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WITHDRAWAL SHEET

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Collection: Meese, Edwin: Files

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File Folder: Environmental Protection Agency [1/81-12/82]

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FOIA ID: F00-094 (Munton)

Date: 01/11/05

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Darrell Trent to Ed Meese re succession in EPA 1 p.	1/19/81	B6
2. memo	Peter McPherson/Ray Peck to Ed Meese/Jim Baker re interim action in CEQ 1 p.	1/19/81	B6
3. handwritten notes	Re EPA 2 p. (front and back)	ND	B6

RESTRICTIONS

P-1 National security classified information [(a)(1) of the PRA].
P-2 Relating to appointment to Federal office [(a)(2) of the PRA].

P-3 Release would violate a Federal statute [(a)(3) of the PRA].
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

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F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 1-2 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

31 MAR 1982

F Environmentalist Files Orgs

NEWS

Friends of the Earth
Natural Resources Defense Council
Wilderness Society
Sierra Club
National Audubon Society
Environmental Defense Fund
Environmental Policy Center
Environmental Action
Defenders of Wildlife
Solar Lobby

Embargoed for Release Until:

1 p.m. EST/10 a.m. PST
Wednesday, March 31, 1982

NATIONAL CONSERVATION GROUPS INDICT REAGAN FOR "SYSTEMATIC DESTRUCTION" OF ENVIRONMENTAL PROGRAMS

SAN FRANCISCO -- Ten of the nation's largest environmental organizations today issued an indictment of the Reagan Administration for systematically destroying laws and programs which protect public health from pollution and which preserve publicly-owned resources for the public good.

The Indictment, a compendium and analysis of more than 220 actions or policies of the Reagan Administration, finds a disturbing pattern to the Reagan approach: "The President and his officials are engaging in a wholesale giveaway to private interests of our most precious natural resources: our clean air and water, our spectacular national treasure lands, and our developable resources. In the name of 'getting the government off our backs,' they are giving away our natural heritage," it says.

In preparing the document, the groups found consistent attitudes and approaches weaving through the agencies responsible for environmental and conservation programs. The most dramatic reversals from previous Administrations' policies include:

- * A major retreat in controlling all forms of pollution, especially the toxic by-products of the chemical revolution;

12 APR 1982

F-EPA ✓

THE WHITE HOUSE
WASHINGTON

April 12, 1982

MEMORANDUM TO JAMES BAKER
EDWIN MEESE ✓
CRAIG FULLER

FROM: RICHARD S. WILLIAMSON *Rich*

SUBJECT: COLORADO *F* EPA DECISION

This is an update to our recent conversation regarding the effect of a recent EPA decision on Colorado. This matter appears to be caught up in lingering parochial political considerations.

EPA is allowed to delegate certain Prevention of Significant Deterioration (PSD) permitting procedures to states. This has been done in a number of states, and most recently in Utah. EPA has refused to do this in the State of Colorado.

Steve Durham, Regional Director of EPA and a friend of Ann Gorsuch, has decided not to delegate the PSD permitting procedure to Colorado. To do so would allow the Colorado Air Quality Commission, controlled by Governor Lamm (D) to make decisions regarding permits. The assumption is that Governor Lamm would block permits for power plants, oil shale projects and other developments.

Governor Lamm views this decision as an outgrowth of prior political confrontations he has had with Ann Gorsuch and Steve Durham. (Durham has been a member of the State Assembly and State Senate in Colorado).

Publicly, Durham has stated that Colorado does not have sufficient technological background, staff, budget or experience to cope with the permitting procedure. Durham has offered a cooperative agreement to the legislature and the Governor. A resolution of support for EPA will soon be introduced in the State Legislature.

- * A turnover of control of public resources to private interests;
- * The sacrifice of non-commercial values on the public land to commercial exploitation;
- * Huge government subsidies for "white elephant" energy programs like nuclear and synfuels and the limitation of federal aid for solar and conservation projects;
- * Sharp cutbacks in the enforcement of virtually every kind of environmental regulation; and
- * An abandonment of the concept of public participation in land use and pollution control decisions.

"President Reagan has broken faith with the American people on environmental protection," said Michael McCloskey of the Sierra Club on behalf of the 10 groups. He and leaders of the other groups released the Indictment today in a news conference in San Francisco.

Alarmed by individual Reagan policy changes, the groups set out to analyze the comprehensive impact of Reagan's environmental approach. "We began the project with apprehension," said John Adams of Natural Resources Defense Council. "We ended it appalled. Not only do the Reagan policies threaten every aspect of the quality of life in our country, but they also severely undermine the efforts of those industries that have responsibly complied with environmental laws and regulations."

"Things are even worse than they seemed," said Rafe Pomerance of Friends of the Earth. "The American people must call Reagan to task for his devastating actions against the environment."

The organizations' charges were contained in a 35-page document entitled Indictment: The Case Against the Reagan Environmental Record.

The 10 groups included Friends of the Earth, Natural Resources Defense Council, The Wilderness Society, Sierra Club, National Audubon Society, Defenders of Wildlife, Environmental Action, Environmental Defense Fund, Environmental Policy Center and Solar Lobby.

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FOR MORE INFORMATION, CONTACT:

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18 JAN 1982

THE WHITE HOUSE
WASHINGTON

CABINET AFFAIRS STAFFING MEMORANDUM

DATE: January 7, 1982 NUMBER: 053349CA DUE BY: --

SUBJECT: Letter to the President from Administrator Gorsuch concerning
Budget Decision

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	☐	☐	Baker	☐	☐
Vice President	☐	☐	Deaver	☐	☐
State	☐	☐	Anderson	☐	☐
Treasury	☐	☐	Clark	☐	☐
Defense	☐	☐	Darman (<i>For WH Staffing</i>)	☐	☐
Attorney General	☐	☐	Jenkins	☐	☐
Interior	☐	☐	Gray	☐	☐
Agriculture	☐	☐	Beal	☐	☐
Commerce	☐	☐		☐	☐
Labor	☐	☐		☐	☐
HHS	☐	☐		☐	☐
HUD	☐	☐		☐	☐
Transportation	☐	☐		☐	☐
Energy	☐	☐		☐	☐
Education	☐	☐		☐	☐
→ Counsellor	☐	☒		☐	☐
OMB	☒	☐		☐	☐
CIA	☐	☐		☐	☐
UN	☐	☐		☐	☐
USTR	☐	☐		☐	☐
CEA	☐	☐	CCNRE/Boggs	☐	☐
CEQ	☐	☐	CCHR/Carleson	☐	☐
OSTP	☐	☐	CCCT/Kass	☐	☐
	☐	☐	CCFA/McClaghry	☐	☐
	☐	☐	CCEA/Porter	☐	☐

REMARKS: Suggest that OMB confirm accuracy. Please advise if EPA's understanding is at variance with Presidential decision.

RETURN TO: Craig L. Fuller
Assistant to the President
for Cabinet Affairs
456-2823

ID # 053349

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 8/1/21Name of Correspondent: Annex M. Kowalski☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Writer recapitulates the details of the President's decision on the Agency FY1983 budget

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
✓ <u>CDH</u>		ORIGINATOR	<u>8/1/21</u>		<u>8/20/07</u>
<u>Tag Feller</u>		Referral Note:	<u>8/20/07</u>		<u>8/20/07</u>
<u>SS DARM</u>		Referral Note:	<u>1 1</u>		<u>1 1</u>
		Referral Note:	<u>1 1</u>		<u>1 1</u>
		Referral Note:	<u>1 1</u>		<u>1 1</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

THE ADMINISTRATOR

December 18, 1981

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

Dear Mr. President:

053349

We wanted to thank you for your detailed consideration of the concerns we brought before you regarding the FY 1983 budget. We very much appreciate your thoughtful and carefully reasoned decision.

We are fully committed to supporting and advancing your policies. As we discussed on the phone, the advice we bring you on EPA issues will always be aimed at serving what we feel are your best interests.

If we may, we wanted to briefly recapitulate the details of your decision on the Agency FY 1983 budget:

Construction Grants

You concluded that this program should be funded at \$2.4 billion in FY 1983 and \$2.0 billion in FY 1984. The FY 1984 level will be carried as an estimate and the budget will note that this is a contingent figure which may require adjustment as a consequence of our ongoing evaluation of the program's effectiveness in the context of national economic priorities.

Operating Programs - Budget Authority

You decided that, with the exception of research and development, the Agency's operating budget and personnel figures would be resolved at the levels contained in the original September 15 submittal.

Research and Development

You concluded that there should be a compromise between our initial request and the OMB passback. We are to reduce a total of 447 workyears from the original submission, but will have agency-wide latitude as to where these personnel reductions will be taken.

We are to make a reduction of \$14 million from the September 15 request for the salaries and expenses associated with the 447 workyears. This reduction is to be taken specifically in the research and development program. This will bring the total budgeted amount for research and development down to \$206 million.

Other Considerations

We had previously been able to resolve the state grants and Superfund issues with the Budget Review Group. We have agreed to a reduction in state grants of \$19 million. The Superfund program will be funded at \$230 million. The additional reductions in state program grants and research and development will bring the Agency operating budget to \$942 million in FY 1983. The Agency will now have a total of 10,476 workyears (8,640 permanent and 1,836 other-than-permanent).

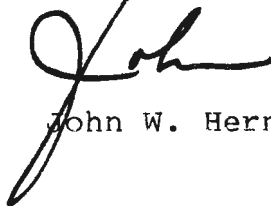
We hope that this accurately reflects the decisions you have made. If we have misstated or overlooked anything, we will correct it immediately. If everything is acceptable, Agency staff will begin to work with OMB to finalize the Congressional submittal.

Again, we sincerely appreciate your willingness to immerse yourself in the details of our tiny portion of the budget. Your personal involvement means a great deal to us, and will also mean a great deal to our employees, the regulated community and the public when the results become known in January.

Sincerely yours,



Anne M. Gorsuch



John W. Hernandez, Jr.

Clean Air Act: A Barometer of Changes

By PHILIP SHABECOFF

Special to The New York Times

WASHINGTON, June 30 — The Clean Air Act, supposedly scheduled for mere "fine tuning" by Congress this year, is turning into a closely watched, hotly contested proving ground for President Reagan's broad effort to change the nature of Federal regulation.

Congressional leaders conducting the current review of the act, including Senator Robert T. Stafford, Republican of Vermont, who is chairman of the Senate Environment and Public Works Committee, believe that a bill making only moderate adjustments in the law can still be enacted this year.

However, it now appears that a full-scale effort will be made by the Reagan Administration, as well as large sectors of industry, to persuade Congress to adopt major changes in the law. A recent draft of a staff working paper by an Administration study group on clean air proposes comprehensive shifts in the way the Government protects Americans from air pollution.

The proposals in the draft are in conformity with Mr. Reagan's goal of lessening regulation, a key element of his economic program. They would ease the economic and regulatory requirements on industry and would turn over to the states considerable responsibility for fighting air pollution.

Fears Voiced by Critics

Critics of the draft proposals, including Representative Henry A. Waxman, Democrat of California, who obtained and then released the document, contended that, if adopted, they would allow dirty air conditions to remain indefinitely and would permit clean air to become dirtier, in effect repealing much of the Clean Air Act.

Senator Stafford said in a recent telephone interview that the draft proposals might be no more than a "trial balloon" and that the President might yet come out with more modest proposals to make the law more flexible and efficient.

Yet if the White House or industry groups make "unreasonable demands for change," Senator Stafford cautioned, "we will have a contentious and lengthy period of legislating."

Mr. Waxman, who is chairman of the Health and Environment Subcommittee of the House Energy and Commerce Committee, which will oversee the review of the Clean Air Act, called the draft proposals "radical" and "dangerous." He added that if they were put forward by the President, there could be a "furious and acrimonious battle."

The review of the Clean Air Act took on increased significance for the Admin-

istration with the recent United States Supreme Court ruling that the Federal Occupational Safety and Health Administration must protect workers from on-the-job health hazards without weighing costs in relation to benefits.

Cost-Benefit Approach

It is just such cost-benefit considerations that constitute the keystone of President Reagan's approach to regulatory reform. He and other Administration leaders have insisted that Federal rules and regulations must be examined to see if their cost to industry and society as a whole can be justified by the benefits they return to society. The President has issued an executive order requiring that, if possible, all Federal regulation be subject to this cost-benefit test.

As a result of the Court decision, a consensus is apparently forming among top Administration policy-makers that the test cannot be simply imposed on the regulatory agencies by administrative action and that a legislative solution must therefore be found.

The first and most prominent "target of opportunity," as one Congressional staff aide put it, is the Clean Air Act of

1970, which is now being reviewed by Congress.

The act, often called "the flagship" of the environmental laws, was, like the Occupational Safety and Health Act on which the Supreme Court recently ruled, designed to protect health. To do so, Congress enacted a series of national air quality standards setting maximum levels for a list of air pollutants. Congress specifically did not set any cost-benefit test in drawing up the standards.

The Administration's draft proposals did not call for changes in the national health standards, although they did call for abolishing the Federal "secondary" standards designed to protect such things as property, crops, lakes and streams.

Long Debate Possible

But Administration and Congressional sources said that, in fact, a cost-benefit test was being considered as part of the President's proposal for changes in the law.

Should the Administration seek a change as fundamental as modifying the national air quality standards, a result would inevitably be to drag out the Congressional debate at least into 1982 and perhaps into 1983, according to aides on Capitol Hill from both Democratic and Republican staffs.

Should the debate stretch into 1982, it is widely agreed, the Clean Air Act would almost certainly become a major political issue in next year's Congressional elections, a turn of events that many legislators, Republican and Democrat, would prefer to avoid.

A staff aide from a House environmental subcommittee noted that a Harris Poll published this month indicated that 86 percent of those surveyed wanted a Clean Air Act providing protections as strong or stronger than the current law.

The aide speculated that next year's Congressional elections could well "pit Reagan's popularity against the public commitment to clean air."

Some informed observers believe such a confrontation can be avoided. For example, John Quarles, former deputy administrator of the Environmental Protection Agency, who is currently head of a labor-industry group seeking some changes in the law, believes that the Congressional debate will not turn into an acrimonious battle between those taking extreme positions on the air pollution issue. Instead, he said, the debate would probably be dominated by moderates seeking a middle ground.

He acknowledged, however, that if an effort were made to change the basic nature of the act, "the whole thing could degenerate into an emotional slugfest."

INDICTMENT

The Case Against the Reagan Environmental Record

Clean Air • Clean Water • Hazardous Wastes • Toxics • Strip Mining • Public
Lands • National Forests • National Parks • Wilderness • Endangered Species
OCS • Coal Leasing • Nuclear • Solar • Energy Conservation • Synfuels •
International • Regulatory Reform • Council on Environmental Quality •

Indictment

The Case Against the Reagan Environmental Record

Friends of the Earth
Natural Resources Defense Council
The Wilderness Society
Sierra Club
National Audubon Society
Environmental Defense Fund
Environmental Policy Center
Environmental Action
Defenders of Wildlife
Solar Lobby

March 1982

Cover design by Cindy Morgan/TWS

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Introduction

President Reagan has broken faith with the American people on environmental protection. During his first 14 months in office, he and his appointed officials have simply refused to do the job that the laws require and that Americans expect of their government—to protect the public health from pollution and to use publicly owned resources and lands for the public good. Instead, Reagan Administration officials are handing over to private use the clean air and water, forests, grasslands, coal and oil that belong to us all. In the name of “getting the government off our backs,” they are giving away our natural heritage.

We have watched for a year as the Administration took or proposed scores of actions that veered radically away from the broad bipartisan consensus in support of environmental protection that has existed for many years. We thought it time to examine the entire record. We began with apprehension. We end appalled.

The pages that follow document hundreds of actions that endanger the quality of life of all Americans. These separate actions add up to the Reagan environmental record. It is difficult to read that record without sorrow, anger, and a real concern for our future.

Pollution will increase because the rules designed to control it and the agencies that enforce the rules are being systematically weakened. The Administration’s attention has focused upon easing the burdens for polluters instead of protecting the public and the land.

The Administration has moved swiftly. It has changed clean air rules to allow many coal-burning plants to dump more sulfur dioxide into the air, where it re-forms as acid rain. It has withdrawn rules to control industries that dump toxic chemical wastes into landfills or flush them into city wastewater plants where they corrode equipment. From strip mines to waste dumps the Administration has cut back enforcement of the laws. Its agencies make fewer inspections and take many fewer illegal polluters to court.

When it could not get Congress to change the environmental laws, the Administration used budget cuts to cripple the agencies that carry them out. Eight major statutes passed in the last 12 years assign to EPA a job that will double in size in the next few years. The Administration wants to slash EPA’s budget by 40 percent. The job will not get done and the cost in terms of sickness, death and material destruction will be very great.

A century ago, the federal government was giving away public lands and their resources practically free of charge. Since then, the American people have come to see their public lands as a priceless resource to be used for the long-term benefit of all. A succes-

sion of laws over many decades has directed that these lands be used for wilderness, wildlife habitat, recreation, watershed protection and scenic beauty, as well as for minerals production, timber cutting, and livestock grazing. The law requires management of public forestland and grasslands to protect the long-term interests of the public and assure that private use does not destroy the land’s long-term productivity.

The Reagan Administration has made a mockery of the multiple-use/sustained-yield concept that governs the public lands. It has put huge amounts of the nation’s coal, oil and timber up for sale at bargain basement prices, without considering the long-term consequences, or showing the need for this massive transfer of public resources to private hands. Far more coal and timber are on the block than industry can use. They will be used for private speculation instead of public benefit.

The lumber companies control more than a three-year supply of uncut timber on the public lands. Yet the Administration subsidizes even more sales—in virgin areas that might remain wilderness. Sixteen and one-half billion tons of coal are under lease to private industry—enough to last two centuries at the present rate of production. Yet the Administration, riding roughshod over land use plans the law requires, wants vastly expanded coal leasing.

In handing over the public resources to private interests, the Reagan Administration is devastatingly imprudent. More than that, it is betraying the agreement between the American people and their government—expressed in many laws—that the government will shield the public lands from abuse, develop commercial resources in a prudent balanced way, and protect noncommercial resources for lasting use.

The Administration’s energy policy has been to eliminate virtually every program that provides direct benefits to individuals and small businesses seeking to conserve energy or use solar energy, while protecting billions of dollars in subsidies for nuclear power, synthetic fuels, and the oil industry.

This Administration is blind to the dangers of nuclear power. It has withdrawn safeguards against nuclear proliferation and, seeking a quick solution convenient for industry, has overridden a cautious process to deal with nuclear waste disposal. The Administration is considering the use of fuel from nuclear powerplants to make nuclear weapons, erasing the distinction drawn by President Eisenhower between Atoms for Peace and weapons for nuclear war.

The Reagan Administration’s approach to the environment and natural resources, is not conservative; it is radical. Conservatives have recognized and helped to shape the essential role of government in conservation of the air, water and land we all share.

Without government intervention, for example, the company that voluntarily refrains from dumping wastes into a stream will be at a competitive disadvantage vis-a-vis another company that freely uses public waters as a private sewer. But the Administration sees government regulation of private pollution simply as an inconvenience for industry—a nuisance that should be reduced or eliminated.

