriations, Climate Change, Clean Water Act and RCRA amendments.

•Responsible for day-to-day management and supervision of the Congressional office consisting of approximately 40 professional and support staff.

•Oversee the development and coordination of legislative proposals, statements, testimony and Agency views on legislative issues and events as well as other Congressional liaison activities.

•Represent Agency in Inter-agency discussions; provide political and strategic advice to Administrator and Administration officials.

•Lead representative for Clinton Administration in successful Safe Drinking Water Act Reauthorization negotiations in 104th Congress.

Clinton/Gore 96, Office of Surrogate Scheduling Sept. - Nov. 1996
Washington, D.C.

Scheduled Cabinet Members, Governors and Mayors for political events. Scheduling liaison between these Clinton/Gore surrogates and Congressional Campaigns, State parties and other Clinton/Gore offices.

Chadbourne & Parke, Associate, Washington, D.C. 1990 - 1993

Member of Environmental Practice Group working with CERCLA, RCRA, Clean Water Act, Clean Air Act and state and local environmental laws in practice areas including transactional due diligence, permitting matters, legislative and regulatory matters, compliance counseling and litigation.

Federal District Court Judge Jerry Buchmeyer, Law Clerk 1989 - 1990
Northern District of Texas, Dallas, Texas

Drafted dispositive orders and opinions as well as jury instructions; advised Judge on legal rulings; maintained and managed Motion Docket.

U.S. Representative Phil Sharp, Legislative Assistant 1985 - 1989
Washington, D.C.

Advised Member on issue areas including Environment, Agriculture, Product Liability Tort Reform, Interior Committee Issues, Trade, Labor, Judiciary, Welfare Reform and Veterans. Drafted legislation, statements, press releases and constituent correspondence; attended markups, hearings and briefings; conducted meetings, surveys and questionnaires.

U.S. Representative Barbara Mikulski, Legislative Assistant 1984 - 1985
Washington, D.C.

Issue areas included Superfund reauthorization; Agriculture, Product Liability Tort Reform, Veterans and Judiciary.

EDUCATION

The George Washington University, National Law Center, Washington, D.C.

J.D., cum laude, 1989. Member, The George Washington Law Review.

Member, State Bar of Maryland, 1990; Member, District of Columbia Bar, 1990; Member, American Bar Association, 1990.

Ohio University, Athens, Ohio

B.A., Summa cum laude in Political Science, The Honors Tutorial College, 1984. Honors: Phi Beta Kappa, Phi Kappa Phi, National Dean's List, Honors College Scholarship and Dean's Scholarship.

Member, Board of Directors, 1996 - present; Project Leader, 1992 - present, Doingsomething, a volunteer network.

Volunteer Attorney, Washington Legal Clinic for the Homeless, 1990 - 1993.

Talking Points for G8 Foreign Affairs Sous-Sherpa Meeting
February 13-14, 1998

<u>ENVIRONMENTAL CRIME</u>[1/]

1. What actions were taken on this topic in the 1997 G8 Denver Summit?

Although the issue of environmental crime may have been discussed in preliminary meetings leading up to the Denver Summit, there was no mention of this issue in the final Denver Communique. Rather, the issue of environmental enforcement, including environmental crime, was discussed at the 1997 Environmental Leaders Summit in Miami. The Environment Leaders there agreed, among other things, to improve domestic environmental enforcement through better integration of environmental and traditional law enforcement agencies, and to support and enhance emerging international cooperative efforts and recognize the value of compliance mechanisms under international environmental agreements. The Leaders further agreed to "to enhance a collective focus on trade which is illegal under international environmental law, including shipments originating in our countries and those that have adverse impacts on developing countries." The Environmental Leaders also agreed to further consultation on cooperation in fighting illegal trade and other enforcement issues.

The 1998 Consultation of Environment Officials of the G-8 followed-up on the 1997 Environmental Leaders Meeting. This Consultation also covered enforcement issues in general, but focused on illegal trade in ODS (including chlorofluorocarbons or CFCs), protected species and hazardous wastes. The Officials agreed to improve environmental enforcement in the domestic and international areas by, among other things, establishing points of contact, training, sharing of information and experience, and cooperating in efforts to detect and prosecute transboundary environmental violations. The Officials recommended that Environmental Leaders discuss these issues at their April meeting in Leeds. Thus, it is somewhat premature to identify precisely how environmental crime issues will be presented to the Heads of State in Birmingham.

2. What do we want out of the G-8 process?

Environmental crime, namely trade which violates international environmental

---

[1/] Note: by "environmental crime," we refer to the trade in ozone-depleting substances (ODS), protected species (plant and animal) and hazardous wastes that is illegal under international environmental agreements (e.g. Montreal Protocol, CITES, Basel Convention and bilateral agreements) and domestic laws implementing those agreements. Several G8 nations (France, Italy) have expressed uneasiness with the term "crime" and prefer "violation" because they prosecute many violations administratively.

agreements and implementing domestic legislation, is a significant matter worth billions of dollars a year. For example, the international black market in trade of protected species is estimated at $5 billion/year and is said to be second in size only to the illegal narcotics trade. Tens of thousands of tons of illicit CFCs enter in the U.S. each year, ranking CFC smuggling just behind narcotics as a source of black-market profits on the U.S.-Mexico border. Illegal transboundary movements of radioactive and hazardous wastes in Europe generates an estimated annual profit of $30 billion, and organized crime groups are reportedly involved in these activities (The U.S. is a source for much of this waste).

Environment crime is a concern common to all nations, particularly to the G8 which are the principal consumers of the illegal trade. Russia is also a major source of CFCs illegally smuggled into the other G8 nations. Most significantly, these environmental crimes cause significant harm to the global environment, leading to air, soil and water pollution, global warming, and loss of endangered species and biodiversity.

Hence, the most significant goal of the G8 would be recognition at the highest levels of government that environmental crime is a major problem for each of the G8 nations, for all nations, and for the global environment. The Heads of State can significantly advance the issue by further committing to address it through domestic efforts to strengthen and implement laws and through international efforts to cooperate and assist in the detection, investigation and prosecution of environmental crimes. There has been some activity in these areas to date, but these efforts can be given real impetus and focus by the Heads of State. Heads of State can also reach a broader audience than Environmental Ministers, involving law and enforcement and other interests that may not necessarily be part of the current international dialogue. Moreover, the Heads of State can direct that relevant activities be promoted through agreed mechanisms or fora. Again, it should be noted that the 1998 Environmental Leaders meeting in Leeds should result in specific recommendations to the Heads of State.

3. What do we want from the Sous Sherpa Process?

The draft agenda submitted by the U.K. for the February 13-14 meeting states that "[w]e can have a brief look at environmental crime, but we shall not be able to advise on whether this is a suitable subject for Heads until after the Environment Ministers' meeting on 3-4 April." While it may be difficult to set an agenda in Birmingham on environmental crime without recommendations from the Environmental Leaders in Leeds, the Sous Sherpa Process can give sufficient direction to the Environmental Leaders to ensure that the matter is sufficiently discussed at the earlier meeting and advanced to the Birmingham Summit. Thus, the Sous Sherpa process could direct the Environmental Leaders to discuss specific matters regarding environmental crime, such as its importance to the global economy and environment, efforts taken by individual nations to address the matter, and possible future actions that could bolster domestic enforcement and international cooperation and assistance. The Sous Sherpa process could also direct the Environmental Leaders to propose existing or new mechanisms or fora to pursue further discussions and implementation of agreed measures. Planning and preparation for the 1998 Environmental Leaders meeting has begun, and it would be advisable to create a clear link between it and the Sous Sherpa process to ensure proper coordination.

4. *What are the potential pitfalls to advancement of environmental crimes issues?*

The largest pitfall to further action will be the desire of nations not to address the issue until after the meeting of the Environmental Leaders in April. That would not leave much time for full discussion of how to advance the issue for Birmingham, so the Sous Sherpa process should be closely coordinated with planning for the Environmental Leaders meeting. As suggested above, the Sous Sherpa can even provide some direction on issues suitable for the Birmingham Summit.

Another problem worth noting is that the term "environmental crime" encompasses a number of different activities, and domestic and international efforts have varied by subject. For example, there has been substantial progress made on the international front in addressing the illegal trade of protected species, and multilateral (INTERPOL) and trilateral (North American Wildlife Enforcement Group under NAFTA's environmental side agreement) organizations have already done much to share general information and expertise. That is not to say more work cannot be done in these areas. International efforts in CFC smuggling interdiction are less advanced, but are developing. International efforts to combat illegal transnational shipments of hazardous wastes is complicated by the U.S.'s failure to ratify the Basel Convention, and France, in particular, has tried to embarrass the U.S. on this matter at international meetings. Finally, in all these areas, G8 nations differ widely on their degree of development and implementation of domestic laws enforcing the relevant international environmental agreements. This lack of parity in domestic laws and implementation makes cooperation in individual cases difficult, complicates cooperation, and could result in trade imbalances. Russia, with its illegal production of CFCs, is part of the overall problem, and all G8 nations share further responsibility as consumers of the illegal trade

A third problem, described in more detail below. is the sensitivity to some G8 nations about environmental crime, in general, and what types of international cooperative efforts may be appropriate. Countries like France and Italy have expressed concerns with the very term "environmental crime," largely because they do not address many environmental violations through criminal prosecutions (indeed, existing penalties are relatively weak). France, and to some extent Italy, are also reluctant to share information relevant to detection, investigation and prosecution of environmental crime through informal means. This is reportedly due to their privacy laws, but at least France appears to be trying to limit such cooperation to formal mechanisms under international environmental agreements - and particularly the Basel Convention in a thinly-veiled attempt to pressure the U.S. on ratification.

Finally, although the G8 nations all agree to the importance of strengthening domestic and international efforts, much of the activity to date have been only discussions and consultations. The U.S. has enjoyed some success in cooperative efforts on a case-by-case basis with some G8 nations, but more formal mechanism for information and mutual assistance is still necessary. It may be difficult, however, to develop an agreed forum for further work. G8 nations, including the U.S., may not be willing to create an additional institution, and efforts to get an existing G8 fora, the Lyon Group, to take up the issue has met with limited success to date. One of the principal goals of the Environmental Leaders and Heads of State could be to establish or locate a forum for further discussions and agreement to actual measures.

5. *What are the positions of other G8 nations regarding environmental crimes and related G8 initiatives?*

While all G8 nations have expressed the importance of implementing international environmental agreements and addressing violations of those agreements, their actual positions on the specifics vary quite widely, based both on their economic and political priorities.

Canada - The U.S. has enjoyed substantial cooperation with Canada on investigations and prosecutions. Canadian officials also participate in a U.S. domestic interagency task force to combat CFC smuggling, and in a wildlife enforcement working group under the auspices of the NAFTA environmental side agreement. Canada's environmental laws are comprehensive, and violations of these laws are prosecuted as criminal. Though the federal environmental agency is somewhat weak, Canada has gradually been strengthening its efforts and securing prison sentences for violators. Canada should be a big supporter of cooperation and assistance in the G8 context.

European Union - The E.U. have played a lesser role on environmental crimes in the G8 context than some of its member states. However, it has been active on environmental enforcement within Europe. For example, it has established the European Network on the Implementation and Enforcement of Environmental Law (IMPEL) to promote among member states improved and comparable approaches to compliance and enforcement with regard to industrial installations, and to avoid distortions of competition within the E.U. The E.U. is also considering development of an executive agency for environmental protection. Note that the Council of Europe has developed a draft Convention on Protection of the Environment through Criminal Law. This draft Convention is modeled, at least in part, on U.S. environmental law. We should try to get the G8 nations to commit to pursuing this Convention further, although it may not capture all environmental crimes.

France - France has stated that development of cooperation on international environmental law is a priority, and President Chirac has noted that international crimes - illegal trade in CFCs, endangered species and hazardous waste - is of particular concern. Yet despite this rhetoric, French environmental criminal laws are weak, and their government is not well organized to detect, respond or prosecute offenses. In fact, the French have recently raised concerns with the use of the term "environmental crimes," reflecting the fact that environmental violations are not generally treated as crimes, but are rather dealt with administratively — the only offense considered a "crime" in France is environmental terrorism (apparently the French legislature is reviewing a proposed "environmental code" which may include further offenses.) The French also have argued strongly against the use of informal information exchange, stressing that such cooperation must be consistent with French privacy laws and under formal procedures in existing conventions. This position appears to be a way France hopes to put pressure on the U.S. to ratify the Basel Convention. We have had difficulty securing cooperation with France on individual cases because our extradition treaty is quite out of date and doesn't really cover environmental crime.

