

NLWJC- Kagan

Counsel - Box 006 - Folder 014

Environmental-miscellaneous

*note to Elena*

Document No. \_\_\_\_\_

**WHITE HOUSE STAFFING MEMORANDUM**

*2:30 p.m.*

DATE: 8/27/96

ACTION/CONCURRENCE/COMMENT DUE BY: 8/27/96

SUBJECT: Proposed Executive Order on Toxic Waste Site Investigations and Clean-up Operations

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McCURRY	<input type="checkbox"/>	<input type="checkbox"/>
PANETTA	<input type="checkbox"/>	<input type="checkbox"/>	McGINTY	<input type="checkbox"/>	<input type="checkbox"/>
McLARTY	<input type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
ICKES	<input type="checkbox"/>	<input type="checkbox"/>	QUINN	<input type="checkbox"/>	<input type="checkbox"/>
LIEBERMAN	<input type="checkbox"/>	<input type="checkbox"/>	RASCO	<input type="checkbox"/>	<input type="checkbox"/>
LEW	<input type="checkbox"/>	<input type="checkbox"/>	REED	<input type="checkbox"/>	<input type="checkbox"/>
BAER	<input type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input type="checkbox"/>	<input type="checkbox"/>
CURRY	<input type="checkbox"/>	<input type="checkbox"/>	STEPHANOPOULOS	<input type="checkbox"/>	<input type="checkbox"/>
EMANUEL	<input type="checkbox"/>	<input type="checkbox"/>	STIGLITZ	<input type="checkbox"/>	<input type="checkbox"/>
GIBBONS	<input type="checkbox"/>	<input type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
HALE	<input type="checkbox"/>	<input type="checkbox"/>	TYSON	<input type="checkbox"/>	<input type="checkbox"/>
HERMAN	<input type="checkbox"/>	<input type="checkbox"/>	HAWLEY	<input type="checkbox"/>	<input type="checkbox"/>
HIGGINS	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>
HILLEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>Kathy Wallman</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	<u>Martha Foley</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LAKE	<input type="checkbox"/>	<input type="checkbox"/>	<u>Clerk</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

*Please advise.*

RESPONSE:



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

August 26, 1996

96 AUG 27 11:03

MEMORANDUM FOR THE PRESIDENT

FROM: Jacob J. Lew  
Acting Director

SUBJECT: Proposed Executive Order Entitled "Amendment to  
Executive Order No. 12580"

**SUMMARY:** This memorandum forwards for your consideration a proposed Executive order that was prepared by the White House Council on Environmental Quality. The proposed order would permit additional agencies to issue administrative orders to compel toxic waste site investigations and cleanup operations.

**BACKGROUND:** Executive Order No. 12580 (Jan. 23, 1987) ("Superfund Implementation") delegated various Presidential authorities contained in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Act") to executive agencies to enable the agencies to implement the Act. One of the authorities delegated was the President's authority to issue administrative orders to protect public health and welfare and the environment. The administrative orders are one of the principal tools under the Act for compelling toxic waste site investigations and getting cleanups started.

Under Executive Order No. 12580, only the Environmental Protection Agency and the Coast Guard (for marine spills) were delegated the authority to issue administrative orders. Several other agencies now have responsibilities for toxic waste site investigations and cleanup operations and need the administrative order authority to compel responsible parties to make the waste site investigations and to do the cleanup work. The proposed order, therefore, would amend Executive Order No. 12580 to delegate the Act's authority to the Departments of the Interior, Commerce, Agriculture, Defense, and Energy to issue administrative orders so that they can have the ability to compel toxic waste site investigations and cleanups.

The issuance of the administrative orders would be coordinated through an interagency clearing process to ensure that the orders would not be duplicative.

None of the affected agencies objects to the proposed Executive order.

