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*Environmental*  
[Oct. 1976]

THE J. N. "DING" DARLING NATIONAL WILDLIFE REFUGE

The J. N. "Ding" Darling National Wildlife Refuge located on Sanibel Island, off southwest Florida, was established in 1947. It is a beautiful tropical refuge composed of shell and sand with extensive wet sloughs (SLEWS). The Mangrove Islands intermingled with extensive bays provide ideal habitat for wading birds and migratory water fowl.

Ding Darling, the famous American cartoonist for whom the Refuge is named, is considered to be one of the founders of our nation's wildlife refuge system.

The Wilderness legislation I am signing today, reconfirms our commitment to provide a safe home for over 200 species of birds, alligators, sea turtles and a host of other animals.



r a czculvvyx

Oct. 19-76  
file

PM-Carter, 1st add, 250  
PLAINS Ga.: they said.

Lillian Carter, the candidate's mother, said she walked into her son's den and found Carter concentrating on his briefing books, not even bothering to look up. She said when she asked where his wife, Rosalynn, was, Carter just pointed, still without looking up.

But Carter took a phone call from former Delaware Gov. Russell Peterson, Ford's former chief environmental adviser, and said in a statement that Peterson supports his call for a strong national strip mining law. Ford has twice vetoed such legislation.

"A Youth Conservation Corps, one of Gov. Peterson's suggestions which I support, would provide our young people with meaningful healthy jobs and begin the long job of putting our precious national park lands into shape," Carter added.

He also sent a telegram to Eugene Gold, chairman of the National Conference on Soviet Jewry, saying he felt a "sense of outrage" about violence against Soviet Jews.

"Our relations with the Soviet Union cannot be conducted without taking into account the degree to which they comply with human rights provisions of the Helsinki accords," Carter said.

"As president, I would put the matter of freedom of religion and freedom of emigration among the top issues that would be discussed with the Soviet Union," Carter said.

Carter planned to leave New York immediately after speaking at the Al Smith dinner to fly to Newport News, Va., arriving at his hotel in Williamsburg sometime after midnight Friday morning.

He said he feels no apprehension about the debate.

0538aED 10-21

*add trip*  
*2/11*  
*Jan*

*FYI*

*H. Earl*



[Oct. 1976]

THE WHITE HOUSE



Revised

JIM.

THIS IS NEPA,

THE LAW REQUIRING  
ENVIRONMENTAL IMPACT  
STATEMENTS (TITLE I)  
AND DEFINING ROLE OF  
CEQ (TITLE II).

READING TIME - 12 MINS.



Public Law 91-190  
91st Congress, S. 1075  
January 1, 1970

## An Act

83 STAT. 852

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".*

National Environmental Policy Act of 1969.

### PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

### TITLE I

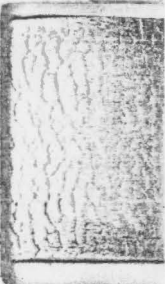
#### DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

Policies and goals.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and



(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Administration.

Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

Copies of statements, etc., available.

81 Stat. 54.



- (G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and
- (H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review <sup>Review.</sup> their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

## TITLE II

### COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress <sup>Report to Congress.</sup> annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President <sup>Council on Environmental Quality.</sup> a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

80 Stat. 416.  
Duties and  
functions.

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

34 F. R. 8693.



January 1, 1970

- 5 -

Pub. Law 91-190

83 STAT. 856

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

Tenure and compensation.  
80 Stat. 460, 461.

81 Stat. 638.

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Appropriations.

Approved January 1, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-378, 91-378, pt. 2, accompanying H. R. 12549 (Comm. on Merchant Marine & Fisheries) and 91-765 (Comm. of Conference).

SENATE REPORT No. 91-296 (Comm. on Interior & Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 115 (1969):

July 10: Considered and passed Senate.

Sept. 23: Considered and passed House, amended, in lieu of H. R. 12549.

Oct. 8: Senate disagreed to House amendments; agreed to conference.

Dec. 20: Senate agreed to conference report.

Dec. 22: House agreed to conference report.



What CEQ Does

1. Oversees Federal Agency Implementation of NEPA
  - a. to encourage Executive Branch compliance with the substantive goals and objectives of the Act
  - b. to assure proper implementation of the EIS process
2. Carries out 1(a) by:
  - a. developing new environmental initiatives
  - b. providing policy and programmatic analyses and advice to the White House, OMB, and Departments and agencies on the environmental implications of proposed decisions and actions
  - c. conducting studies on key environmental issues with the objective of:
    - 1) policy analysis leading to new legislative or executive initiatives
    - 2) environmental or technology assessment, likewise leading to new initiatives, to the resolution of administration problems, or the development of new and better analytical methodologies
    - 3) educating Federal, state, and local governments, and the public
    - 4) dealing with problems that cross agency lines, that involve different levels of government, and that are not receiving adequate attention by agencies
3. Carries out 1(b) by:
  - a. promulgating guidelines on the EIS process



- b. consulting on a routine and continuing basis with agencies on EIS problems
  - c. advising the Department of Justice on EIS litigation
  - d. conducting a bi-annual formal review of agency EIS implementation
  - e. publishing legal advisory memoranda interpreting CEQ guidelines and the state of the case law
  - f. reviewing selected EIS'
4. Monitors the status of environmental quality and trends in environmental quality and reports on these annually.

THE WHITE HOUSE  
WASHINGTON

*file*  
*CEQ*  
INFORMATION

176 551 7 10 8 42  
October 1, 1976

*Good*

MEMORANDUM FOR: JIM CANNON  
FROM: ART QUERN  
SUBJECT: CEQ Chairman

For your information, Doug Bennett's office has indicated their concurrence with the proposal that we spend the coming weeks soliciting suggestions from environmental groups for the CEQ Chairmanship.