Germany - Germany has been one of the stronger European countries on enforcement in general, and specifically in environmental crime, though it has admitted that criminal proceedings only play a minor role in its overall environmental protection efforts. We have worked well informally with Germany on specific cases, but we have not been able to extradite German nationals for environment crimes.

Italy - Italy has made considerable efforts to develop and strengthen resources to fight environmental crime. For example, Italy has established an ecological operating unit in its Arma dei Carabinieri (national military police force). However, these efforts have been somewhat slowed by the Italian Parliament and sanctions remain weak. We should encourage Italy's further development of mechanisms to fight environmental crime, particularly regarding CFC smuggling. Italy has also registered concern with the term "environmental crime" because many violations are not treated as criminal offenses subject to imprisonment. Nevertheless, Italy recognizes that organized crime presents a serious problem with illegal disposal of radioactive and hazardous wastes, and wishes to address this problem. Italy also co-sponsored an international environmental conference on environmental crime in 1997. Note that under U.S. law, the U.S. recently certified Italy as violating an international moratorium on high seas driftnet fishing, subjecting Italy to possible trade sanctions. Sanctions were avoided due to a last minute agreement with Italy to take measures to cease the practice, but it remains to be seen whether these efforts have been completely successful.

Japan - It is not entirely clear how Japan handles the issue of environmental crime. Its pollution laws are generally considered weak. Japan has assisted in at least one U.S. criminal case, and general relations among enforcement officials have been cordial. Note as to wildlife issues that the Japanese whaling and commercial fishing are sensitive subjects with the U.S. and other countries.

Russia - Russia has admitted that it is producing CFCs in violation of the Montreal Protocol, and evidence suggests some of these CFCs have been smuggled into or through G8 nations. On the other hand, Russia is also concerned with illegal transport and dumping of hazardous waste to and within its borders. Russia has cooperated with INTERPOL and the U.S. on a specific CFC investigation, and joint efforts at capacity building are underway under the auspices of the Gore-Chernomyrdin Commission. Russia's infrastructure and law enforcement capacity problems remain profound.

United Kingdom - The U.K. has recently established a national Department of the Environment, consolidating various regional authorities and does not have strong legal sanctions compared to the U.S. It does have a fairly well-developed CITES enforcement program. The U.K. has recognized the significance of environmental crime and, through its role as host of the upcoming Environmental Leaders meeting, it has proposed mechanisms for strengthening domestic enforcement and international cooperation. Such proposals include domestic assessments of the scale of environmental crime and the development of an international partnership to combat crime in a comprehensive way. (ideas taken from 1.22.98 U.K. Paper on International Environmental Crime: G8 Environment Ministers Possible Outcomes). The U.K. sponsored a 1996 international conference on "Combating Environmental Crime." The U.K. has also been very cooperative on individual CFC cases

Suggested Talking Points

- As G8 nations, we should each recognize the significant economic and environmental effects of environmental crimes in our countries, on all nations and the global environment. We should all agree on the importance of addressing these crimes at the highest levels of government;

- One important way to do so is to adopt and fully implement strong environmental laws and regulations that criminalize violations of international environmental agreements such as the Montreal Protocol and CITES. We should also commit to build capacity for such enforcement in developing countries;

- It is also essential to integrate fully the enforcement efforts of environmental and law enforcement agencies in the G8 nations and ensure that all relevant agencies participate in international efforts to coordinate activities and share information;

- In particular, we should advance the formal and informal sharing of information among all relevant agencies in the G8 nations to assist in the detection, investigation and prosecution of environmental crimes, including the negotiation of mutual legal assistance and extradition treaties which cover environmental crimes;

- We need to consider a forum to address these and other issues related to environmental crimes. They certainly should be discussed at the upcoming Meeting of Environmental Leaders in Leeds. Another possible approach is to work within the Lyon Group to focus on environmental crimes.

Key-Note Speech Assistant Attorney General Lois J. Schiffer
<u>Consultation of Environment Enforcement Officials of the G-8</u>
January 21, 1998

"Perspectives on Environmental Enforcement"

1. <u>Introduction</u>

Good afternoon. My name is Lois J. Schiffer and I am the Assistant Attorney General for the Justice Department's Environmental and Natural Resources Division. The Division has the responsibility for both civil and criminal enforcement of federal environmental and natural resource laws and programs. These laws include those designed to prevent pollution of the air, water and land and to manage and conserve natural resources. I am delighted to be here and to present the key-note speech at this Consultation. I thank you all for attending this important event.

Let me start by saying that I believe this type of gathering of environment and law enforcement officials from the G8 is absolutely critical to each of our domestic enforcement programs. It is also essential to ensure international cooperation in addressing the most pressing threats to our global environment: threats to our atmosphere, our natural resources and our biodiversity. We have among our participants today officials from the G8 countries who are responsible for the development and enforcement of environmental and natural resource laws in their countries. I think that we all have a lot of expertise and experience to share in terms of addressing our environmental problems.

In my remarks, I will provide some perspectives on federal environmental enforcement in the United States. I will begin with a brief description of how our federal laws integrate environmental and law enforcement expertise and the role that the Department of Justice plays in this regard. I will then turn to the concept of enforcement. First, I will discuss why we enforce - why effective enforcement is so important to our environmental program. Second, I will describe how we enforce - how we can detect a violation and the enforcement actions we can take in response. Third, I will briefly describe some of our enforcement approaches designed to derive the greatest environmental benefit possible from our resources. In this regard, I will emphasize why coordinated, pro-active enforcement programs are so important. I will conclude by briefly describing some of our efforts to enforce domestic laws which implement international obligations.

2. <u>An Integrated Approach to Federal Environmental Enforcement and The Role of the Department of Justice</u>

Environmental enforcement in the United States at the federal level fully integrates the expertise and resources of law enforcement and environmental agencies. Our federal environment and natural resource laws allocate certain responsibilities to environmental agencies, such as the EPA or the Fish and Wildlife Service, to establish and implement regulations and initiate administrative enforcement proceedings. This allows the agencies with expertise in specific areas of the environment to set the standards and monitor compliance, including working with the regulated entities to ensure that standards are met. The environmental agencies are thus in a position to identify instances of non-compliance, and, in fact, agencies such as EPA have personnel who investigate and identify civil and criminal violations. Where non-compliance is identified and not addressed administratively, the matter is referred to the Department of Justice for judicial enforcement. I note that important environmental enforcement referrals may also come from agencies not traditionally seen as "environmental," such as the United States Coast Guard and Customs Service.

The Department of Justice is the principal United States federal law enforcement authority and has expertise in prosecution and other types of litigation. My Division, the Environment and Natural Resources Division, has specific knowledge and experience in enforcement of environmental laws and regulations spanning all areas - air, water, hazardous wastes, natural resources, wildlife, public lands. We have litigating sections which focus on civil and criminal matters, as well as enforcement of wildlife and natural resources laws. Hence, we can use our collective legal experience to prosecute individual matters and also to address more broader concerns, such as patterns of noncompliance and matters of national significance and legal precedence. But my Division is not alone in this enforcement responsibility within the Department of Justice. We also work closely with the United States Attorneys, who have offices around the country and can concentrate on enforcement in their particular localities. In many circumstances, we work jointly with Assistant U.S. Attorneys on our cases. In other instances, the U.S. Attorneys' Offices take full responsibility for cases and call upon us only for our special expertise. We have in attendance here today Edward Dowd, Jr., U.S. Attorney for a federal judicial district in Missouri, who has specific expertise in environmental enforcement and can describe his work in more detail later. Finally, the Department also has an investigative arm, the Federal Bureau of Investigation, which also develops environmental cases and refers them to our Division or the U.S. Attorneys.

The overall integration of federal environmental and law enforcement agencies is critical to an effective enforcement program for it allows agencies to focus their expertise and resources appropriately and to coordinate enforcement and compliance efforts. As I will describe later, it also allows a pro-active and coordinated enforcement approach where agencies can share information and expertise to identify and respond to broader patterns of noncompliance. Moreover, we also maintain a close relationship with state law enforcement and environmental agencies, especially when state enforcement matters are significant to our federal concerns, for example where a state is also investigating or prosecuting environmental violations, and may have information or expertise to share. I note here that my comments focus on federal enforcement. Each state of the United States, however, has its own environmental and law enforcement agencies that enforce state environmental and natural resource laws.

3. <u>Why We Enforce - the Importance of an Effective Enforcement Program</u>

Our environmental laws are based on the notion of voluntary compliance by the regulated community with laws and standards. In an ideal world, everyone would comply. Given human nature, however, people may not comply because they seek an economic benefit over those who do comply, or because they don't think they will be caught. The purpose of enforcement is to make sure everyone complies with the law. There are several principle reasons why an effective enforcement program is important:

<u>Ensuring equity and fairness</u> - effective enforcement ensures that those who comply are not disadvantaged by those who do not. We seek to level the playing field so that noncompliers do not enjoy an economic benefit from their actions. As I will describe later, at a minimum, we place an enforcement priority on the recovery of any such economic benefit.

<u>Deterrence</u> - deterrence is the creation of an atmosphere in which people comply rather than violate the law. People will be less likely to comply if they do not believe they will be

caught or that there will be negative consequences for their non-compliance. Effective deterrence requires several features. First, there must be a credible likelihood that a violation will be detected. Second, there must be a swift and certain response by the appropriate authorities. Third, it requires significant consequences for non-compliance such as penalties or sanctions. Finally, there must be a strong perception among the regulated community that all these elements exist.

Ensuring Benefits to the Environment and Human Health - Last, but just as important, an enforcement program must ensure that the benefits for which the laws are intended will indeed be met. These benefits may include clean air, safe drinking water, and protection of important habitat for wildlife. Effective enforcement can prevent the regulated community from taking actions harmful to the environment or human health, or it can require compensation or mitigation for any harm.

4. How We Enforce -- Detecting and Responding to Violations

Our enforcement scheme in the U.S. encompasses a whole range of actions. It includes methods such as monitoring and reporting by regulated entities, which helps detect violations. It also includes informal and formal responses to violations by the enforcement agencies.

A. Detecting violations through monitoring, record keeping, reporting, inspection and citizen complaints

An enforcement agency must first know whether a violation has occurred or whether an environmental hazard exists before it takes a response action. There are several mechanisms for determining noncompliance.

Self-monitoring, record keeping and reporting requirements are enforcement tools through which members of the regulated community are required to track their own compliance and record or report the results to an enforcement agency for its review. The agency can then determine whether a violation has occurred and how to respond. For example, a company may be required to periodically sample and analyze effluent for the presence and concentration of particular pollutants. A company may also be responsible for maintaining records of regulated activities, like shipments of hazardous wastes. Finally, a company may be required to provide data to regulators gathered through self-monitoring or record keeping. This data may be required periodically or upon request.

The advantage of such requirements is that they provide the enforcement authorities with extensive information on compliance in a cost-effective way. Making this information public also provides an opportunity for educating the communities in which the sources are located.

On a related note, there has been much attention recently given to auditing and self-evaluation by companies and other programs to promote voluntary compliance. These tools can be extremely effective in helping a company determine for itself where it may have problems with compliance and the magnitude of those problems. The company can then make the necessary changes to come into compliance. While we certainly support such efforts, we emphasize that auditing and self-evaluation should not in anyway insulate a company for any discovered violations. These tools are only supplemental to a strong enforcement program. Effective enforcement still depends on the certainty of consequences for noncompliance. Nonetheless, the degree of good faith demonstrated by a company through auditing and self-evaluation may very well be relevant to the determination of an appropriate sanction.

Inspections and Investigations - Enforcement authorities may also ensure compliance with laws and standards through inspections of sources, facilities and materials in trade. Inspections allow a regulator to gather information, record and report observations, and make independent judgments about whether the facility or material complies with law. Authorities may also detect violations through investigations of individuals or companies suspected of non-compliance, such as illegal importers of wildlife or hazardous materials.

Citizen monitoring can often help detect violations that are unlikely to be identified through self-reporting or inspections. For example, citizens may detect violations in isolated areas or illegal acts within an organization. As I will discuss in a moment, under some federal environmental laws, citizens may also institute legal proceedings against violations. For citizen monitoring to succeed, there must be full access by citizens to environmental information - the "right-to-know" what occurs in their communities - plus access to effective administrative and judicial mechanisms.