**RECOMMENDATION:** I recommend that you sign the proposed Executive order.

## EXECUTIVE ORDER

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## AMENDMENT TO EXECUTIVE ORDER NO. 12580

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.) (the "Act"), and section 301 of title 3, United States Code, I hereby order that Executive Order No. 12580 of January 23, 1987, be amended by adding to section 4 the following new subsections:

Section 1. A new subsection (c)(3) is added to read as follows:

"(c)(3) Subject to subsections (a) and (b)(1) of this section, the functions vested in the President by Sections 106(a) and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Secretary of Energy, to be exercised only with the concurrence of the Coast Guard, with respect to any release or threatened release in the coastal zone, Great Lakes waters, ports, and harbors, affecting 1) natural resources under their trusteeship, or 2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Coast Guard is the lead federal agency for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement Section 106 or to fund performance of any response action in lieu of the payment by a person who receives but does not comply with an order pursuant to Section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This

subsection shall not be construed to limit any authority delegated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness."

Sec. 2. A new subsection (d)(3) is added to read as follows:

"(d)(3) Subject to subsections (a), (b)(1), and (c)(1) of this Section, the functions vested in the President by Sections 106(a) and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Department of Energy, to be exercised only with the concurrence of the Administrator, with respect to any release or threatened release affecting 1) natural resources under their trusteeship, or 2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Administrator is the lead federal official for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement Section 106 or to fund performance of any response action in lieu of the payment by a person who receives but does not comply with an order pursuant to Section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This subsection shall not be construed to limit any authority delegated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness."

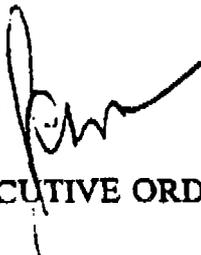
THE WHITE HOUSE,



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

August 23, 1996

MEMORANDUM FOR JACOB LEW

FROM: KATHLEEN A. MCGINTY   
RE: MODIFICATION OF EXECUTIVE ORDER 12580

I. Summary

A modification to the Executive Order delegating the President's authority under Superfund is an important part of a Presidential initiative, to be announced on August 28, to accelerate toxic waste cleanup and protect significant waters from hazardous substances. This modification would highlight the President's "Polluter Pays" message, allow agencies to accelerate cleanup using existing budget resources, and highlight the Administration's ability to protect the environment through executive action.

II. Background/Analysis

All of the natural resource agencies have been engaged in an ongoing effort develop legislative and administrative reforms to our NRD programs under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), Pub. L. 96-510 (Dec. 11, 1980), as amended, codified at 42 U.S.C. §§ 9601-9675 (1995). These efforts have highlighted the need to enhance the authority of federal natural resource trustees to compel responsible companies to perform or pay for control of toxic sources affecting natural resources.

There has been strong interest in the policy merits of this step since the development of the Administration's Superfund reform bill in the 103rd Congress. The urgency of the issue has increased, however, as a result of provisions in pending Republican Superfund bills in the 104th Congress -- provisions drafted by lobbyists for a handful of mining and oil companies -- that would largely eliminate liability for natural resource damages (NRD) at many sites where there is continuing damage to commercially and ecologically significant resources from releases of hazardous substances. The prospect of this potential windfall -- which could save hundreds of millions of dollars for several companies and leave no means to restore tremendous damage to natural resources -- is undermining the incentives for companies to work cooperatively with federal, state, and tribal trustees, to settle claims brought by the United States, to pay for the damage they have caused, and to restore the environment promptly. This is also hampering the land management agencies in their effort to compel responsible parties to clean up contamination left on federal lands, with potentially significant implications for the budgets of these agencies.

Currently, Superfund gives the President authority to issue "such orders as may be necessary to protect public health and welfare and the environment." This authority to issue administrative orders to compel site investigation and cleanup is one of the principal tools for under the statute for getting cleanup started. But in President Reagan's Executive Order delegating this authority, the delegation is limited to Environmental Protection Agency (EPA) and (for marine spills only) the Coast Guard. Many other agencies have oversee cleanup and have trust responsibility for natural resources under Superfund, but they lack this important tool for compelling responsible parties to do cleanup work. These agencies must begin the process by commencing litigation before cleanup, because neither EPA nor the Coast Guard is involved at NRD sites. By amending the Executive Order and expanding the delegation to the natural resource trustees (primarily the Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), and the Department of Agriculture (USDA)), the President would counteract the pending bills, which give all companies a reason to litigate rather than settle, and quite visibly reaffirm his commitment to protecting the environment and natural resources.