George Humphreys will call the representatives of these groups and ask for names which they would suggest that we should consider as Peterson's replacement.

cc: Doug Bennett  
George Humphreys

*[Handwritten signature]*



100407

cc: Judy Johnston  
George Humphreys

*mg  
Humphreys*

THE WHITE HOUSE  
WASHINGTON

October 8, 1976

*Jack*  
*This Bill was signed.*  
*Jack*

MEMORANDUM FOR:

✓ JIM CANNON  
JIM CAVANAUGH  
JIM CONNOR  
MAX FRIEDERSDORF

FROM:

JACK MARSH *Jack*

I received a call today from Dr. William Hargis, Director of the Virginia Institute of Marine Science who is also Chairman of the National Advisory Committee on Oceans and Atmosphere.

He was calling in reference to H. R. 13035, a bill entitled, The Sea Grant Program Improvement Act of 1976. This is on the President's desk for signature and it is my understanding the last day for action is Saturday, October 9.

*// signed by Pres. 10/8. A.M.*

Dr. Hargis indicates there are some problems in the legislation which, he believes, can be remedied through changes in the program, but on balance, he feels the bill is a good bill and that the program is well worth continuing.

He further advises that all coastal states have an interest in the matter by way of matching funds and this includes also the State of Michigan because of the Great Lakes.

Because of Dr. Hargis' national reputation in the field of marine science, as well as his position of leadership of the National Advisory Committee, I give considerable weight to his views and hope they will be considered when the President reviews this bill.



[1976]  
Environment

THE WHITE HOUSE  
WASHINGTON

ACTION

Last Day: October 11

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *Jim Cannon*  
SUBJECT: S. 3149 - Toxic Substances Control Act

Attached for your consideration is S. 3149, sponsored by Senators Tunney and Hartke.

In general, the enrolled bill provides authority to the Administrator of the Environmental Protection Agency to:

- require private industry to provide test data and supply detailed information on specified substances;
- prevent, or place limitations on, the marketing of new substances which the Administrator believes harmful; and
- ban or limit continued marketing of existing substances.

A detailed explanation of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill and the attached signing statement which has been cleared by the White House Editorial Office (Smith).

RECOMMENDATION

That you sign S. 3149 at Tab B.

That you approve the signing statement at Tab C.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_



STATEMENT BY THE PRESIDENT

I am today signing S. 3149, the "Toxic Substances Control Act." I believe this legislation may be one of the most important pieces of environmental legislation that has been enacted by the Congress.

This toxic substances control legislation provides broad authority to regulate any of the tens of thousands of chemicals in commerce. Only a few of these chemicals have been tested for their long-term effects on human health or the environment. Through the testing and reporting requirements of the law, our understanding of these chemicals should be greatly enhanced. If a chemical is found to present a danger to health or the environment, appropriate regulatory action can be taken before it is too late to undo the damage.

The legislation provides that the Federal Government through the Environmental Protection Agency may require the testing of selected new chemicals prior to their production to determine if they will pose a risk to health or the environment. Manufacturers of all selected new chemicals will be required to notify the Agency at least 90 days before commencing commercial production. The Agency may promulgate regulations or go into court to restrict the production or use of a chemical or to even ban it if such drastic action is necessary.

The bill closes a gap in our current array of laws to protect the health of our people and the environment. The Clean Air Act and the Water Pollution Control Act protect the air and water from toxic contaminants. The Food and Drug Act and the Safe Drinking Water Act are used to protect the food we eat and the water we drink against hazardous contaminants. Other provisions of existing laws protect



the health and the environment against other polluting contaminants such as pesticides and radiation. However, none of the existing statutes provide comprehensive protection.

This bill provides broad discretionary authority to protect the health and environment. It is critical, however, that the legislation be administered in a manner so as not to duplicate existing regulatory and enforcement authorities.

In addition, I am certain that the Environmental Protection Agency realizes that it must carefully exercise its discretionary authority so as to minimize the regulatory burden consistent with the effective protection of the health and environment.

The Administration, the majority and minority members of the Congress, the chemical industry, labor, consumer, environmental and other groups all have contributed to the bill as it has finally been enacted. It is a strong bill and will be administered in a way which focuses on the most critical environmental problems not covered by existing legislation while not overburdening either the regulatory agency, the regulated industry, or the American people.



THE WHITE HOUSE  
WASHINGTON

October 12, 1976

TO: CAMERON

FROM: JEANNE

I spoke to George Humphreys  
He has spoken to Busterud at  
least a dozen times and feels  
that Mr. Cannon does not need  
to respond to this letter.

So I guess we can just file

OK  
ed

file



Call  
G.H. +  
ASK

THE WHITE HOUSE  
WASHINGTON

Thurs. 10/7

JMC:

Jeanne called Busterud, who was on your call list, and Busterud agreed to speak with Humphreys because you were out of town.

~~Conrad~~  
Thanks  
JMC

cd

Jeanne - does JMC need to ack. attached or has Humphreys handled by phone?  
cd

CEQ

**EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY**  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

1976 OCT 7 PM 2 30

October 4, 1976

Dear Jim:

In view of your present consideration of a replacement for Russ Peterson as Chairman of the Council, I thought it might be helpful for you to have an up-to-date copy of my personal resume.

Sincerely,

  
John Buserud  
Acting Chairman



Mr. James M. Cannon  
Assistant to the President for  
Domestic Affairs  
The White House  
Washington, D. C. 20500

Enclosure

10/1/76

## JOHN A. BUSTERUD

## Personal Resume

Date and Place of Birth: Coos Bay, Oregon, March 7, 1921

Marital Status: Married to Anne Witwer. Three children: John, 22;  
James, 19; Mollie, 17

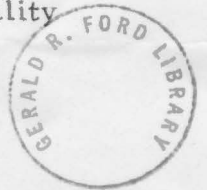
Washington Home Address

3229 Reservoir Road N. W.  
Washington, D. C. 20007  
Tel. (202) 965-5077

Permanent Home Address

102 Mountain View Avenue  
San Rafael, California 94901

Present Occupation: Acting Chairman, Council on Environmental Quality  
Director, Office of Environmental Quality  
Executive Office of the President  
722 Jackson Place N. W.  
Washington, D. C. 20006  
Tel. (202) 382-5948



Professional Background: Attorney, Admitted to practice in California, 1950.  
Admitted also to U. S. Supreme Court and all  
Federal Courts

Military Status: Lt. Colonel (Ret.) Army Reserve  
Bronze Star Medal; Army Commendation Medal

Education: B.S. (cum laude) in Economics, University of Oregon, 1943  
(Thesis: An Historical Analysis of Price Control)  
LL.B. Yale Law School, 1949  
Honors: Phi Beta Kappa; Friars (Senior Honor Society);  
Druids (Junior Honor Society); Board of Editors, Yale Law  
Journal; Benjamin N. Cardozo Prize (best brief in Moot  
Court Competition); Phi Delta Phi; Corbey Court.