B. Enforcement Responses to Violations

Under the U.S. system, once a violation of laws or standards is detected, there are several potential responses.

Administrative enforcement - An administrative agency such as the EPA can respond informally to identified instances of minor noncompliance. Such informal actions include phone calls, site visits, warning letters and notices of violations. These actions advise a company about the violation and direct compliance by a date certain. They can also initiate a more formal legal process.

The agency may also institute a civil administrative order which is a legal, independently enforceable order that defines the violation, provides evidence of the violation, and requires corrective action by a date certain. Administrative orders may include cease and desist orders, requirements to abate a hazard, or authority for the agency to enter and correct an immediate danger to the public or the environment. Such an order is handled by the administrative system within the agency. However, if a company violates the order, the agency then can refer the matter to the Department of Justice for enforcement in a federal court. Some environmental laws authorize an agency to assess administrative penalties as well, which may also be enforced in court if the entity does not pay.

Civil Judicial Enforcement - Civil judicial enforcement in the U.S. generally results from a referral to the Department of Justice from one of the agencies that monitors environmental compliance, such as the EPA or the Fish and Wildlife Service. Sometimes, referrals are also made by state agencies and private citizens. For example, the Division may initiate a legal action against a company for failing to comply with an administrative order. Or we will sue to recover funds spent by an agency in responding to an environmental harm. Where necessary, we will bring an action to respond to an emergency or abate an immediate endangerment to human health or the environment.

The Division will ask the court to provide the appropriate relief, such as an order enjoining present and future harmful actions; or one requiring payment of fines or penalties; or one mandating mitigation or remediation of the environment. Other types of relief can include denial or revocation of permits, shutdown of facilities, and requiring further reporting, inspections, training or other actions designed to ensure long term compliance.

The U.S. environmental statutes provide specific maximum amounts of penalties that can be assessed for violations of the law. Under that authority, the Division will generally seek to secure a penalty which recoups any economic benefit the violator might have enjoyed as a result of noncompliance and imposes an additional penalty appropriate to the nature and gravity of the violation.

The Department of Justice also is committed to resolving civil actions, where appropriate, through settlement. Settlements can allow the Division to secure effective remedies and actions at substantially less cost than trying a case before a judge. In such instances, the Division may consider cooperative actions by the defendant as mitigating any penalty sought. For example, in addition to an order to comply, the settlement may require a defendant to perform a <u>supplemental environmental project (SEP)</u>. A SEP must have some nexus to the violation. Examples include establishing a voluntary compliance program beyond that required by law or an agreement that the defendant purchase and/or protect sensitive habitat. Settlements are generally embodied in consent decrees, which are agreements signed by the court and enforceable as judicial orders.

<u>Criminal Enforcement</u> - Criminal enforcement is generally appropriate when a person or company has knowingly and willfully violated the law. Examples include falsifying documents, operating without a permit, or deliberately taking an action prohibited by law. Again, the Division will receive referrals from relevant federal agencies, state agencies or the public that such conduct has occurred. The Division will then consider whether the matter merits criminal charges. Depending on the alleged crime, we may seek monetary penalties and imprisonment, as well as seizure or forfeiture of property. Criminal cases are particularly appropriate where violations are serious or have caused serious harm.

For example, we recently brought a number of cases in Mississippi and Ohio concerning misapplication of the highly toxic pesticide methyl parathion which resulted in widespread evacuation of homes and businesses. We succeeded in securing convictions resulting, in two cases, in the longest prison terms ever solely for violations of environmental statutes. The high degree of risk to human health caused by these acts was a major reason for the strong punishment ordered by the courts.

Criminal cases must satisfy a higher burden than civil cases because of the rights accorded criminal defendants by the U.S. Constitution. Several U.S. environmental laws provide for criminal penalties and enforcement, but federal prosecutors may also rely on general criminal provisions that make it illegal to report false information or evade taxes. This frequently occurs in prosecutions for wildlife and CFC smuggling.

Citizen Suits - As I mentioned before, citizen involvement in enforcement is encouraged and specifically provided for in several environmental laws. This kind of public involvement generally ensures the integrity of the enforcement system and augments the often limited government resources. These so-called "private attorneys general" can file civil judicial actions - with notice to the relevant agencies - to enjoin pollution and force compliance. As an incentive, some statutes allow citizens to recover the costs of litigation and attorneys fees if they substantially prevail on the merits. The public is also provided an opportunity to review and comment on consent decrees. Citizens are not authorized to bring criminal actions, but citizen complaints and leads can often lead to successful prosecutions by the Department of Justice.

5. Enforcement Programs and Approaches

In order to make the most effective use of our enforcement resources, the Division and the federal agencies monitoring compliance have developed a series of specific priority enforcement approaches.

Focusing on High Impact Industries - We are utilizing a multi-media and sector-based enforcement approach to focus some of our enforcement efforts on violations that occur in particular industrial sectors that have a significant impact on the environment and human health. This allows us to address environmental problems in a number of media and to take high-profile national actions that will have significant environmental benefits. It also serves as notice to the regulated community of the government's intention to enforce the law vigorously. For example, the Division entered into a consent decree with the Georgia-Pacific Corporation for violations of the Clean Air Act at 18 facilities nationwide. The settlement required Georgia-Pacific to pay $6 million in penalties, $4.25 million in SEPs and $25 million to install pollution control technology at the facilities with the most significant violations. Georgia-Pacific agreed to audit all its wood product facilities nationwide and to pay for pollution control equipment at a nitrous oxide-generating facility which would provide cleaner air than what the plant would otherwise be required to maintain by law.

Focusing on Ecosystems - Similarly, another major priority is focusing enforcement efforts to protect ecosystems of special concern. For example, we have joined other federal agencies and concerned state agencies to coordinate enforcement efforts to address the conditions of the Mississippi River and its tributaries.

Environmental Justice - We have followed the U.S. government's express policy that federal agencies evaluate and take into account environmental justice concerns in their work.

We have focused enforcement efforts to ensure we are providing environmental protection to minority and low-income communities and Indian tribes which may be particularly at risk from harm due to the locations in their communities of hazardous waste sites or industrial sources of pollution.

Pro-active Programs and Interagency Coordination - Finally, we are looking for opportunities to address non-compliance more broadly and maximize our resources. In the past, enforcement efforts have often been reactive, for example responding to tips, news of incidents and referrals from agencies. However, we are beginning to develop more coordinated approaches whereby prosecutors and investigators at the local, state and federal levels share their knowledge and expertise to identify and respond to broader patterns of non-compliance - whether by industry or region or nationwide. I will describe later today how this approach has been particulary effective in combating the growing black market in ozone depleting substances. The approach has also been quite successful in combating illegal traffic in endangered species, as I will now describe.

6. Domestic Implementation of International Agreements and Commitments - Finally, we have focused our criminal enforcement efforts on the growing and lucrative illegal trade in endangered species and ozone depleting substances. This trade is an instance of where environmental problems transcend national borders and require an international response. Our domestic laws implement international obligations such as the Montreal Protocol, which controls the production and use of ozone depleting substances like CFCs, the Convention on the International Trade of Endangered Species, which prohibits trade in certain protected species, and the MARPOL Convention, which prohibits the discharge of certain pollutants

from vessels.

We have developed coordinated interagency approaches with regard to these types of crimes. We are also working cooperatively with law enforcement and environmental agencies in other countries to share information necessary to prosecute such crimes. I will describe in a separate presentation our National CFC Enforcement Initiative which combats the growing trade in smuggled CFCs. We have also broken up several international enterprises trading illegally in protected birds and reptiles. For example, our Division has worked with The U.S. Fish and Wildlife Service and Customs Service to identify and interdict illegal smuggling of reptiles, including tortoises, turtles, snakes and lizards from Africa, Asia and South America - part of a $5 billion dollar yearly international black market in live animals and animal products. These joint efforts have led to several indictments, guilty pleas and sentences.

Significantly, several of our reptile trafficking prosecutions have involved citizens from G8 countries. In one instance, we filed a formal request with German authorities to collect evidence there to be used in the U.S. prosecution. In another, we sought extradition of a defendant from Canada. Our investigation into reptile trafficking continues to expand internationally and a number of foreign countries have shown an interest in prosecuting their citizens whose illegal activities already have been uncovered. My Division plays an active role in collecting evidence here for official dissemination overseas, as well as coordinating our requests for foreign investigative assistance and extradition. An unprecedented level of foreign involvement and cooperation is occurring with no signs of letting up. We should continue this international cooperation and consider ways of improving and facilitating this sharing of information.

7. Conclusion

In conclusion, we at the Department of Justice and other agencies believe in the need for a strong and effective enforcement program to achieve the intended benefits of environmental laws and regulations. We have found that integration of law enforcement and environmental agencies and cooperation among regulators, investigators and prosecutors is essential to effective enforcement. We have also learned to direct enforcement efforts where they will be most effective. Finally, we have found international cooperation and information sharing to be vital to our efforts to address the violations of international agreements such as CITES and the Montreal Protocol. We hope that our discussions throughout these few days will lead us to new levels of environmental enforcement and international cooperation.

'98 MAR 13 PM4:31

IMPORTANT: This facsimile is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law. If the reader of this transmission is not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this transmission or it's contents is strictly prohibited. If you have received this transmission in error, please notify us by telephoning and return the original transmission to us at the address given below.

FROM: Department of Justice
Environment and Natural Resources Division
Service Operation Center
601 D Street, N.W.
Room 8515
Washington D.C. 20004

Fax No. 202-514-8865
Voice No. 514-9050

1998 MAR 13 PM 4:19

003

SENT BY: Jim Rubin

TO: Todd Stern

FAX No. 456-2215

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 23

SPECIAL INSTRUCTIONS: (1) CV (2) sample recent talking points + speech

JAMES W. RUBIN
4828 Albemarle St., NW
Washington, DC 20016
W: (202) 514-9050
H: (202) 244-1664

WORK EXPERIENCE:

United States Department of Justice, Washington, D.C.
Environment and Natural Resources Division

Attorney -- Policy, Legislation and Special Litigation Section, February 1996-present
Coordinate international environmental law and policy matters for Division; work closely with federal and state agencies on the development of U.S. positions for negotiation and implementation of international environmental and other agreements with particular focus on compliance and enforcement, global climate change, international environmental crime, trade and the environment, and Antarctica. Serve on U.S. delegations negotiating agreements on climate change, sustainable development and multilateral investment. Review domestic legislation and initiatives concerning international issues. Teach courses in international environmental law (Justice Legal Education Institute; USDA Graduate School). Also serve as Division representative on Department Pro Bono Committee.

Trial Attorney -- Environmental Defense Section, August 1991-February 1996
Represented the United States and its various agencies, including EPA, as defendants in suits brought under a broad range of environmental statutes. Work included trials on CERCLA and Clean Air Act. Also handled Clean Water Act section 404 enforcement action and challenges to agency decisions in appellate court.

Dickstein, Shapiro & Morin, Washington, D.C.
Environmental Law Associate, September, 1988-July, 1991
Practiced in all areas, including transactional work; counseling clients on compliance with federal, state and local laws; permitting work; and litigation at the district and appellate level.

District of Columbia Court of Appeals
Judicial Clerk to Judge John A. Terry. August, 1987-August, 1988

EDUCATION:

Columbia University Law School, J.D. 1987

- Columbia Journal of Law and Social Problems – Research and Writing Editor
- Harlan Fisk Stone Scholar, 1984-5, 1985-6

Harvard College, B.A. 1984 *Magna Cum Laude* in History and Literature with Emphasis on Anglo-Irish Relations and 20th Century Literature

HONORS AND AWARDS:

- U.S. Department of Justice Special Achievement Award, 1993 and Certificate of Commendation, 1995, 1996, 1997
- EPA Bronze Medal for Commendable Service, 1996
- Washington Legal Clinic for the Homeless 5 Year Volunteer Recognition Award, 1994.