In addition to furthering the goals of the toxics initiative and the NRD programs generally, this change would further the President's "polluter pays" message on Superfund reform and toxic waste cleanup.

Concerns have been raised about the potential for a dramatic expansion in the Superfund program, the possibility of multiple or inconsistent orders, and the possibility of orders creating demands for reimbursement from the Superfund under Section 106(b), and the possibility of orders issuing under inconsistent standards. We believe that all of these concerns are unfounded.

First, with respect to the scope of the program, this change in authority would not expand the number of sites within the purview of the natural resource trustees, because these trustees already are under a legal obligation to address contamination at NRD sites. The number of sites would remain the same, but the trustees' leverage to get the responsible parties to clean up these sites would be enhanced. Second, with respect to potentially inconsistent orders, the concurrence role given to the Administrator (and, in the case of marine resources, Coast Guard) ensures that EPA will be able to protect the Fund and impose consistency, just as it currently does with respect to its own orders. The draft order also provides, explicitly, that none of the natural resource trustee agencies may initiate an order when EPA or the Coast Guard is actively managing a site.

### III. Recommendation

The President should expand the delegation of administrative order authority so that natural resource trustees (DOI, NOAA, USDA) can issue orders to responsible parties to abate imminent and substantial threats to the environment and restore natural resources. EPA concurrence, and consultation with other affected agencies, would be required as part of the amended Executive Order. Separately, the natural resource trustees may make policy statements indicating their intent to limit claims for interim damages against responsible parties who comply with such an order.

A background memorandum is attached. Both were developed through consultation with the Office of Legal Counsel at the Department of Justice (DOJ).

CEQ, DPC, DOJ, DOI, EPA NOAA, and USDA support the proposed modification. The Department of Defense (DOD) and Department of Energy (DOE) have indicated their intent not to oppose such a modification. OMB (OIRA), OMB (Natural Resources), NEC, and the Council of Economic Advisors (CEA) have been briefed on this recommendation; NEC and CEA have indicated informally that they will not oppose. The President and Chief of Staff have reviewed this proposal in the course of reviewing the overall toxics initiative, and have not raised or been advised of any objection.

All agencies have made a commitment to develop an interagency Memorandum of Agreement will be needed to clarify coordination and implementation issues that would not be appropriate for incorporation into the Executive Order. CEQ will chair a process for developing the MOA.

8-26-95

Elmer,

CEQ is pushing to get this order into the White House by COB today. CEQ wants the President to sign it at an event in Wednesday. OMB and OLC are okay with it. Brad Campbell is CEQ's point person on the order.

Thank you.

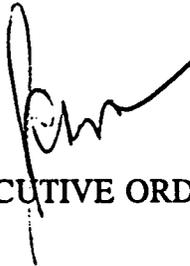
Mac (K53563)



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

August 23, 1996

MEMORANDUM FOR JACOB LEW

FROM: KATHLEEN A. McGINTY 

RE: MODIFICATION OF EXECUTIVE ORDER 12580

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There has been strong interest in the policy merits of this step since the development of the Administration's Superfund reform bill in the 103rd Congress. The urgency of the issue has increased, however, as a result of provisions in pending Republican Superfund bills in the 104th Congress -- provisions drafted by lobbyists for a handful of mining and oil companies - - that would largely eliminate liability for natural resource damages (NRD) at many sites where there is continuing damage to commercially and ecologically significant resources from releases of hazardous substances. The prospect of this potential windfall -- which could save hundreds of millions of dollars for several companies and leave no means to restore tremendous damage to natural resources -- is undermining the incentives for companies to work cooperatively with federal, state, and tribal trustees, to settle claims brought by the United States, to pay for the damage they have caused, and to restore the environment promptly. This is also hampering the land management agencies in their effort to compel responsible parties to clean up contamination left on federal lands, with potentially significant implications for the budgets of these agencies.