Professional Experience

1. Acting Chairman, Council on Environmental Quality and Director,  
Office of Environmental Quality, in the Executive Office of the President.  
October 1, 1976 to present

In this Executive II level position, directs all activities of the Council and the Office of Environmental Quality. The Council provides policy recommendations to the President and to Congress on environmental matters and administers the National Environmental Policy Act.

2. Member, Council on Environmental Quality, Executive Office of the President. October 10, 1972 to present.

Presidential appointment at Executive IV level confirmed by Senate.

Areas of specialization have included environmental law, economics, energy and international affairs. Has played a key role in helping shape U. S. and international policy while a delegate to the Stockholm Conference on the Human Environment, the Law of the Sea Conference, the United Nations Environment Program (UNEP), the International Conference on Ocean Dumping and the Joint Commission of the U. S. -USSR Environmental Agreement.

Was U. S. Senior Environmental Adviser to Economic Commission for Europe (ECE) and helped coordinate first environmental work program for that organization. Is U. S. Chairman of Legal and Administrative Measures Area under U. S. -USSR Environmental Agreement.

Participated in the Presidential review of the Outer Continental Shelf drilling program, the review of the non-nuclear energy R&D program, and the President's Timber Task Force.

3. Deputy Assistant Secretary of Defense (Environmental Quality), October 1971 to October 1972.

First incumbent in this newly-created position. Exercised broad authority in establishing Department of Defense environmental management policies and supervising compliance with environmental laws by Defense components. Received Meritorious Civilian Service Award for "remarkable managerial talent and dedication" in that assignment. Served as Department of Defense representative in reviewing the Report of the Williams Commission on International Trade and Investment Policy. Coordinated all policy input within Defense Department on Stockholm Conference on Human Environment and Ocean Dumping Convention.

4. Partner, Law Firm of Busterud, Draper and Adams, San Francisco (1970-1971), Partner, Broad, Busterud, and Khourie, San Francisco (1957-1970).

Specialized in anti-trust, trade association, legislation, corporation and conservation matters. Drafted Federal legislation related to Buy American legislation and interpreting applicability of General Agreement on Trade and Tariffs (GATT). Was counsel for San Francisco Golden Gate Parking Corporation and San Francisco Airport Improvement Corporation, both issuers of tax-exempt bonds, and served as de facto executive director of each.



Responsible for creation of California Constitution Review Commission. Served as Special Counsel, later as a member of the Commission. Participated in successful revision of California Constitution. My role as Special Counsel was equivalent to that of Executive Director.

5. Associate, Law Firm of Thelen, Marrin, Johnson and Bridges, San Francisco. 1949-1953.

Specialized in general business and corporate litigation.

6. Member of California Legislative (State Assembly). 1957-1963

Served as Chairman of Constitutional Amendments Committee and leader of Constitutional Revision movement in California; Chairman of Republican Caucus; Member, Joint Committee on Judicial Administration and Assembly Judiciary Committee, and subcommittee on Uniform Securities Act.

Community Activities:

President, Commonwealth Club of California, 1970  
 President, Headlands, Inc. 1969-71 (charitable conservation organization)  
 Marin County Chairman, People for a Golden Gate National Recreation Area  
 Member, Marin County State Park Advisory Committee  
 Member, California Constitution Revision Commission, 1965-  
 Vice President, Associated Regional Citizens (charitable organization devoted to study of regional government in San Francisco area)  
 Republican Nominee for State Treasurer, 1962  
 Trustee, Grace Episcopal Cathedral, San Francisco, 1957-60  
 President, California Young Republicans, 1955-56  
 President, San Francisco Young Republicans, 1953-54  
 Young Republican Chairman on Arrangements, GOP National Convention, 1956  
 Chairman, Northern California Youth for Eisenhower, 1952

Professional Activities:

Served on San Francisco Bar Association Committees on Anti-trust, Corporations, Legislation. Chairman of San Francisco Bar Committee on Cooperation with the Federal District Court. Member of Anti-trust, Corporation and Natural Resources Sections and Legislative Committee of American Bar Association.

Memberships:

Phi Beta Kappa, Bohemian Club, Cosmos Club, Yale Club of New York, Commonwealth Club of California, American Academy of Political Science, American Bar Association, Bar Association of San Francisco, American Judicature Society, Phi Delta Phi.

Publications:

International Environmental Relations, 7 Natural Resources Lawyer 325 (1974).

The Future of Regional Planning in the United States, published in ENVIRONMENTAL MANAGEMENT IN THE COLORADO RIVER BASIN (Utah State University Press, Logan, 1974).

Environmental Challenges and Port Development, published in PORT PLANNING AND DEVELOPMENT, edited by Schenker and Brockel (Cornell Maritime Press, Inc. 1974).

The Impact of Environmental Control on International Trade and Economics, Proceedings of International Pollution Engineering Congress (Philadelphia, 1973).

Politics of Constitutional Revision, published in CALIFORNIA POLITICS AND POLICIES, (Addison-Wesley, Palo Alto, 1966).

Liquidation of Subsidiaries under Section 112(b)(i); 58 Yale Law Journal 1050 (1950).

Energy Policy and the Environment, 54 Oregon Law Review 503 (1976)



DOMESTIC COUNCIL

2

FROM:

RUSS TRAIN (via Humphreys)

SUBJECT:

Letter to the President re:

EPA's efforts to reduce impact of environmental regs. on small business.