Real free market principles are unpalatable to the Reaganite Sagebrush Rebels as well. They want the Federal Government to stop managing the public lands. So the Administration is turning over management of public rangeland to ranchers who pay grazing fees on public lands that are one-fifth the fees charged for private lands. This not only costs the nation money, but invites overgrazing, which has seriously damaged more than half the public range. Likewise, western farmers irrigating with water from federal dams pay one-fifth or less of the cost. Taxpayers pay the rest. The Administration has increased the budget for western water projects.

The problems of cleaning up pollution, managing public lands and water resources wisely, and encouraging the development of safe clean energy for the Nation's future cannot be resolved by private self interest alone. Government has a crucial role in protecting the natural world we all share—and on which our survival depends. That is why President Theodore Roosevelt built and protected our National Forest System in the early years of the century. It is why the Congress passed the Multiple Use Sustained Yield Act in 1960, the Wilderness Act in 1964, the Clean Air Act in 1970, the Clean Water Act in 1972, the National Forest Management, Hazardous Waste, and Toxic Substances Control Acts in 1976, the Surface Mining Act in 1977, and many more.

In 1969 the Congress declared 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.

(National Environmental Policy Act)

The Reagan Administration has turned its back on that goal, although the great laws Congress passed to fulfill it remain unchanged, and the public support that led to their enactment has not diminished but grown stronger.

We think the Administration's environmental policies have harmed the Nation, and that the harm grows steadily worse. We believe President Reagan should be called to task.

Pollution Control

A dozen years ago there was no national program to protect the public from the hazards of pollution. The federal laws that were on the books were weak and ineffective, and pollution was getting worse. The problem could be seen, felt, tasted, and smelled. Scientific evidence of the seriousness of environmental degradation mounted. Human health, basic biological systems, recreation, and the natural beauty of our land and waters were being destroyed.

The American public decided to put a stop to it. They demanded action and over the ensuing decade the Congress responded, passing by overwhelming, bipartisan votes a series of strong and innovative laws mandating federal action to protect the nation from poisons in the air, in the water, and on the land. Among the statutes enacted by Congress were:

Statute	Year Passed
Clean Air Act	1970
Clean Water Act	1972
Federal Insecticide, Fungicide, and Rodenticide Act	1972
Marine Resources, Research, and Sanctuaries Act	1972
Safe Drinking Water Act	1974
Solid Waste Disposal Act	1976
Toxic Substances Control Act	1976
Surface Mining Control and Reclamation Act	1977
Superfund	1980

These statutes were not the results of a brief fad or legislative caprice. They were major legislative initiatives enacted as a result of intense public concern with real problems that cause injury, sickness, death, and material devastation.

All of these laws, except for the Surface Mining Act, which is administered by the Office of Surface Mining in the Department of Interior, are the responsibility of the Environmental Protection Agency. EPA has been devastated by budget cuts. OSM staff is being decimated. Both agencies have cut back sharply on enforcement and drastically weakened regulations. Neither is doing the job Congress told it to do.

Air Pollution

The Clean Air Act, our flagship environmental law, is under attack. The Reagan Administration's legislative proposals, regulatory changes, and budget actions are crippling the nation's clean air program. They threaten to bring back an era of dangerous, damaging, dirty air.

Preamble

Air pollution can kill people and make them ill; it attacks the natural environment; it destroys property. Air pollution of various kinds causes or aggravates cancer, emphysema, bronchitis, heart disease, and other diseases. Acid rain destroys lakes and forests. Ozone causes billions of dollars in crop damage.

The clean air legislation passed a dozen years ago and strengthened five years ago requires EPA, with the help of the states, to clean up our air. For a decade there was progress. A start has been made on controlling pollution from automobiles, powerplants, smelters, refineries, and scores of other sources.

But enormous tasks remain: ensuring that existing nationwide health standards are met; regulating highly toxic pollutants, such as benzene and arsenic, that are still uncontrolled; controlling acid rain, and inspecting existing controls to ensure that they continue to work.

Charges

Instead of tackling these tasks, the Administration has marched backwards, abandoning the goal of clean air.

Weakening National Clean Air Standards. The Administration has proposed or supported amendments that would emasculate the Clean Air Act, has dragged its feet on issuing regulations the law requires, and has abolished or watered down existing regulations. Specifically, the Administration has called for amendments to the law that would

- Weaken health standards to cover only so-called "significant risks." This means abandoning protection of specially sensitive groups such as children, the elderly, people with heart and lung disease, and others. The Congress has already blocked this attack on health standards.
- Allow deadlines for attaining the air quality standards that protect the public health to slip from 1982 and 1987 to as late as 1993.
- Weaken auto emissions standards to allow more than a doubling of nitrogen oxide and carbon monoxide emissions—a change that would expose millions of people in as many as 16 major urban areas to continued unhealthy air.
- Cripple the requirement that new cars must meet emission standards before they are sold and the provisions for recall when they do not.
- Do away with requirements that, in polluted areas, new sources of pollution (such as powerplants, refineries, chemical plants) use the most effective pollution controls available.

- Repeal protection for areas with air that is still clean, thus allowing new polluters to locate there and use less than the most effective pollution control technology.
- Drastically weaken the carrot-and-stick provisions by which the federal government encourages states to adopt effective pollution control plans. Conscientious states that adopt good plans would be at the mercy of industries which threaten to move to states having weaker controls.
- Allow greatly increased pollution of the air in National Parks and wilderness areas.

While mounting this assault on the law itself, EPA has taken administrative action to undo existing clean air requirements and has failed to issue long-overdue regulations. Some of these changes are subtle but far-reaching. For example, the Clean Air Act program to meet health standards in polluted areas depends on review by the states of proposals to build new industrial sources of pollution. Illegally redefining the word "source," EPA has effectively exempted most new polluting industrial installations from state reviews.

EPA has also

- Proposed to weaken by up to 5 times heavy truck emission standards, even though the National Commission on Air Quality found that emissions from heavy trucks must be controlled if we are to meet national health standards for air quality.
- Proposed to weaken the automobile emissions standard for hydrocarbons to permit an increase of approximately 25 percent in hydrocarbon emissions (one of the constituents of photochemical smog).
- Proposed to weaken particulate emissions standards for diesel automobiles, the fastest growing and least controlled part of the automobile fleet.
- Failed to develop a particulate standard for diesel trucks.
- Failed to set required standards for industrial boilers and the most dangerous fine particulates.

The Administration has even proposed a retreat in control of lead, a pollutant which is especially dangerous to children. EPA itself has sponsored recent research which shows that even extremely low blood levels of lead affect the brain patterns of young children. Yet EPA has

- Developed proposals to allow increased use of lead in gasoline, thereby increasing human exposure, most significantly the exposure of inner city children. These proposals reverse a longstanding policy of the federal government to protect the health of the nation's children by reducing lead in the environment.

Failing to Act on Toxic Air Pollution. The Reagan Administration's failure to move on toxic air pollution is especially threatening to millions of Americans who live in the shadow of chemical plants, coke ovens, and other factories which emit chemicals that can cause cancer and other deadly diseases. Recent

research indicates that as much as 10 to 20 percent of lung cancer is due to air pollution. According to EPA, more than 300 plants in 39 states and territories emit large amounts of unregulated chemicals that are known or suspected to cause cancer or other serious diseases. Yet, after years of study, EPA has

- Failed to act on a list of 37 pollutants which threaten severe hazards to human health.
- Cut the budget for action on toxic air pollutants so sharply that it may be more than a decade before action on all these chemicals is even begun.

Failing to Act on Acid Rain. From West Virginia to Maine, aquatic life in lakes and streams is dying. Thousands of lakes in Minnesota alone are in jeopardy, and hundreds are dead as sulfur from industrial stacks creates acid precipitation. In many states, acid rain is blamed for damaging forests and farmland and eroding buildings. Acid rain is a disaster that is real and growing.

The Reagan Administration claims that more study is needed before acting to control acid rain. The Administration opposes strengthening the Clean Air Act to mandate control measures. The Administration even seeks to weaken controls in current law limiting sulphur emissions from new plants. Even the words "acid rain" are out of fashion at EPA: Mrs. Gorsuch prefers the expression "non-buffered precipitation."

The Reagan Administration wants changes in the Clean Air Act to

- Exempt new large industrial coal-fired boilers from requirements that assure that a minimum percentage of sulfur oxides are removed from their emissions.
- Allow extensions of deadlines for meeting sulfur dioxide standards, which would allow delays and relaxations until 1993.

The Reagan Administration is also, by administrative action, changing the sulfur emission levels allowed from existing sources. It has

- Increased authorized sulfur dioxide emissions by 1.5 million tons a year, a very significant amount. Nationwide SO₂ emissions are currently 29 million tons per year.

The Administration has also undone a requirement proposed two years ago that powerplants with tall smoke stacks must reduce their SO₂ emissions by 412,000 tons per year. Now, EPA

- Is requiring a reduction of only 166,800 tons per year of SO₂ emissions from powerplants with tall stacks. Since present SO₂ emissions from tall stacks are over 500,000 tons per year, this means that more than 333,000 tons will still be contributing to acid rain in states and nations downwind of the powerplants.

Although the Reagan Administration has provided extra funds for acid rain research (\$22 million for FY

1983, up \$12 million over FY 1982), the addition may have a fatal drawback if research is simply being "accelerated" for a 5-year study, instead of the 10-year study originally planned by EPA. Many of the most serious effects of acid rain do not show up in the first 5 years.

Decreasing Enforcement. EPA has reduced the credibility and effectiveness of the entire regulatory program by a sudden and radical decrease in enforcement actions.

- After a series of jolting reorganizations and sharp budget cuts, the cases filed in federal court have declined almost 75 percent since Mrs. Gorsuch took office.
- Gorsuch personally undercut enforcement when she agreed in a private meeting with corporate officials to look the other way when Thriftway Refiners violated the Clean Air Act by increasing the amount of lead they put in their gasoline.

Reducing Research and Monitoring. Budget cuts proposed by the Reagan Administration will cripple research for air programs. Overall, the Reagan budget for FY 1983 proposes cuts of 23 percent from the level of two years ago in air quality. Specifically, the Reagan Administration budget would

- Eliminate human epidemiological research on the health effects of air pollution.
- Cut clinical research on health effects by 50 percent, eliminating investigation of volatile organic chemicals.
- Cut research on hazardous air pollutants severely. The Agency will look at three hazardous pollutants in 1983. At that rate, it will take a decade to examine the list of substances deemed priority because of their threat to human health.

The budget for monitoring air programs and assisting states has also been drastically cut. The proposed Reagan budget for FY 1983 would

- Cut back by 40 percent monitoring of air quality to determine the levels and kinds of pollution already present in our air.
- Cut grants and technical assistance to state air programs by 30 percent, thus crippling state efforts to implement clean air requirements.

Hazardous Wastes

Millions of pounds of hazardous wastes are disposed of every day in America creating a terrible hazard to human health and our environment. During the past year the Reagan Administration has retreated from its responsibility to control hazardous dumps, clean up abandoned dumps, and prosecute illegal dumpers.

Preamble

In 1976, faced with overwhelming evidence that improper disposal of huge quantities of hazardous wastes was endangering the health of millions of Americans, Congress enacted the Resource Conservation and Recovery Act. The Act is designed to impose "cradle to grave" controls on "the treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment . . ." Some 130 billion pounds of hazardous wastes are created each year. The goal of the hazardous waste law is to assure safe, tightly regulated handling and disposal of newly created wastes.

In 1980 Congress enacted legislation creating a "Superfund" to provide for cleanup of abandoned dumpsites and dangerous spills of toxic materials and to facilitate compensation of victims. The law imposes a tax on chemical producers, the revenues from which are placed in a fund to be used exclusively to clean up dumps and spills. The intent of Congress was that EPA aggressively seek to compel the responsible parties to complete the required cleanup and, failing that, use Superfund resources to do so.

Charges

From Love Canal to the Valley of the Drums, the need for action is urgently apparent, yet during the past year EPA Administrator Anne Gorsuch and other officials of the Agency have made it unmistakably clear to polluters that hazardous waste controls are being undone.

Loosening Controls on Wastes.

- Shortly after Gorsuch took office, enforcement actions against illegal dumpers came to a halt. Enforcement staff are not even permitted to request information from suspected violators without top-level headquarters approval.
- Regulations to control incineration and surface storage of wastes, required by law to be issued by October 1978, were finally promulgated in January 1981. Gorsuch suspended implementation of these regulations for existing facilities in July 1981 and three months later proposed to withdraw them.
- The law also required regulations for the disposal of hazardous wastes in landfills to be issued by October 1978. EPA planned to get them out in 1981, but Gorsuch, ignoring an outstanding court order, has delayed them.

- Financial responsibility rules designed to assure that firms handling hazardous wastes have the necessary resources to protect the public and pay for damage or injuries resulting from spills, fires, and explosions were issued in January 1981. Gorsuch postponed these rules until April 1982 and has indicated she will suspend them altogether.
- In February 1981, without notice or public comment, Gorsuch suspended the prohibition against burial of liquid wastes in drums, the practice that created Love Canal. The public reaction to the suspension was so strong that EPA was forced to reimpose the ban. However, Gorsuch still proposes to permit the burial of liquid wastes in drums in 25 percent of the area of a landfill.
- In negotiations with industry attorneys in a pending litigation, EPA agreed to weaken permitting requirements for hazardous waste facilities. Facilities may now expand up to 50 percent without having to meet federal requirements.
- In March 1982 EPA deferred reporting requirements for hazardous waste generators. This action prevents citizens from obtaining information about local dumps, impedes enforcement, and deprives EPA of data needed to develop effective regulations.
- Gorsuch has proposed to slash the funds available to states and EPA Regional offices to implement and enforce hazardous waste requirements.

Delaying Implementation of Superfund.

- EPA has listed 115 of the most dangerous dumpsites around the nation. Legal action had been taken against 20 before Gorsuch took office. Since then the EPA enforcement section's major action has been to write letters to invite those responsible for creating the remaining dumps in to talk.
- The Superfund legislation required EPA to develop by June 1981 a National Contingency Plan to guide the search for and cleanup of dangerous sites and to prepare to respond to emergencies such as spills and explosions. A plan was finally proposed in March 1982. The proposal is so vague as to provide no guarantee that Superfund resources and authority will be used to clean up any site. The plan implies that EPA cares more about saving money than cleaning up sites to protect human health.
- In the first use of its Superfund authority, after a toxic dump site in Santa Fe Springs, California, caught fire in July 1981, top EPA officials quickly negotiated a private settlement with one of the responsible parties. The settlement limited the company's clean-up responsibility instead of requiring the cleanup to continue until the hazard was removed. It also *committed EPA to testify on behalf of the company in any subsequent lawsuit against it arising from the dump and the fire.*
- To direct the Superfund effort, Gorsuch has appointed Rita M. Lavelle, public affairs specialist for Aero Jet Liquid Rocket, a company that has, according to EPA, the third worst pollution record in the state of California, including a massive release of arsenic, phenols, sulfates, and a variety of carcinogens into unlined ponds.

The result of these actions is to increase the public health risk from hazardous wastes, as earth, air, surface and groundwater continue to be contaminated. The result is to undercut those responsible industries that have invested in safe waste disposal technologies, and to destroy the credibility EPA had sought to build, enabling it to convince communities across the nation they could safely allow new, regulated waste disposal facilities to be built. The Administration's retreat increases the likelihood of a new Love Canal.

Water Quality

The water that sustains our nation, our rivers, lakes, and underground aquifers, is threatened by sewage, sediments, and toxic chemicals. The law says the discharge of pollutants into the nation's waters must end by 1985. The Administration has chosen to abandon that goal and seeks to weaken the Clean Water Act.

Preamble

Water pollution affects us all. There are over 100,000 dischargers of industrial wastewater in the United States. Waters in every state in the nation are affected by industrial discharges.

Pollution from municipal sewage is even more prevalent. Runoff from city streets and rural lands adds still more pollution to streams, lakes, and coastal waters.

The water we drink may be unsafe. The General Accounting Office recently reported that there were 146,000 violations of safe drinking water standards across the nation in 1980 alone. Fisheries are being destroyed. Industrial discharges of kepone interrupted commercial fishing in Virginia's rich James River, and PCBs did the same to the Hudson River. Swimming, boating, and agriculture are affected.

The Clean Water Act, passed in 1972 and strengthened in 1977, directs the Environmental Protection Agency to develop and enforce rules to achieve the goal of "fishable and swimmable" waters by 1983 and the elimination of all discharge of pollutants by 1985. Both the Act and an outstanding court order require EPA to set rules to control the discharge of toxic water pollutants.

The Safe Drinking Water Act was passed in 1974 in response to evidence that the drinking water of many Americans was laced with dangerous chemicals ranging from asbestos to vinyl chloride. Ground water, which provides drinking water for half our citizens, has been contaminated in many places across the nation.

The Safe Drinking Water Act requires EPA to set minimum drinking water quality standards to protect human health and to establish rules to prevent the injection of contaminants into underground aquifers.

Progress has been made in improving water quality. Overall, further deterioration of surface waters seems to have ceased—which is progress, considering that our population and industrial activity are rising. There are numerous individual success stories. Rivers such as the Savannah, the Hudson, the Naugatuck, the Detroit, the Connecticut, and many others showed remarkable improvement. But control of toxic chemical pollution is still at a primitive stage. Ground water pollution is a special worry. It is not well monitored; yet there is mounting evidence that wells from Gray, Maine, to the San Gabriel Valley in California are being polluted by toxic chemicals. Once those chemicals get into ground water, they are terribly difficult and costly to remove.

A huge job remains to protect drinking water sources and achieve the “fishable and swimmable” goal.

Charges

The Reagan Administration has begun to implement policies that will not only halt progress but threatens to cause declines in water quality. Especially alarming is the Administration’s retreat on control of toxic pollutants, which affect both surface and groundwaters and make water unfit for drinking and for aquatic life.

Retreating from Control of Toxics. During the past year, the Reagan Administration has

- Suspended the entire national pretreatment program for over one year and suspended critical portions of that program indefinitely. The purpose of the pretreatment program is to curtail toxic discharges into municipal treatment plants by over 60,000 industrial sources.
- Delayed the national program for setting toxic effluent limits on industrial discharges from tens of thousands of sources. Since January 1981, EPA has not issued a single regulation to limit toxic discharges, but has twice requested extensions in court-ordered deadlines. If granted, the delays would extend deadlines from 1981 to mid-1984—resulting in tens of millions of pounds of inadequately treated toxic chemical discharges yearly.
- Sought to escape from its court-ordered responsibility to clean up toxic “hot spots” of chemical pollution. Those are specific locations where even the best available technology will not be sufficient to protect human health and water quality. EPA has done virtually nothing to address this problem.
- Sought to escape from its court-ordered duty to identify dangerous toxic water pollutants that will not be controlled by regulations under development in the Agency.
- Proposed to amend the Clean Water Act by adding variances and deadline extensions to the Act’s uniform national toxic cleanup requirements. Those amendments would seriously delay cleanup, add tremendous burdens to state permitting authorities, and ultimately fail to control toxic discharges because of lack of data and scientific methods.