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503  
August 23, 1996

MEMORANDUM FOR DESIGNATED AGENCY HEADS  
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus *RGD*  
General Counsel *by MR*

SUBJECT: Proposed Executive Order Entitled "Amendment to  
Executive Order No. 12580"

Attached is a proposed Executive order entitled "Amendment to Executive Order No. 12580."

It was prepared by the White House Council on Environmental Quality, in accordance with the provisions of Executive Order No. 11030, as amended.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 12:00 noon Monday, August 26, 1996. Please be advised that agencies that do not respond by the August 26, 1996 deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

Attachments - Distribution List  
Proposed Executive Order

cc: Jack Lew  
John Koskinen  
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Joe Minarik  
Ken Apfel  
Nancy-Ann Min  
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Counsel to the President

Honorable Todd Stern  
Assistant to the President  
and Staff Secretary

Honorable Ron Klain  
Chief of Staff to the Vice President

**Draft E.O. Proposal**  
**AMENDMENT TO EXECUTIVE ORDER NO. 12580**  
**(Revised August 22, 1996)**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.) (the "Act"), and section 301 of title 3, United States Code, I hereby order that Executive Order No. 12580 of January 23, 1987, be amended by adding to section 4 the following new subsections:

**Section 1.** A new subsection (c)(3) is added to read as follows:

"(c)(3) Subject to subsections (a) and (b)(1) of this section, the functions vested in the President by Sections 106(a) and 122 (except subsection (b)(1)) of the Act are delegated to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, and the Secretary of Energy, to be exercised only with the concurrence of the Coast Guard, with respect to any release or threatened release in the coastal zone, Great Lakes waters, ports, and harbors, affecting 1) natural resources under their trusteeship, or 2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority shall not be exercised at any vessel or facility at which the Coast Guard is the lead federal agency for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement or enforce Section 106 or to fund performance of any action in lieu of a person who receives but does not comply with an order pursuant to 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This

EXECUTIVE ORDER

-----

AMENDMENT TO EXECUTIVE ORDER NO. 12580

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Such authority shall not be exercised at any vessel or facility at which the Coast Guard is the lead federal agency for the conduct or oversight of a response action. Such authority shall not be construed to authorize or permit use of the Hazardous Substance Superfund to implement Section 106 or to fund performance of any action in lieu of a person who receives but does not comply with an order pursuant to Section 106(a), where such order has been issued by the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Defense, or the Secretary of Energy. This subsection shall not be construed

to limit any authority delegated by any other section of this order. Authority granted under this subsection shall be exercised in a manner to ensure interagency coordination that enhances efficiency and effectiveness in implementing the program."

Sec. 2. A new subsection (d)(3) is added to read as follows:

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

AUG 12 1996

MEMORANDUM FOR:

THE ADMINISTRATOR

**Daniel R. Glickman**  
Secretary of Agriculture

**Michael Kantor**  
Secretary of Commerce

**Jacob Lew**  
Acting Director, Office of Management and Budget

**Donna E. Shalala**  
Secretary of Health and Human Services

**Kathryn O. Higgins**  
Assistant to the President for Cabinet Affairs

**John L. Hilley**  
Assistant to the President for Legislative Affairs

**Carol H. Rasco**  
Assistant to the President for Domestic Policy

**Joseph E. Stiglitz**  
Chair, Council of Economic Advisors

**Laura D'Andrea Tyson**  
Assistant to the President for Economic Policy

**Ron Klain**  
Chief of Staff to the Vice President

**Kathleen A. McGinty**  
Chair, Council on Environmental Quality

**Anne Brown**  
Chair, Consumer Products Safety Commission

**Robert Pitofsky**  
Chairman, Federal Trade Commission



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**SUBJECT: Family Right-to-Know Initiative**

After several meetings convened by the NEC and OMB, we came to agreement within the Administration on the inclusion of a Family Right-to-Know Initiative in *EPA's National Agenda to Protect Children's Health from Environmental Threats*. We also agreed to work together to provide detail concerning this initiative -- particularly whether and how to craft it as a legislative proposal from the Administration -- before EPA releases its *National Agenda* in September.