Date: 10/13/76

COMMENTS:

Per your instruction, George has prepared a brief cover memo to the President summarizing the EPA letter.



*Handwritten signature and date: 10/14*

ACTION:

Date:

THE WHITE HOUSE  
WASHINGTON

9/15/76

976 SEP 15 PM 5 41

TO: JIM CANNON

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Robert D. Linder

THE WHITE HOUSE  
WASHINGTON

DATE:

9/16

TO:

George H

FROM:

ALLEN MOORE

SUBJECT:

ACTION:

FYI:

JMC would like a one-page (or less) summary of this for transmittal to the President.

Thompson

THE WHITE HOUSE

WASHINGTON

October 13, 1976

MEMORANDUM TO: THE PRESIDENT

FROM: JIM CANNON *Jin*

SUBJECT: Acknowledgement of Letter From Russ Train  
Covering Impact of Regulations on Small  
Businesses

In the attached letter to you (TAB A), Administrator Train is reporting on actions EPA has taken to reduce the economic impact of environmental regulations on small businesses. This is in response to your statement of concern about this issue when you signed the 1976 amendments to the Small Business Act (June 4, 1976, P.L. 94-305).

Mr. Train reports three areas of activity:

- Explicitly assessing the potential impacts of environmental regulations on small businesses. EPA is explicitly analyzing the problems of small businesses and is sponsoring studies, both alone and jointly with SBA on the potential problems faced by various types of small businesses. When these studies identify special burdens, EPA has adopted separate pollution abatement requirements for small producers.
- Providing financial assistance to small businesses adversely affected. There are two joint EPA/SBA financial programs already in existence. More effort is being given to publicize them.
- Monitoring the actual impacts of pollution control laws on small businesses. EPA and SBA have set up an arrangement whereby EPA will inform SBA of potential closures, and Mr. Train has designated one of his senior advisors to oversee all small business issues.

I recommend your signing a letter of acknowledgement from you to Mr. Train (TAB B).



DRAFT  
10/13/76

Dear Russ:

Thank you for your letter of September 10, reporting on the actions that EPA is undertaking by itself and in association with the SBA to mitigate the adverse impacts of pollution control regulations on small businesses. As I said in my June 4, comments on the 1976 amendments to the Small Business Act, I believe that this is a very important problem.

I am pleased to learn of the steps you have taken on this issue and I expect that your studies and coordination will continue to result in specific actions. We must attempt to reduce serious adverse impacts on small businesses while continuing to move toward achieving our clean-up goals. I hope you will keep me informed of your progress in this regard.

Sincerely,

Gerald R. Ford





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 10 1976

THE ADMINISTRATOR

Dear Mr. President:

In your statement in signing into law P. L. 94-305 (S. 2498) on June 4, you directed the Environmental Protection Agency (EPA) to work with the Small Business Administration (SBA) on loan programs to the small business community for pollution activities and to devote special attention to pollution regulations which the small business community believes excessively burdensome or inequitable. The purpose of this letter is to provide you with a brief summary of the actions already underway or contemplated by EPA for the immediate future pursuant to that directive.

As you noted in commenting on PL 94-305, EPA already has taken cognizance of the special problems of small business in complying with Federal environmental regulations. In certain industries where studies have suggested an excessive impact on small business, one alternative utilized by EPA has been to develop separate standards applicable to small producers. Effluent guidelines have been modified specifically for small producers in dairies, electroplating, leather goods, seafoods, textiles, and meat processing. We also have funded an SBA study and provided staff support to work closely with SBA in determining the differential impact of pollution control costs between large and small firms. Our interest in studies of this kind is in the assessment of particular areas where the smaller firm is disadvantaged because of the need to comply with Federal environmental regulations. A major EPA study also has been initiated on iron foundries, an industry characterized by a multitude of small firms and which is experiencing particular difficulties in the area of pollution control.

Through our liaison with the Small Business Administration we keep SBA apprised of industrial plants that we ascertain are experiencing particular difficulty allegedly due to pollution control costs. These plants are usually the very small, very old plants with which SBA is concerned in its water and air pollution control



6/20

loan programs. We also have established simplified procedures, in cooperation with SBA, for EPA certification as to the need and adequacy of SBA loan applicants in the area of water pollution control. A similar program will be undertaken to certify pollution control equipment for the SBA guaranteed Pollution Control Revenue Bond Program.

To ensure that the special problems of the small business community are fully addressed in the environmental area, I have recently designated Mr. Maurice Eastin, the Special Consultant for Industry Relations on my staff, to oversee top level policy issues with the Small Business Administration. Mr. Eastin will keep me personally informed of policy and operational developments and will provide the main point of contact with SBA on environmental matters concerning the small business community.

The Agency currently is undertaking further actions under the Federal Water Pollution Control Amendments of 1972 (FWPCA) specifically in regard to small enterprises. The FWPCA requires by 1977 the application of the best practicable control technology currently available (BPT) and by 1983 application of the best available technology economically achievable (BAT). While the FWPCA does not allow for economic variances to the BPT 1977 requirements except on an industry-wide basis, the legislation does allow case-by-case consideration of economic impacts of the BAT requirements under the provisions of Section 301(c). Thus, we can be particularly responsive to the special problems of smaller firms in the 1983 requirements. The BAT requirements are now being reviewed with particular sensitivity generally to the impacts on small business.

Concurrently, review processes are underway in other areas such as the recovery of gasoline vapors from the motor vehicle refueling process at service stations and in the area of reduction in the amount of lead additives in gasoline. Proposals for the recovery of vapors in refueling and the scheduling of a timed phase-down of lead additives in gasoline have raised some concern among the operators of gasoline filling stations and small refineries. The on-going review within the Agency gives special emphasis to these retail outlets and small refineries.