- Decided not to impose new, stricter limits on toxic discharges in revised permits for thousands of industrial dischargers, who will thus be allowed delays in adopting best available technology. Instead of using the Agency’s authority to issue, case by case, permits with stricter toxics limitations than those now in existence, EPA has decided to wait until nationally uniform standards are promulgated—even if it takes 2–3 more years to develop those rules. Of course, the permitting budget was cut accordingly.
- Weakened the standards designed to protect aquifers and eliminated protections against injections of hazardous wastes.
- Failed to develop permanent drinking water quality standards that protect against toxic organic contamination.

Relaxing Other Water Quality Requirements. The Reagan Administration also has

- Developed a regulation (soon to be proposed) that would significantly relax treatment requirements for municipalities. EPA plans to “redefine” the requirement of secondary treatment so that the horrible noncompliance rate by cities suddenly will disappear.
- Developed a regulation (soon to be proposed) that would assist those states wishing to use their waterways for waste transport. In effect, the regulation would encourage states to downgrade their water quality standards, instead of enforcing the Act’s national goal of fishable, swimmable water quality.

Toxic Substances

Progress in controlling toxic chemicals that threaten public health and the environment has been disappointingly slow. Now even the little that has been achieved is unravelling. Under the Reagan Administration, EPA’s attention is focused on easing requirements on industry, not on increasing protection for the public.

Preamble

Industrial chemicals are pervasive in our world. There are over 40,000 chemicals produced or used in the United States. Ten to twenty new chemical compounds enter the stream of commerce every week. Manmade chemicals are a part of virtually all commercial products used today.

Many chemicals are benign, but some are extraordinarily dangerous, even in tiny quantities. Some cause cancer, birth defects, heart and lung disease, and a host of other ailments. Because the damage they do may take years, even decades, to show up in humans, people often suffer long exposure to hazardous chemicals before their effects are fully known. Vinyl chloride was widely used for many years—despite laboratory tests showing it caused cancer in animals—before we learned that it causes human cancer. Asbestos was used in talcum powder, wall-

board, hair dryers, brake linings, and many other products for decades before epidemiological studies definitively showed it is a human carcinogen. Animal studies implicating asbestos as a carcinogen had been done much earlier.

Because of these tragedies in which humans have served as guinea pigs, and because of the proven ability of positive animal testing to predict effects in humans, the federal government established cancer policies which treat animal data as a sufficient basis for regulation. This established policy rejects the view that human evidence ("counting dead bodies") is necessary to initiate protective regulation.

The Toxic Substances Control Act (TSCA) was enacted in 1976 to assure that "innovation and commerce in chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment." TSCA authorizes EPA to require testing of certain existing chemicals to determine whether they are hazardous; to restrict or prohibit the manufacture of chemicals that pose an unreasonable risk to human health; and to screen new chemicals to identify potential "bad actors" before, rather than long after, human beings are exposed to them.

TSCA is a complicated law, and the Carter Administration moved very slowly in carrying it out. It did make a useful beginning, preparing several rules that require manufacturers to test highly suspicious chemicals and proposing quality standards for the data industry submits.

Charges

The Reagan Administration has cancelled the slow progress made so far under TSCA to identify and control toxic chemicals. It has made a dangerous decision, in defiance of the overwhelming weight of scientific opinion, not to accept animal test data alone as presumptive evidence that a chemical is a human carcinogen. It is negotiating with industry on controversial chemicals behind closed doors, with the public and impartial scientists excluded. It has failed to finalize rules that require manufacturers to test priority chemicals that are already in use and is withdrawing proposed testing standards. It is relying instead on "voluntary" compliance by industry. It is retreating on protection against asbestos, a known dangerous substance.

Rejecting A Protective Cancer Policy. Long-term testing using laboratory animals is a scientifically sound way of identifying likely human carcinogens. The other generally accepted approach is through epidemiological studies comparing people exposed to a possible carcinogen with those who are not exposed.

Epidemiological studies are always costly, are usually relatively insensitive, and are often difficult or impossible to do. Many cancers do not show up until years after the exposure; most people are exposed to a great many carcinogens during their lives, which makes it hard to isolate the effect of one substance; and it is often difficult to find a suitable

group of people who have not been exposed to particular substances, for comparison with others who have been. Animal tests, on the other hand, can be done under controlled conditions and can provide clearcut results. The International Agency for Research on Cancer, a federal interagency panel, and many other scientific groups have recommended that carcinogens identified in well-conducted animal tests be treated as potential human carcinogens. Up until now, government agencies have done so. A number of pesticides and carcinogens found in the workplace have been regulated on that basis.

President Reagan's EPA has suddenly reversed the established policy.

- Dr. John Todhunter, the new EPA Assistant Administrator for Toxics, decided that results of valid animal tests of formaldehyde, plus the fact of widespread human exposure, were not a sufficient basis for protective action. This decision flies in the face of the scientific consensus. It reverses EPA's former prudent approach of assessing and regulating cancer risks *before* they affect human beings.

Consulting Privately with Industry. In the fall of 1980 EPA received the results of animal experiments indicating that formaldehyde and di(2-ethylhexyl)phthalate (DEHP), both widely used chemicals, are carcinogens. Formaldehyde is used in plywood, particle board, home insulation, furniture, and fabrics, cosmetics, and toothpaste. DEHP is used in hundreds of plastic products, including building materials, food wrappers, toys, rubber baby pants, and milking machine hoses. After receiving the animal data, the staff of EPA recommended formal proceedings to determine the extent of the risk to human health, and action by EPA to limit human exposure.

Instead, the new leaders at EPA

- Convened a series of private meetings with industry—the Formaldehyde Institute, the Chemical Manufacturer's Association, Exxon, and others—to evaluate the studies and the risk of the substances.
- Did not notify or invite the public, environmentalists who had formally requested action on formaldehyde and DEHP, or even some of EPA's top cancer experts.
- After the meetings, rejected the prior staff recommendations and refused to institute proceedings (priority assessment) on the two chemicals.

Later, in a separate action, the Consumer Product Safety Commission concluded that the evidence against formaldehyde was compelling and banned urea formaldehyde foam insulation.

Relying on Voluntary Compliance by Industry. The Toxic Substances Control Act requires EPA to set rules for industry to test the safety of existing chemicals that a committee of experts concludes may pose a risk of cancer or injury to health or the environment. A 1981 court order requires EPA to issue test rules or explain why testing is unnecessary

for 37 priority chemicals in the next two years. Instead of moving ahead with this critical task, EPA has

- Failed to issue pending test rules and delayed action on additional rules.
- Cut back sharply on resources necessary to develop test rules.
- Engaged in negotiations with industry to substitute "voluntary" testing for legal requirements.

Under another section of TSCA, the manufacturer of a new chemical must give EPA advance notice so that EPA can review the data available on potential hazards to human health. In 1982, EPA will receive 500 to 1000 such notices. EPA has:

- Failed to finalize the program for new chemical reporting.
- Cut back review staff, so that most notices of new chemical manufacture will receive only rubber-stamp review.
- Retreated from efforts to set minimum standards for data to be submitted by the manufacturers of new chemicals.
- Begun developing a rule at the request of the Chemical Manufacturers Association to exempt an estimated 75 percent of new chemicals from the notice requirement.

Retreating on Control of Known Dangerous Substances. Asbestos fibers cause asbestosis (fibrosis of the lungs), cancer of the lungs and digestive tract, and mesothelioma. Despite the proven health hazards of asbestos, the new EPA has

- Cut back on efforts to identify schools in which building materials expose children to asbestos.
- Weakened the warning on asbestos in schools approved by its own Science Advisory Committee.

At least 3 million students and 250,000 teachers may be affected by the retreat from protection against asbestos in schools.

Polychlorinated biphenyls (PCBs) are extremely toxic industrial chemicals. They have been widely used in electrical transformers, and they are pervasive in our environment. They are present in human breast milk and adipose tissue at toxicologically significant levels. PCB contamination has closed several rivers to fishing. In 1979 the leakage of 200 gallons of PCBs from a single transformer at the Pierce Packing Plant in Billings, Montana contaminated feed and food in 19 states and required the destruction of millions of dollars worth of contaminated livestock and food. Congress included in TSCA a provision that EPA ban the use of PCBs.

Under the Carter Administration, EPA issued regulations exempting the vast majority of PCBs in use from the ban. These regulations were overturned in court. Now, EPA is studying the question of new regulations, but has reduced the resources available to carry out the Congressional mandate.

Coal Mining

Coal mining imposed heavy social and environmental costs on the public for years in many areas of the country. Especially in Appalachia, mining has ruinously affected the quality of community life. In 1977 Congress passed the Surface Mining Control and Reclamation Act to end the abuse of the environment and the threats to human safety caused by mining. From the moment he took office, Secretary of the Interior James Watt has worked diligently to gut the protections afforded by the Act.

Preamble

Each week a thousand acres of land are disturbed by surface mining for coal in the United States. Mining has ruined more than ten thousand miles of streams through acid drainage or siltation. Thousands of miles of highwalls standing above lands gouged by stripmining are unreclaimed. Thousands of acres of prime farmland have been destroyed in the Midwest. A study in the mid-1970s concluded that it would cost over ten billion dollars to partially repair the damage already done. Mining since then has caused much additional damage.

Coal mining causes massive damage in different ways in different parts of the country. In the Eastern coalfields, where spoil is still pushed over mountainsides, the result is often landslides, erosion, rubble-clogged streams, and flooding. Unstable highwalls crumble and erode, ruining drainage patterns and adding to water pollution. Erosion increases dramatically when protective vegetative cover is removed and the soil is not stabilized. Suspended sediment concentration in small Appalachian streams that drain stripmining areas has increased 100 times over that of streams in undisturbed forest lands. To this day, coal mining in Appalachia often results in a legacy of polluted streams below mountainsides left treacherously unstable.

As devastating as the mining has been to the environment, the impact on the politically disenfranchised citizens of Appalachia has been greater. More than any other environmental law, the Surface Mining Act is intended to redress the grievances of the people of Appalachia whose communities bear the results of mining abuses—mudslides that destroy homes and even lives, the ruin of local streams, and the destruction of natural beauty.

In the Midwest, mining has injured agricultural lands that are among the most productive in the world. The Surface Mining Act includes specific provisions to provide for protection of prime farmland soils and aquifers.

In the Western coalfields, mining occurs in arid or semi-arid areas. In arid climates, the land's protective vegetative cover is fragile. Once it has been disturbed by mining, erosion increases dramatically. Most importantly, in areas with little rainfall, restoration of vegetative cover is almost impossible without irrigation.

In many of the Western coalfields, stripmining

interferes with ground water aquifers, changing flow patterns and leaving some parts of the aquifer without water. Wells dry up or are contaminated, affecting irrigation on nearby ranches and farms.

Charges

Shortly after Secretary Watt took office, he announced plans to rewrite the coal mining regulatory program to make it "less burdensome" for coal companies. He has initiated 45 separate changes that weaken every aspect of the program.

Undoing Protective Rules. The Reagan Administration has withdrawn some of the most important regulations implementing standards contained in the law to protect the environment from coal mining.

- Without notice or comment, Watt withdrew final regulations intended to protect the nation's prime farmlands from the ravages of stripmining.
- The Office of Surface Mining adopted a policy of "paying for highwalls" by which coal operators could evade the most important performance standard in the Act—return of land after mining to approximate original contour—and save millions of dollars in operating costs by paying a fine of a few thousand dollars.
- Watt weakened the standards for approval of state stripmine programs. Using the new weaker standards, he is approving state programs which will not protect the environment as Congress intended.

The Administration has proposed to

- Eliminate the requirement that mining operators control dust created by mining and coal handling.
- Broaden the exemption from environmental rules for small mines.

Gutting Inspections and Enforcement.

- The Administration is reducing the number of OSM field inspectors from 145 to 69. Last year Congress refused to allow the reduction. Watt is proposing it again for FY 1983.
- The Office of Surface Mining has proposed the elimination of significant enforcement powers for federal inspectors, thus preventing any effective oversight of state performance.
- Enforcement actions against coal operators have decreased by over 30 percent.
- The Office of Surface Mining has failed to assess and collect over \$40 million in mandatory fines owed the government by coal operators.

Evading Federal Responsibilities.

- Watt has proposed to relinquish to the states essential regulatory functions that the law mandates be shared by the federal government and the states.
- The Office of Surface Mining has decided to essentially ignore the Act's requirement to issue new

permits for every coal mine in the United States (over 17,000) as permanent regulations take effect over the next year.

Limiting Public Participation.

- The Administration has proposed to curtail the rights of citizens to propose lands as unsuitable for mining, to participate in permit reviews, and to play a role in other aspects of the regulatory program.

The inevitable result of Mr. Watt's policies will be to increase the ravages caused by stripmining in the form of polluted streams, unreclaimed land, loss of wildlife resources, erosion, the loss of prime farmland, and the degradation of the quality of life of the citizens in coal producing areas.

On December 18, 1981, a coal waste pile collapsed, sending sludge and other debris down a mountain, killing one elderly woman and routing more than a hundred persons from their homes in Harlan County, Kentucky. The elderly woman who died had complained repeatedly to federal officials about the unsafe activities of the mining company. Prior to the devastation, the Office of Surface Mining had sharply cut inspectors and enforcement actions.

The Federal Public Lands and Natural Resources

Some 500 million acres of federal public land owned by all Americans—190 million in the National Forests and 328 million under the Bureau of Land Management—are required to be managed, under law, for multiple use, sustained yield of renewable resources, and long-term conservation. The Reagan Administration has tilted management away from conservation toward rapid development and control by private interests.

By accelerating the leasing of oil, gas, and coal on federal lands, without regard for demand and at royalty rates that are too low, the Reagan Administration is conducting a giveaway of the resources that belong to the nation.

It continues to subsidize the western livestock industry through grazing fees far below market value. It has adopted a new "Grazing Management Policy" and has proposed regulation changes that will allow ranchers to dominate—practically dictate—rangeland decisions. While passing effective control of publicly owned range to the livestock operators, the Administration is practically closing the door on government programs to benefit fish and wildlife and public recreation.

Ignoring both market realities and multiple use principles, President Reagan's Department of Agriculture has forced upon the Forest Service a policy of selling timber faster than it grows and of cutting timber on steep and arid lands where it should not be cut—all at an economic loss to the public, and damaging to wildlife, recreation, and watershed values. The Reagan policy not only subsidizes the timber industry, but gives it greater control over the National Forests.

The Administration set out to open the National Wilderness Preservation System to oil and gas drilling and mining—a goal blocked by Congress. Recently, proclaiming an intent to "protect" the wilderness areas, Secretary of the Interior James Watt recommended legislation that would open all wilderness to energy and minerals development after the year 2000. The Administration has signalled its clear intent to open to development lands being studied for wilderness designation, and to make certain there are no further major additions to the system.

Mr. Reagan himself has endorsed the goals of the "Sagebrush Rebellion" whose leaders have tried to get federal public lands turned over to the states and eventually to private ownership. Now the Administration has proposed to "privatize" large areas of National Forests and BLM lands by selling them to private interests.

Two other major systems of federal public lands, the National Parks and the National Wildlife Ref-

uges, are endangered by this Administration. While vowing to rehabilitate National Parks, Secretary Watt has systematically reduced the capability of the Park Service by cutting staff and funds for operations. He has tried to block further land acquisitions for the National Park System.

Likewise, he has tried to stop acquisition of National Wildlife Refuges, and has curtailed important activities of the Fish and Wildlife Service. His particular target for decimation has been the Endangered Species Program.

National Forests

Eighty years ago, President Theodore Roosevelt built the National Forest System on a strong foundation of conservation principles. The Reagan Administration is discarding this heritage. It is evading the express mandate of federal law to manage National Forests for many purposes, commercial and non-commercial. It is proposing an unbalanced, economically unsound, environmentally damaging program that would serve private timber and mining interests at the expense of broader public benefits.

Preamble

The conservation movement in this country had its origin in forest protection. Toward the end of the last century, rapacious "cut and run" commercial timbering left a legacy of scarred landscapes, erosion and floods. In response, publicly owned national forest reserves were established in 1891, and were greatly expanded and strengthened ten years later by President Theodore Roosevelt.

Congress has many times reaffirmed and strengthened the Roosevelt conservation policy for the National Forests. It has established a philosophy of management for sustained yield and multiple uses—outdoor recreation, range, timber, watershed, wilderness, and fish and wildlife habitat. In recent years, the Forest and Rangeland Renewable Resources Planning Act of 1974 created a long-term planning process to achieve those goals. Congress spelled out forest management guidance in more detail in the National Forest Management Act of 1976. With that law, Congress meant to stop abuses caused by dominant use of national forests for timber production, and to require greater attention by federal forest managers to resource protection and noncommodity uses.

Charges

The Reagan Administration is offering the timber industry a \$150 million-a-year subsidy for a timber sale that is too big, makes no sense economically, and threatens serious harm to the environment. The Administration's policy is to impose commercial resource extraction as the dominant use of the National Forests. It wants to undo years of professional planning for wise, balanced management of our National Forests—planning based on wide public participation and under standards prescribed by law. Moreover, President Reagan has put in charge of the nation's publicly owned forests a former timber industry executive and outspoken advocate of the industry's interests.

Subsidizing the Timber Industry. Despite a current low demand for timber and an all-time high backlog of sold but uncut timber in the National Forests, the Reagan Administration proposes to increase timber sales dramatically.

- The Reagan budget requests a timber sale from the National Forests of 12.3 billion board feet for FY 1983. That is 4 billion board feet higher than the amount cut last year. The excessive FY 1983 sale is planned despite the depressed housing industry and a record high backlog of approximately 34 billion board feet. The backlog amounts to more than three years' worth of average timber sales from the National Forests.
- The proposed timber sale conceals at least a \$150 million subsidy. The sale will cost the U.S. Treasury \$665 million (mostly for road construction). The Forest Service has in the past acknowledged that 22 percent of its timber sales are below cost. If these subsidized sales were eliminated, the sale could be reduced to a more realistic 9.6 billion board feet. Savings to the taxpayers would be \$150 million.
- The proposed sale is environmentally unsound. The budget for the sale shows \$585 million for road building, \$200 million more than in 1982. As the Reagan budget itself explains, the sharply higher cost is for roads in "difficult terrain" with "access problems." Forest Service research shows road construction is the prime cause of soil erosion, silting of streams, and damage to trout fisheries in the National Forests. Those problems are doubly acute in "difficult terrain."
- Some of the sales would be made in virgin areas of the National Forests that have never before had roads. Opening roads into them would remove them forever from possible designation as wilderness.

Federal sales below cost do not necessarily increase national supplies. In fact, they can unfairly compete with production for profit on private lands and discourage investments there.

Making Resource Extraction the Dominant Use. The wasteful expenditures for roads and subsidized timber sales robs the Forest Service of funds needed for other multiple use responsibilities. The Administration's FY 1983 budget request for the Forest Ser-

vice slashes funds for recreation, fish and wildlife, and watershed protection, while sharply increasing support for timber and mineral activities.