PROFESSIONAL AFFILIATIONS:

- New York Bar (admitted 1987) (inactive)
- District of Columbia Bar (admitted 1987)

COMMUNITY GROUPS:

- Washington Legal Clinic for the Homeless (1988-present)
- For Love of Children, Mentor and Fundraiser (1988-present)

PUBLICATIONS:

- *Free Trade and the Environment: NAFTA, the NAAEC and Implications for the Future*, submitted for publication in Tulane Law Journal, 1998 (co-author)
- *Current Development: The Kyoto Protocol*, submitted for publication in American Journal of International Law, 1998 (co-author)
- *The National Environmental Policy Act*, Law of Environmental Protection (coauthored with Nicholas C. Yost) (1989)
- *National Environmental Policy Act Deskbook* (coauthored with Nicholas C. Yost), ELI (1989)
- *Section 313 Data Access and the New Role of Citizen and Community Action*, Government Institutes (1988) (coauthored with Bill Butler)

PERSONAL INTERESTS: Travel, natural history, running, skiing, biking, ultimate frisbee and alumni rugby

REFERENCES: Available upon request

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FAX TRANSMITTAL

TO: Todd Stern

ORGANIZATION:

PHONE NUMBER:

FAX NUMBER: 456-2215

FROM: ERICA LEPPING

PHONE NUMBER: (202) 401-4389

MESSAGE:

CONFIDENTIALITY NOTICE

THIS TRANSMISSION IS INTENDED FOR AND RESTRICTED TO THE NAMED ADDRESSEE ONLY. IT MAY CONTAIN CONFIDENTIAL AND/OR PRIVILEGED INFORMATION. IF YOU RECEIVE THIS TRANSMISSION IN ERROR. YOU ARE NOTIFIED THAT YOU ARE PROHIBITED FROM READING, COPYING, OR DISSEMINATING THE TRANSMISSION. PLEASE CALL 202-401-3000 TO ARRANGE FOR RETURN OF ANY TRANSMISSION SET IN ERROR. THANK YOU.

2 **PAGE(S) TO FOLLOW**

600 INDEPENDENCE AVE., S.W. WASHINGTON, D.C. 20202

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

February 17, 1998

Mr. Todd Stern
Assistant to the President
The White House
Washington, D C. 20500

Dear Todd:

From a phone call I received last week from Bill Antholis, I understand that you are looking to refill a detail doing "political communications" work for the Climate Change initiative. I am interested to learn more about the responsibilities and potential within this position and how I may be of help to you. As Bill is on travel this week, I am enclosing my resume for your review.

Currently working as a Confidential Assistant to Secretary Riley, I am involved with a variety of communication assignments (message development, press strategy, speechwriting) on a number of the President's educational initiatives. Another area in which I hope to effect change, however, and where much of my professional and academic experience has been, is in environmental reform. Thus, an opportunity with the Climate Change initiative is particularly interesting to me.

I am available to answer any questions you may have. I look forward to speaking with you further and can be reached at (202)401-4389.

Sincerely,

Erica Lepping

Erica Lepping
Office of Public Affairs
U.S. Department of Education

Erica S. Lepping

8006 Old Georgetown Road Bethesda, MD 20814 (301)718-8668

Experience

U.S. Department of Education, Office of Public Affairs, Washington, D.C. — *June 1997 to present*
• *Confidential Assistant* to the Secretary; Strategize and generate press coverage of the Secretary and Deputy Secretary to amplify Clinton administration priorities; Develop and write message, press background and press releases on the President's educational initiatives; Coordinate public affairs strategies with the White House; Participate in speechwriting and senior briefings; Travel with the Secretary to coordinate press advance and on-site event coverage.

The White House, Office of the Press Secretary, Washington, D.C. — *Nov. 1996 to May 1997*
• *Intern,* Assisted the Press Office in distributing information, meeting deadlines, using discretion, responding to national news organizations, representing The White House to reporters and coordinating media coverage of the President and the Clinton administration.

Youth Taking Action, Maryland State Department of Education, Baltimore, MD — *Nov. 1996 to July 1997*
• *Editor,* "Youth Taking Action," a guide for advisors of student leadership organizations.

Clinton/Gore '96, National Campaign Headquarters, Washington, D.C. — *Fall 1996*
• *Intern,* Assisted National Volunteer Coordinator in recruiting and managing volunteers.

Maryland Leadership Workshops, Inc., Silver Spring, MD
• *Director, Advanced Leadership Seminar,* Led staff through planning, implementing and evaluating a program providing training in self-esteem development, communication, team-building, problem-solving, diversity-awareness, ethics, conflict management, advocacy, and public speaking, for high school students. — *1997*
• *Assistant Director, Senior High Workshop,* Led a staff of +30 in a summer program. — *1996*
• *Leadership Development Specialist,* Created and taught leadership programs nationally. — *1991 to present*

National Wildlife Federation, Washington, D.C. — *Fall 1995*
• *Conservation Intern,* Assisted a Legislative Representative in: Congressional and grassroots lobbying; tracking legislation; assessing environmental and economic impact of legislation and resultant policy, and formulating NWF's position; focused on CERCLA (Superfund); collaborated with co-workers to expand the Environmental Justice component of NWF; published report on "Loon Mortality and Lead-Fishing Sinkers."

Environmental Law Institute, Washington, D.C. — *Fall 1994 to Spring 1995*
• *Research Intern,* Conducted foundation grant research and proposal writing; fundraising; research and writing on environmental laws, policies and enforcement levels.

U.S. Fish and Wildlife Service, Chesapeake Bay Estuary Program, Annapolis, MD
• *Biological Aide,* Researched, developed and taught environmental awareness curricula for secondary students; collected field data samples in tributaries. — *Summers of 1992, 1993*
• *Intern,* Organized and distributed educational outreach materials for the public. — *Fall 1990*

Education

Political Science, Bachelor of Arts
Environmental Studies, Bachelor of Arts
The American University, Washington, D.C. — *May 1995*
Cum Laude
Honors: Dean's List — *'91,'93,'94*
Golden Key National Honor Society
Presidential Scholarship — *1991-1995*

Activities

Phi Sigma Sigma Fraternity, A.U.
• *President,* Organized and led weekly meetings; represented sorority nationally; received Awards for Chapter Sisterhood, Highest Scholarship and Most Spirit. — *1993*
• *Philanthropy Chair,* Raised $10,000 for National Kidney Foundation. — *1992*

The American University Dance Team — *1992*

Skills/ Interests

Proficient in Windows, WordPerfect 6.1, Internet, E-mail, Lexis/Nexis, Legi-slate, PageMaker, Microsoft Word, Excel, and Access, Lotus and QuattroPro.
Hiking, Dancing, Traveling, Gardening, Music and FUN people.

References

References are available from former employers, business associates and professors on request.

ANNE H. LEWIS
3308 Winnett Road
Chevy Chase, Maryland 20815
(202) 456-5368 (Office)   (301) 718-6543 (Home)

PROFESSIONAL EXPERIENCE:

SPECIAL ASSISTANT TO THE PRESIDENT — **Mar 97-Present**
National Economic Council, The White House

Serve as lead presidential staff on labor, job training, family & medical leave and international child labor issues. Manage interagency processes and develop Presidential initiatives in each of these areas. Coordinate White House leadership of partnership among apparel companies, their unions and interested human rights groups to fight sweatshops. Set precedent as first Special Assistant to the President to work on a part time basis.

VICE PRESIDENT — **Sept 96-Feb 97**
Council for Excellence in Government

Managed partnership with Ford Foundation and Kennedy School of Government at Harvard for Innovations in American Government Awards program. Developed replication and communications strategies for awards program. Promoted innovation in government through other Council programs, such as private sector training for public managers.

ASSISTANT SECRETARY FOR POLICY — **Sept 95-Sept 96**
U.S. Department of Labor

Served as chief policy advisor to Secretary of Labor. Managed Labor Department relationships with the National Economic Council and Domestic Policy Council. Led successful efforts for a White House Conference on Corporate Citizenship and a Presidential tax policy to encourage job training in small businesses. Member of Department's three-person management team with Deputy Secretary and Chief of Staff. Unanimously confirmed by Republican Senate.

ASSISTANT SECRETARY FOR PUBLIC AFFAIRS — **Apr 93-Aug 95**
U.S. Department of Labor

Directed all communications and press activities of the Department and the Secretary. Achieved successes ranging from directing successful national awareness campaign on Family and Medical Leave Act to placing the Secretary on the Tonight Show with Jay Leno. Supervised 64 staff and $1.4 million budget. Unanimously confirmed by Democratic Senate.

DEPUTY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS — **Jan 93-Apr 93**
U.S. Department of Health and Human Services

Designated by the White House as HHS representative to the communications team of the White House Health Care Task Force during the first 100 days of the Administration.

COMMUNICATIONS ADVISOR **Nov-Dec 92**
Presidential Transition Health ReformTeam

Member of team which produced first draft of the health reform proposal, with specific responsibility for developing initial communications plan.

EXECUTIVE DIRECTOR **Nov 91-Nov 92**
Great American Media (Greer, Margolis, Mitchell, Grunwald & Associates)

Directed all advertising operations for the Clinton presidential campaign and the DNC during the primaries and the 1992 general election. Managed $55 million budget and 75 employees. Supervised development of media strategy, media market research and targeting, ad production, media buying, and tracking of Bush and Perot ads.

LEGISLATIVE DIRECTOR **May 91-Nov 91**
U.S. Senator Harris Wofford (D-PA)

Supervised all legislative activity and policy development, with special emphasis on health policy. Designed landmark health care policy and message for newly appointed Senator during special election upset victory. Managed 30 person legislative staff.

CHIEF OF STAFF **Dec 89-Apr 91**
U.S. Senator Carl Levin (D-MI)

Directed all Senate operations in Michigan and Washington, D.C. Developed and implemented aggressive legislative and communications strategies during landslide re-election campaign (58%). Restructured Senate staff.

LEGISLATIVE ASSISTANT **Apr 89-Dec 89**
U.S. Senator Carl Levin (D-MI)

Advised Senator on all matters relating to trade, crime and transportation policy.

OTHER PROFESSIONAL EXPERIENCE:

- Dukakis/Bentsen Presidential Campaign, Virginia State Director -- 1988
- Biden for President, New Hampshire State Director -- 1987
- The FMR Group, Washington, D.C., Account Executive -- 1985-1987
  (Clients included NEA, AARP and Edison Electric Institute)
- Mondale for President and Mondale/Ferraro Staff -- 1983-1984

EDUCATION:

Harvard University, John F. Kennedy School of Government, Cambridge, MA
Master of Public Policy Awarded June 1985.

Smith College, Northampton, MA
Bachelor of Arts Awarded Cum Laude with High Honors in Government, June 1982.

facsimile
TRANSMITTAL

'98 FEB 17 PM 7:15

to: Todd Stern
fax #: 456-2215
re: Request for Resume
date: February 17, 1998
pages: 2, including cover sheet.

Bill Antholis recommended that I send you my resume. I understand that he is out of town this week but that you might want to sit down with me to talk about opportunities on the Climate Change Task Force. My week is a little crazy, I currently run the Sustainable Energy Committee under the Gore-Mbeki Binational Commission but would try to make time later in the week--Thursday or Friday. Next week I am in South Africa all week but will be back the first week in March. I look forward to speaking with you or Bill. I'm sorry that this two week period is so bad for meeting, but don't mistake my current schedule for a lack of interest! Thanks.

From the desk of...

Andrea Lockwood
Special Advisor to the Secretary for Africa Policy
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

(202) 586-6082
Fax: (202) 586-0013

ANDREA WALDMAN LOCKWOOD

4967 Allen Road • Bethesda, MD 20816 • Telephone: O) 202-586-6082 H) 301-229-2796

SUMMARY OF SKILLS

- EXTENSIVE PROGRAM DIRECTION, INTERAGENCY COORDINATION, TEAM MANAGEMENT, STRATEGIC PLANNING, ANALYTIC WRITING, AND PRESENTATIONAL SKILLS.
- FIFTEEN YEARS EXPERIENCE IN ENERGY AND INTERNATIONAL TRADE ISSUES.
- SINGLED OUT BY A SERIES OF CABINET AND SUB-CABINET OFFICIALS TO PROVIDE POLICY ANALYSES AND DIRECT PRIORITY DEPARTMENTAL EFFORTS.
- REQUESTED BY PRIVATE SECTOR TO SERVE AS LIAISON ON POLICY ISSUES.
- ONE OF TEN HARVARD STUDENTS SELECTED FOR PRESIDENTIAL MANAGEMENT INTERNSHIP

EXPERIENCE

U.S. DEPARTMENT OF ENERGY OFFICE OF INTERNATIONAL POLICY
SPECIAL ADVISOR TO THE SECRETARY FOR AFRICA POLICY; DEPUTY DIRECTOR FOR THE OFFICE OF THE AMERICAS, ASIA AND AFRICA 1996-PRESENT

- DEPARTMENTAL COORDINATOR AND LEAD POLICY ADVISOR TO SECRETARY OF ENERGY FOR VICE PRESIDENTIAL COMMISSION WITH SOUTH AFRICA AND ALL AFRICAN INITIATIVES, DIRECT $5 MILLION+ INTERAGENCY PROGRAM
- DEPUTY DIRECTOR FOR OFFICE OF SIXTEEN SENIOR PROFESSIONALS

SENIOR ECONOMIST/TEAM LEADER (GS-15) 1986-1996

- PRINCIPAL ARCHITECT AND COORDINATOR FOR DEPARTMENT-WIDE INTERNATIONAL STRATEGIC PLAN
- OFFICE TEAM LEADER ON OIL AND GAS TRADE ISSUES, REGULATORY MATTERS, AFRICA, CENTRAL ASIA, THE MIDDLE EAST, NORWAY, THE U.K.
- LEAD GAS ANALYST FOR CREATING U.S. NEGOTIATING POSITIONS FOR NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA), AND U.S.- CANADA FTA.
- SELECTED BY NORWEGIAN GOVERNMENT FOR ONE WEEK INTENSIVE PERSONAL SEMINAR ON THEIR ENERGY INDUSTRY.
- COORDINATOR FOR BIANNUAL U.S.-CANADA GAS TRADE CONSULTATIONS
- DEPARTMENTAL REPRESENTATIVE IN SPEECHES AND FORUMS.