The Agency also is initiating talks with the Small Business Administration in an effort to publicize more widely than in the past the availability of existing Federal assistance programs. We are encouraging greater coordination between EPA and SBA in the regional and field offices. EPA will be initiating a program to notify each small businessman who applies for a National Pollution Discharge Elimination System permit of the existence and qualification requirements of the SBA/EPA pollution control loan program. In addition, we are taking steps to join with SBA and the Department of Agriculture in notifying farmers and various agribusiness firms of their eligibility for Federal pollution control loans. We also are planning to supply a packet of materials describing all Federal assistance programs available to facilitate compliance with pollution control regulations. The Agency's Standards and Regulations Manual, which defines internal procedures for developing environmental regulations, also will be revised to ensure that special consideration is given in the development process to the compliance difficulties of the small businessman.

We expect that these on-going and planned efforts, reflecting particular sensitivity to the special problems of the small business enterprise, will in time minimize the impacts of pollution regulations which may be excessively burdensome or inequitable to the small business sector.

Respectfully,

  
Russell E. Train

The President  
The White House  
Washington, D. C. 20500



THE WHITE HOUSE  
WASHINGTON

*Forest*

1976 OCT 20 PM 12 10

October 20, 1976

MEMORANDUM FOR:

DICK CHENEY  
JACK MARSH

FROM:

MAX FRIEDERSDORF *M.F.*

SUBJECT:

Signing of S. 3091

I recommend that the Forest Products bill, S. 3091, be signed during the President's visit to Raleigh, North Carolina, rather than in South Carolina, as has been proposed.

cc: Jim Cannon  
Paul O'Neill  
Bill Nicholson  
Jim Baker  
Red Cavaney  
Pat Rowland



*102017*

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

*Envi.*  
*George F. Humphreys*

October 22, 1976  
976 031 23 AM 9 12

MEMORANDUM FOR JAMES CANNON, DOMESTIC COUNCIL

From: John Busterud, Acting Chairman *JB*  
Subject: Environmental Record

Yesterday I prepared a short Op Ed piece on "Setting the Environmental Record Straight" and delivered it to Dave Gergen at the Office of Communications, at the suggestion of Mike Duval. I also prepared a two-page briefing statement on the environment which I thought might be useful for the President to review before the debate.

I thought you might like to have a copy of each of these for your files.

It was my suggestion that the Op Ed piece ought to be signed by some outside environmentalist, such as Lawrence Rockefeller, if possible.

Let me know if I can be of any further help in these closing days.

Attachments



*102802*

BRIEFING STATEMENT: ENVIRONMENT



I believe that an even-handed examination of my environmental and conservation record will show that I have given strong support to environmental programs. At the same time I have had to weigh the speed with which we attack environmental problems against other pressing demands for governmental funding.

It has taken more than a hundred years for us to get ourselves in our present environmental predicament, and no reasonable American can expect us to reverse past practices and eliminate pollution in five or six years. But we are on the right track, and programs now on the books will bring us a much cleaner environment by 1980 and 1985.

My Council on Environmental Quality, a respected body of senior environmentalists, tells me that we are making real progress in cleaning up our water and our air, and that by 1985 there will be dramatic improvement.

This year I have signed into law many important environmental bills, which will further improve the quality of life. One such measure is the toxic substances bill to require pre-market testing of chemicals which may endanger human health.

Another is a \$1.2 billion program of federal aid to coastal states to help avoid adverse effects of off-shore oil development.

[A third is a bill which will greatly expand funding for the nation's park and recreation system.]

One of the most important acts is that of setting up new environmental controls over national forest management, assuring that this important resource will be protected for all our people.

We have also limited mining in National Parks, and eliminated a practice first adopted in the 1930's at the suggestion of President Franklin Roosevelt.

I will be announcing shortly a comprehensive program to limit nuclear proliferation and to prevent aircraft noise -- programs on which we have spent months of careful study.

Under my Administration we are building the Trans-Alaska Pipeline under the most rigorous environmental regulations ever required in pipeline construction, inspecting every weld on the long route.

I am dedicated to a cleaner environment, and I will continue to support strong programs in this area. But I will also continue to balance those programs against our other vital national interests, including our need for energy independence and for a healthy economy that will supply a growing number of jobs for Americans.



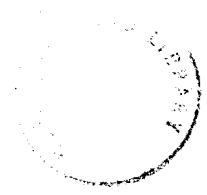
## Setting the Environmental Record Straight

It has become fashionable of late to criticize President Ford for his failure to exercise omniscience in dealing with a myriad of national problems. The latest of these efforts has come from a group of environmental spokesmen for the Carter Campaign, and is couched in some rather intemperate language. Thus, it refers to the quite decent environmental record of the Ford Administration as being one that showed "unprecedented insensitivity" to environmental issues and calls the Ford policies "neglectful, insensitive, regressive and unrealistic."

Responsible environmentalists will, I am sure, look at the whole record of performance of President Ford in this critically important area of concern and not at a four-page "critique" filled with intemperate language, which weaves its way back and forth from one inconsistent statement to another, seeking to distinguish the considerable number of instances in which the President has supported sound environmental legislation by implying that he was pushed, pulled or dragged into that position.

Let us look for a moment at the record of accomplishment of a conservation-minded Congress this year, working together with President Ford. It has been said by some impartial environmental observers that the record of environmental accomplishment this year is greater than any time since such concerns became widespread. One need only look at the record of bills sent to the President and signed by him to substantiate this claim.

Perhaps most important on this list is the toxic substances bill, originally proposed by the Nixon Administration but which has now become law in modified form under the aegis of President Ford. This bill will tighten Federal regulation of industrial and commercial chemicals and require pre-market testing and review of new chemicals before they are allowed to reach the hands of the consuming public. The bill was opposed by several major chemical companies but, despite that fact, President Ford acted in the public interest in signing the legislation. (Incidentally, it is President Ford's administration that has just announced its intent to regulate or end the release



of fluorocarbons from spray cans, which are believed to adversely affect the ozone layer.)

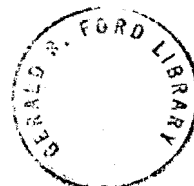
One should also give the President credit, along with the Congress, for enactment of a \$1.2 billion program of Federal aid to coastal states designed to help them deal with the onshore effects of off-shore gas and oil development. This funding program will do much to ameliorate undesirable effects caused by such development and will activate a number of state coastal planning programs.