The Forest Service's 1980 long-term program was drawn up by professionals under the Resources Planning Act and was adopted by Congress, with some revision, in 1980. This current, Congressionally approved RPA Program gives balanced consideration to all the resources of the National Forests. The Reagan FY 1983 budget proposal skews the Forest Service's program planning out of all proportion. It meets or exceeds the goals for timber sales, mineral development, and livestock grazing, but cuts fish and wildlife management goals by 64 percent, trail construction by 90 percent, and soil and water protection by 99 percent.

Further examples are:

- The Reagan FY 1983 budget would cut trail maintenance by 30 percent from 1982 levels. Already, in the 1982 budget, maintenance was abandoned for 10,000 miles of the 100,000-mile trail system in National Forests. The further cut would mean that another 30,000 miles would be allowed to deteriorate.
- No allowance is made in the FY 1983 Reagan budget for wildlife habitat protection, except in timber sale areas.

The Osceola National Forest in Florida is a victim of the Reagan Administration's policy to sacrifice multiple uses of the public forests to resource extraction.

- After almost 10 years of opposing the issuance of leases for open pit mining of phosphate in the Osceola National Forest because of severe adverse impacts on wildlife, recreation, and air and water resources, the Department of the Interior and EPA have recently reversed their position. The Interior Department, which has the authority to issue those leases under the Mineral Leasing Act of 1920, is apparently disregarding existing regulations, as well as a 1981 solicitor's opinion, in processing the pending lease applications.

Frustrating the Reforms Imposed by Law. Changes proposed by the Reagan Administration in forest planning regulations are of dubious legality and will frustrate the reforms Congress called for in the National Forest Management Act. Regulations under the Act had been adopted in final form in 1979, after three laborious years of drafting, public comments, redrafting, and reaching a workable compromise among the many interests using the National Forests. Discarding that carefully crafted compromise, the Reagan Administration would

- Abandon sustained yield management to allow rapid increases in cutting the old, pristine forests in the Pacific Northwest. The law requires that departures from sustained yield management must be carefully controlled exceptions. Under the proposed changes,

the exceptions would become the rule. The Chief of the Forest Service would no longer have to personally approve departures from the sustained yield principle. In fact, individual forest supervisors would be *required* to consider departures from the principle in a broad range of circumstances—which virtually guarantees the liquidation of the forests.

- Require strict cost-benefit tests to be applied to non-commodity public uses of the forests but, ironically, allow timber production even from areas where the timber industry would never invest because production there is not economically sound. The effect will be to water down the protection of environmentally fragile areas from road construction and logging.
- Arbitrarily restrict consideration of especially scenic or ecologically valuable lands for wilderness designation.
- Eliminate portions of the regulations designed to encourage public participation in the forest planning process.
- Eliminate integrated pest management (IPM) as the principle for dealing with pests in National Forests. IPM involves minimal use of environmentally harmful chemical pesticides.
- Remove the requirement to maintain or improve habitat for valuable species such as trout or elk.

These changes come from the office of Assistant Secretary of Agriculture John B. Crowell. He was formerly general counsel of the Louisiana-Pacific timber firm, one of the largest timber cutters on federal lands. He was also chairman of a timber industry panel when the original regulations were developed. His chief deputy also comes from the timber industry. The proposed changes in regulations adopt almost exactly the positions the timber industry took as the regulations were being developed.

BLM Lands Management

The 328 million acres of public lands under the care of the Bureau of Land Management must be managed, under the law, for multiple use and long-term conservation. The Reagan Administration has tilted management of BLM lands toward resource development by private interests at the expense of resource conservation, and has cut the public out of the planning process.

Preamble

A century ago, federal policy was to give away the federally owned public lands and their resources to private interests. Gradually, the public and the Congress came to a consensus that the lands should be managed for a broad array of public interests, including both commercial resource development and non-commercial uses.

In 1976 Congress passed the Federal Land Policy and Management Act—the long awaited Bureau of

Lands Management Organic Act. It directed BLM, the nation's largest landowner, to manage its lands for multiple resource use and sustained yield, so as to protect their scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values. The law calls for prompt development of land use plans with public involvement.

Charges

Sacrificing Conservation for Resource Exploitation. Secretary of the Interior James Watt has poured money and staff into accelerated energy development on the public lands, while taking them away from renewable resource management and environmental protection. For the Bureau of Land Management, Watt has

- Sharply increased staff for onshore and offshore oil and gas leasing—40 new full-time positions in FY 1982 and 144 more proposed in FY 1983.
- Cut 130 full-time staff in FY 1982, with 195 further staff cuts scheduled in FY 1983, for resource inventories and environmental analyses in forest, range, recreation, wildlife habitat, and soil, water, and air management. This despite the increased need for analyzing the impacts of stepped-up oil and gas activities.
- Cut 28 positions for technical and environmental studies of coal development, while proposing the sale of 2.4 billion tons of federally owned coal in the Powder River Basin—five times larger than any sale in history—and seeking to speed up the leasing of publicly owned coal elsewhere.
- Cut the BLM planning budget by 48 percent. BLM planners are those who identify and try to reconcile conflicts among competing uses of the public lands. This cut could invite litigation, delay even well-conceived development, and impose extra costs on industry.

Historically, the staff and resources devoted to conservation on the public lands has closely matched the resources committed to resource development. The Reagan Administration is destroying the balance. The tilt is unprecedented and threatens serious long-term harm to the environmental quality and ecological health of the public lands.

Cutting the Public Out of BLM Planning. Claiming that many of the public participation rules under the Federal Land Policy and Management Act were “burdensome and unnecessary,” the BLM has not only cut the public out of the planning but has trivialized the plans themselves. In proposed amendments to the FLPMA regulations, BLM would

- Make proposed planning criteria available only on request, rather than publishing them for comment.
- No longer require that changes in criteria be made public.
- Select the land use plan on the basis of internal agency “guidance” (not subject to public review),

rather than the planning criteria.

- Allow BLM managers to take any action that does not “clearly contradict the land use plan,” whereas previously such actions were to be “clearly consistent” with the plans.

The result of these changes would be to cut the connections between the criteria and the plans, between the plans and the real decisions, and between the public and the whole process. The last change would all but eliminate judicial review of planning decisions, since the difficulties of proving that an action “clearly contradicts” a land use plan would be insurmountable.

In short, decisions on the use of the public lands will be made behind closed doors by Interior Department officials unwilling to subject those decisions to the light of public review.

The Sagebrush Rebellion

The Reagan Administration is satisfying some of the demands of the “Sagebrush Rebels” by dropping conservation goals in managing western public lands. The Administration also proposes to reduce its huge budget deficits by selling off National Forest and other public lands. This one-time profit taking would deprive the nation forever of revenue-producing resources, would end multiple use management and conservation of important national lands, and would violate the intent of laws governing the public lands.

Preamble

The Federal Land Policy and Management Act of 1976 gave BLM real authority for the first time in its history. The next year the Surface Mining Act became law. Ranchers, miners, offroad vehicle users, and others who had been accustomed to doing as they pleased on the public lands discovered they could no longer do so. Led by livestock interests, they launched a political campaign that came to be known as the Sagebrush Rebellion. Its goal was to seize the federal public lands (including the National Forests) from public ownership, turn them over to the states, and move them into private ownership or private control.

Six western states, led by Nevada, laid claim to federal lands in court. None have won their cases. Some Western Congressmen introduced legislation to give the public lands to the states but because of popular opposition they received little serious attention.

Charges

Campaigning for President, Ronald Reagan said in Salt Lake City: “I am a Sagebrush Rebel.” Once elected, he

- Appointed another self-professed Sagebrush Rebel Secretary of the Interior and another, Colorado rancher Robert Burford, to head the Bureau of Land Management.

Though court suits and legislation inspired by the Sagebrush Rebellion have failed, the Reagan Administration has satisfied some of its aims piecemeal. The Administration has

- Crippled BLM’s land use planning (see BLM Lands Management).
- Changed grazing policy to put ranchers back in charge of the public range (see Grazing).
- Emasculated the Office of Surface Mining, upset regulations, and failed to enforce the law (see Coal Mining).
- Weakened regulations to control surface damage at mines and drilling sites.
- Ignored the BLM regulations governing use of offroad vehicles on the public lands. Secretary of the Interior Watt has tried—unsuccessfully so far—to get President Reagan to rescind the Nixon and Carter Executive Orders requiring control of ORV damage on the public lands.
- Invited the minerals industry to enter wilderness areas (see Wilderness).

The Administration now proposes to reduce its alarming budget deficit by selling off public lands—“privatize them,” in the words of a White House economic advisor. The Administration plans to

- Sell \$17 billion worth of National Forest and BLM lands over five years. This could amount to 35 million acres. The sale would deprive the nation of valuable revenue-producing resources (timber, minerals, range) and put an end to multiple use and environmentally protective management of those lands.

Grazing

The public range has been seriously damaged by more than a century’s overgrazing. The Reagan Administration’s remedy is to spend federal money improving a part of the public range, and turn the improved portion over to private ranchers for their dominant use and control.

Preamble

Of the 328 million acres (including land in Alaska) managed by BLM, about 170 million acres are classified as “rangelands” for livestock grazing. Some 55 percent of this land is officially described as in “low or moderately low” condition. “Low” means that soil and vegetation meet 20 percent or less of the potential of the site. The federally owned rangelands have been abused primarily by overgrazing in the past; and overgrazing is still going on.

A major purpose of the land use plans required by the Federal Land Policy and Management Act is to protect and restore grazing lands—not only for the use of livestock, but also for the elk herds, mule deer, bighorn sheep, and pronghorn antelope that depend on the public lands for forage. Another important reason for restoring the Western grasslands is to control water and wind erosion, thus helping to reverse conditions that are threatening to create a new Dust Bowl.

Charges

Allowing Rangeland to Deteriorate and Ranchers to Dominate Rangeland Use. Rather than trying to heal the wounds caused by overgrazing, the Reagan Administration wants to reduce drastically federal regulation of livestock grazing on the public lands.

- Watt has cut 60 staff positions and \$3.8 million from grazing management activities in the FY 1983 budget.

Whatever funds are available for range improvement would go into land that is set aside mainly for production of red meat. Needs of wildlife and other non-commercial values would be all but ignored.

The new BLM grazing policy

- Divides rangeland into “custodial,” “maintenance,” and “improvement” categories, with funds targeted to the last category with the principal objective of yielding “maximum economic return.” The policy appears to contradict FLPMA’s multiple use mandate, which requires that consideration be given to the relative value of resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest economic output.
- Separates grazing decisions from overall land use planning. It demonstrates the effect (prematurely since the rules have not yet been finally changed) of dropping the requirement that management decisions shall be *consistent* with land use plans.

The Administration has made no effort to stop the gross subsidies of livestock grazing on the public lands. The public land grazing fee in 1982 will be \$1.86 per animal unit month (which is the grazing of one cow or five sheep in one month). Comparable private grazing lease rates are \$8.83. The artificially cheap price for grazing on the public lands invites the overgrazing which has badly damaged so much of the public land.

National Parks

For 110 years the National Park System has grown with the nation. It has offered the enjoyment of scenery, wildlife, and “natural wonders” to increasing numbers of Americans, while conserving those resources for future generations. The Reagan Administration has halted the park system’s growth and is ignoring threats to the parks from air and water pollution and development on adjacent land. Its policies threaten the unique values that the park system is meant to preserve.

Preamble

The National Park System Organic Act of 1916 says the purpose of the parks is “to conserve the scenery and the natural and historic objects and the wildlife . . . and to provide for the enjoyment of the same in such manner . . . as will leave them unimpaired for the enjoyment of future generations.” Today the system includes not only the great old parks like Yellowstone and Yosemite, but also national seashores and recreation areas, monuments, historic sites, sites for the performing arts, scenic rivers and trails, and open spaces in the nation’s capital.

In 1980, about one American in four visited a National Park unit. Visits to parks are multiplying rapidly, reaching 300 million in 1980—ten times the number of visits in 1950 and 300 times the number in 1930.

For more than a century, Congress has continually added to the park system by designating suitable lands from the public domain and by buying privately held land. In 1965, Congress created the Land and Water Conservation Fund, which receives income mainly from offshore oil and gas leasing. Congress is authorized to appropriate up to \$900 million a year from the Fund to buy land for national parks, wildlife refuges and forests and to help states plan, purchase, and develop state parks. In that way, Congress provided that a modest share of the offshore oil and gas revenues (which totalled \$9.8 billion in 1981) will be used to conserve irreplaceable natural landscapes, historic places, and important recreation areas.

Charges

Stopping Growth of the Park System. The Reagan Administration opposes buying parkland already authorized by Congress, creating new parks, helping states buy and develop parks, and supporting urban parks in any way.

- Shortly after taking office, Secretary of the Interior James Watt imposed a complete moratorium on all federal land purchases from the Land and Water Conservation Fund. He also stopped all federal grants from the Fund to states. He stated publicly that he believes most “truly unique” park areas have already been acquired, and that the federal govern-

ment should not provide urban or regional parks. In other words, the Administration policy is that the park system need grow no further.

- In the FY 1982 budget request for the National Park Service, Secretary Watt asked for approximately \$39 million from the Land and Water Conservation Fund for acquisition of federal parkland. Those funds were to cover only court awards and administrative costs for purchases already in progress. That amount compares with an average appropriation of about \$550 million for each of the previous five years. Rejecting Watt's policy, Congress actually appropriated \$150 million in FY 1982 for federal parkland acquisition.
- Secretary Watt asked for no money for state grants in FY1982 and 1983. Congress appropriated none in FY1982, but made it clear the moratorium was for one year only.

The Reagan Administration's total cutoff of funds for parkland is a radical departure from policies over 100 years old. It violates the intent of Congress in creating the Land and Water Conservation Fund. The nation's growing population will have to share a fixed number of ever more heavily used National Parks. Critical lands needed to protect unique natural areas or to buffer existing parks against development will be lost or will have to be purchased later at much higher prices. There are now approximately 65 National Park units in 32 states for which land acquisition (presently valued at more than \$1 billion) has been authorized by Congress but not completed. Among the critical lands are the Appalachian Trail corridor, the Channel Islands off California, the Big Cypress Swamp in Florida, and the Santa Monica Mountain National Recreation Area near Los Angeles.

Ignoring Threats to the Parks. Secretary Watt's announced policy for the National Park System is to emphasize restoration, improvement, and maintenance of facilities in existing parks, rather than to continue to acquire land. He has asked Congress to amend the Land and Water Conservation Act to allow the Fund to be used for maintenance purposes. He has asked for \$105 million for restoration and maintenance of park facilities in FY 1983.

Maintaining park facilities to meet health and safety standards is important. However, Secretary Watt's priorities go in the wrong direction.

- The Watt proposal to dip into the Land and Water Conservation Fund for maintenance would rob it of money needed for buying additional parklands.
- The maintenance funds Secretary Watt is seeking for FY 1983 would go almost entirely to refurbishing roads, bridges, buildings, sewers, and park facilities, rather than for protection of the irreplaceable natural resources which are the park system's reason for existence. Indeed, emphasis on improvement of roads and park facilities may promote further heavy use of much-visited parks and add to the wear and tear on natural resources. The result could be first-rate plumbing and roads in a second-rate park system.

The most immediate and serious threat to the national parks is pollution from internal and external sources. In a 1980 report to the Congress, the National Park Service listed the threats which are causing severe degradation of park resources. Approximately 60 percent of the parks reported significant threats to scenic resources. Air and fresh-water quality, mammals and plants were reported threatened in about 40 percent of the parks. The Park Service staff has singled out specific threats to the natural resources of individual parks and has proposed research and protection measures. Yet Secretary Watt has asked for minimal funds to mitigate existing resource damage and to prevent new threats from developing.

In fact, the Administration has taken actions which increase pollution and other threats to the parks.

- The Administration has proposed amendments to the Clean Air Act that would eliminate protection of air quality and scenic vistas in national parks and wilderness areas. Air pollution, reduced visibility, and a closing in of vistas is already a major problem in national parks that are near large powerplants. For example, the Four Corners complex in New Mexico causes air pollution in Mesa Verde, Zion and Bryce Canyon National Parks; Everglades National Park in Florida is affected by a Florida Power and Light plant nearby.
- Secretary Watt tried to reverse a decision by former Secretary Cecil Andrus barring stripmining within 5 miles of Yovimpa Point, the most spectacular vista in Bryce Canyon National Park in Utah. Secretary Watt wanted to permit stripmining within view of the park. A federal district court in Utah refused to remand the case to Watt for review.
- Watt has reversed a Park Service decision to phase out motorized rafts operated by private concessioners in the Grand Canyon.
- Watt has supported proposals by snowmobile, off-road vehicle, and airboat organizations to open up certain national park and seashore areas to their uses. Watt has opened Lassen Volcanic National Park in California to snowmobile use; and the Park Service has decided to continue to allow snowmobile use in the Potholes region of Grand Teton National Park, despite a recommendation to the contrary by a blue ribbon panel.

Wilderness

Since the Wilderness Preservation System was created in 1964, it has been the policy of every Administration to protect wilderness from energy and minerals development. The Reagan Administration policy is to open the system to oil, gas, and mineral development, and close off major additions of new lands.

Preamble

Congress created the National Wilderness Preservation System in 1964 "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." In the terms of the Wilderness Act, "wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."

The Wilderness System constitutes about 3 percent of the land base of the United States. It includes 23.4 million acres in the lower 48 states and 56.4 million acres in Alaska. All of the wilderness areas are within the federal public lands—in the National Forests, Parks, and Wildlife Refuges, and in the lands managed by the Bureau of Land Management (BLM).

From 1977 to 1979, the Forest Service reviewed 62 million acres of large roadless areas in the National Forests to determine what lands should be recommended to Congress for addition to the wilderness system and what lands should be made available for other uses. When that long study process was complete, the Carter Administration recommended that Congress designate a total of 15 million acres as wilderness. BLM is presently reviewing approximately 24 million acres to determine which lands under its jurisdiction should be recommended to Congress for wilderness designation.

The Wilderness Act allows prospecting and other activities in wilderness areas to collect information about mineral or other resources and requires the Department of the Interior to conduct periodic surveys to determine resource values. In addition, the Wilderness Act allows, but does not require, the Secretary of the Interior to issue energy and mineral leases in wilderness areas until December 31, 1983.

Recognizing that wilderness areas serve vital ecological functions, that they are the last remnants of America's primeval splendor, that they do not contain relatively large amounts of minerals or energy resources, and that they are irreplaceable, every Secretary of the Interior up to the present has, as a matter of policy, opposed mineral or energy development in designated wilderness areas.

Under the Wilderness Act, lands approved for inclusion in the wilderness system will be closed, except for valid existing claims and leases, to mineral and energy development after December 31, 1983.

Charges

Opening Wilderness to Development.

- In May 1981 Secretary Watt directed his Solicitor to find a way to "open wilderness areas." That directive repudiated the policy of every Secretary of the Interior since the Wilderness Act was passed in 1964.
- Secretary Watt advocated a 20-year delay, until 2003, of the date when wilderness lands will be closed to energy and minerals development. Secretary Watt misleadingly stated that delay of the deadline was necessary to inventory oil and gas and other mineral resources. In fact, the Wilderness Act allows, indeed requires, exploration and inventory without any time limit.
- The Forest Service issued draft recommendations to issue leases in the Washakie Wilderness adjacent to Yellowstone National Park, the Ventana Wilderness on California's Big Sur coast, and the Caney Creek Wilderness in Arkansas.
- The Forest Service considered a proposal for seismic exploration in its Bob Marshall Wilderness in Montana. In response, in May 1981, the House Interior Committee directed Secretary Watt to withdraw this area from minerals leasing.
- In November 1981 the Interior Department actually issued a lease for slant drilling into the National Forest's Capitan Wilderness in New Mexico. In recommending this lease, the Forest Service failed to comply with the requirements of law for public notice, public comment, or environmental impact studies.