We are now proposing the next steps in developing an Administration position on this issue, as well as for the other opportunities presented by EPA's report on children's environmental health. This Memorandum sets forth some of the background considerations, and suggests a process for reaching a consensus on a proposal. I continue to believe that a Family Right-to-Know Initiative, and other actions concerning children's environmental health, present tremendous opportunities for the Administration to demonstrate the President's continuing leadership on family values. I look forward to our work together to coordinate the authorities and expertise of each of our agencies and to refine the approach we have agreed to so far.

**Success of the Community Right-to-Know Program**

Community right-to-know about the release of toxic pollutants has been a major focus of this Administration's environmental efforts and a great success story. We have empowered communities to work with industry and protect community health and safety -- yielding large reductions of reported releases of toxic pollutants -- without imposing traditional command-and-control regulations on business. We are providing detailed information on which toxic chemicals are released into American's air, land, and water, and by which facilities -- directly to communities so they have the tools to make better decisions concerning their own health. These actions have proven tremendously popular with the public and have been generally supported in the business community's public statements.

In the face of a Congressional appropriations rider that would have seriously undermined our commitment to expand community right-to-know, the President last August issued the Pollution Disclosure Executive Order, and an accompanying Presidential Memorandum. These served to focus attention on the Congressional rollback efforts and to ensure that this and other riders ultimately were dropped. Since then, we have accomplished two major components of the expansion of right-to-know. We have prevailed on the first round of litigation upholding the Administration's action nearly doubling the number of chemicals on which facilities must report, and the Vice President and I recently announced the Administration's proposed rule to require reporting on toxics by additional types of industries -- increasing by nearly one-third the total

number of facilities providing information to communities. At the same time, we have simplified and streamlined how reporting occurs. In a 1993 Executive Order, the President also extended the right-to-know obligations to the United States government's own facilities.

On June 26, the House of Representatives, in an amendment sponsored by Rep. Durbin that was seen as a challenge to the Congressional leadership's latest position on the environment, voted to restore a directed funding cut to EPA's community right-to-know program for Fiscal Year 1997. Finally, the Administration successfully worked with Congress to guarantee the public's right-to-know about contaminants in drinking water as part of the reauthorization of the Safe Drinking Water Act and about pesticides in food as part of the Food Safety legislation.

The most recent data under the Toxic Release Inventory ("TRI") provided information on the release of 2.26 billion pounds of listed toxic chemicals into the nation's environment in 1994 by 22,744 facilities. These facilities collectively reduced their reported releases by 8.6 % from the 1993 reporting, and by 44.1 % since 1988. The Chemical Manufacturers Association recently reported to me that its members have reduced emissions to the environment by 61 % since 1987. These data demonstrate that public reporting, and the work done by communities with facilities in their neighborhoods, has led to significant reductions in toxic chemical releases. It has yielded significant resultant cost savings for industry as well.

### **EPA's Focus on Children's Environmental Health**

Protecting children from environmental health threats has been one of EPA's highest priorities during the Clinton Administration. Our policies recognize the emerging scientific consensus that children are particularly at risk from environmental hazards because their developing bodies are more susceptible, they are more exposed to environmental hazards (they eat and drink much more per pound than adults, for example, and often place items in their mouth that we would not), and they are least able to protect themselves. Environmental health hazards range from asthma-inducing air pollution to lead-based paint in older homes, from treatment-resistant microbes in drinking water to persistent industrial chemicals that may cause cancer or induce reproductive or developmental changes. EPA has made great progress on these issues during the Clinton Administration, including adopting a new policy ensuring consideration of special environmental threats to children in the development of risk assessments. We have made children's health issues a high priority across all of EPA's work, including in: drinking water protections; toxic waste cleanups; toxic air pollution reductions; protections for rivers, lakes and streams; safety controls for toxic chemicals used at home; lead poisoning prevention; enforcement of environmental laws; and, most critically, use of the best scientific research to answer the many questions that remain about how children's health is affected by environmental hazards.