Unfortunately a degree of controversy surrounded President Ford's August announcement of a new funding program for national parks, including plans for acquisition of thousands of acres of new park and recreation land. This program, conceived by the Interior Department long before its announcement, contained many desirable provisions, but Congress, in its wisdom, instead enacted its own bill, Senate S-327, which substantially boosted fund authorization levels for expanding the nation's park and recreation system. President Ford, seeing the value of making progress in this

area, signed the bill presented to him by Congress even though it did not conform in all respects to this proposal.

Another most important piece of legislation, signed by President Ford, was the bill setting important environmental guidelines for national forest management and strictly limiting the extent to which clearcutting could take place in such forests. This bill was a major step forward in developing an intelligent national policy for harvesting of trees in the national forests and includes requirements for developing long-range planning for this important natural resource as well as endorsing the concept of even-flow timber harvesting.

Another important measure proposed by the President and enacted by this Congress, was the revision of the Bureau of Land Management Organic Act which, among other things, prohibits new mining or other commercial operations on public lands and imposes new requirements for limiting patent of mining claims. Perhaps Governor Carter's environmental supporters are unaware that a large part of this mining-in-parks problem resulted from President Franklin D. Roosevelt's proposal to open public lands, including Glacier Bay



National Monument and Death Valley, to such mining operations.

Other environmental initiatives supported by the President include:

- Support for many voluntary conservation programs in the energy field.
- Signing of a measure significantly expanding Federal and state programs for handling solid waste.
- Development of a responsible program for limiting nuclear proliferation, which will be finalized in the next few days.
- Development of a program to control airport noise which involves eventual replacement of aircraft fleets with more modern, quieter and more fuel efficient aircraft.
- Support for legislation guaranteeing local bonds used for construction of municipal waste water treatment plants.
- Support for legislation allowing diversion of highway trust funds for mass urban transit at the option of

local communities.

- Development of outer continental shelf oil areas under carefully controlled environmental conditions.
- Exercise of careful control over construction of the Trans-Alaska Oil Pipeline, including the requirement that the builders replace faulty welding connections, provide the most rigorous safety regulations in the history of pipeline construction and guarantee access by Alaska wildlife to feeding areas. (100% of the wilds on the pipeline were tested, as compared with the usual 10% on other pipeline construction.)

It is true that President Ford has vetoed a number of bills considered important by a number of environmentalists. However, a careful analysis of the history of such vetoed legislation indicates that (1) President Ford often supported the concept of the legislation and suggested extensive amendments to cure what he thought were defects, (2) his opposition often resulted from the necessity for making difficult choices in the energy field in order to continue moving toward greater use of our most plentiful natural energy

resource, coal, or (3) he had a balanced concern for the sensitive interrelationship between the environment and energy use and the delicate state of the economy in a time of recession and inflation.

President Ford's attitude toward the environment has been one of support, tempered by his responsibility for addressing other pressing demands upon America including the need to avoid the disastrous effects of another oil boycott and the desire to return as much of government to state and local levels as is consistent with priority national needs.

His view has been a pragmatic one, recognizing that we got ourselves into our present environmental condition over the course of a hundred years or more, and we cannot expect to cure that condition and still provide jobs for our people and critically needed energy in a short period of two or three or four years.

Moreover, many environmental programs such as the Clean Air Act, the Federal Water Pollution Control Act and the National Environmental Policy Act went on the books in the early part

of this decade, and the greatest need now in dealing with environmental laws is to see that those original pieces of legislation are made to work effectively to achieve the results contemplated at the time of their passage. This is a time for "fine tuning" of our environmental laws and not for drastic new initiatives, except in such areas as toxic chemicals. In that light it is indeed remarkable that this year's Congress and the President were able to achieve the constructive record of accomplishments that I have outlined.

It would indeed be unfortunate if the President were forced to write off the environmental vote as one that is insensitive to this kind of constructive legislative accomplishment. Fortunately Mr. Ford is not that kind of President. He will recognize that most Americans, including responsible environmentalists, support his approach, and he will continue to build a long term record of constructive environmental accomplishment.

THE WHITE HOUSE  
WASHINGTON

October 26, 1976

073 US 25 73 4 47

MEMORANDUM FOR: JIM CANNON

FROM: JIM CONNOR *JEC*

SUBJECT: Inclusion of Chamberlain Basin  
in Wilderness Recommendations

Confirming verbal advices, the President reviewed your memorandum of October 22 on the above subject and approved your recommendation to include the Chamberlain Basin in this wilderness area and that he will ask the next Congress to do so through an amendment to the Idaho Primitive Area under the Wilderness Act.

The President signed the letter to Congressman Symms and it has been given to Max Friedersdorf's office for delivery.

Please follow-up with any other action that is necessary.

cc: Dick Cheney



1026 20

George Humphreys

*Envis*

ACTION  
JMC REQUEST

THE WHITE HOUSE  
WASHINGTON

October 27, 1976 976 OCT 27 AM 9 18

MEMORANDUM TO: JIM CANNON

FROM: GEORGE W. HUMPHREYS *GW*

Attached is the CEQ graph we discussed, plus a draft memo to Greenspan.

*Geo-  
Trunk  
JW*



*file*

THE WHITE HOUSE  
WASHINGTON

October 27, 1976

1976 OCT 29 AM 7 36

MEMORANDUM FOR: JIM CANNON

FROM: JACK MARSH *JM*

The attached letter from Virginia State Senator Herb Bateman is self-explanatory. I would greatly appreciate you, or a member of your staff on your behalf, responding directly to Herb.

Would you please have your office direct a copy of the response to me.

Many thanks.