U.S. DEPARTMENT OF ENERGY OFFICE OF ECONOMIC ANALYSIS
PRESIDENTIAL MANAGEMENT INTERN. 1985-86
ANALYSIS SUPPORTED DEPARTMENTAL NATURAL GAS DEREGULATION INITIATIVES.

BOSTON EDISON CAPACITY PLANNING DIVISION
CONSULTANT. 1984-85
DEVELOPED RELIABILITY FORECAST FOR COGENERATION AND SMALL POWER PRODUCTION.

EDUCATION

HARVARD UNIVERSITY	JOHN F. KENNEDY SCHOOL OF GOVERNMENT *MASTER OF PUBLIC POLICY, 1985*
BOWDOIN COLLEGE	*AB, CUM LAUDE, 1983*
OXFORD UNIVERSITY	*EXECUTIVE ENERGY SEMINAR, 1993*

Dear Todd -

I wanted to thank you for meeting with me on Friday. I enjoyed exploring with you and Bill your needs and goals for the Climate Change Task Force. I think that I could help not only on the Congressional front but also in terms of message, agency coordination and outreach. I look forward to hearing from you soon.

Julie Anderson

J. Anderson
5147 King Charles Way
Bethesda, MD 20814

WASHINGTON DC 200
PM
09 58

Mr. Todd Stern
Assistant to the President +
Staff Secretary
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FAX TRANSMITTAL

TO: BILL ANTHOLIS

ORGANIZATION:

PHONE NUMBER:

FAX NUMBER: 456-5334

FROM: ERICA LEPPING

PHONE NUMBER: (202) 401-4389

MESSAGE: Please find my resume attached, per our conversation. I will give you a call later today. Thanks,

CONFIDENTIALITY NOTICE

THIS TRANSMISSION IS INTENDED FOR AND RESTRICTED TO THE NAMED ADDRESSEE ONLY. IT MAY CONTAIN CONFIDENTIAL AND/OR PRIVILEGED INFORMATION. IF YOU RECEIVE THIS TRANSMISSION IN ERROR. YOU ARE NOTIFIED THAT YOU ARE PROHIBITED FROM READING, COPYING, OR DISSEMINATING THE TRANSMISSION. PLEASE CALL 202-401-3000 TO ARRANGE FOR RETURN OF ANY TRANSMISSION SET IN ERROR. THANK YOU.

1 **PAGE(S) TO FOLLOW**

Erica S. Lepping

8006 Old Georgetown Road Bethesda, MD 20814 (301)718-8668

Experience

U.S. Department of Education, Office of Public Affairs, Washington, D.C. — *June 1997 to present*
• *Confidential Assistant* to the Secretary; Strategize and generate press coverage of the Secretary and Deputy Secretary to amplify Clinton administration priorities; Develop and write message, press background and press releases on the President's educational initiatives; Coordinate public affairs strategies with the White House; Participate in speechwriting and senior briefings; Travel with the Secretary to coordinate press advance and on-site event coverage.

The White House, Office of the Press Secretary, Washington, D.C. — *Nov. 1996 to May 1997*
• *Intern,* Assisted the Press Office in distributing information, meeting deadlines, using discretion, responding to national news organizations, representing The White House to reporters and coordinating media coverage of the President and the Clinton administration.

Youth Taking Action, Maryland State Department of Education, Baltimore, MD — *Nov. 1996 to July 1997*
• *Editor.* "Youth Taking Action," a guide for advisors of student leadership organizations.

Clinton/Gore '96, National Campaign Headquarters, Washington, D.C. — *Fall 1996*
• *Intern,* Assisted National Volunteer Coordinator in recruiting and managing volunteers.

Maryland Leadership Workshops, Inc., Silver Spring, MD
• *Director, Advanced Leadership Seminar,* Led staff through planning, implementing and evaluating a program providing training in self-esteem development, communication, team-building, problem-solving, diversity-awareness, ethics, conflict management, advocacy, and public speaking, for high school students. — *1997*
• *Assistant Director, Senior High Workshop,* Led a staff of +30 in a summer program. — *1996*
• *Leadership Development Specialist.* Created and taught leadership programs nationally. — *1991 to present*

National Wildlife Federation, Washington, D.C. — *Fall 1995*
• *Conservation Intern,* Assisted a Legislative Representative in: Congressional and grassroots lobbying; tracking legislation; assessing environmental and economic impact of legislation and resultant policy, and formulating NWF's position; focused on CERCLA (Superfund); collaborated with co-workers to expand the Environmental Justice component of NWF; published report on "Loon Mortality and Lead-Fishing Sinkers."

Environmental Law Institute, Washington, D.C. — *Fall 1994 to Spring 1995*
• *Research Intern,* Conducted foundation grant research and proposal writing; fundraising; research and writing on environmental laws, policies and enforcement levels.

U.S. Fish and Wildlife Service, Chesapeake Bay Estuary Program, Annapolis, MD
• *Biological Aide,* Researched, developed and taught environmental awareness curricula for secondary students; collected field data samples in tributaries. — *Summers of 1992, 1993*
• *Intern,* Organized and distributed educational outreach materials for the public. — *Fall 1990*

Education

Political Science, Bachelor of Arts
Environmental Studies, Bachelor of Arts
The American University, Washington, D.C.
Cum Laude — *May 1995*
Honors:
- Dean's List — *'91, '93, '94*
- Golden Key National Honor Society
- Presidential Scholarship — *1991-1995*

Activities

Phi Sigma Sigma Fraternity, A.U.
• *President,* Organized and led weekly meetings; represented sorority nationally; received Awards for Chapter Sisterhood, Highest Scholarship and Most Spirit. — *1993*
• *Philanthropy Chair,* Raised $10,000 for National Kidney Foundation. — *1992*

The American University Dance Team — *1992*

Skills/ Interests

Proficient in Windows, WordPerfect 6.1, Internet, E-mail, Lexis/Nexis, Legi-slate, PageMaker, Microsoft Word, Excel, and Access, Lotus and QuattroPro.
Hiking, Dancing, Traveling, Gardening, Music and FUN people.

References

References are available from former employers, business associates and professors on request.

JAMES W. RUBIN
4828 Albemarle St., NW
Washington, DC 20016
W: (202) 514-9050
H: (202) 244-1664

WORK EXPERIENCE:

United States Department of Justice, Washington, D.C.
Environment and Natural Resources Division

Attorney -- Policy, Legislation and Special Litigation Section, February 1996-present
Coordinate international environmental law and policy matters for Division; work closely with federal and state agencies on the development of U.S. positions for negotiation and implementation of international environmental and other agreements with particular focus on compliance and enforcement, global climate change, international environmental crime, trade and the environment, and Antarctica. Serve on U.S. delegations negotiating agreements on climate change, sustainable development and multilateral investment. Review domestic legislation and initiatives concerning international issues. Teach courses in international environmental law (Justice Legal Education Institute; USDA Graduate School). Also serve as Division representative on Department Pro Bono Committee.

Trial Attorney -- Environmental Defense Section, August 1991-February 1996
Represented the United States and its various agencies, including EPA, as defendants in suits brought under a broad range of environmental statutes. Work included trials on CERCLA and Clean Air Act. Also handled Clean Water Act section 404 enforcement action and challenges to agency decisions in appellate court.

Dickstein, Shapiro & Morin, Washington, D.C.
Environmental Law Associate, September, 1988-July, 1991
Practiced in all areas, including transactional work; counseling clients on compliance with federal, state and local laws; permitting work; and litigation at the district and appellate level.

District of Columbia Court of Appeals
Judicial Clerk to Judge John A. Terry. August, 1987-August, 1988

EDUCATION:

Columbia University Law School, J.D. 1987

- Columbia Journal of Law and Social Problems -- Research and Writing Editor
- Harlan Fisk Stone Scholar, 1984-5, 1985-6

Harvard College, B.A. 1984 *Magna Cum Laude* in History and Literature with Emphasis on Anglo-Irish Relations and 20th Century Literature

HONORS AND AWARDS:

- U.S. Department of Justice Special Achievement Award, 1993 and Certificate of Commendation, 1995, 1996, 1997
- EPA Bronze Medal for Commendable Service, 1996
- Washington Legal Clinic for the Homeless 5 Year Volunteer Recognition Award, 1994.

PROFESSIONAL AFFILIATIONS:

- New York Bar (admitted 1987) (inactive)
- District of Columbia Bar (admitted 1987)

COMMUNITY GROUPS:

- Washington Legal Clinic for the Homeless (1988-present)
- For Love of Children, Mentor and Fundraiser (1988-present)

PUBLICATIONS:

- *Free Trade and the Environment: NAFTA, the NAAEC and Implications for the Future*, submitted for publication in Tulane Law Journal, 1998 (co-author)
- *Current Development: The Kyoto Protocol*, submitted for publication in American Journal of International Law, 1998 (co-author)
- *The National Environmental Policy Act*, Law of Environmental Protection (coauthored with Nicholas C. Yost) (1989)
- *National Environmental Policy Act Deskbook* (coauthored with Nicholas C. Yost), ELI (1989)
- *Section 313 Data Access and the New Role of Citizen and Community Action*, Government Institutes (1988) (coauthored with Bill Butler)

PERSONAL INTERESTS: Travel, natural history, running, skiing, biking, ultimate frisbee and alumni rugby

REFERENCES: Available upon request

STEVEN LEE

7809 Fairfax Road, Bethesda, Maryland 20814 (H) 301-654-2376 (O) 202-586-0836

EXPERIENCE SUMMARY

Over twenty-two years of proven leadership and management experience within a broad range of industries and government business environments. Experienced in strategic and market assessments, policy formulation and execution, program planning, project management, economic and regulatory analysis, plus a solid record of managing cost-effectively in a fast-paced changing environment. Proven ability in start-up operations and organization & operations "trouble shooting".

EDUCATION

HARVARD UNIVERSITY
Master of City & Regional Planning, 1975

UNIVERSITY OF CALIFORNIA AT BERKELEY
Bachelor of Arts-Economics, 1972

EXPERIENCE

U.S. Department of Energy- Office of Policy & International Affairs
Deputy Chief of Staff, 1997- Present

Assist the Assistant Secretary for Policy and International Affairs in managing the operations of Department of Energy division responsible for policy formulation, international activities and strategic planning.

Senior Technology Advisor to Deputy Assistant Secretary for Science & Technology Policy & Cooperation, 1996

Served as the Technology Advisor to the Deputy Assistant Secretary for Science and Technology Policy & Cooperation responsible for providing advice on technology policies affecting Departmental mission-driven research and development, laboratory mission and management and international cooperation on science and technology issues.