## Opportunities for Additional Action

- **Family Right-to-Know Initiative.**

I am very interested in applying the right-to-know principles to the problems facing children's environmental health. Working with NEC and OMB several weeks ago, we agreed upon the following language for inclusion in EPA's September report highlighting actions we are taking to address the environmental threats facing children:

"Expand community right-to-know -- by building on successes under current law and by expanding available tools -- to allow families to make informed choices concerning environmental exposures. . . . To enhance the usefulness of this information, it should be available for families to make informed choices about the products they use in their homes. The Clinton Administration will work with parents, scientists, the business community and the Congress to provide better information for families, so that they will have the tools to protect themselves. This proposal -- **the Family Right to Know Initiative** -- should provide common sense and cost-effective ways to meet the following principles:

- assist parents in assessing and avoiding unique environmental health risks to children from products and chemicals designed for child or home use;
- provide information on the whole range of environmental health risk from toxics, including cancer, developmental, endocrine and reproductive risks; and
- allow for informed consumer choices by providing improved information.

This initiative can be a major step forward in further protecting our children from environmental health risks. An informed family is best able to protect its child's health and future."

We are now proposing working together to fill in the details of this proposal, so that we may then decide whether the Administration should advance it as a challenge to Congress. My own judgment is that because this proposal resides at the intersection of the popular issues of community right-to-know and protecting children, and because it in many ways represents the next logical expansion of right-to-know, the Administration would be well-served by advancing such a proposal.

We also understand that the Congressional Democratic Leadership has been considering introducing legislation incorporating these or similar principles. They have been developing the legislation in cooperation with several national environmental organizations. I believe that the Administration would benefit from working with the sponsors of this legislation to craft an approach accomplishing responsible expansion of this aspect of right to know.

- **Potential Executive Order on Protecting Children from Environmental Health Threats.**

One of the key components of EPA's Agenda is a commitment to put children first, by ensuring that we address the differential threats that children face from environmental health hazards. The recently enacted Food Safety legislation adopted the Administration's approach to this issue. I believe it is appropriate to consider an Executive Order establishing a **national policy to ensure that all standards the federal government sets are protective enough to address the potentially heightened risks faced by children -- so as to prevent environmental health threats wherever possible.** Such an order would demonstrate the President's commitment to protect children where they are most vulnerable, bringing to bear responsible scientific justification. Thus, an order could:

- As a national policy, ensure that all standards the federal government sets are protective enough of the potentially heightened risks faced by children, and that the most significant current standards be re-evaluated as we learn more;
- Identify, coordinate, and expand scientific research opportunities on child-specific susceptibility and exposure to environmental pollutants so that the best information can be employed in developing protections for children;
- Expand educational efforts with health and environmental professionals to identify, prevent, and reduce environmental health threats;
- Commit to make children's environmental health issues a top priority among relative health risks.

### Next Steps for Action

We would appreciate your designating appropriate staff to work with NEC and OMB, as we set up a staff level meeting within the next few weeks to arrive upon an agreed set of principles and approaches on the Family Right to Know Initiative and consider the potential for an Executive Order on Children's Environmental Health. We will also work to circulate a more detailed draft set of principles for consideration at that meeting.

I would be pleased to discuss these matters further with you. You should also feel free to have your staff contact Gary Guzy, Counselor to the Administrator, at 260-7960. I look forward to working with you on this important initiative.



Carol M. Browner

cc. Gene Sperling, NEC  
Elgie Holstein, NEC  
T.J. Glauthier, OMB  
Sally Katzen, OIRA  
Elena Kagan, WH Counsel

THE WHITE HOUSE  
WASHINGTON

TO: Helen Howell

cc: Kathy Wallman

This is OK to  
give to the  
President.

Elena

to Elena -

Can you please  
review? Thanks

fw

Diagh -  
Would you take  
a look at this  
and call me?  
Elena

THE WHITE HOUSE  
WASHINGTON, D.C. 20500

DATE: 6/11/96

TO: Kathy Wallman

FROM: Staff Secretary

We'd like your clearance  
before giving this letter  
to POTUS for signature.

Thanks.

