

NLWJC - Kagan

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Environment - General

Environment - ~~Clean Water~~
General

A SECOND GENERATION OF CLEAN WATER (RESTORING 1000 RIVER SYSTEMS)

Presidential Action. President Clinton would respond to a major environmental and public health threat by launching an initiative to define the second generation of clean water protection by committing to full restoration of 1000 watersheds (40 percent of our river systems) that are now polluted. The President would build on his defense of the Clean Water Act against assaults from the 104th Congress, maximize the use of authority to protect communities under current law, and challenge this Congress to change course and strengthen the tools available to communities under the Clean Water Act.

Background. We are now celebrating the 25th anniversary of the Clean Water Act, and President Clinton frequently has extolled its successes. Rivers that once caught fire are now healthy gathering places for our communities. Still, much needs to be done. Forty percent of our waterways are still too polluted for fishing or swimming. Uncontrolled runoff from both cities and rural areas continues to generate alarming environmental and public health threats, as illustrated by the dramatic *Pfiesteria* outbreaks in Maryland and Virginia that killed fish, threatened public health, and devastated local economies. These incidents will recur, and the 40 percent figure will not change, unless the President takes bold action, through a major retooling and expansion of clean water programs.

The Clean Water Act, which focused on "point-source" discharges that now have generally been brought under control, also needs retooling and strengthening if we are to continue to make progress and provide the range of approaches -- regulatory and nonregulatory/incentive-based -- that are needed to make further progress. The 104th Congress sought to reauthorize the CWA through weakening amendments that President Clinton derided as a "Dirty Water Act" that would reverse progress under the Clean Water Act. The President would challenge Congress to reverse its course, and ensure clean water for the next generation.

Budget Implications. A credible initiative would require new resources, at a level between \$500 million and \$1 billion, depending on the division between tax incentives and appropriations (currently under discussion with OMB).

Hill Implications. More than any other single issue, clean water is the issue on which the public trusts Democrats over Republicans by the greatest margin. (75 percent trust Democrats on the issue, only 10 percent trust Republicans, while 71 percent of Americans want water standards to be tougher.) An Administrative initiative and legislative challenge would **unify Democrats** in both the House and Senate, as well as environmental and community groups..

Status. Pursuant to a directive from Vice President Gore, EPA and USDA are now developing a clean water "Action Plan" that would be ready before the State of the

Union. The Administration has long had a set of principles for legislation, which already are reflected in a number of Democratic bills.

Potential negatives. House Republicans may deride the initiative as politically motivated, although moderate Republicans who opposed the "Dirty Water Bill" are likely to be receptive.

EXPANDING EVERY COMMUNITY'S RIGHT -TO-KNOW

Presidential Action. President Clinton would commit to an expansion of community right to know through legislative and administrative action to provide communities with access to information about toxics moving through their neighborhoods and threatening their children. Specifically, President Clinton would endorse legislative and administrative action to require "materials accounting" or "use data" disclosure to communities, regardless of whether these materials are released to the environment.

Background. President Clinton has empowered communities through a series of initiatives to expand disclosure of toxics releases (doubling the number of chemicals subject to "toxic release inventory" (TRI) reporting in 1993, a 30 percent increase in the number of facilities subject to TRI in 1997). The President would build on this success by taking the next step in right-to-know, requiring disclosure of the toxic materials used or stored in facilities, regardless of whether they are actually released into the environment. Often, communities cannot find out about these materials until there is a catastrophic release through an explosion or other extraordinary event that "releases" the material to the environment.

(Massachusetts and New Jersey already have such requirements under state law, and claim dramatic reductions in toxic material use as a result.) President Clinton first endorsed this initiative in *Putting People First*. At a TRI event in Baltimore in 1995, the President directed EPA to accelerate the process of examining the merits of requiring "use data" disclosure. At the Kalamazoo Toxics event in 1996, the President directed EPA to develop additional ways to empower communities through right-to-know, culminating in the TRI facility expansion on Earth Day of this year. OMB and the economic agencies have been skeptical about "use data" collection, however, because of cost concerns and potential competitiveness issues (why should Fuji be able to learn what materials Kodak uses?).

Budget Implications. A credible initiative would require few new resources (less than \$10 million).

Hill Implications. This issue has strong support in the left wing of the Democratic caucus, but could **divide Democrats**. Several senior Democrats (e.g. John Dingell) have been opponents of "materials accounting," even though a number of moderate Republicans are supportive.

Status. EPA is in a position to accelerate its administrative process, although there is doubt about its legal authority to effect the expansion by regulation. Congressmen Waxman (D-CA) and Saxton (R-NJ) already have introduced

legislation that would reinforce EPA's authority and also enhance disclosure of environmental threats to children. The President could set enactment of these bills as a priority.