Regional Manager, Office of Energy Exports, 1994-1996

Served as the liaison with the Office of the Secretary and US energy business community to advance the international commercial activities of U.S. energy firms and ensure that U.S. trade policy supported U.S. industry's international commercial objectives in the Latin America and Asia markets. Planned and executed three Secretary of Energy Trade Missions to India, Pakistan and China; developed finance workshop for the Deputy Secretary of Energy mission to Mexico; provided policy and trade advocacy support for US energy and environmental companies; and testified before a Congressional committee investigating the policy and commercial value of Departmental trade missions

Special Assistant to the Deputy Assistant Secretary for Science and Technology Policy, 1993-1994

Served as the senior advisor to the Deputy Assistant Secretary (DAS) responsible for coordinating policy-related activities assigned to the offices reporting to the DAS; providing overall planning and management guidance for Office-wide management processes; serving on several technology related task forces and working groups both individually and as the DAS representative to develop overall Departmental technology policies; and serving with the senior management team to address management, operations and personnel matters.

U.S. DEPARTMENT OF ENERGY - OFFICE OF NEW PRODUCTION REACTORS
Strategic Planner, 1991-1993

Served on the Strategic Planning staff in the Office of the Director, Office of New Production Reactors (NP), a multi-year, multi-phase program to design, build, test, and operate multi-technology new production capacity to produce tritium on a continuing basis for defense requirements.

THE STRATEGIC RESOURCES GROUP, INC
Co-founder and Senior Vice President, 1988-1991

Co-founded The Strategic Resources Group, Inc. (SRG), a full service business development and management consulting firm. Direct responsibility for developing and maintaining all corporate financial and information management functions; establishing and implementing corporate strategic direction including staffing, profit and loss objectives; general business development; and managing and directing consulting engagements for both private sector and public sector clients.

ARTHUR YOUNG & COMPANY, Management Consulting Group
Senior Manager, 1984-1988

Responsible for directing general management studies for both commercial and government clients; for business development in the energy and environmental areas; and for general practice development activities pertaining to practice area goals and objectives, resource allocation, internal costs controls, personnel development and recruiting.

US NAVAL RESERVES
Lieutenant Commander, 1988-present
Serving as a reserve intelligence officer in various commands since 1988 including: presently serving on the joint reserve intelligence unit supporting the Joint Chiefs of Staff; serving as the Asia-Pacific Desk Watch officer in the National Military Joint Intelligence Center; and serving as a reserve personnel security adjudicator in the Department of Navy Central Adjudication Facility.

SKILLS

- Experience in operations and project management , strategic planning, market assessments, organizational analyses, and policy design and implementation
- Experience in "Trouble shooting" problem projects and organizations
- Experience in melding policy and commercial concerns to problem solving
- Experience in preparing for and testifying before congressional committees
- Experience in both public and private sector environments
- Experience in designing and executing cabinet-level energy missions
- Excellent oral and written communication skills

481 P01 FEB 11 '98 14:21

1420 K Street, N.W.
Washington, DC 20005-2401
Tel: 202-371-0200
Fax: 202-371-0490
www.edelman.com

EDELMAN Public Relations Worldwide

'98 FEB 11 PM3:25

Climate -
Team

FACSIMILE

February 11, 1998

TO:	Todd Stern
COMPANY:	White House
TELEPHONE:	
FACSIMILE:	202-456-2215
cc:	
FROM:	Neal Flieger
TELEPHONE:	202-371-0200
FACSIMILE:	202-371-9124
CODE:	12800
RE:	Bio

Number of pages including cover: 4

MESSAGE:

Here is a copy of my bio.

NEAL H. FLIEGER
10404 Thorney Brook Court
Croom, MD 20772 (301) 952-0630

PROFESSIONAL EXPERIENCE:

Deputy Administrator for
Governmental Affairs and Public Information
Food and Nutrition Service, USDA

September 1993 - Present

Appointed to oversee the broad range of external affairs essential to the successful operation of one of the federal government's largest agencies. Responsible for devising and implementing a strategic communications agenda which supports the agency's goals and initiatives. Developed and directed a number of successful campaigns around specific programs, including School Lunch, Food Stamps, and the nutrition portion of welfare reform. Direct a staff of 30, including the Offices of Public Information and Governmental Affairs, as well as supervising the public affairs functions of seven regional offices. Direct and coordinate all media affairs: act as chief political spokesperson, devise media strategies, develop responses to press inquiries, prepare briefing material, speeches, talking points and press releases, and serve as media advisor to senior political appointees. Manage Congressional and intergovernmental affairs: schedule and participate in meetings with Members of Congress, supervise the preparation of testimony and briefing material for Congressional hearings, develop information and resource material on agency programs and initiatives for Congressional staff, Members of Congress, and Executive Branch officials, approve Congressional and Executive correspondence, and provide government relations advice to senior political appointees. Coordinate constituency and advocacy group relations.

Vice President
Robinson, Lake, Lerer & Montgomery

August 1992 - August 1993

Managed several major accounts, providing clients with strategic advice on communications programs designed to achieve specific goals. Utilized skills and knowledge of mass and targeted media, constituent group management and direct mail, Congressional and Executive Branch communications procedures, direct press relations and government relations. Demanded a background in political and campaign communications, strategic management, issues communications, extensive media contacts, and an understanding of the dynamics and influences involved in shaping public policy. Supervised associate and support staff in implementing projects for the firm and clients.

Communications Director
House Select Committee on Hunger
U.S. House of Representatives

November 1989 - August 1992

Responsible for a broad communications-based operation which served as the cornerstone for the activities of a Congressional Select Committee. Devised and implemented a strategy whereby message development, field outreach, and Congressional strategy were supported through speeches, op-eds, TV and radio appearances, Committee generated videotape, hearings, press statements/releases, Capitol Hill and field events, direct and mass mailings. Cultivated a working image for the Committee and its Chairman which established and built each one's reputation with the national media, trade press, local and regional media, and grassroots activists.

Director of Radio and Television
Democratic National Committee

April 1989 - November 1989

Responsible for developing a strategic plan for the video and audio production operations of the national party. Offered proposals for video/interactive telephone fundraising, satellite and videotaped addresses by the Chairman and other party officials, and satellite newsfeeds. Produced audiotapes and television commercials, coordinated coverage of DNC events , produced and distributed radio feeds. Pioneered the low-cost use of targeted political TV commercials carried over local cable systems to deliver Democratic party messages while securing national media attention.

Press Advance
Dukakis/Bentsen Campaign

August 1988 - November 1988

Responsible for coordinating all local and traveling press arrangements for a Presidential campaign stop, designed to support and enhance the campaign's message, including site selection and set-up, stage or location visuals, logistical and technical arrangements. Devised and implemented travel press schedule. Worked with local media, both as spokesman and event coordinator, to generate interest in the candidate's visit through paid and earned media.

Assistant Superintendent
Radio/TV Correspondent's Gallery
U.S. House of Representatives

May 1984 - August 1988

Facilitated the coverage of the U.S House of Representatives by national broadcast and cable news outlets. Served as primary source of information for broadcast reporters covering Capitol Hill, and as liaison between the Congressional Leadership and Committee structures, and the national media outlets and their individual reporters. Required an in-depth knowledge of Congressional procedure, and the requirements of the broadcast.

RELATED ACTIVITIES:

Bill Clinton for President - 1992

*Instructor for the campaign's first Advance School. Conducted seminars on techniques involved in successful press advance. Co-authored the campaign's Press Advance manual.

Tsongas for President - 1992

*Deputy Press Secretary/Trip Director; responsible for overseeing all logistical arrangements for the candidate, travel party, and traveling press. Campaign spokesman.

ADDENDA:

Articles Published

Washington Post, Los Angeles Times, Christian Science Monitor, Chicago Tribune, Atlanta Journal Constitution, Dayton Daily News, WHY Magazine, MIT's Technology Review

Education

Catholic University of America: 1977 - 1979

References Available on Request

NEAL FLIEGER
Senior Vice President, National Affairs Group
Edelman - Washington, D.C.

Neal Flieger has an extensive background in designing and implementing successful public affairs strategies in the political and public policy arenas. With more than a dozen years public affairs experience in Washington, D.C., he has served on Capitol Hill, as a Senior Appointee with the Clinton Administration, and has worked in several Democratic Presidential Campaigns.

For Edelman, Flieger manages a number of major accounts, including international manufacturer S.C. Johnson and Son's consumer/environmentalprograms, the World Wildlife Fund (WWF), pharmaceutical giant Bristol Myers Squibb, the U.S. Southern Governors Association, and has directed programs for the Home Box Office cable channel, BIO, the Biotechnology Industry Organization, Genentech, and the President's Council on Sustainable Development.

Prior to joining Edelman, Flieger served with the Clinton Administration as deputy administrator of USDA's Food and Consumer Service, one of the government's largest agencies responsible for administering federal food and nutrition programs. In that capacity, he designed public affairs and legislative strategies on such controversial issues as welfare reform, and the School Lunch and Food Stamp programs. He acted as chief media spokesperson, directed speechwriting and testimony preparation, oversaw Congressional relations and media affairs, and advised Cabinet and Subcabinet officials on public affairs strategy. He participated regularly in White House meetings and conference calls on media messages and tactics.

Before joining the Administration, he was a vice president with the Washington, D.C. strategic communications firm of Robinson, Lake, Lerer and Montgomery.

Flieger was the director of communications of the House Select Committee on Hunger between 1989 and 1992, where he directed media and constituency group relations, planned hearings, national and international travel, and site visits to maximize media exposure on Committee issues and initiatives.

He has worked in various capacities in several Democratic Presidential campaigns; he staged high-profile events that won national media exposure for key campaign themes as a press advance aide to both the Clinton and Dukakis campaigns, and he was deputy press secretary and trip director with the Tsongas for President Campaign. As Director of Radio and Television Services for the Democratic National Committee, he produced television and radio commercials, special programming and expanded the use of video satellite technology. Between 1984 and 1988, he was assistant superintendent of the House Radio-TV Corespondent's Gallery on Capitol Hill, working directly with the national reporters who cover Congress and politics.

Trigg Talley
4108 Maryland Avenue
Bethesda, Maryland 20816
301-229-4759
202-647-5808 (work)

'98 FEB 6 PM6:12

CC:
Dan

FACSIMILE MESSAGE

TO: Todd Stern, 456-2215 (fax)

FROM: Trigg Talley

SUBJECT: References

Dear Todd:

I enjoyed meeting you this morning, and I am sure it goes without saying that I am very interested in the position. Here are my references. From State, Eileen Claussen (703-841-0626) and Sue Biniaz (647-2006) are people whom you know from the climate process who I have also worked with quite a bit on chemicals issues.

My supervisor during my NAFTA stint was Bill Pistor (415-332-9554), who served as the director of the NAFTA Task Force at EPA, and is now with Kearns and West Consulting in San Francisco. The task force reported to Robert Sussman, who was Deputy Administrator of EPA at the time (637-2200). You could also talk to Jennifer Haverkamp (395-7320), the Assistant U.S. Trade Representative for Environment and Natural Resources. I worked with her frequently during the NAFTA period, and continue to work closely with her office.

I am now planning to leave for Paris on Tuesday evening, rather than Monday as planned, so I will be in the office for the first part of the week. If you need to contact me there, I can be reached at the U.S. Mission at 331-4524-7480.

Sincerely,

Trigg Talley

Trigg Talley

C C : Team

JULIE M. ANDERSON
5147 King Charles Way
Bethesda, MD 20814
(301) 530-6180 (h)
(202) 260-5203 (w)

EXPERIENCE

U.S. EPA, Office of Congressional & Legislative Affairs — 1993 - Present
Acting Associate Administrator — March-June 1997
Deputy Associate Administrator — February 1997 - Present
Senior Policy Development Counsel

•Legislative counsel to Administrator and senior EPA officials on legislative and regulatory issues including the Agency's promulgation of revised National Ambient Air Quality Standards for particulate matter and ozone, Superfund reauthorization, Fast Track and Basel Convention legislation, EPA appropriations, Climate Change, Clean Water Act and RCRA amendments.

•Responsible for day-to-day management and supervision of the Congressional office consisting of approximately 40 professional and support staff.

•Oversee the development and coordination of legislative proposals, statements, testimony and Agency views on legislative issues and events as well as other Congressional liaison activities.

•Represent Agency in Inter-agency discussions; provide political and strategic advice to Administrator and Administration officials.

•Lead representative for Clinton Administration in successful Safe Drinking Water Act Reauthorization negotiations in 104th Congress.

Clinton/Gore 96, Office of Surrogate Scheduling — Sept. - Nov. 1996
Washington, D.C.

Scheduled Cabinet Members, Governors and Mayors for political events. Scheduling liaison between these Clinton/Gore surrogates and Congressional Campaigns, State parties and other Clinton/Gore offices.