Expressing alarm at Secretary Watt's actions and advocacy to open up wilderness, the House Interior Committee voted in November 1981 for a six-month moratorium on leasing in wilderness areas.

Faced with firm Congressional opposition, the Administration tried different tactics. In January 1982, Secretary Watt extended the Congressional moratorium on leasing in wilderness until after the current session of Congress and the 1982 elections. Then, in February 1982 Secretary Watt announced a new program, billed as "protection" of wilderness, which actually pursues the same policy of opening wilderness, but under a new guise. He presented the Administration's proposed Wilderness Protection Act of 1982, which would

- Allow the President, without Congressional approval, to open any wilderness area by declaring an undefined "urgent national need." Under the present law, lands designated by Congress as wilderness remain closed to development after December 31, 1983 forever, unless Congress determines otherwise.
- Automatically end protection for the entire wilderness system, opening all wilderness areas to mineral and energy development in the year 2000.

Shutting Off Additions to the Wilderness System. The Administration wants not only to open the whole wilderness system to energy and mineral development in 2000 but to make sure that, in the meantime, little if any new land is added to the system. The Administration's bill would

- Set short, rigid deadlines for Congress to act on Forest Service and BLM lands recommended for wilderness designation, or recommended for study for designation.
- Give no second chances. Lands not actually designated as wilderness by the deadlines would be permanently released for development. The Forest Service would be barred from ever again studying its lands for wilderness or managing those lands as wilderness, without Congressional approval. Under existing law, wilderness values must be considered in the ongoing, periodic forest planning process.
- Take away from Congress and give to the President the power to determine which BLM wilderness study areas should be released to development. All BLM wilderness study areas would be subject to immediate development.

In addition to its anti-wilderness legislation, the Reagan Administration has, by executive action, attempted to block or limit additions to the Wilderness System.

- Assistant Secretary of Agriculture John Crowell eliminated almost 1 million acres from the previous administration's recommendation to Congress for addition of Forest Service land to the wilderness system.
- Assistant Secretary Crowell has testified against designation of lands recommended for wilderness in the Cranberry area of the Monongahela National Forest, West Virginia; the Big Gump Swamp in the Osceola National Forest, Florida; and Cougar Lakes in the Wenatchee National Forest, Washington.

Fish and Wildlife

In the Reagan Administration, protection of fish and wildlife takes second place to resource development. Secretary Watt has weakened protection of endangered species, downgraded wildlife protection in his crash energy program, sacrificed wildlife for grazing interests, and refused to acquire wildlife habitat authorized by Congress.

Preamble

The federal government is steward of much of the nation's wildlife. Federal wildlife refuges cover over 89 million acres of our public lands. In addition, half a billion acres of publicly owned lands (in National Forests and public lands managed by BLM) are required by law to be managed for multiple uses, one of which is conservation of fish and wildlife.

In addition, several federal laws protect wildlife habitat in state, local, or private ownership against destruction brought about by federal government activities such as dam building and construction of sewers and water treatment plants.

Charges

The Reagan Administration does not have an explicit program for weakening protection of wildlife. Indeed, Secretary of the Interior James Watt lays claim to good stewardship of the nation's wildlife refuges and habitat. The claims are misleading. In fact, under the present Administration, when wildlife and resource development are in conflict, wildlife loses. With few exceptions, whatever gains have been made in wildlife protection during the Reagan Administration were forced on it by Congress, or were a legacy from the past.

Weakening Protection of Endangered Species. The Reagan Administration has

- Paralyzed listing of endangered species. In 14 months the Administration listed only one of the more than two dozen species which had been proposed for listing when President Reagan took office. Listing of that one species (the Hays Spring Amphipod, a tiny invertebrate) has no economic effect whatever, since its only habitat is the Washington Zoo.
- Refused, until threatened with a lawsuit, to list four species that had been finalized by President Carter.
- Bottled up 70 additional listings.
- Proposed cutting 34 percent (\$7.9 million) in FY 1982 from the endangered species program, which was already charged with more responsibilities than it could handle on a limited budget. Congress allowed a cut of 24 percent. Secretary Watt has proposed a further cut of \$1.2 million for FY 1983.
- Proposed cutting the program for recovery of endangered species in FY 1982. Congress blocked that proposal. The Administration is now claiming credit for completing recovery plans.
- Proposed to reduce endangered species law enforcement staff by 15 positions out of 203, despite increased killing of bald eagles and a large trade in protected species.
- Eliminated \$3.9 million in federal funding for state programs to conserve endangered species habitat.

Sacrificing Wildlife Protection for Energy and Grazing Interests. The Reagan Administration has

- Accelerated plans for oil and gas exploration in wildlife refuges in Alaska while proposing a 50 percent cut (from \$8 million to less than \$4 million) in the Alaska Refuge Management Budget for FY 1982.
- Withdrawn final regulations under the Fish and Wildlife Coordination Act that would have elevated the importance of wildlife habitat values in considering federal permits and federally funded projects.

- Systematically cut funding for vegetation inventories, habitat evaluation, instream flow studies, environmental analyses, and other programs to determine the carrying capacity of public lands to support fish and wildlife and to determine the compatibility between energy development and fish and wildlife protection. At the same time, the Administration has added funds for energy development—thereby increasing the need for the studies being cut.
- Put all of BLM's resources for improvement of the public range into areas where ranchers will get first call for red meat production, leaving little for wildlife.

President Reagan personally

- Rescinded a ten-year-old Executive Order issued by President Nixon that banned the use on the public lands of 1080, a highly toxic poison used to kill coyotes and other predators.

EPA had cancelled registration of 1080 as a pesticide and severely limited its use as a rodenticide ten years ago because it poisons nontarget species such as raccoons, badgers, and eagles as well as coyotes. Under the Reagan Administration

- EPA has begun proceedings to re-examine the 1080 ban. EPA Administrator Gorsuch stated that "new information" justified re-opening the issue. A University of California scientist, whose work was cited as the major source of the "new information" has charged that EPA and Gorsuch distorted his findings. "EPA needed some pivotal scientific basis to justify and trigger these hearings," said a spokesman for the University, "so they...misrepresented [the scientist's] statements to justify the hearings."
- The Fish and Wildlife Service applied to EPA to approve 1080 for some uses as a predator poison.

Blocking Acquisition of Refuges. Watt claims credit for acquisition of land for several federal and state refuges, all of which he opposed until he was overruled by Congress. Specifically, the Administration has

- Proposed zero funding from the Land and Water Conservation Fund for wildlife refuge acquisition in FY 1982 and only \$1.6 million in FY 1983 for partial acquisition of endangered species habitat. At least \$54 million is needed from the Fund for buying priority areas, already authorized by Congress for acquisition, to protect them from development and habitat destruction. The two new refuges for which purchase has begun (Bogue Chitto, Louisiana, and Bon Secour, Alabama) were ordered by Congress over Watt's objections.
- Opposed acquisition of privately owned enclaves in refuges in New Jersey, California, and Maine. Congress overruled him.
- Eliminated grants from the Land and Water Conservation Fund for state habitat acquisition.
- Proposed zero funding for wetlands acquisition under the Wetlands Loan Act in FY 1983.

In 1977 the Fish and Wildlife Service identified 1,947,000 acres of wetlands in need of protection under its 10-year duck stamp program.

- The Fish and Wildlife Service purchased only 24,349 acres of wetland—paid for by duck stamps—in the first year of the Reagan Administration. At the Reagan rate of acquisition, it would take 78 years to complete the program. Meanwhile, the nation is losing 600,000 acres of wetland to development every year.
- Watt proposed no new funding for wetlands acquisition under the Wetlands Loan Act in FY 1983. Authority to acquire wetlands under this program expires at the end of FY 1983.

The Administration has announced that it actually intends to divest the National Wildlife Refuge System of a key refuge area. It proposes to

- Transfer National Wildlife Refuge Lands on Matagorda Island to Texas, which wants to use the land for recreation. That use is incompatible with the conservation objectives and special qualities of Matagorda, which provides critical habitat for the highly endangered whooping crane and habitat for several other endangered species.

Cutting Cooperation with States. The Reagan Administration wants to eliminate all federal funding for the Cooperative Wildlife and Fisheries Units. In this program, the Fish and Wildlife Service cooperates with land grant universities and state wildlife agencies in wildlife and fishery research and training. The program trains four out of five of the country's wildlife biologists. Federal funds pay for about one-third of the costs. The Reagan Administration has

- Proposed to cut funding to zero, in both FY 1982 and FY 1983, for the Cooperative Units. Congress restored \$4.4 million for the program in FY 1982.

One positive accomplishment of this Administration is the speedup of the ecological mapping inventory of fish and wildlife resources of the Pacific Coast and a start on mapping of the Gulf Coast.

This solitary accomplishment must be judged against the record, outlined above, of relegating fish and wildlife protection to secondary importance.

Energy Leasing

The people of the United States own vast coal, oil shale, oil, and gas resources. These are resources that belonged to the nation when it was founded or were acquired by treaty or by purchase from other nations.

For many decades the nation's energy resources, like other public resources, were made available for private use essentially on demand. Payments to the public treasury were shockingly low, and enormous reserves were leased—not to be developed, but for speculation.

A dozen years ago, President Nixon imposed a moratorium on coal leasing to reassess the way in which leasing decisions were made. In the years that followed, Congress enacted a series of laws requiring the Department of the Interior to consider the interests of the nation as a whole in making energy leasing decisions. The law requires the Department to adhere to five principles. It must

1. Balance potential energy development against alternative uses for the same property, selecting that use that maximizes the benefit to the public.
2. Assure a fair return to the nation for private development of its energy resources.
3. Make resources available only for necessary development, not for speculation.
4. Permit development only where it will not cause irreparable harm to the environment.
5. Provide full and fair opportunities for the public to participate in the decision on how to use the nation's resources.

The Reagan Administration has acted to subvert each of these principles. It seeks to make energy resources available on demand once again. It has truncated the planning process, ignored agricultural, wilderness, environmental, and recreational values, and has excluded the public and state and local governments from the process.

Coal Leasing

The Administration has subverted the leasing system, handing over basic decisions to industry and denigrating the importance of agricultural, environmental, and social and cultural values.

Preamble

There are 16.5 billion tons of federal coal under lease, enough to last over 200 years at the present rate of production of coal from federal leases. In all, the United States owns over 400 billion tons of coal, almost all of it in the West.

Until 1971, coal leasing on federal lands was virtually unregulated. The federal government leased the public lands at giveaway prices. Specula-

tion in coal leases was rampant. Leases were resold at many times the price the government received from the original lease holder. Industry selected the land it wanted to lease and then held the leases idle without producing coal. There was little concern with the public receiving a fair price for leases, with protection of the agricultural or environmental resources, or with the impact of leasing on state and local governments.

President Nixon imposed a moratorium on coal leasing in 1971. And in 1976 Congress sought to end coal leasing abuses with passage of the Federal Coal Leasing Act Amendments, requiring the Interior Department to obtain fair value for the public's coal, to prevent speculation, and to balance coal against other resource values before deciding which tracts to lease.

The Carter Administration put in place a leasing program that met those requirements and proposed to lease federal coal as needed to meet demand for coal production.

Charges

Transferring Control to Industry. The Reagan Administration has abandoned the reforms mandated by the Congress and implemented by the previous administration, and proposes to return to the policies of the past. The Administration has proposed to change the coal leasing regulations to

- Permit industry to make the initial selection of tracts for leasing instead of determining which tracts it is in the public interest to lease, based upon a consideration of alternative uses and environmental values.
- Eliminate independent federal analysis of the level of leasing necessary to meet demand, relying instead on industry to decide how much coal it wants. Leasing in 1981 was up 420 percent from 1980, although the Congressional Office of Technology Assessment recently concluded no new leasing was necessary to meet demand.
- Effectively eliminate restraints on speculation in federal coal by weakening regulations requiring leaseholders to begin production within ten years after obtaining a lease.
- Make consideration of potential economic, social, and environmental effects of coal leasing on a region entirely discretionary.
- Sharply curtail opportunities for participation by the public and by state and local governments in leasing decisions and reduce the amount of information available to the public about leasing.
- Eliminate requirements that lease applicants submit information to the U.S. Attorney General for antitrust review.

Cutting Back Planning and Environmental Analysis. Since coming to office the Administration has not only massively increased leasing, but at the same time has significantly reduced the funds and personnel for environmental planning and management.

The result is that the Department of the Interior is simply unable to assess or consider the value of any other use than coal development for tracts requested by industry.

Outer Continental Shelf Oil Leasing

The Reagan Administration has proposed changes in the program for offshore oil and gas leasing which will have devastating impacts on our coasts, on state planning functions, on public participation, and, ironically, on our ability to inventory and develop our offshore resources. These new policies will deprive the public of a fair return for the sale of public oil and gas and will ultimately delay their development.

Preamble

The United States owns over 1 billion acres of offshore submerged lands on the Outer Continental Shelf (OCS). Since the Outer Continental Shelf Lands Act was enacted in 1953, the Department has leased approximately 27 million acres for oil and gas development, resulting in 8,000 producing wells yielding 5 billion barrels of oil and 44 trillion cubic feet of gas. Offshore waters currently produce about 9 percent of our nation's oil and 20 percent of our domestic gas. In 1980, the Carter Administration proposed to double the amount of leased acreage by 1986.

Charges

Accepting Low Royalties and Allowing Speculation. The Administration has proposed

- Leasing every year nearly ten times as many acres offshore as have been leased in the entire 29-year history of the leasing program.
- Allowing only 2 years between sales in frontier (not previously leased) areas, despite the fact that most coastal states have argued repeatedly that they need 3 years to deal with the impacts of each new lease sale in these undeveloped areas.
- Elimination of both tract-specific geohazard analysis and tract specific geologic analysis (estimating the amount of oil and gas which underlies a particular tract). This Administration has often touted the importance of knowing the costs and benefits of an action. Yet they propose to eliminate two of the most important factors in any cost-benefit analysis: the value of the resource, and the potential risk from geohazards.
- Repeal of the Failure and Inventory System (FIRS), which the National Academy of Sciences in a recent report said should be strengthened.
- Elimination of the requirement that detailed development and production plans be filed in the western

Gulf of Mexico and the Santa Barbara Channel, even though they are required elsewhere.

- Changing the regulations which required an exploration plan to be filed at the end of the second year of a five-year lease. The exploration plan will not be required until the end of the fourth year of a five year lease, thus reducing the incentives for leaseholders to diligently develop the resource.
- Lowering the royalty rate on many offshore areas from 16-2/3 percent to 12-1/2 percent. Is this the way to balance the budget?

Disregarding Public Concerns. Accelerated OCS oil and gas development threatens habitat, offshore and onshore. Problems include disposal of drilling muds, construction of onshore support facilities, operational as well as catastrophic oil spills, and aesthetic impacts. Damage to local economies dependent on tourism and commercial fisheries is of significant concern to Governors of several states.

The Administration has proposed

- Repeal of the regulation which requires public notification of the filing of an offshore development and production plan.
- Zero funding for coastal zone management grants to states—the only mechanism which encourages state planning for the impacts of offshore and coastal development.

Several states have sued the Administration when their views were not taken into account. The Commerce Department issued and then was forced by public opposition to withdraw regulations that would have prevented states from having any meaningful role in OCS planning.

Oil Shale Leasing

The Administration seeks to accelerate private acquisition of publicly owned shale reserves, when neither the economic nor the environmental consequences of shale development are known.

Preamble

About 80 percent of the nation's 400 million barrels of recoverable shale oil, most of it in Colorado and Utah, is on federal public lands. Shale development enjoyed a brief boom and then suffered a quick bust more than half a century ago. Shale oil was then and remains now more expensive to produce than oil.

In 1974 the United States leased four shale tracts in Colorado and Utah to a consortium of oil companies at a 2 percent royalty plus a bonus of 8.5 cents per recoverable barrel of oil. The price of oil was then about \$8 per barrel. A variety of government agencies have poured research and development money into shale projects over the past half century.

Water Resources

The Reagan Administration recently gave several billion dollars in loan and price guarantees to two oil company shale projects in Colorado.

Shale development is surrounded by uncertainties both economic and environmental. There are no commercial size shale operations in the United States and no one can say with certainty whether shale oil can be produced at a price competitive with crude oil. Nor has industry yet shown that it can safely dispose of the vast quantities of waste generated by shale production. These uncertainties led Interior Secretary Morton to conclude in 1974 that further leasing should await data from the development of tracts already under lease.

Charges

Leasing at High Risk and Low Gain for the Public. The Administration has put aside caution and supports legislation that would

- Increase the number of leases and the amount of land that could be held by a single company. This will permit concentration of control of our shale resources among a few companies.
- Fail to provide any guarantee that leased shale would be developed. Industry will be permitted to hold leases for speculation and resell them at inflated prices.
- Ignore the need for environmental and socioeconomic planning.
- Establish no guarantee that the public will receive a fair price from the private developers of its shale resources.

Secretary Watt has ordered BLM to write shale leasing regulations to

- Permit leasing on industry demand without consideration of the need for leasing and with little analysis of the impact of shale development on water resources, local communities, or wildlife.
- Allow leasing without requiring diligent development of leased resources, or securing a fair economic return for the public.

The Reagan Administration has done little to take the fat out of pork barrel water projects. Its approach is politics as usual. The President proposes spending at near-record levels for water projects, including projects that are indefensibly wasteful and damaging to the environment.

Preamble

Water resource projects—building dams and channels, dredging ports, opening water ways—are of course an old and legitimate activity of the federal government. They have earned the name of “pork barrel” because they so often involve waste and subsidies. They frequently do serious environmental damage.

The “cost-benefit” analyses of the U.S. Army Corps of Engineers and the Interior Department’s Bureau of Reclamation (the two big water project agencies) are a longtime scandal. These agencies include in their calculations questionable benefits and projections based on interest rates as low as 3 1/4 percent.

For example, court documents on the Tennessee-Tombigbee Waterway (the biggest water project in the nation’s history) show that the Corps of Engineers disguised the project’s real cost because it would have had too great an “emotional” impact on Congress. Other documents show that the Corps claimed benefits for companies which had stated categorically they would not use the canal, and for other companies that no longer existed.

The Bureau of Reclamation, which operates entirely in the West, has no better record. Some of the Bureau’s biggest projects involve huge subsidies to a few users. For example, in the Central Arizona project, Federal taxpayers will be spending about \$1.8 million for every farm using the Project’s water for irrigation.

The following table shows that on the average irrigators served by the Bureau are paying back less than 10 percent of the costs underwritten by taxpayers—and with no interest.