*George is to get back to use w/ his plan or how to handle this*  
*11/1 Called Humphreys office - he's in NYC, but Nancy will remind him tomorrow*  
*11/4 JMC + Humphreys have discussed - Humphreys will call Bateman*

THE WHITE HOUSE  
WASHINGTON

October 27, 1976

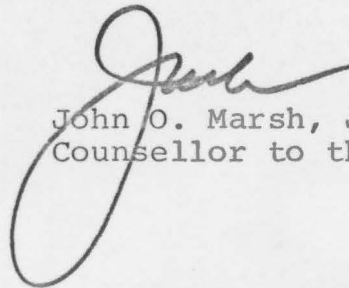
Dear Herb:

It was a real pleasure seeing you,  
if only briefly, in Williamsburg  
this past weekend.

Concerning your letter on EPA stand-  
ards, I have referred this to those  
here having responsibility for these  
matters with the request that they  
respond to you directly. I am sure  
you will be hearing from them in the  
very near future.

With kindest personal regards, I am

Sincerely,



John O. Marsh, Jr.  
Counsellor to the President



The Honorable Herbert H. Bateman  
Senator of the Commonwealth  
of Virginia  
Post Office Box 78  
Newport News, Virginia 23607

OCT 23 1976

COMMONWEALTH OF VIRGINIA



SENATE

HERBERT H. BATEMAN  
2ND SENATORIAL DISTRICT  
CITY OF NEWPORT NEWS,  
SOUTHEASTERN PART OF  
P.O. BOX 78  
NEWPORT NEWS, VIRGINIA 23607

COMMITTEE ASSIGNMENTS:  
AGRICULTURE, CONSERVATION AND  
NATURAL RESOURCES  
COURTS OF JUSTICE  
FINANCE  
TRANSPORTATION

*Get Dam  
C. to*

*reply  
make  
about  
intention  
ask  
receipt*

October 21, 1976

Honorable John O. Marsh  
Counselor to the President  
White House  
Washington, D.C. 20006

Dear Jack:

The prolonged and deepening crisis of the Virginia seafood industry as a result of kepone contamination of the James River necessitates this urgent request for your good offices on behalf of Virginia's first industry.

There is a practical, justified, beneficial action which could do a great deal to make possible the survival of the industry. It is no exaggeration to say without this action being taken, the Virginia seafood industry cannot survive.

The action needed and justified by the evidence is to increase the "action level" set by EPA and accepted by FDA from the present level for fin fish of one-tenth part per million (.1 ppm). Let me assure you, I would not advocate an increase, if to do so would jeopardize human health. I am enclosing a letter from the National Fisheries Institute to EPA which sets forth in some detail the data and rationale the Virginia seafood industry urges as a basis for an increase in the action level.

The enclosed letter, you will note, accepts every technical premise used by EPA in establishing the "action level" for kepone as relates to the extent and nature of its toxicity, even though there are eminent toxicologists who do question those premises. I repeat - we are not.

All we ask is that the market and consumption data we have furnished EPA be used rather than the data available to them when they originally set the action level. The market-consumption data they used was the average total consumption of fin fish. What we have requested they use is the market-consumption data of seafood which has been exposed to kepone contaminated waters.

Honorable John O. Marsh  
Page 2  
October 21, 1976

If all fin fish were exposed to or contaminated by kepone, we would concede they are correct in the market-consumption data they have employed. But, this is not the case. The portion of the seafood diet of over 37,000,000 Americans which comes from waters where fin fish are exposed to kepone contamination is a very small amount (only 2.4% of the fin fish diet in the market area where Virginia fin fish is distributed).

Use of the appropriate, relevant market-consumption data, using orthodox concepts employed in setting an "action level" dictates a significant increase in the "action level" without any attendant increase in any risk to human health resulting from the raising of the "action level".

Without this reasonable, prudent action, the Virginia seafood industry cannot survive and thousands of jobs and countless millions of dollars each year will be lost.

Please in every proper way support our effort to have EPA and FDA reevaluate the "action level" which they necessarily had to set on an emergency basis originally in light of this new and relevant market-consumption data belatedly sent them.

Sincerely,

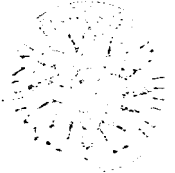


Herbert H. Bateman

HHB/jge

Enclosure

*P. S. I also enclose T. D. article on the publicly stated view of one of the most renowned Toxicologists in the world. His view is shared by several others I have talked with.*



NATIONAL FISHERIES INSTITUTE, INC.

1733 PENNSYLVANIA AVENUE, N.W. WASHINGTON, D.C. 20006 ☎ (202) 765-0820

October 14, 1976

Dr. Jack Blanchard  
Kepone Coordinator  
Office of the Administrator  
ENVIRONMENTAL PROTECTION AGENCY  
401 M St., S.W. (A-101)  
Washington, D.C. 20460

Dear Dr. Blanchard:

On behalf of the members of the National Fisheries Institute and the Virginia Seafood Council, I would like to thank you and your staff members for taking time on September 30 to discuss the problem of kepone contamination of Virginia waters with us.

We understand the difficulty of the problem and are anxious to be of every assistance to the Agency in properly meeting the manifest problems involved.

As we pointed out during the meeting, the seafood industry, through no fault of its own, finds itself in an extremely difficult position. When the presence of kepone in the James River area became known almost a year ago, little data was available as to the extent of the problem or the relationship of affected fish to the marketplace, and the nature and extent of the risk to human health. Now, it would seem that continued testing conducted since that time and a more sophisticated analysis of market information calls for a re-evaluation of the action level for finfish necessary to protect public health while avoiding any unnecessary burden on the seafood industry.

We understand that the original action level of 0.1 ppm for finfish was established by orthodox methods and was based on several premises, principal of which were:

1. The lowest effect level of kepone in test animals is 1 ppm in total diet fed to rats over a 12-month period resulting in detection of moderate increases in protein urea. (Interestingly, in the same test, a slight increase was also shown in the male control rats which had no kepone exposure).