Chadbourne & Parke, Associate, Washington, D.C. — 1990 - 1993

Member of Environmental Practice Group working with CERCLA, RCRA, Clean Water Act, Clean Air Act and state and local environmental laws in practice areas including transactional due diligence, permitting matters, legislative and regulatory matters, compliance counseling and litigation.

Federal District Court Judge Jerry Buchmeyer, Law Clerk 1989-1990
Northern District of Texas, Dallas, Texas

Drafted dispositive orders and opinions as well as jury instructions; advised Judge on legal rulings; maintained and managed Motion Docket.

U.S. Representative Phil Sharp, Legislative Assistant 1985-1989
Washington, D.C.

Advised Member on issue areas including Environment, Product Liability Tort Reform, Interior Committee Issues, Trade, Labor, Judiciary, Welfare Reform, Veterans and Agriculture. Drafted legislation, statements, press releases and constituent correspondence; attended markups, hearings and briefings; conducted meetings, surveys and questionnaires.

U.S. Representative Barbara Mikulski, Legislative Assistant 1984 - 1985
Washington, D.C.

Issue areas included CERCLA reauthorization; Product Liability Tort Reform, Agriculture, Veterans and Judiciary.

EDUCATION

The George Washington University, National Law Center, Washington, D.C.

J.D., cum laude, 1989. Member, The George Washington Law Review.

Member, State Bar of Maryland, 1990; Member, District of Columbia Bar, 1990; Member, American Bar Association, 1990.

Ohio University, Athens, Ohio

B.A., Summa cum laude in Political Science, The Honors Tutorial College, 1984. Honors: Phi Beta Kappa, Phi Kappa Phi, National Dean's List, Honors College Scholarship and Dean's Scholarship.

Member, Board of Directors, 1996 - present; Project Leader, 1992 - present, Doingsomething, a volunteer network.

Volunteer Attorney, Washington Legal Clinic for the Homeless, 1990 - 1993.

Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	SF 171 [Lilburn Talley] (10 pages)	04/06/1997	b(6)

COLLECTION:
Clinton Presidential Records
Office of Environmental Initiatives
General Files
OA/Box Number: 19209

FOLDER TITLE:
Climate General: Climate Team II

2017-1093-F
rs3163

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

STATUS OF INTERNATIONAL NEGOTIATIONS ON CHEMICALS

The Administration is involved in three multilateral negotiations relating to the sound management of chemicals.

- Negotiations through the U.N. Environment Program (UNEP) and Food and Agriculture Organization (FAO) on a legally binding instrument for the application of a Prior Informed Consent for Certain Hazardous Chemicals in International Trade are scheduled to conclude this spring.

- The U.N. Economic Commission for Europe Convention on Long Range Transboundary Air Pollution is developing a regional agreement on the control of certain persistent organic pollutants for signature in June.

- Negotiations on a global agreement on persistent organic pollutants through the U.N. Environment Program are scheduled to begin this July.

UNEP/FAO Agreement on Prior Informed Consent (PIC) for Certain Hazardous Chemicals in International Trade

This is the fourth negotiating session for this agreement, which will be based on the voluntary UNEP Amended London Guidelines for the Exchange of Information on Chemicals in International Trade and the FAO Code of Conduct on the Distribution and Use of Pesticides. The U.S. helped develop the voluntary procedure, and the Administration and industry groups, including the American Crop Protection Association, have supported making it mandatory.

The PIC procedure is designed to give participating countries, especially in the developing world, information about the risks posed by especially hazardous chemicals. Substances eligible for the procedure include chemicals and pesticides which are banned or severely restricted by parties, and certain especially hazardous pesticide formulations posing problems under conditions of use in developing countries.

For each chemical subject to the current voluntary PIC, a "Decision Guidance Document" is developed by UNEP/FAO outlining why the chemical has been restricted and other relevant information. UNEP/FAO sends the documents to importing countries, which may then decide whether to consent or decline to receive the chemical, place restrictions on it, or request more information.

Significant Issues

Importing Party/Exporting Party Obligations. The current PIC text would obligate importing countries to ensure that their PIC decisions are applied uniformly to all imports, and to domestic producers. It would also obligate exporting countries to ensure that exports of PIC chemicals do not occur contrary to the decisions of importing Parties.

Changes will likely be needed to the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement this element of the proposed agreement. In addition, though the U.S. is opposed, if consumer chemicals are included as a separate category, similar provisions may be needed in the Federal Hazardous Substances Act.

Banned and Severely Restricted Substances. Provisions for adding banned and severely restricted substances are at the heart of the agreement. The U.S., with the support of a number of other countries, has proposed a procedure which would require more than one country to ban or severely restrict a chemical for health or environmental reasons on the basis of a risk assessment before it is considered for inclusion in the agreement. Under the current text, candidate chemicals would be considered for inclusion on the basis of a variety of criteria. The U.S. and other OBCD countries have taken the position that the decision to include a chemical in the procedure must be by consensus of the Parties.

Acutely Hazardous Pesticide Formulations Causing Problems Under Conditions of Use in Developing Countries. Under the voluntary PIC, this category has included "acutely hazardous" pesticide formulations which developed countries do not ban, but where applicator requirements were such that they could not reasonably be adopted in developing countries. A number of countries are pressing for an expansion of this category to encompass "severe" hazards (including certain non-acute hazards). The U.S. is supporting the "acutely hazardous" scope encompassed in the voluntary agreement.

Export Notification/Packaging and Labeling Requirements. Other elements under discussion include proposals that countries notify exports of chemicals that are banned or severely restricted in their territory (U.S. laws require such notification on a periodic basis) as well as certain labeling and other informational requirements for banned and severely restricted chemicals. The U.S. is supporting proposals which are consistent with current U.S. laws in these areas.

U.N. **Economic Commission for Europe Convention on Long Range Transboundary Air Pollution Protocol on Persistent Organic Pollutants**

A working group of the U.N. Economic Commission for Europe Convention for Long Range Transboundary Air Pollution (LRTAP), of which the U.S., Europe and Canada are parties, has been developing a draft negotiating text for a POPs protocol which would cover between sixteen and eighteen persistent organic pollutants. The agreement is scheduled to be finalized this spring, and opened for signature in June.

POPs persist in the environment for long periods of time, and tend to bioaccumulate in the fatty tissue of living organisms, particularly those at the top of the food chain. In addition, many of these substances are capable of being transported long distances, and have been measured at high levels thousands of miles from any known source, particularly in northern latitudes.

Significant Issues

Initial List of Compounds. Countries are agreed that sixteen compounds will be included in the agreement, including eleven pesticides (DDT, aldrin, dieldrin, endrin, hexachlorobenzene, mirex, toxaphene, heptachlor, chlordecone, lindane and chlordane); two industrial chemicals (PCBs and hexabromobiphenyl),; and three industrial by-products (dioxins, furans and PAHs). Many countries are also advocating that pentachlorophenol, and short-chained chlorinated paraffins be included in the agreement. The U.S. position is that there is not sufficient scientific basis at this point to include these additional two compounds in the agreement.

Control Measures for Listed Compounds. Each class of POPs will require different actions: for dioxins and furans, we envision commitments relating to emissions; for PCBs, disposal and management approaches; and for commercial pesticides and chemicals, reductions and, where appropriate, elimination of use and production.

The Administration is supporting controls on production of listed POPs that are fully prohibited for use domestically in the LRTAP context, and expects to support such controls in the upcoming global negotiations under UNEP auspices. FIFRA does not provide authority to prohibit production for export, and it is likely that the Administration would seek such authority at an appropriate time.

Adding Compounds. The parties are close to finalizing a procedure for possible inclusion of additional substances in the future. The current text reflects a U.S. proposal to include screening criteria for bioaccumulation, persistence, and evidence of long-range travel. If a chemical meets the screening criteria, a risk assessment will be undertaken.

Decisions to add any chemical to the protocol are taken by consensus of the Parties, and each Party will then decide whether to ratify the decision and take on the obligations of the protocol for each chemical. This means that the United States will have the opportunity to oppose the addition of any particular chemical in meetings of the parties, and if any chemical is added, will decide whether to take on the obligations of the protocol with respect to that chemical.

U.N. Environment Program Agreement on Persistent Organic Pollutants

Negotiations are scheduled to begin in July on an agreement to address twelve specified POPs, including: endrin, aldrin, dieldrin, toxaphene, mirex, HCB, DDT, chlordane, heptachlor, dioxins, furans and PCBs. The negotiating mandate for UNEP also calls for the development of criteria for consideration of possible additional chemicals in the future.

The negotiations are likely to draw to a significant extent on the LRTAP negotiations as a model, although the participation of developing countries is likely to lead to a different emphasis on some issues.

INTERAGENCY WORKING GROUP DISCUSSION PAPER: UNEP PERSISTENT ORGANIC POLLUTANTS

Introduction

Negotiations are scheduled to begin this summer on a global agreement through UNEP to address twelve specified persistent organic pollutants, and to develop a procedure for considering possible additional compounds in the future. This paper provides background and identifies general tasks in preparing for the first negotiating session.

The term Persistent Organic Pollutants (POPs) is used at the international level primarily to describe man-made toxic pollutants (mostly organochlorine compounds) possessing chemical characteristics which pose risks of a transboundary or global nature. It has generally been understood that to be a POP of international concern, a chemical must possess a combination of four characteristics: toxicity, bioaccumulation potential, persistence, a proclivity for long range transport (in particular through global distillation). Together, these characteristics mean that a chemical can be found in quite small levels in the environment many miles from the source of emissions and still pose risks to humans and wildlife. Because of global climate patterns, certain POPs (PCBs, dioxins and DDT) have in particular been measured at strikingly high levels in native populations and wildlife in the Arctic. The impetus for action both at the regional and global level has come from affected countries that have been unable to regulate far-off emissions sources.

International Activities to Date

Regional Efforts. The U.N. Economic Commission for Europe Convention on Long Range Transboundary Air Pollution (LRTAP) has been developing a protocol on POPs for several years, and a POPs protocol is expected to be finalized this spring. The LRTAP protocol will likely include sixteen compounds, and is often referenced as a potential model for a global agreement. It has much to recommend it in this context, although participation by developing countries in the UNEP negotiations will lead to emphasis on different issues.

Considerable work has also been undertaken in North America to address certain POPs. In particular, the United States and Canada, in response to serious problems in the Great Lakes, have concluded a voluntary agreement to "virtually eliminate" certain persistent toxic compounds from the Great Lakes. More recently, the NAFTA Commission for Environmental Cooperation has identified and developed regional action plans for four PTB compounds: DDT, PCBs, chlordane and mercury. In addition, the CEC has adopted procedures and criteria for consideration of other chemicals in the future. The CEC work has in particular resulted in a commitment by Mexico to reduce its use of DDT by 80 percent over five years, providing a potential example for DDT action in the global negotiations.

Global Activities. In 1995, partly on the basis of the work done through LRTAP, the 18th UNEP Governing Council agreed on a decision to set into motion, through the Intergovernmental Forum on Chemical Safety, a year-long assessment of twelve specified POPs. These include nine pesticides (DDT, chlordane, heptachlor, endrin, aldrin, dieldrin, hexachlorobenzene, toxaphene and mirex); PCBs (which is largely out of production but continues to pose significant management issues in the U.S. and globally), and dioxins and furans, which are by-products of combustion processes involving chlorine.

In December 1995, representatives to the Washington Conference on Land-Based Sources of Marine Pollution called for the development of a legally binding instrument to address the twelve POPs. The conference also called for the instrument to include a procedure and criteria for the consideration of other POPs in the future.

In July 1996, the Intergovernmental Forum on Chemical Safety (IFCS) Ad Hoc Working Group on POPs, meeting in Manila, considered an assessment report on the twelve substances and agreed on a set of recommendations to be brought forward to the 19th UNEP Governing Council. These recommendations echoed the Washington Conference call for the development of a legally binding instrument "beginning initially" with the twelve UNEP POPs, and called for a working group to be set up to develop criteria and procedures for additional substances. The recommendations received broad support from both industry and environmental NGOs, and provide the basis for the negotiating mandate for the Intergovernmental Negotiating Committee (UNEP Decision 19/13, attached).

At the UNEP Governing Council, some developing countries professed a lack of familiarity with this issue. In response to their concerns, UNEP and IFCS developed a series of regional workshops to raise awareness of the issues involved in the POPs discussions. Three have already occurred (in Russia, Thailand and Bamako), with five more planned (in Colombia, Argentina, Oman, Slovenia, and Zambia).