Project	Investment per Acre	Repaid by Irrigator
Garrison Diversion (ND)	\$3753	\$ 77
Dolores (CO)	4301	209
O’Neill Unit (NE)	4535	588
North Loup (NE)	4678	515
Central Utah Project (Bonneville Unit)	1825	68
Central Arizona Project	1274	59

Citizens worked hard with the last Administration to bring some sense to water project planning. Rational economic standards were developed for the Corps and the Bureau to use in assessing projects, and conservation requirements were included in contracts to supply water to communities from Corps and Bureau reservoirs. These steps were just a beginning in the tough job of getting pork barrel projects under control.

Charges

The Reagan Administration despite its rhetoric on ending waste in government has abandoned tough economic analysis for water projects.

Supporting Pork Barrel Spending. The Reagan Administration has

- Recommended spending \$3.8 billion in FY 1983 for water projects—nearly the highest ever—and a 23 percent increase for Bureau of Reclamation spending. All of the Bureau's projects are in the West, where environmental problems from dam building and water diversions are often acute.

The Administration has greatly increased funding for some of the Bureau's worst, most wasteful and damaging projects. For example

- The Administration proposes to spend an additional \$1.2 billion for the white elephant Bonneville Unit of the Central Utah Project—which was listed as 22 percent complete in 1980, with remaining costs to complete of \$584 million. It is now shown as only 18 percent complete with over \$1 billion to go for completion, because of staggering cost overruns and soaring prices. This project will take 136,000 acre feet of fresh water out of the Colorado River Basin, aggravating salinity problems downstream. By dumping additional water in Salt Lake, it will aggravate the lake's rising water level, which is endangering shoreline recreation and industries and the airport. It will take away from the Ute Indians water which will have to be replaced, at a cost not figured into the project's cost estimate. And it will adversely affect 200 miles of fishing streams, destroy 28,000 miles of waterfront habitat, and reduce the warm water fishery in Lake Utah by one-third. As with many other costly damaging projects, there are alternatives to this project; Salt Lake County has proposed a list of seven.

Two steps taken by the Reagan Administration are worthy of real commendation. One is its proposal for a users' fee for deepdraft harbors and inland waterways, thus ending much of the subsidy to the commercial craft which use these waterways.

The other is a proposed cut in the Soil Conservation Services' small watershed program. This program has dammed and channelized hundreds of small streams over the past 25 years, with little effect on floods and less regard for soil erosion and other environmental damage.

Dropping Requirements for Economic Justification, Conservation, and Public Participation. The Reagan Administration has

- Eliminated the recently developed principles for economic justification of water projects, on the grounds that they constitute a "burden." Ironically, the "burden" is not on the private sector, but on the Corps and the Bureau, to bring their performance up to private enterprise standards.
- Struck down the conservation requirements for communities supplied by the Corps and the Bureau reservoirs.
- Reduced public participation in Bureau water delivery contracts. This means that big landowners, who have been able to get lucrative deals with the Bureau in the past when no one was watching could do so again. The potential loss to the Treasury is hundreds of millions of dollars.

Dismantling the Wetlands Protection Program. The Reagan Administration has also begun to dismantle the wetlands protection under Section 404 of the Clean Water Act.

- The Army Corps, with the concurrence of EPA, proposes to reduce the jurisdiction of the program so drastically that 85 percent of the nation's wetlands would no longer be protected under the 404 program.
-

Energy

In one year the Reagan Administration has turned federal energy policy to chaos. Reagan officials have used free market rhetoric as a sword against programs they dislike: energy conservation, solar energy, emergency preparedness. But they have sheathed the sword with respect to nuclear power, synthetic fuels, and the oil industry.

The Administration wants to eliminate almost every program that provides assistance, information, or protection to energy consumers, while leaving intact a \$16 billion synthetic fuels subsidy program, tax breaks worth several billion dollars a year to the oil industry, and direct subsidies to the nuclear industry of at least \$1 billion a year.

Reagan officials speak boldly of massive increases in production of energy, while the nation's and the world's energy producers cut back in the face of energy conservation's quiet revolution.

Most alarmingly, the Administration has sought to weaken environmental, safety, and health regulations in every area that relates to energy, from nuclear reactor safety to power plant air pollution. It has done so in the face of increasing evidence that those governmental protections are critical to our safety, our health, and the quality of our environment.

Nuclear Power

The free market is killing nuclear power. Instead of letting it fend for itself, President Reagan wants to rescue the industry with continued heavy subsidies, watered down safety regulations, and reduced safeguards against the spread of nuclear weapons.

Preamble

Since the Reagan Administration took office, six nuclear power plants already under construction have been cancelled. The Nuclear Regulatory Commission staff predicts nineteen more cancellations in the near future of plants under construction. Although the cancellations involve billions of dollars in losses, the utilities involved concluded that completion of the plants would cause far greater financial losses. More proposed reactors have been cancelled during the past ten years than are now operating in the United States.

The nuclear industry has also been plagued by safety problems and mismanagement. The accidents at Brown's Ferry and Three Mile Island exposed serious flaws in reactor safety systems. Middle-aged plants are now suffering unexpected breakdowns. The recent accident at Ginna, New York, where a ruptured pipe released radioactive gas, was the fourth such incident in recent years. The Nuclear

Regulatory Commission suspended the operating license of the controversial Diablo Canyon plant only days after it was granted because critical parts of the reactor's earthquake protection system were built backwards. A Nuclear Regulatory Commission investigation found many more design errors that affect safety.

The abiding problems of nuclear weapons proliferation and waste disposal were a serious concern to both the Ford and Carter Administrations. President Ford deferred commercial reprocessing of spent nuclear fuel pending an assessment of international safeguards against proliferation. President Carter deferred commercial reprocessing and tabled development of the plutonium breeder reactor because of dangers of proliferation.

Charges

President Reagan has abandoned his predecessors' caution on nuclear power. Contrary to his own free market philosophy, he has spared nuclear power from the budget axe. Ignoring the industry's real financial, management, and technical problems, he blames the industry's plight on "overregulation," and has moved to weaken safety regulations and safeguards against proliferation.

Maintaining Subsidies. The Reagan budget for FY 1983 would maintain direct subsidies to the nuclear power industry at a level of more than \$1 billion per year—added to estimated subsidies of at least \$37 billion which the taxpayers have already sunk in the industry.

The Reagan budget would

- Commit more than twice as much energy research and development money to the Liquid Metal Fast Breeder Reactor (LMFBR) as to *all* other forms of energy (coal, shale, solar, conservation), despite the fact that the LMFBR is outmoded and uneconomic.
- Pour \$253 million into the Clinch River Breeder Reactor, a demonstration LMFBR for which total projected costs have skyrocketed from \$700 million to \$3.5 billion. Taxpayers would be stuck with 90 percent of the bill, although industry had originally agreed to pay half.

The Carter Administration's position was to close out the Clinch River project while pursuing basic research. All the available facts on costs show it is folly to put hundreds of million of the taxpayers' dollars into the Clinch River project. For example, France dropped plans to build five more LMFBRs after paying the bill for the first one, which cost twice as much as a comparable light water reactor.

Dropping Barriers to Proliferation. The Clinch River Breeder Reactor is not only hugely wasteful; its

use of plutonium for fuel creates dangers of proliferation of nuclear weapons. So does the commercial reprocessing of spent nuclear powerplant fuel which the Reagan Administration is supporting. Even worse is the proposal, now under active consideration, to use plutonium recovered from commercial powerplant fuel for a greatly accelerated program of making bombs for the U.S. military.

- President Reagan has lifted the Ford-Carter ban on private reprocessing of nuclear fuel and the Administration is now actively promoting such private ventures in the United States.
- The Reagan Administration has reversed a decade-long policy of slowing the spread of sensitive nuclear technologies, and is considering the export of classified technology for enriching uranium. It has also lifted the ban on supplying military and economic aid to Pakistan, a country known to be developing nuclear weapons, without any new guarantees of Pakistan's future direction in this sensitive area.
- The Department of Energy is developing an advanced enrichment technology which would make it possible to obtain weapons grade plutonium from commercial spent fuel, and is actively considering proposals to "mine" commercial spent fuel pools for bomb material. Such a course of action would effectively destroy the distinction between the civilian and military uses of nuclear power, ending forever the "Atoms for Peace" idea and making nuclear non-proliferation a clear impossibility.

Weakening Safety Protection. The Administration, in echoing the industry's complaints about overregulation, is ignoring real safety problems which can be controlled only by effective government regulation. The Administration is also pushing ahead with nuclear waste disposal plans, without adequate scientific knowledge and technical preparation.

- The Nuclear Regulatory Commission has shifted resources away from safety issues into an accelerated licensing program.
- The Department of Energy has dumped the comprehensive, conservative, safety-oriented nuclear waste policy developed by a broad interagency group under the Carter Administration. Stating that the major technical problems have been solved, the Reagan Administration is rushing ahead with waste burial plans. It is de-emphasizing the rights of states and localities to adequate information and a voice in siting.

Energy Conservation

Energy conservation is the cheapest, quickest and cleanest way to meet the nation's energy needs. The Administration has sought to abolish, dismantle, or destroy almost every Federal program that promotes conservation.

Preamble

The United States now spends more than \$385 billion a year on energy. The bill would be far larger if we had not made improvements over the last decade in the efficiency with which we use energy. Almost 90 percent of the growth in the U.S. economy between 1973 and 1980 was made possible by energy conservation (the economy grew 19 percent in real terms, energy consumption only grew 2 percent.)

Energy from new sources costs more than energy from old sources because it costs more to build a powerplant or find new oil than it used to. Thus, the only way to reduce the cost of energy to the nation is to reduce the amount we consume by using energy more efficiently. Indeed, the temporary oil "glut" that has lowered world oil prices is partly due to reduced demand resulting from energy conservation.

For low and moderate income families, the issue may be survival as heating costs consume up to half of their income. The only way they can reduce their costs other than freezing is by insulating, caulking, and adding storm windows so as to use less energy and less money to keep warm.

The Oak Ridge National Laboratory estimates that federal conservation programs saved the United States \$12 billion during 1980 alone. The Administration's own estimates put the 1980 savings at \$3.4 billion. And once in place, conservation measures continue to yield savings year after year.

Charges

Cutting the Conservation Budget. The Administration has sought to eliminate virtually every federal energy conservation program. It has proposed to reduce the budget for conservation by 97 percent. That would

- Halt federal research on conservation that has already yielded innovations that have saved many times the cost of the program.
- Eliminate most state energy conservation offices.
- Eliminate federal assistance for the weatherization of schools and hospitals.
- Halt the flow of technical information to consumers, businesses and local governments on the means to improve energy efficiency.

Eliminating Assistance for Individuals. The Administration has

- Tried to abolish the Solar and Conservation Bank, despite the intent of Congress. Congress passed legislation creating the Bank in 1980 to provide low interest financing for solar and conservation measures. The Administration proposed to eliminate it. When Congress said "no," the Administration simply refused to obey the law and did nothing to set up the Bank.
- Sought to eliminate the conservation tax credit while expanding tax benefits for energy producers.

- Proposed to eliminate the low income weatherization program. Under this program, the federal government directly assists low income people to invest in caulking and insulating their homes. This investment could remove the need for continuing government assistance to people unable to pay huge heating bills.

Dismantling Regulatory Programs Designed to Help Consumers. The Administration has

- Refused to obey the law that requires it to issue efficiency standards for furnaces, refrigerators, and other appliances. American appliances, as American automobiles did, are falling far behind their Japanese competitors. Efficiency improvements would save literally billions of dollars as well as energy.
- Sought to abolish the Residential Conservation Services Program that provides low cost home energy audits to consumers.
- Abandoned stricter fuel efficiency standards for automobiles after 1985.

Conservation is the energy program that puts money back in the pockets of individual American citizens. The Administration regards it with contempt.

Solar Energy

Government support for solar energy is in eclipse. While opinion polls show the public favors solar energy over all the alternatives, President Reagan has done his best to end federal support for renewable energy. If solar energy ultimately prospers, it will be in spite of federal policy.

Preamble

The public has good reasons for supporting solar energy. It is clean, infinitely renewable, and cannot be embargoed or dominated by a cartel. The use of solar energy does not pollute the air, poison our waters, or produce material for nuclear weapons. The production of renewable energy equipment creates more jobs and distributes them more fairly than the search for oil and gas, and the money stays in the United States.

Because of these special qualities, President Carter set a goal of meeting 20 percent of all our energy needs from renewable sources by the year 2000. Repeated studies, including one by the Harvard Business School and another by the Solar Energy Research Institute, have documented that this goal could be met at a lower cost than getting the same amount of energy from traditional sources.

However, numerous obstacles hinder the achievement of this goal. Solar energy systems often cost more to buy; the savings accrue over time with the reduction or elimination of fuel bills. The higher first cost is particularly troublesome during periods of

high interest rates. The price of fossil fuels and nuclear energy remains artificially low due to the effect of past and continuing subsidies. Consumers and businesses need to be assured that the new technologies will work as well as the old. Some solar technologies, particularly photovoltaic cells and biomass systems, require more research and mass production to reduce costs. All of these problems were the subject of government efforts initiated by the Ford and Carter Administrations.

Charges

In little more than a year, the federal solar energy program has been reduced to shambles.

Heading the Solar Budget Toward Zero. The Reagan Administration has cut the solar budget by 87 percent and will seek to eliminate the solar program. The Administration has already

- Slashed federally supported research at the very time when other countries, notably Germany, France, and Japan, are stepping up their support for solar research. Thus, the United States is likely to lose world markets.
- Stopped the flow of information on solar systems to consumers. Millions of consumers have received practical and reliable information on solar from the government in the past.
- Fired the Director and 300 staff members of the Solar Energy Research Institute, (SERI) the world's premier solar laboratory.
- Suppressed a SERI study showing the potential of solar and conservation measures and reporting on public opinion surveys that show popular support for renewable energy development.

The Administration has abandoned efforts to stimulate growth of a photovoltaics industry (using sunlight to make electricity directly), dropping efforts to use photovoltaics in government installations.

There are few solar regulations. However, the few that exist have not been overlooked in the Administration's war on solar energy.

Eliminating Assistance to Consumers. The Administration has sought to cut the programs that would provide direct aid to consumers. It has

- Fired the staff, stopped the regulations, and asked Congress to abolish the Solar and Conservation Bank, which would provide low-interest financing for individuals installing solar devices and for builders. When Congress twice refused to abolish the bank, the Administration simply defied the law and did nothing to set up the bank.
- Proposed to eliminate the tax credit for persons installing solar equipment. This average citizens' energy tax loophole was to be closed, while the oil industry's loopholes were enlarged. Congress rejected the proposal. The Administration is trying again to abolish this credit for businesses (not for residences).

- Asked Congress to eliminate the Residential Conservation Service Program, which provides homeowners with energy audits for a nominal charge. When Congress refused to do so, the Administration proposed changes in the regulations that would make it extremely difficult to include in the audits an evaluation of the cost-effectiveness of solar energy.
- Proposed to repeal the law that requires utilities to use electricity generated by windmills, very small hydropower projects and industrial co-generators of steam and electricity.

Synthetic Fuels

President Reagan attacked subsidies for synthetic fuels while he was campaigning, but in office he has maintained them. Meanwhile his Administration has essentially halted efforts to develop rules to control pollution from synthetic fuel plants.

Preamble

Coal and oil shale can be converted into liquid and gaseous fuels. The United States has huge reserves of both coal and oil shale. We do not now use them to make liquid and gaseous fuels, because the resulting products would cost much more than the oil and gas available as alternatives.

The Carter Administration proposed and won approval of a multi-billion dollar synthetic fuels subsidy to be administered by an autonomous, federally financed Synthetic Fuels Corporation. The Corporation spends public money, but is exempt from the laws that make other federal agencies accountable to the public.

Synthetic fuels production is potentially a source of large quantities of hazardous waste, air, and water pollution. Because we have little experience with synthetic fuels plants, we do not know how effective pollution controls will be.

Ronald Reagan attacked the use of tax funds to subsidize synthetic fuels when he was campaigning, and members of his transition team recommended that he abolish the corporation.

Charges

Continuing Subsidies.

- Instead of abolishing synthetic fuels subsidies, President Reagan personally approved over three billion dollars in loan and price guarantees for three projects in the West, two owned by oil companies.
- He has also refused to cut back on the Synthetic Fuels Corporation. The Corporation will soon begin to award an additional 12 billion dollars in subsidies to other synthetic fuels projects.

Disregarding Environmental Controls. The EPA had initiated intensive efforts to develop a program to assure that the massive synthetic fuels plants built with Federal assistance would use the best possible pollution control technology. Gorsuch terminated that effort. Since she took office EPA has

- Scrapped Pollution Control Guidance documents for synthetic fuels plants that had been developed to provide guidance for plant designers and environmental officials.
- Proposed to virtually eliminate research on the health, safety, and environmental effects of synthetic fuels plants

Regulatory Reform

Under the cloak of “reform”, the Reagan Administration is carrying out a program to eliminate protection of the public and participation by the public in the formation of environmental policy through regulation.

Preamble

There is little economic incentive for industry to control pollution. The “free market” does nothing to protect wilderness or wildlife. It is only through governmental action that we have reduced pollution, created national parks, controlled the ravages of stripmining and, in general, sought to protect the quality of our lives. Much of what government does is accomplished by setting rules for private behavior. The Congress, in laws enacted to protect human health and the environment, has required federal agencies to make such rules.

Charges

Under the Reagan Administration, “Regulatory Reform” is a euphemism. In practice, it has come to mean reduced opportunities for public participation in policy making, increased opportunities for industry participation in government decisions, delayed action on many rules that are essential to protect the environment, health and safety, and increased emphasis on reducing costs to industry even where the result is increased risk for the public.

Putting Economics Ahead of Health and Safety. Shortly after he came to office, President Reagan issued Executive Order 12291. That order allows the Office of Management and Budget (OMB) to review regulations both before they are proposed and again before they are promulgated, to order review of existing regulations, to delay regulations, and to require increased consideration of industry objections regarding the cost of a regulation. OMB has fulfilled its mandate with enthusiasm and a notable disregard for the human and environmental consequences of its actions. OMB is a budget agency. It has no environmental, safety, or health expertise.

- OMB has exercised its authority over dozens of environmental regulations. The result has been suspension of pre-treatment regulations for industrial effluents, suspension of insurance regulations for hazardous waste handlers, and delay in the labeling of toxic substances in the workplace.
- Deeming itself exempt from the fairness and openness requirements applicable to other agencies, OMB has operated in secret and served as a special conduit for private industry contacts.

Excluding the Public. Throughout the Government, public access to information has been reduced. The Administration has proposed to cut back on the Freedom of Information Act, and agencies have already cut back on information they voluntarily disclose. The pattern is particularly obvious in the environmental area. Congress wrote unique and broad-ranging public participation requirements into the environmental laws, *because those laws are designed to protect the public.* The Administration seems to regard public participation as an obstacle to smooth relations with industry.