Dr. Jack Blanchard

October 14, 1976

Page Two

2. The presence of 1 ppm kepone in the test animal diet translates to a daily dosage in man of .05 milligrams per kilogram.
3. A 1,000 time safety factor was applied, thus limiting the maximum permissible human intake to 3 micrograms daily, based on a mean human weight of sixty kilograms.
4. Finfish represent 0.72 percent of the average daily human diet of 1500 grams; thus that amount (10.8 grams) at 0.1 ppm would contain 0.97 micrograms of kepone or one-third the daily maximum permissible intake. Shellfish at 0.23 percent of the daily diet (3.45 grams) would contain 1.03 micrograms of kepone at the action level of 0.3 ppm. It seems that one-third the maximum permissible intake is held in reserve for possible additional exposure.

New data and further study of affected product would suggest that a higher action level is called for within the parameters of the originally determined safeguards for human health.

The most impressive information is the relatively low volume of product that is caught in the area exposed to kepone. Total commercial finfish catch for human consumption in the Chesapeake Bay last year amounted to only 17.5 million pounds. This must be translated to edible weight, which typically amounts to 45 percent the live weight. Therefore, it appears that only 7.9 million pounds of fish from the Chesapeake enter commercial channels. At the same time, we recognize that one cannot use the entire national population as the base for any estimate of dietary impact of this product. Information gathered from industry sources, shows that approximately 90 percent of the total finfish taken from the Chesapeake Bay is sold in the Mid-Atlantic states, with the bulk of this remaining in the major cities.

The combined population of New York, Baltimore, Washington, Hartford, Richmond, New Haven and Philadelphia metropolitan areas alone totals 37.6 million. Using the standard consumption information of 8.7 pounds per year, this element of the population would be expected to consume 327 million pounds of fish per year. However, Chesapeake Bay fish comprises only 2.4 percent of that amount. On a straight mathematical basis, the Chesapeake Bay product represents annually 3 and one-third ounces per person rather than the 8.7 pounds assumed in the present action level calculation, based as it is upon total finfish consumption.



Dr. Jack Blanchard  
October 14, 1976  
Page Three

It would seem that on the basis of realistic consumption data, rather than the total consumption of finfish, the action level should be multiplied many times. A closer look at the specific information on the finfish catch in the Chesapeake Bay provides an additional insight into the matter. Our information shows the 1975 commercial catch of Bay fish includes only 2.7 million pounds of bluefish. The remaining 14.8 million pounds is divided among such species as striped bass, flounder, trout, croaker, catfish, butterfish, and spot, all of which have lower kepone values than bluefish.

Consolidated information from the State of Virginia on all tests on all the species listed above indicates that 14.2 percent of the Bay fish tested show kepone in excess of the 0.1 ppm action level. If the action level were raised, the result would be to allow into the market 1,107,600 pounds of product with more than 0.1 ppm kepone. This fish is distributed to a population of more than 37 million people. If we assume that the levels in these fish average 0.3 ppm, the total amount of additional kepone being allowed to reach 37.6 million people is 150 grams annually, or about four micrograms per person per year. The present action level which already provides a 1,000 times safety factor and has a one-third margin for unknown exposure, contemplates annual ingestion of 1,095 micrograms as being within the limit you have determined to be necessary for protection of human health. Thus, the actual annual exposure from eating finfish subject to kepone contamination is in fact dramatically lower than the gross consumption data presently used would suggest.

Utilizing the relevant consumption and marketing data just recently made available to you, it seems apparent that the action level for finfish not only can, but should be substantially increased. Doing so leaves undisturbed every technical premise relied upon in setting the action level for kepone in finfish. It would not change in any measurable fashion the exposure of the public to ingestion of kepone, or in any manner result in any negative impact on human health not contemplated by the present formulation of the action level for finfish which is based on inappropriate consumption and marketing data.

No one in the seafood industry wants human health jeopardized, but the industry does feel very strongly that as an innocent bystander, it should not be disadvantaged by an action level determined by use of inappropriate and unrealistic consumption and marketing data.

Your urgent consideration will be deeply appreciated in light of the serious affect on the seafood industry that is now involved, and is likely to grow worse. The NFI and the Virginia Seafood Council stand ready to substantiate the data we have presented and will cooperate in every possible

Dr. Jack Blanchard  
October 14, 1976  
Page Four

way in continued testing and monitoring of seafood to further assure that there is no jeopardy to human health. Looking forward to your early response and with great appreciation for your willingness to re-evaluate the action level as presently established, I remain

Sincerely,

NATIONAL FISHERIES INSTITUTE

Lee J. Weddig  
Executive Director

LJW/elw



Couple Demonstrates 'Early Music' Using Instruments of 17th, 18th Centuries

*Richmond Times-Dispatch Oct 21*

# Overreaction to Kepone In State Is Charged

By Nancy Finch  
*Times-Dispatch*  
Food Editor

ATLANTA — Virginia has "overreacted

the Virginia incident and often visits Richmond for work at A.H. Robins Co. and the Medical College of Virginia, is a member of the United Nation's World Health Organization's expert

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

THE WHITE HOUSE  
WASHINGTON

October 28, 1976

*Emily*  
*in Council*  
*Any problem?*  
*IF NOT*  
*PR*  
*let it do it*

MEMORANDUM FOR:

JACK MARSH

FROM:

PAT ROWLAND

SUBJECT:

Oregon

Craig Bergland, PFC Co-Chairman in Oregon, called on behalf of himself and former Congressman Wendall Wyatt. They are urging that a telegram from the White House be read by Dole when he is in Eastern Oregon today. The purpose of the telegram would be to help show the President's commitment to reduce the high unemployment in the area. The suggested text of the telegram is as follows:

"At the direction of the President the White House is undertaking a review of the causes of the delay in bureaucratic procedures in connection with the proposed aluminum plant in your area.

Please be assured of President Ford's deep commitment to the creation of jobs through the private business sector."

Signed \_\_\_\_\_

Bergland tells me that the construction of the aluminum plant is being held up by red tape procedures at the Bonneville Power Plant. The President would not be committing himself in the telegram to any more than looking into the delay. Bergland's telephone number is 503-228-0700.

-228-2795



*ESS - verify in*  
*later '77*  
*check*  
*Conn*