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THE PRESIDENT HAS SEEN

THE WHITE HOUSE

ACTION

WASHINGTON

February 12, 1975

MEMORANDUM FOR: THE PRESIDENT
THROUGH: JIM CAVANAUGH
FROM: MIKE DUVAL
SUBJECT: ENVIRONMENTAL MESSAGE

BACKGROUND

Russell Peterson, Chairman of the Council on Environmental Quality, recently met with you and recommended that you send a 1975 environmental message to Congress. You requested that he submit his suggestions for the contents of an environmental message. Tab A provides a summary of major proposals which would be considered for inclusion in a message. Chairman Peterson's outline and his request for your approval to work with other departments and agencies to develop a draft message with specific proposals is provided at Tab B.

Environmental messages were sent to Congress in 1970, 1971, 1972 and 1973, transmitting new initiatives in pollution control, land use, parks, and wildlife. The environmental movement still has great strength. An environmental message could provide you an opportunity to establish your Administration's support for environmental issues and strengthen your position with environmentally-oriented groups.

A message would serve as a vehicle to re-submit to the Congress a number of environmental proposals which the Executive Branch has supported for several years, including land use, toxic substances and hazardous waste disposal legislation. On the other hand, the specific legislative proposals that could reasonably be ready for submission are not new and certainly would not provide the grist for a major Presidential initiative.

ISSUE FOR DECISION

The question is whether or not we should go ahead and pull together an environmental message to Congress for your consideration. This will require very controversial agency review of the specific pieces of legislation. Such a review would undoubtedly be picked up in the press and thus if you ultimately decided not to go with the message, a negative story from the environmentalist point of view could result.

We have therefore put together an analysis (Tab A) which is a rough assessment designed to rank the various legislative proposals in order of which ones are likely to be agreed upon for ultimate submission to Congress.

DECISION

Develop a draft environmental message and legislative package for submission by the President. The following recommend in favor of this alternative: Russell Peterson

Agree _____ Disagree *RC7*

or

Do not submit an environmental message from the President at this time. Staff environmental bills through the normal OMB legislative clearance process for submission by the agencies as appropriate. The following recommend approval with the option: Jim Lynn, Russ Train, Jim Cavanaugh, Rog Morton and Max Friedersdorf

Agree *RC7* Disagree _____

SUMMARY OF MAJOR ENVIRONMENTAL PROPOSALS

1. Proposals which are relatively uncontroversial, involve no new spending programs and are likely to be easily cleared for submission:
 - National Resource Lands Management Act. Provides basic authority for multiple use in environmental management by the Interior Department of 450 million acres of Federally owned land.
 - Public Wild Lands in Alaska. This was originally submitted in 1973 and adds 83 million acres of Federal land to the park system.
2. Proposals that are controversial within the Administration, may involve some new funding, and yet could possibly be cleared in time for submission with an environmental message.
 - Land Use. The Interior land use bill is being staffed for agency comment but will be strongly opposed by Commerce, Treasury and others. It does involve a "new spending program". A decision memorandum on this bill will be presented to you separately.
 - Land and Water Conservation Fund. Interior will propose legislation to increase the funding level of this fund. Congress will seek to do this in any event and will want to use revenues from OCS leasing as a funding source.
 - Toxic Substance Control Act. This bill, which has been submitted in the past, is controversial because of the premarket screening provisions which the environmentalists continually want to put in. Although the Administration bill can be drafted to avoid this problem and to keep the funding levels low, Congress is likely to add substantial new funding and increased government control.
 - Water Pollution Amendments. Amendments are currently being circulated for clearance to revise the Water Pollution Control Act.
 - Environmental Protection Tax Act. This revised provision of the existing Federal income tax laws corrects some tax provisions which have an adverse impact on environmental quality. This has been submitted in the past, but went nowhere.

3. Proposals which are very controversial and may well not ever receive your approval for submissions or, in any event, will not be ready in time.
- Mandatory Deposit for Beverage Containers. This returnable bottle proposal has meant substantial opposition and the proponents have been unable to make a credible cost/benefit analysis.
 - Recycling Tax Credit. Proposals are being worked on to develop a tax credit to encourage solid waste resource recovery. Although there may be an excellent potential here, there is still a great deal of work that needs to be done in order to develop an equitable tax.
 - Non-Game Wildlife Program. Interior is considering a 10% tax on hunting equipment to fund a program designed to help non-game wildlife. Very little work has been done to develop this to a point where it can be considered for submission.
 - Burden-of-Proof Regarding Cancer Hazards. This is an environmental proposal that would shift the burden-of-proof in cases involving allegation that emissions may cause cancer. Under this proposal, industry would be required to show that the risk from pollution is slight or alternatively, that the cost of abatement outweighs the benefit of abatement.


THE WHITE HOUSE

WASHINGTON

February 18, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM CAVANAUGH
MIKE DUVAL

FROM: JERRY H. JONES 

SUBJECT: Environmental Message

Your memorandum to the President of February 12 on the above subject has been reviewed and the following was noted:

- Develop a draft environmental message and legislative package for submission by the President. Disagree was noted.
- Do not submit an environmental message from the President at this time. Agree was noted.

Please follow-up with the appropriate action.

Thank you.

cc: Don Rumsfeld