SAFE PLACES FOR KIDS INITIATIVE

Presidential Action. President Clinton would announce a major initiative to protect children from environmental health and safety threats where they live, play, and go to school, by funding an aggressive interagency program to respond to a major environmental and public health threats that children encounter in their homes, schools, and neighborhoods.

Background. On April 21, President Clinton signed an Executive Order directing the Federal agencies to enhance the protection of children from environmental health and safety threats. The order and its implementation respond to an emerging scientific consensus that children's physiology and activity patterns put them at a disproportionate risk from exposure to toxics and other environmental hazards. EPA and HHS have a broad interagency initiative underway to coordinate the Federal The funding devoted here would be used to more aggressively expand lead abatement, preventive health measures, school improvements, and removal of other hazards affecting children. Wherever possible, Federal funds would be used to generate state matches and public-private partnerships.

Budget Implications. Undetermined. A credible initiative focused on 100 targeted cities and rural areas would require new resources at a level of \$100 million or more annually.

Hill Implications. Children's health issues tend to **unify Democrats** and generate **bipartisan support**. A draft bill codifying the President's Executive order already has been developed (though not introduced) and could be used to foster Hill "buy-in" and ownership of the children's health agenda.

Status. Pursuant to the Executive Order, EPA and HHS have been convening the agencies to develop the elements of an effective initiative.

Potential negatives. House Republicans may deride the initiative as politically motivated, although moderate Republicans are likely to be receptive. .

ENVIRONMENTAL JUSTICE FOR ALL AMERICANS

Presidential action. In furtherance of the President's initiative on race, President Clinton would commit to an aggressive, targeted pollution abatement strategy in 100 communities and rural areas where low-income and minority communities have suffered adverse and disproportionate impacts from exposures to toxic pollution.

Background. Early in the first term, President Clinton issued Executive Order 12898, directing Federal agencies to consider disproportionate and adverse impacts on low-income and minority communities when implementing federal programs and activities. There is growing frustration among many African-American community leaders, however, who feel that our commitment is faltering. This frustration is attributable in part to the fact that many of the most significant "environmental justice" problems result not from new federal actions but from a legacy of past contamination and historical patterns of development. Resources are needed in communities across the country to abate these conditions, and target remediation, pollution reduction, and health responses these communities need but have not received from their state and local governments.

Budget Implications. Undetermined. A credible initiative focused on 100 targeted cities and rural areas would require new resources of at least \$100-\$200 million annually.

Hill Implications. This initiative would receive strong support from the **Black Caucus and the Hispanic Caucus**, as well as the **left wing of the Democratic caucus**. Significant opposition is unlikely.

Status. Pursuant to the Executive Order, there is an interagency workgroup and a Federal advisory committee that could rapidly identify target areas and needs. Most of the eligible communities and regions already have been identified as part of the existing effort.

Potential negatives. This initiative is likely to spawn some backlash from industry, fearing heavy-handed regulation. This initiative may have limited broad-based appeal.

Smart Growth And Sustainable Communities Initiative

Presidential Action The President would announce the creation of new funding and tax incentives to promote smart growth and sustainable communities. The initiative would focus on environmentally friendly growth, and tax incentives for resettlement of our depopulated urban areas and other communities. This could be accompanied by an executive order focusing the Federal effort on combating sprawl.

Background. Recent press reports highlight the continuing flight from our nation's urban core, and unplanned "sprawl" development continues to exact a cost from communities both in terms of the environment and quality of life. These issues have been highlighted by the President's Council on Sustainable Development report, President Clinton's executive order on locating federal properties in central cities, and in a current request by the Vice President for an interagency report on additional Federal steps to combat sprawl and to promote "smart growth" and sustainable development. An Executive Order could reinforce this effort by assisting the states in developing smart growth plans, and creating a preference in Federal planning for projects that are based on sound land use planning and do not contribute to "sprawl" development. Governors Glendening and Kitzhaber have been leaders in implementing state "smart growth" policies, and this initiative would help other states follow their lead. Nonetheless, all of the Administration's efforts have identified the need for additional Federal resources to bolster local planning efforts and to provide incentives for urban re-population, and this conclusion has been vocally reinforced by the National Conference of Mayors, the National League of Cities, and others. Funding could be used for enhancing local planning efforts and for targeted tax incentives to promote urban re-population.

Budget Implications. Funding would depend on the number of areas targeted, but a credible proposal would likely require at least a billion dollars spread over 5 to seven years. This could be allocated competitively by requiring states to meet threshold planning requirements.

Hill Implications Strong support is likely from Democratic caucus, particularly among the Black and Hispanic Caucuses. This support would be reinforced by the Conference of Mayors, Governors, and other groups.

Status. An interagency effort developing this effort has been in place and could quickly complete any needed policy development.

Possible Negatives None apparent.