Helen  
6-2706

THE WHITE HOUSE  
WASHINGTON

cc: Winc.  
• EPA Executive Secretariat,  
Sandy Hudnall  
• Commerce Dept Exec Sec  
• SPSA Exec Sec  
• Fran McPoland  
EPA  
Mc: 1600

June 12, 1996

Roger P. Hoffman  
President and CEO  
Hoffman Environmental Systems  
Post Office Box 880  
Green Bay, Wisconsin 54305-0880

Dear Roger:

Thanks for your letter of May 17 and for the update on your business. I'm glad things are going so well for you and that you're making progress on the "micro" paper mill/converting project. As a follow up to your meetings with Katie McGinty and Brian Johnson, you may want to contact Fran McPoland, the Federal Environmental Executive. She implements the recycling executive order and can be reached at (202) 260-1297.

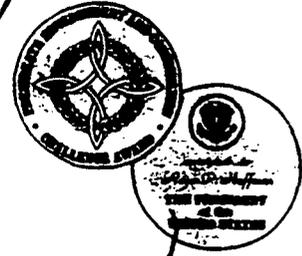
Though I never know what my schedule will hold, please make sure to call my office before your next visit to Washington -- I'd like to try and see you.

Sincerely,

# HOFFMAN

ENVIRONMENTAL SYSTEMS

*Neuen*  
*de*  
*5/17/96*  
*McPart*



May 17, 1996

Ms. Nancy Herrreich  
Office of the President  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Nancy:

I spoke to Amy in your office today and she suggested I send this package to you.

You had helped us out in the past and I would appreciate it if you would once again make sure that President Clinton receives the enclosed letter.

Thank you and have a nice day.

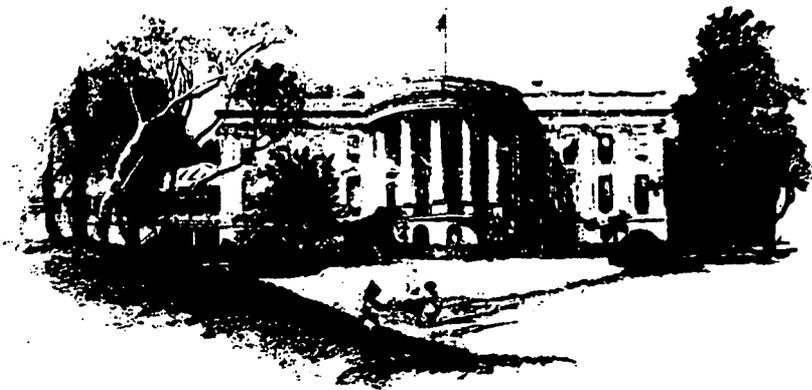
Sincerely,

*Cindy LaLuzerne*

Cindy LaLuzerne  
Administrative Mgr.

*spoke to B. Birman  
in. CEO who met  
w/ Hoffman last  
year - he said  
he'd look into  
letter & recommend  
for response.*





# THE WHITE HOUSE

THE PRESIDENT'S PERSONAL CORRESPONDENCE OFFICE

Phone: 202-456-2957 • Fax: 202-395-4198

Date: 3 June 1996

To: BRIAN JOHNSON

From: Maureen Lewis

Fax Number: 62710

Number of Pages Including Cover: 4

Comments: BRIAN -

If you think of anything  
re: this, please let me know.  
Thanks for your assistance!

-maureen

# **HOFFMAN**

**ENVIRONMENTAL SYSTEMS**

**Roger P. Hoffman**  
*President and CEO*

May 17, 1996

President Bill Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Bill:

I was pleased to hear that you met Dan Bollom of Wisconsin Public Service Corporation at the recent White House event "In Performance at the White House". He contacted me after his trip to advise of his conversation with you, explaining our relationship. It's been a long time since I last contacted you, so I thought I'd give you a quick update.

It has been one year since Fred Parish and I met with Katie McGinty to discuss the projects we are working on.

Since that time, we have brought Ogden Corporation (the largest waste-to-energy company in the U.S.) and Union Camp (a premier paper company with a solid environmental track record) together on a project that will hopefully break ground in Indianapolis this fall. The project will greatly further Indianapolis' recycling efforts and will result in the existing Ogden facility providing the energy to dry 500 tons of corrugating medium per day. The raw material will be primarily residential mixed wastepaper. This project has been in the works for some time now and we are cautiously optimistic, that it will achieve financial closing soon.