- Secretary Watt has proposed to reduce opportunities for members of the public to participate in decisions on leasing, land use, strip mining, and wilderness.
- EPA Chief of Staff Daniel has recommended a sweeping revision of EPA public participation policies to reduce public access.
- The Agriculture Department has proposed revisions to land management planning regulations for the Forest Service which substantially reduce requirements for public notice and opportunities for public comment in the planning process.
- The Agriculture Department also withheld from the public, and finally released only under pressure, unfavorable comments on its soil conservation program.
- EPA has destroyed hundreds of publications designed to provide information on pollution.
- EPA has imposed severe constraints on the publication by its scientists of research results and scientific data.

The Administration’s Regulatory Reform program seems to operate from the assumption that the public has little business interfering with government and that industry should not be required to reduce the level of environmental pollution, cancer-producing food additives, dangerous and defective products, or workplace hazards unless the public can prove that the economic value of health, safety, and environmental protection exceeds their cost to industry.

Council on Environmental Quality

The Council on Environmental Quality was a small, high-level, very effective agency for environmental analysis, reporting, policy coordination, and advice to the President. The Reagan Administration has reduced it to a shell.

Preamble

The Council was formed on January 1, 1970, when President Nixon signed the National Environmental Policy Act (NEPA) into law. As part of the President's "extended family" in his Executive Office, the Council has been active in policy initiatives, inter-agency coordination, and Presidential advice, according to the desires of the President. Throughout its first eleven years, CEQ fulfilled its duties of implementing NEPA (including overseeing requirements for environmental impact statements), reporting every year on the state of the environment, and commissioning and supervising environmental studies of national significance.

In its first three years, under President Nixon, the Council produced three Presidential Environmental Messages, chaired interagency task forces, and helped to draft major legislation. Again, during the Carter years, the Council was active in policy matters, preparing two Environmental Messages from the President, developing regulations under NEPA, and leading government-wide initiatives on environmental issues. Among the many issues to which the Council brought policy leadership were toxic substances control, ocean pollution, farmland preservation, the effect of government programs on land use, wildlife law, integrated pest management, energy and its environmental effects, acid rain, and interrelated global resource, population and environmental problems.

Throughout its first eleven years, until the close of 1980, the Council was the major source of information and analysis for both government and public use on broad environmental policy matters (as opposed to more technical reports from regulatory agencies like EPA). In addition to its eleven Annual Reports, the Council sponsored or cosponsored such landmark reports as *The Quiet Revolution in Land Use Control* (1971), *Integrated Pest Management* (1972), *The Costs of Sprawl* (1974), *OCS Oil and Gas—An Environmental Assessment* (1975), *The Evolution of Wildlife Law* (1977), *Environmental Statistics* (1980), *The Global 2000 Report to the President* (1980), *Desertification of the United States* (1981), and *The National Agricultural Lands Study* (1981).

A number of distinguished people served as Members of the Council during its first 11 years. Among them were the first two Chairmen (under the Nixon and Ford Administrations): Russell Train, a lifelong conservation leader and later Administrator of EPA, and Russell Peterson, a former Republican Governor of Delaware and environmental leader.

Charges

The Reagan Administration has

- Cut CEQ's budget from \$3.1 million (FY 1980) to \$919,000 (FY 1982). This cut of \$2 million had no fiscal significance. Rather, it was a policy choice to signal the downgrading of environmental issues in the Reagan White House.
- Dismissed the Council's entire professional staff of 30 people in May 1981. Some of the staff had served since the Nixon and Ford Administrations. No CEQ professional staff member had ever been dismissed in any previous change of administrations. The new professional staff of CEQ numbers about half a dozen.
- Appointed as Chairman of the Council Alan Hill, a California businessman whose previous experience in environmental issues was as a mid-level state official during the Reagan governorship. President Reagan designated as a CEQ Member James MacAvoy, who proved unacceptable to Congress because of his record of strong opposition to federal action on acid rain.

With the drastic reduction in CEQ's funds and the dismissal of all experienced staff, the Council's activities have been effectively stilled.

The International Environment

When the Reagan Administration took office, the United States was a recognized world leader in protecting the international environment. Now we are bringing up the rear. Despite a few bright spots, the overall Reagan record is poor.

Preamble

U.S. concern for protection of the world environment is longstanding, dating at least from the seal and migratory bird treaties early in this century. With the environmental ferment of the early 1970s and the preparations for the 1972 Stockholm Conference on the Human Environment, we stepped into a strong world leadership position.

The Carter Administration undertook a systematic approach to interrelated global resource, population, and environmental problems. Following the appearance in July 1980 of the *Global 2000 Report to the President*, an interagency study recommended a strong, integrated approach and many specific U.S. initiatives to address these problems.

Charges

The Reagan Administration was presented with a unique opportunity for leadership on vital issues affecting the world environment, resources, and population. With only few exceptions, its response has been negative.

Sacrificing Protection of the International Environment in Favor of Business Interests. The Reagan approach in general has been one of boosterism for private business interests, with little regard for dangers to the international environment and public health. The President or his appointees have

- Greatly relaxed U.S. efforts to prevent nuclear weapons proliferation by restricting trade in weapons-usable materials, most notably plutonium. The Administration has returned to a policy of promoting nuclear exports with scant regard to the danger of the spread of nuclear weapons.
- Revoked President Carter's Executive Order controlling U.S. exports of banned products and substances.
- Jeopardized approval by the world community of a Law of the Sea Treaty resulting from more than 10 years of negotiations involving more than 100 nations.

Stalling Action on Urgent Issues. Reagan or his appointed officials have

- Fired the nonpolitical head of the Department of Energy's research program on the effects of carbon

dioxide buildup on the earth's climate.

- Stalled vital international negotiations aimed at harmonizing regulation of toxic substances by the Western industrialized nations.
- Reversed the U.S. position favoring increased regulation of trade in certain endangered or rare species (e.g., parrots), signalling abandonment of U.S. leadership in this important area.
- Downgraded international efforts by the National Park Service and the Fish and Wildlife Service, which have historically provided substantial assistance to other nations in natural resource management.
- Proposed cutting to zero the U.S. funding, under the World Heritage Convention, for protection of natural areas of unique importance.
- Proposed to slash the U.S. contribution to the United Nations Environment Programme by 80% in Fiscal Year 1982 and, after the Congress refused to go along, recommended a 70 percent cut for FY 1983.
- Refused to provide any funds for a major program of regional cooperation to stop pollution of the Caribbean. Several European countries, including France and Great Britain, are contributing to the program.
- Threatened to cut drastically U.S. support for international population programs, and relented only under an avalanche of criticism.

The do-nothing attitude of the Administration has sometimes reached the level of absurdity. Recently, for example, the head of EPA's international office made repeated, time-consuming, and highly visible efforts to prevent the public release of an innocuous staff report by an international agency on global resource issues.

The Administration has taken positive steps in a few areas.

The Administration took excellent positions at the July 1981 meeting of the International Whaling Commission.

A number of Federal agencies co-sponsored a November 1981 conference on conserving the earth's biological diversity.

The Administration established in September 1981 a Global Issues Working Group to discuss a coordinated response to population, resource, and environmental issues. However, the Working Group has accomplished little thus far.

The few positive actions have been far outweighed by negative actions and by malign neglect in the form of prolonged delays.

What You Can Do

If you have read this Indictment and are distressed, as we are, at the environmental tragedy unfolding under the Reagan Administration, we urge you to act.

- Ask to meet with your Senators and Congressman when they are home for the Easter or Memorial Day Congressional recess. Suggest that they hold local hearings on the issues raised by the Indictment.
- Talk to local government and press representatives about the local impacts of the Administration's policies.

The environmental laws were passed because the public demanded them. Public support can save them.

For further information on specific issues, contact the following people:

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THE ORGANIZATIONS

DOW Defenders of Wildlife

EDF Environmental Defense Fund

EPC Environmental Policy Center

EPI Environmental Policy Institute

FOE Friends of the Earth

NRDC Natural Resources Defense Council

SC Sierra Club

TWS The Wilderness Society

Reagan begins turning key to 'unlock'
US wilderness EPA Prepares to Loosen
Clean Air Rules Environment Suffers
Watt Pollution It's Open Season on
Endangered Species Act Memo: Meese and
Environmentalists Makers of Hazardous Waste Freed

Watt's policies get low
rating in the Rockies 'Strangulation' Budget
Revealed for EPA U.S. May Increase Fees, Cut

Use of Poison
to Kill Coyotes

*U.S. Considers
Drilling Leases
In a Wilderness*

Services at National Parks

Gets Go-Ahead

*Federal Lands Decision
Could Set a Precedent*

Reagan environmental
policy faces growing
opposition

Reagan
Making
Bad Start
On Nature

- Defenders of Wildlife
- Environmental Action
- Environmental Defense Fund
- Environmental Policy Center
- Friends of the Earth

- National Audubon Society
- Natural Resources Defense Council
- Sierra Club
- Solar Lobby
- Wilderness Society

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EPA's Gorsuch, Once Praised by Business, Comes Under Attack for Going Too Slow

7 APR 1982
WST

By ANDY PASZTOR

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Many corporate executives were relieved when Anne Gorsuch became head of the Environmental Protection Agency last year. They expected EPA to take a more pragmatic and sympathetic view of industry's problems.

In general, Mrs. Gorsuch has fulfilled those expectations. After 10 months on the job, she continues to advocate changes the business community wants. But now some of the same industry executives and lobbyists who praised her appointment question her ability to translate conservative principles and promises of less-stringent regulation into effective agency action.

The intense, former Denver attorney is under attack for several reasons. Many business executives fault her for refusing to delegate authority and for taking too long to fill some top agency jobs. Several of her appointments have ended up in political hot water. The result, business critics contend, is that the EPA suffers from persistent management conflicts, personnel shake-ups and poor relations with Congress.

"The agency's staff is afraid to make decisions because they aren't getting clear signals from the political people at the top," says Fred Bowditch, a vice president of the Motor Vehicle Manufacturers Association. The auto-industry group enthusiastically supported Mrs. Gorsuch when she came to town. But association officials now complain openly that she is inaccessible, frequently shies away from controversial decisions and is surrounded by aides who aren't well versed in auto-pollution issues.

A Rocky Start

Ronald Lang, executive director of the American Industrial Health Council, concedes that some of the Fortune 500 companies represented by his organization also are disappointed with certain aspects of Mrs. Gorsuch's performance. "It took much longer than anybody expected for her to fill vacancies and to recognize that sound scientific research is essential" for developing cost-effective regulations, Mr. Lang says.

Even senior aides acknowledge that Mrs. Gorsuch got off to a rocky start because of her inexperience and following bad advice. Unrealistic expectations by some business groups added to her problems. "Anne finally is beginning to realize that regardless of what we do, it won't satisfy all of the demands from business," says an aide.

Mrs. Gorsuch seems to take the criticism

in stride. She acknowledges that the agency hasn't moved as quickly in some areas as many business executives would like. "We do things one step at a time," she says. "Everybody has to realize that sound regulatory reform takes just as long as writing bad rules."

She likes to remind business groups that the Reagan administration isn't trying to dismantle the complex framework of environmental rules and laws built up over the years. "I am not talking about deregula-



Anne Gorsuch

tion," she told an oil-industry group recently, "but about simplifying and clarifying rules to lighten their burden upon the public."

John Daniel, her chief of staff, says the new regime at EPA may provoke complaints from some business groups because it is tough, analytical and "dedicated to achieving environmental results. We are looking for practical ways to solve real-world problems."

In response to some of her critics, Mrs. Gorsuch recently has been making more public appearances and has done more consulting with lawmakers, corporate chiefs and certain career agency officials. And a committee of aides has been set up to help her delegate responsibility to subordinates and put to better use the dozen or more hours she spends at the agency most days.

But the new approach doesn't seem to be especially successful. Some of the city's most experienced business lobbyists contend that miscalculations and poor strategy by EPA are partly to blame for Congress's re-

luctance to vote on proposed changes to weaken clean-water and clean-air laws. The agency "has relatively low credibility on Capitol Hill these days," says Russell Train, who served as EPA chief during the Ford administration.

Alienating Some

Other critics say that Mrs. Gorsuch is alienating some lawmakers by exaggerating the effect of current pollution-control requirements on business. The EPA chief consistently argues that existing laws will wipe out large numbers of jobs in the next few years. But in a little-noticed report submit-

ted to Congress recently, she acknowledged that federal antipollution requirements didn't force a single plant or company to permanently close its doors during the last three months of 1981.

"More and more businessmen say they are concerned about the lack of direction and leadership" at the agency, says an auto-industry lobbyist. Among the management problems he and other critics say Mrs. Gorsuch has helped create are these:

- Some of the agency's most experienced civil servants have left or are looking for jobs elsewhere. "The resumes we see from employees at the agency are very impressive," says William Reilly, president of the Conservation Foundation, a Washington-based environmental study group. "People say they want to leave because they aren't trusted or consulted before decisions are made."

- To improve morale at agency offices where the staff felt Washington had lost its zeal for enforcement, William Sullivan, EPA's chief enforcement counsel, urged regional officials across the country to send more cases to Washington for prosecution. "Most enforcement officials simply (had) stopped referring cases to Washington," recalls Julio Morales-Sanchez, former head of enforcement for the agency in New York City.

- Two of Mrs. Gorsuch's aides have been forced to suspend their work for the agency in the past few months because of separate investigations by the agency's inspector general. James Sanderson, an attorney in Denver and long-time associate of Mrs. Gorsuch, is being investigated in connection with allegations that last summer he was serving as a consultant to EPA and representing some private clients before the agency at the same time. Mr. Sanderson has denied he violated any laws or agency ethi-

cal guidelines. The White House is waiting for the results of the investigation before deciding whether to nominate Mr. Sanderson for an important policy job at the agency.

Andrew Jovanovich, the agency's former acting assistant administrator for research and development, is under investigation for possible conflict-of-interest violations and has been off the job for nearly four months. Agency investigators are trying to determine whether Mr. Jovanovich, who remains on the payroll, gave preferential treatment to certain individuals and organizations applying to EPA for research funds. Mr. Jovanovich disputes the allegations and has demanded that Mrs. Gorsuch file formal charges against him or let him return to work.

These problems have caused Mrs. Gorsuch embarrassment in her dealings with Congress, aides say. And some corporate executives cite such internal turmoil as one reason EPA recently moved back its target dates for publishing clean-water standards for two dozen industries, delaying some of them by as much as a year.

Wondering and Worrying About Acid Rain

F: Acid Rain 18 MAY 1982

WSJ

By P.J. WINGATE

No one disputes the fact that acid rain is a serious problem in many places—particularly in certain parts of New England, Canada and Scandinavia. And no one denies that the oxides of sulfur and nitrogen, released to the air by the burning of coal and oil, contribute heavily to this acid rain.

These facts cause some people to insist that steps be taken at once, all over the world, to eliminate or greatly reduce the release of these oxides to the atmosphere. But some others don't agree with the proposal and there are good reasons why they should not agree.

Any program to eliminate or even greatly reduce the release of sulfur and nitrogen oxides will cost a few billion or a few hundred billion dollars, depending on how big a reduction must be made. And since the public will, one way or another, foot all the bills, the public is entitled to be shown that the benefits are worth the cost.

To put it another way, can the serious problems caused by acid rain be solved by some less costly program than scrubbing out all or nearly all of the oxides of sulfur and nitrogen produced by the burning of coal and oil?

This question comes up when one considers that acid rain is no problem at all on about 95% of the surface of the globe.

The 95% estimate may startle some people who have been led to believe that acid rain is a problem nearly everywhere, or soon will be, but the 95% number can be supported easily. However, it is necessary first to say something about pH numbers, since this is the way chemists measure acidity.

95% of Globe Has No Problem

When water has a pH of 7 it is neutral. That is to say, it is neither acidic nor alkaline, but any number lower than 7 is acidic and the lower the number the more acidic it is. Not only that, but a drop in pH of one unit means a tenfold increase in acidity. For example, 5 is ten times as acidic as 6. Similarly, all numbers above 7 are alkaline and a pH of 8.5 is ten times as alkaline as 7.5. Finally, if a gallon of water with a pH of 6 is mixed with another gallon at pH 8 then the mixture will normally become neutral at pH 7.

Now back to that 95% of the globe where acid rain is no problem.

The oceans are all alkaline with pH values ranging from about 7.5 to 8.5, so when acid rain falls in the ocean it is instantly neutralized. Not only that, the pH stays at

7.5 to 8.5, or whatever it was. This is partly because there are 1.5 quintillion tons of water in the oceans, but mostly because the oceans contain vast amounts of what chemists call buffering agents which can consume acids without changing pH.

So the oceans have no problem at all with acid rain. The rain could be as acidic as vinegar for a thousand years or so and the oceans would still be alkaline at about their old pH of 7.5 to 8.5.

The oceans cover about 70% of the surface of the globe.

Now for the other 25%, bringing the total to that 95% figure where acid rain is no real problem.

All rain is acidic and always has been, or at least ever since the air began to contain a little carbon dioxide. However, the acidity caused by carbonic acid (pH 5 to 6), resulting from the reaction of water with carbon dioxide, causes no real problems. Nearly all forms of life, outside the oceans, have learned how to get along with it. It is only when the pH drops to 4.5 or 3.5, or even lower, that the problems start. But even then the problems aren't serious if the acid rain gets neutralized promptly.

It is a significant fact that the waters in the great rivers, such as the Mississippi, the Nile, the Amazon and the Yangtze, have all rather promptly neutralized any excess acidity that has poured into them, and they all support fish and other forms of life. But these great rivers and a few hundred somewhat lesser ones, such as the Volga, the Rhine, the Zambesi and the Ganges, carry off the rain that falls on most of the land surface of the globe, and all of them have neutralized any acid rain to the point where it is no serious problem. Even the thousands of relatively tiny rivers, such as the Potomac, the Thames and the Loire, support fish life and have no great problems with acidity, though some of them, such as the Thames, have other problems that are serious.

Looking at the land area drained by all the major, submajor and minor rivers, it seems probable that the total area of the globe not bothered seriously by acid rain is closer to 98% than the 95% mentioned above.

All this does not mean that highly acid rain (say pH 3 or even lower) never flows into these rivers at one point or another. It simply indicates that the acid water rather quickly flows across some alkaline material or buffering agent along the banks or bottom of the river. So the problem disappears—not as swiftly as it does in the oceans but fast enough to be tolerable.

The problems persist and become serious indeed when acid rain falls on or flows into lakes that have no neutralizing agents to react with the acid. There are thousands of such lakes in the world and thousands of

tiny rivers feeding acid rain into them but not passing over any alkaline materials. However, these thousands of small lakes and small streams represent at most not over 2% or 3% of the surface of the earth.

So one question naturally arises. Can these thousands of small lakes and streams be protected by a cheaper method, such as treating them and the areas they drain with a cheap neutralizing agent, say powdered limestone, rather than installing scrubbers to remove oxides of sulfur and nitrogen all over the world? It is absolutely certain that more than half of these oxides do no harm whatever, and the nitrogen oxides even provide useful fertilizer for plant life when they fall on land areas.

Furthermore, it will take a lot of persuading to convince the citizens of Alabama and North Carolina that they should pay more for electricity because scrubbers

must be installed on their power plants in the hope that this will reduce acid rain in Canada or Norway. In these two states people may suspect that nearly all of their oxides wind up in the Atlantic, so installing scrubbers down in Dixie will not reduce acid rain in Yankeeland or Canada even a little bit.