Likely Major Issues in the Negotiations

The major substantive issues in the negotiations can be divided into two elements: 1) addressing the twelve substances in an effective manner; and 2) developing a scientifically-based procedure for consideration of additional substances. In addition, we can expect North-South dynamics with respect to technical assistance, funding and differentiated commitments.

Appropriate measures for twelve UNEP compounds. Considerable work has been undertaken to develop commitments that are consistent with U.S. approaches in the context of the LRTAP negotiations, and in many instances these commitments will provide an excellent basis for commitments globally. This is particularly true with respect to commitments for all of the UNEP-specified pesticides except DDT.

For the four other substances (DDT, dioxins/furans and PCBs), commitments may need to be adjusted to account for the participation of developing countries. While UNECE countries have generally taken steps to address most UNEP substances, this is not the case in many developing countries, particularly for non-pesticidal POPs (i.e., dioxins, furans, and PCBs). We are likely to hear that addressing POPs is not a priority for many developing countries, and that there will be an expectation of funding and/or technical assistance in exchange for firm commitments. In this regard, it will be important to underscore the long term local risks posed by unregulated releases of the twelve. The four substance-related issues are discussed individually in greater detail below.

a. DDT: While OECD countries have prohibited the use of DDT, it is still used and produced in a number of developing countries (including India, China, Indonesia and Mexico), primarily for vector control (malaria, denge fever, and other insect-borne diseases). WHO in 1992 recommended that its use be limited for this purpose to indoor spraying, but it is apparent that use (estimated by one NGO as at least 30,000 tons per year) is considerably broader (and may still extend to agricultural uses). This is a sensitive issue for developing countries and the health community (including WHO), and it will be critical to ensure the proper consensus-building process for this issue in the negotiations. IFCS recommendations call for limiting DDT use to that sanctioned by WHO, and this is reflected in the current LRTAP text.

b. PCBs: Although PCBs have long been out of production in OECD countries, it is estimated that over half of those produced are still in use in electrical equipment in the U.S. and elsewhere. Control technologies required for PCBs in OECD countries (e.g., high temperature incineration) are currently unavailable to most developing countries, and developing countries are likely to look to this agreement to obtain them. Because PCBs are primarily (though not exclusively) in electrical equipment (transformers, capacitors) of a certain vintage, we assume that major stocks do not exist in most of Africa and in certain parts of Asia and Latin America.

It was thought until recently that PCBs were out of production globally. However, at October's LRTAP meeting, despite having earlier agreed to a production ban, Russia announced that it currently produces PCBs. It has recently agreed to phase out its production by 2005. There may be other production in other developing countries.

c. dioxins/furans: The U.S. and Europe have generally adopted standards for addressing dioxin emissions that are based on their emissions sources (medical and municipal incinerators have been the largest of these) and require advanced technology. Thus far, little work has been done to identify appropriate strategies and technologies for addressing developing country sources (which in many cases are likely to be different from those of developed countries, e.g., open burning), and this is an area in which considerable technical work will be required.

d. Obsolete pesticide stockpiles: Recent work by FAO to inventory obsolete pesticide stockpiles in Africa has brought precision to a problem that has long been recognized in the developing world. FAO has identified 500 sites in Africa, and estimates there are something between 15,000 and 20,000 tons of out-of-date pesticides there (it also estimates a clean-up cost of up to $400 million). UNEP and FAO plan to begin looking at the problem in other parts of the world. The percentage of pesticide stocks in the region which are actually UNEP-listed POPs is relatively low in Africa (less than 20% in most countries). Even so, POPs-containing sites represent a significant potential clean-up cost, and countries are likely to seek help in addressing them in the context of these discussions.

The four issues above represent what are likely to be the most complex problems from a risk management perspective. It is possible to envision commitments for these cast either in specific and mandatory terms or more general and voluntary terms. It should be noted, however, that the IFCS assumed that, with the exception of DDT, heptachlor and chlordane, POPs pesticides were largely out of production. Since the IFCS report, Velsicol, a U.S. company that we believe to be the sole manufacturer of the active ingredients for heptachlor and chlordane, announced that would discontinue production at the end of 1997.

Adding substances. UNEP GC19/13 specifically calls for a working group to address the procedure and criteria for adding compounds. The language calling for the parties to "begin initially" with twelve substances leaves the door open for countries to attempt to add more compounds in the context of these negotiations. The U.S. has maintained that the convention should focus on the twelve substances and the development of a scientifically-based procedure for considering others.

The UNECE LRTAP negotiations have provided a useful technical basis for the UNEP negotiations in particular with regard to adding compounds. Countries have spent a great deal of time debating the terms for adding substances to a LRTAP protocol, and are currently agreed on a three stage process for consideration of additional chemicals.

Stage One is a screening process to determine whether a toxic chemical exhibits the potential for long range transport, bioaccumulation, and persistence. Parties are generally agreed on a set of indicative levels of bioaccumulation, persistence, and tendency for transport that a chemical should exhibit to make it of concern in a long range transboundary context. **Stage Two** of the process involves a qualitative evaluation by experts of the risks posed by the chemical in a transboundary context. This step ensures adequate accounting for such considerations as release patterns and exposures, as well as the often complex relationship between toxicity and the environmental behavior of the chemical. **Stage Three** consists of an evaluation of management options and measures appropriate for reducing releases and associated risks. This stage would bring in technical and socio-economic considerations.

There will need to be consideration regarding whether the LRTAP criteria--which are designed for an air agreement--are sufficient for the global agreement, which will not necessarily be limited to atmospheric transport. Other potential pathways may be through the marine environment, or through migratory species (e.g., fish), and the U.S. will need to determine how these pathways will affect our position relative to that in LRTAP. A related element of great significance will be whether the instrument is supposed to capture primarily global effects, or whether it should be broad enough to address regional problems as well. This issue plays itself out in the criteria process. In general, the more stringent the criteria for transport, persistence, and bioaccumulation, the greater the emphasis on global problems, rather than regional problems.

U.S. Legal Authorities

A number of U.S. laws are implicated by the variety of control measures likely to be discussed in the context of developing an agreement. These include the Clean Air Act (CAA), which covers stationary source controls for dioxins and furans, among other elements of the convention; the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), which covers pesticides; the Toxic Substances Control Act (TSCA), which covers non-pesticidal industrial chemicals; and the Resource Conservation and Recovery Act (RCRA), which covers waste. It is possible that the UNEP process will also implicate the Clean Water Act, and potentially other laws as well. The U.S. delegation to the LRTAP negotiations has attempted to remain within U.S. law with one exception; we have supported restrictions on production for certain POPs where there are not recognized uses. Relevant laws (TSCA and FIFRA) do not currently provide authority to restrict production for export.

Preparatory Tasks for the Interagency Working Group

It is envisioned that the first negotiating session will be primarily organizational in nature, and will give countries an opportunity to outline positions and expectations for the negotiations. The U.S. will need to have a good sense of the following elements in advance of the negotiations:

a. Strategy with respect to each of the major substantive issues identified above, as well as for provisions regarding other substances.

- In the case of the above substances, the IWG will want to have a good idea of the kinds of commitments that we consider appropriate at the global level, given our own legal approaches and technical and economic feasibility. In the case of most pesticides, developing model provisions should be a relatively simple matter.

- In the case of DDT, PCBs, and dioxins, as well as more information will need to be gathered both domestically and internationally to ensure achievable commitments. The IWG will need to develop a game plan for ensuring that discussions are adequately informed on each of these issues.

- To the extent that the agreement establishes a basis for further consideration of appropriate risk management of these (and other) substances, we will want to ensure that there is an adequately structure to ensure ongoing input by appropriate scientific and technical expertise.

b. Overall structure for the negotiations

- We will want to ensure that the negotiations have a structure that is adequate to address each of the issues outlined above in a sufficiently informed manner. The negotiating mandate calls for an expert working group on adding substances; but does not otherwise address the structure of the INC and any subsidiary bodies.

- It is expected that Canada will serve as chair for the INC, since it is hosting the first negotiating session and has a highly4egarded candidate in John Buccini. We have been highly supportive of his candidacy.

- A number of options exist for organizing any subsidiary groups. In developing our position, we will need to take into account costs; ensuring adequate technical expertise to address the range of issues involved in the negotiations; and maximizing the relative talents of key individuals (including the chair).

c. Developing country participation

- As noted above, developing countries are likely to premise action on technical assistance and funding. Some have raised the notion. of a Montreal Protocol-like fund. We will need to develop an approach for funding in the context of available resources. The GEF currently identifies persistent toxic substances as one element that may be addressed through the International Waters window.

- There may be proposals to the effect that commitments in the agreement be based on common but differentiated responsibilities, and it is possible that issues relating to liability arise in the context of waste-related issues.

d. Outreach - including outreach to other governments as well as to domestic constituencies.

Proposed Follow-Up

- We would propose that the IWG begin regular meetings (weekly/bimonthly, time to be discussed) to develop positions on major items. There may be a necessity for subgroups to address specific issues (e.g., DDT, adding substances)

- A notional tasking list and timetable is attached.

'98 MAR 12 PM 12:48

Todd,

I sent you an email

about this resume.

Yifat

3 pgs. total.

ELLEN DADISMAN

1373 Massachusetts Avenue, S.E.
Washington, D.C. 20003

Office: 202-225-4021
Home: 202-543-9638

PROFESSIONAL EXPERIENCE

Political Strategist

- Fourteen years as advisor to elected and appointed political officials including U.S. Senator and Representatives, Governor and State Agency Heads.
- Communication strategist to members of the Ways and Means Committee regarding national policies on health care, tax and welfare reform.
- Press secretary during merger of two state environmental agencies and a major agency reorganization.

Media Relations

- Served as spokesperson for the Democratic members of the Ways and Means Committee through Health Care Reform and the consideration of tax cuts and welfare reform provisions in the Republican Contract With America.
- Directed public information offices of nation's largest state agency (Florida Department of Health and Rehabilitative Services), Florida's State Health Office and Florida Department of Environmental Protection.
- Directed statewide public campaign for Governor Chiles' Healthy Start program, now commonly used as an example of a successful, cost-effective grassroots initiative. Achieved editorial support for Healthy Start in all 11 Florida media markets and won additional legislative funding each year. Served as Healthy Start spokesperson, writing and placing op-eds, press releases and speeches.
- Planned and executed all media relations and public information for Governor Chiles' 1991 Inaugural events including press kits, photo opps and media releases (for 300 media representatives).
- Served as spokesperson for U.S. Senator Bob Graham, advancing all media events, alerting press to breaking news stories and setting up press conferences, interviews and electronic media feeds.
- Established and developed relationship between freshman Senator Bob Graham and national press corps.

Outreach/Community Development

- Created and launched long- and short-term outreach campaigns for Healthy Start including PSAs, legislative briefs, newsletters and brochures. Established Healthy Start partnerships with statewide civic clubs, medical associations and insurers.
- Directed and trained 30 grassroots coalitions statewide for advocacy, fund-raising, community and media relations.
- Wrote, designed and distributed public information and transportation brochures for over 10,000 guests at Inaugural events.

EMPLOYMENT HISTORY

PRESS SECRETARY
Committee on Ways and Means Democratic Staff — June 1994 - Present
U.S. House of Representatives — Washington, D.C.

PUBLIC INFORMATION DIRECTOR — November 1993 - June 1994
Florida Department of Environmental Protection — Tallahassee, Florida

PUBLIC INFORMATION OFFICER
State Health Office and
Governor Chiles' Healthy Start Program
Florida Department of Health — April 1991 - November 1993
and Rehabilitative Services — Tallahassee, Florida

PRESS SECRETARY
to Governor-elect Lawton Chiles — November 1990 - January 1991
Chiles/MacKay Inaugural Events — Tallahassee, Florida

PUBLIC RELATIONS DIRECTOR
to U.S. Senator Lawton Chiles (ret.), Director — January 1990 - November 1990
LeRoy Collins Center for Public Policy (non-partisan, non-profit) — Tallahassee, Florida

DEPUTY PRESS SECRETARY
to U.S. Senator Bob Graham (D-Fla.) — January 1987 - December 1988
United States Senate — Washington, D.C.

ASSISTANT TO THE DIRECTOR
State of Florida - Washington Office — July 1984 - December 1986
(Governor Bob Graham) — Washington, D.C.

EDUCATION

B.A., American Studies, Florida State University, 1980-84, 1989.