The concept is terrific and is a winner: for Indianapolis -- recycling and jobs; for Ogden, part ownership in a recycled papermill and an outlet for steam; for Union Camp, mill ownership, as well as producing corrugating medium for their box plants. Most of all, it's an environmentally significant project, since the paper -- residential mixed -- is collected in such a way that transportation and handling costs are minimized -- meaning the wastepaper keeps the highest possible value and also a minimum amount of transportation energy is expended in getting the wastepaper made into paper.

My new company wins too, of course, since most of our fees are tied to financial closing and ground breaking.



In addition to the Indy project, we now have funding from Wisconsin Public Service's non-regulated subsidiary -- Power Development Inc. (PDI) to fully engineer the "micro" paper mill/converting project. You may remember that the next step beyond mini mills is still smaller paper mills (micro mills) tied to converting operations. This concept greatly minimizes transportation costs -- saving as much as 50,000,000 tons of paper products traveling over 1,000 miles -- every year. Now, most paper is consumed in cities and manufactured near forests. Virgin mills are not the place to recycle the 50,000,000 tons that we will collect each year for recycling! Recycling in cities in zero liquid discharge mills also creates needed urban jobs.

Finally, we received a U.S. patent (Patent Number 5,550,084) for a new method of pulping virgin fiber. We call the concept "Continuous Fiber Liberation Pulping" (CFLP). CFLP produces higher yield, more easily bleached pulps. This is because unlike other types of pulping, CFLP takes fibers out of the vessel as they are liberated from chips -- not damaging them by overcooking. We have our bench scale testing completed. Additionally, PDI has again stepped in to help fund this development.

Bill, we now face significant dollars to carry this process to the full commercial size. There is a small pulp mill that is being shut down in Peshtigo, Wisconsin, the company's 60 day notice period ends June 15, 1996. This shutdown will ultimately result in 90 union and office people losing their jobs. Additionally, this will be a serious blow to the little community of Peshtigo in indirect job losses.

We estimate that for approximately \$10,000,000, this pulp mill could be converted to CFLP pulping and would once again be viable -- this is far less than building a grass-roots mill. And unlike the sulfite mill that is being shutdown, we would use no chlorine and no chlorine derivatives to carry out the bleaching eliminating the dioxin concern.

Since this is a new concept, funding by conventional methods will be difficult. Yet the potential advantages to the local economy and the environment of a new non-chlorine pulping process are many.

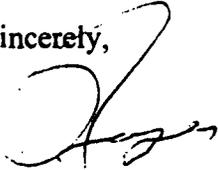
PDI will invest some of the necessary capital.

The State of Wisconsin can probably be counted on as well.

Can we get any federal support for this effort?

If you believe that the potential exists to support this development, due to it's national environmental impact, I would very much like to meet with the appropriate people and discuss how we could proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie McGinty', written over a light blue horizontal line.

c: Katie McGinty

P.S. I'll try to time my next trip to Washington, D.C. when you are in town so that perhaps I can say a quick hello. It would be terrific to see you again. So much has changed in your life since we last spoke, and it would be a wonderful experience for me, just to visit for a brief minute.

EXECUTIVE OFFICE OF THE PRESIDENT

05-Jun-1996 04:45pm

TO: Maureen F. Lewis  
FROM: Brian J. Johnson  
Council on Environmental Quality  
SUBJECT: RE: Any Suggestions?

Maureen,

I'd say EPA Administrator, Commerce Sec, SBA and Fran McPoland. Fran is the "Federal Environmental Executive" whose job it is to implement the recycling executive order. She has no money, but knows all the programs. She is physically located at EPA, but reports on matters of policy to Katie, because she has an interagency office.

If there are programs to which Hoffman can apply, these would be the agencies. Hopefully their chain of letter passing will work.

Fran McPoland  
Federal Environmental Executive  
401 M Street, SW (MC: 1600)  
Washington, DC 20460

Brian

(202)  
260.1297