None of this should be interpreted to mean that anyone should be allowed to pollute the air of his neighbor, near or distant, in some reckless pursuit of profits. If a reasonably clear case of cause and effect can be shown the offender should be required to make things right—but by the most economical route available.

However, some people who tend to think that all problems should be solved by

sweeping laws are sure to claim that since large amounts of the oxides of sulfur and nitrogen are clearly harmful to human health then even small amounts of these things will kill us all in time, so they should be scrubbed out anyway.

Moderation Doesn't Hurt

These people have never learned the enormous difference between a little and a lot. The salts of copper and iron are violent poisons in high concentrations, but in trace amounts they are absolutely necessary for healthy human life. Similarly, too many chocolate sundaes will cause obesity but this is no reason to give up sundaes entirely. Also, fish cannot live in water as acid as a Coca-Cola (pH of about 4) and a man cannot stay healthy if he drinks ten gallons of Coca-Cola a day, but there is no reason why he should not drink a Coke from time to time.

Small amounts of the oxides of sulfur and nitrogen have never bothered people. They have always been present in the atmosphere. They came from such things as volcanoes, forest fires and ultra violet light acting on the nitrogen and oxygen in the air as well as on the literally thousands of organic chemicals that have been released to the air from living and decaying plant and animal life for millions of years. The small amounts of sulfur and nitrogen oxides cause no more problems for people than a little acid in the Mississippi River causes for a catfish swimming past St. Louis.

Both men and catfish have become accustomed to these acids and small amounts of them may even be necessary to produce healthy catfish and men.

High concentrations of these acids are another matter, and it is necessary to do things to prevent these high concentrations from building up. But Congress should keep in mind that Los Angeles, Denver, St. Louis and New York may have to do things that are not necessary in Norfolk, Neb., and Centerville, Md.

In the meantime, acid rain is nature's own way of making sure that too much of the oxides of sulfur and nitrogen don't build up in the air and make problems for men. And the catfish in the Mississippi may need a little acid.

Mr. Wingate is a retired executive for Du Pont Co.

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August 17, 1982

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

Mr. President:

We are deeply troubled over recent efforts by the Office of Management and Budget (OMB) to block publication of an Environmental Protection Agency proposal that would reduce toxic lead in the air. Because of the serious public health threats posed by the OMB action, we feel impelled to bring this matter to your attention.

Background

OMB has formally objected to an EPA draft rule that would provide for the continued gradual reduction of toxic lead in gasoline. The EPA proposal, as reported in the national press on August 1 and 2, 1982, is intended to continue a nine-year bipartisan effort to reduce harmful gasoline lead emissions. It would require gasoline refiners to meet a lead-in-gasoline standard of 1.1 grams per leaded gallon. Small gasoline refiners in existence prior to 1976 would be given more time to meet that standard.

OMB's objections, set forth in an August 10, 1982 letter from Christopher DeMuth, OMB Administrator for Information and Regulatory Affairs, to EPA Associate Administrator Joseph A. Cannon, cover several issues. First, OMB objects to the EPA interim rule that would limit post-1976 small refiners and blenders to 1.1 grams of lead per leaded gallon beginning October 1, 1982. Second, OMB proposes that the existing lead phasedown regulations requiring all small gasoline refiners and blenders to reduce lead emissions by October 1982 be deferred. Third, OMB questions the "appropriateness" of EPA's overall plan for a grams-per-leaded-gallon standard that is set at a level of 1.1. In discussions with EPA over the last several months, OMB has pressed for a final standard at 1.2 or 1.3 grams per leaded gallon.

OMB's interim recommendations alone, if implemented, would result in approximately a 13 percent annual increase in lead

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The President
August 17, 1982
Page -2-

emissions beginning October 1, would jeopardize the health of over 10,000 preschool children even if the changes were in effect for only three months, and would flatly contradict EPA's findings and conclusions on the continued public health threat posed by toxic gasoline lead emissions.

Public Health Impacts of the OMB Proposal

OMB's proposal to modify the EPA draft rule would have serious public health consequences. For the interim period before a final rule is adopted, it would result in approximately a 13 percent increase in lead emissions as opposed to the current regulations, according to EPA's own figures. (See attachment I.) In brief, this would occur because OMB proposes to cancel the scheduled reduction in small refiner and blender lead emissions that the current regulation requires on October 1, 1982. This October 1, 1982 date reflects an additional two-year extension of compliance with the standard already being met by the rest of the industry.

These expected increases in lead emissions would have a direct impact on public health. Based on regressions formally submitted to EPA by the Department of Housing and Urban Development, EPA projects that an additional 40,000 to 67,000 children per year would have blood-lead levels that exceeded the Center for Disease Control's safety threshold of 30 micrograms per deciliter in blood. Even if the interim rule were only in effect for three months, this would result in from 10,000 to 16,500 additional children with elevated blood-lead levels requiring follow-up medical attention, according to EPA. These extra cases would be on top of the approximately 675,000 children who already exceed the safety level, according to testimony by the U.S. Public Health Service.

EPA findings on the dangers of toxic lead were unambiguous. The EPA draft proposal found "that environmental lead exposure continues to be a national health problem and that lead from gasoline is a significant contributor to this problem through its presence in the air, dirt and dust." "EPA is convinced," the draft proposal concludes, "that a relaxation of the standard for lead in gasoline would be counterproductive to the alleviation of this serious national problem." [EPA Draft Withdrawal of Proposed Rule, pp. 45-46.] The OMB approach, however, ignores EPA's public health findings and turns EPA's recommendations topsy-turvy.

Economic Impacts of the OMB Proposal

OMB's August 10th letter is exclusively concerned with economics. Its failure to discuss the public health consequences of its proposals presents a critical flaw in its analysis. Nevertheless, even on economic grounds, the OMB arguments do not warrant the extraordinary step of reversing EPA's draft proposal.

The EPA plan would have a minor economic cost, far outweighed by its public health benefits. The Agency reports that the cost per ton of lead removed from the environment by the phasedown regulations is, in comparison with the cost of other stationary-source controls for urban areas, "reasonable" and "quite low" (\$2,860 per ton in 1983).¹ EPA notes that its proposed final rule would provide pre-1976 small refiners with savings during 1983 of up to \$38 million over the cost of the existing regulation. Finally, EPA concludes that total savings that would be achieved by all refineries in 1983 by recission of the lead phasedown standard equals approximately \$125 million -- little more than one-tenth of a cent per gallon of gasoline produced in the United States. Cost savings from a relaxation of the standard would, of course, be [even] less." [EPA Draft Withdrawal of Proposed Rule, p. 44.]

OMB next argues that the 1.1 grams-of-lead-per-gallon interim rule is discriminatory to the post-1976 small refiners and blenders to whom it applies. Such is not the case. The interim rule simply puts these small refiners and blenders on an equal footing with the large gasoline refiners. Although a number of major refiners may presently add more than 1.1 grams to leaded gasoline, the industry-wide average for large all gasoline refiners is 1.1 grams per leaded gallon, according to EPA calculations. The OMB plan would, however, allow small refiners and blenders to add more than two and a half times as much toxic lead as the average large refiners. These large refiners produce more than 90 percent of the nation's total and 85 percent of its leaded gasoline sales.

Nor is the interim rule discriminatory to post-1976 small refiners and blenders when compared to the rule for pre-1976 small refiners. The pre-1976 small refiners -- who under the EPA proposal are given additional time to comply with the 1.1 standard -- were placed in a special category by Congress. The 1977 Clean Air act amendments narrowly extended time for com-

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1. In contrast, EPA recently promulgated a regulation requiring controls on lead acid battery plants at a cost of \$39,000 per ton removed.

The President
August 17, 1982
Page -4-

pliance only to those small refiners who were "in operation or under construction at any time during the one-year period immediately preceding October 1, 1976." [42 U.S.C. §211(g)(1)(B)(1).]

Post-1976 small refiners and blenders, in contrast, were not given such relief. They were not then in existence and when they decided to begin operations thereafter were on notice that they would have to meet the same strict standard that applied to large refiners by October 1, 1982. Moreover, the gasoline sales of pre-1976 small refiners tend to be located more frequently in rural areas while sales of post-1976 small refiners and blenders tend to be located in urban areas where they compete with large gasoline refiners, according to EPA. As a result, post-1976 small refiner gasoline tends to be marketed more frequently in locations which pose a greater risk to public health.

OMB Actions in the EPA Decisionmaking Process

The OMB eleventh-hour foray into EPA rulemaking represents an interagency intrusion on a technical public health issue that extends beyond the Budget Office's expertise. EPA has received testimony from nearly 80 witnesses. It has reviewed the comments of over 700 correspondents. It has studied the findings of the National Academy of Sciences, the Center for Disease Control, and the National Center for Health Statistics as well as the work of a score of independent scientific and medical experts. And it has concluded that gasoline lead emissions present a continuing public health threat and that weakening or relaxing controls would be counterproductive. OMB does not appear to be qualified to overrule the Environmental Protection Agency's proposal, which is quite properly grounded on public health concerns mandated by the Clean Air Act.

The OMB proposal to delay EPA's interim rule appears also in conflict with the recommendations of the National Academy of Sciences. The NAS, in its comprehensive 1980 report, Lead in the Human Environment, concludes: "Further control of human exposures to lead is needed. A serious effort should be made to reduce the baseline level of exposure to lead for the general population of the United States." (Pages 10, 254.) We cannot see how delaying the EPA interim rule could be consistent with the NAS directive. Accordingly, the OMB proposal if implemented would be difficult to reconcile with the Clean Air Act requirement that EPA rule changes offer technical support for differences between the proposed rulemaking and NAS findings. [42 U.S.C. §7607(d)(3)(c).]

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August 17, 1982
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Moreover, EPA already seems to have satisfied OMB's major interests in reforming the lead phasedown program. As Mr. DeMuth noted in his August 10th letter, the EPA proposal (1) adopts a grams-per-lead-gallon approach, (2) regulates imported gasoline for the first time, and (3) allows refinery averaging and trading of lead-use obligations. Not surprisingly, the OMB letter concludes: "EPA's proposed changes would eliminate or reduce all of the undesirable features of the existing program."

Conclusion

The existing lead-in-gas regulations require that on October 1, 1982 all gasoline refiners in the United States meet a standard of .5 grams per gallon. The Office of Management and Budget in its August 10, 1982 letter proposes to defer and weaken these existing regulations at least on an interim basis. Such an action will cause potentially dangerous increases in toxic lead emissions. It comes at a time when your Administration's own Environmental Protection Agency has made an about-face on the issue of lead pollution control from motor vehicles. Any postponement of the EPA proposed rule would be totally without basis in the record. Such a move would be both ill-timed and unwise and would prompt us to look very carefully at all legal avenues available to prevent such a weakening.

In the strongest possible language, we respectfully urge you to direct the Office of Management and Budget to withdraw its rejection of the EPA proposal and to let this important public health program move forward without delay. We would like very much to be able to support the Administration's final proposals for reducing lead in gasoline.

Very truly yours,

Eric A. Goldstein

Eric A. Goldstein
Staff Attorney,

Natural Resources Defense Council, Inc.

Ellen Silbergeld

Ellen Silbergeld
Senior Staff Scientist,
Environmental Defense Fund, Inc.

EAG/cwc
Attachment

ATTACHMENT I

OMB DELAY OF INTERIM RULE COULD RESULT IN 13 PERCENT INCREASE IN THE RATE OF ANNUAL LEAD EMISSIONS

Pre-1976 small refiners had a first-quarter 1982 pool average of 1.29 grams per gallon, according to EPA. Assuming these refiners make 30 percent unleaded gasoline (as opposed to the national average of 51 percent unleaded for large and small refiners), the average grams per leaded gallon of these small refiners is 1.84 (1.29 divided by .70). The existing standard is .5 grams per gallon, but many pre-1976 small refiners would be unable to meet that standard immediately. Under a worst-case analysis, the slack would be taken up by large refiners whose average lead content is 1.1 grams per leaded gallon, according to EPA. The difference between 1.84 (the existing grams-per-leaded-gallon average for pre-1976 small refiners) and 1.1 (the existing grams-per-leaded-gallon average for large refiners whose gasoline could be expected to replace the pre-1976 small-refiner production) is .74. This figure is 40 percent of 1.84, so eliminating the exemption for pre-1976 small refiners as the existing regulations do would yield a 40 percent emissions savings.

EPA reports that these pre-1976 small refiners would produce 9,500 tons of lead in 1983 if the October 1, 1982 deadline does not take effect (EPA, Suspension of Compliance Date for Small Refineries; Interim Final Rule for Certain Other Refineries, p. 16). A 40 percent reduction would be 3,800 tons per year. If in fact the small refiners maintain their market share and reduce the average lead content of their gasoline from 1.29 to .5, the increase in lead emissions from OMB's proposed action would be even greater.

To this figure we must add the increased emissions expected from post-1976 small refineries and blenders. EPA notes that the difference in having these refiners meet a 1.1 standard (or replacing their production with gasoline produced by large refiners who average 1.1 grams per leaded gallon) would yield a 1983 reduction of 3,000 tons. [EPA, Suspension of Compliance Date for Small Refineries; Interim Final Rule for Certain Other Refineries, pp. 16-17.] Thus, allowing the existing October 1 deadline to slip for post-1976 small refiners and blenders would increase 1983 emissions by 3,000 tons.

Adding 3,800 tons (extra emissions from pre-1976 small refiners if the October 1, 1982 existing regulation is delayed for them) to 3,000 tons (extra emissions from post-1976 small refiners and blenders if the October 1, 1982 existing regulation is delayed for them) results in a total of 6,800 extra tons in 1983.

EPA projects the total 1982 lead emissions under the existing rule at 51,600 tons (EPA, Proposed Rule, Table 1, p. 22, converted from grams to metric tons). Six-thousand-eight-hundred tons is 13.2 percent of 51,600 tons. Thus, the OMB interim rule would, on an annual basis, result in a 13.2 percent increase in toxic lead emissions.

If the final EPA rule were weakened from 1.1 to 1.2 or 1.3, emissions would also increase sharply. An increase of one-tenth of a gram would, according to EPA figures, mean a 7.1 percent increase (3,300 tons) in lead emissions above the EPA proposal. An increase of two-tenths of a gram would mean a 14.2 percent increase (6,600 tons) over the EPA proposal. Both would run directly counter to the substantial, well-documented EPA hearing record which unambiguously calls for further minimization of toxic gasoline lead emissions.

1982

CABINET AFFAIRS STAFFING MEMORANDUM

DATE: 8-25-82 NUMBER: 077443 CA DUE BY: _____

SUBJECT: EPA: Procurement Reforms

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	☐	☐	Baker	☐	☐
Vice President	☐	☐	Deaver	☐	☐
State	☐	☐	Clark	☐	☐
Treasury	☐	☐	Darman (<i>For WH Staffing</i>)	☐	☐
Defense	☐	☐	Harper	☐	☐
Attorney General	☐	☐	Jenkins	☐	☐
Interior	☐	☐		☐	☐
Agriculture	☐	☐		☐	☐
Commerce	☐	☐		☐	☐
Labor	☐	☐		☐	☐
HHS	☐	☐		☐	☐
HUD	☐	☐		☐	☐
Transportation	☐	☐		☐	☐
Energy	☐	☐		☐	☐
Education	☐	☐		☐	☐
Counsellor	☐	☒		☐	☐
OMB	☐	☒			
CIA	☐	☐			
UN	☐	☐			
USTR	☐	☐			
CEA	☐	☐	CCCT/Gunn	☐	☐
CEQ	☐	☐	CCEA/Porter	☐	☐
OSTP	☐	☐	CCFA/Boggs	☐	☐
GSA	☐	☒	CCHR/Carleson	☐	☐
	☐	☐	CCLP/Uhlmann	☐	☐
			CCNRE/Boggs	☐	☒

REMARKS: The attached is for your information only.

RETURN TO:

☐ Craig L. Fuller
Assistant to the President
for Cabinet Affairs
456-2823

☒ Becky Norton Dunlop
Director, Office of
Cabinet Affairs
456 3000



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

AUG 4 1982

THE ADMINISTRATOR

Honorable Craig L. Fuller
Assistant to the President
for Cabinet Affairs
The White House
Washington, D.C. 20500

Dear Mr. Fuller:

In support of the policy leadership outlined in Executive Order 12352, "Federal Procurement Reforms," I am pleased to provide for your information an interim report on EPA procurement improvement initiatives. As you will note, significant progress has already been made and additional streamlining is expected over the next fifteen months.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Anne M. Gorsuch", is written over a horizontal line.

Anne M. Gorsuch



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

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Anne M. Gorsuch

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

OFFICE OF
ADMINISTRATION

STATUS REPORT ON
ENVIRONMENTAL PROTECTION AGENCY
PROCUREMENT REFORMS

During FY 1982 EPA has made significant progress in designing and implementing procurement reforms. Executive Order 12352, "Federal Procurement Reform" issued in March 1982 underscores the importance of these EPA activities and provides a government-wide framework for guiding future initiatives.

Accomplishments to date include:

- A comprehensive review of active Agency contracts in excess of \$100,000.00. The purpose of the review was to determine whether certain types of problems might exist in current EPA contracts and whether there is adherence to good business and sound procurement practices. The most important conclusion the review team reached is that the contracts the Agency is writing are sound instruments, fully in conformance with the Federal Procurement Regulations and other applicable statutes and policies in effect at time of contract award. Opportunities for improving the clarity of contract language were identified and are being implemented;

- Designation of an EPA Procurement Executive with agency-wide responsibility for development of the procurement system and evaluation of system performance;
- Strengthened procurement planning processes;
- Enhanced accountability on major procurements to ensure that awards are congruent with current policies and priorities;
- Institution of a pilot program for "fast-track" processing of procurements under \$500,000, with a goal of reducing lead-time by 30 per-cent;
- Standardized and simplified formats for Requests for Proposals (RFP) for use by all EPA contracting activities, thus making it easier for the private sector to do business with EPA;
- Increased use of oral orders for purchases under \$5,000, resulting in reduced paperwork;
- Increased use of fast-pay procedures for invoices under \$750;
- Streamlined evaluation and source selection procedures resulting in proposals more responsive to program needs;
- Aggressive management of contract processing against optimum lead-time milestones, seeking to reduce overall processing time;

- Design of project officer training materials to improve quality of procurement documentation and enhance competition
- Increased use of Basic Purchase Agreements (BPA) for commercial products;
- Establishment of a pilot automated small purchases system which, if effective, could reduce acquisition costs;
- Installation of an automated process for preparation of requests for proposals (RFP's) and contracts; and
- Establishment of a procurement intern program.

High priority EPA procurement reform initiatives for the remainder of FY 1982 and FY 1983 include:

- A comprehensive critical assessment of all EPA procurement policies, procedures and processes to identify opportunities for streamlining the system, including review by the President's Private Sector Task Force on Cost Reduction;
- Standardized and simplified formats for Invitation for Bids (IFB) and Basic Purchase Agreements, thus making it less cumbersome to do business with EPA;
- Critical assessment of the EPA small purchases system to identify ways of reducing costs and simplifying the interface with small business;
- Implementation of the new anticipated Federal Acquisition Regulation;