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February 18, 1975

SUBJECT: SUPREME COURT RULES WATER
POLLUTION IMPOUNDMENT ILLEGAL

The Supreme Court declared unanimously today that former President Nixon exceeded his authority in withholding \$9 billion authorized by Congress for pollution control. It is the first time the Supreme Court has ruled on a Presidential impoundment of funds. Congress ~~has since~~ passed legislation ^{in '74} giving itself power to control ~~such~~ impoundments.

Will the White House comply with the Supreme Court decision, and if so, how soon will the funds be released?

GUIDANCE: As you stated, the Supreme Court has ruled that the \$9 billion in impounded pollution funds must be released. I would point out that the Administration released \$4 billion of this \$9 billion on January 28. Russ Train had a press conference at EPA and announced the decision by the President to do this.

As you are well aware, we just received the Supreme Court decision, and it is being reviewed by Legal Counsel, ~~at this time to determine what we must do with the remaining \$5 billion. I am quite certain that we will obey the ruling of the Supreme Court.~~

FYI: It is assumed that a decision will be announced within 48 hours that the funds will be released. FYI

I might also point out that though the Federal Water Pollution Control Act of 1972 called for total allotments to the States of \$5 billion, \$6 billion, and \$7 billion in fiscal years 1973, 1974, and 1975, only \$2 billion, \$3 billion, and \$4 billion was allotted during these three years. of this \$9 billion allotted, more than \$5 billion remains unobligated from prior allotments. This \$5 billion, coupled with the \$4 billion released on January 28, gives the States more than they can make use of immediately.

(More)

December 12, 1974

SUBJECT: CONGRESS PASSES SAFE DRINKING WATER BILL

Congress ~~yesterday~~ ^{on Dec. 3} finished action on a \$156 million bill designed to safeguard citizens drinking water and establish for the first time national minimum standards.

Q: Will the President sign this legislation?

A: The legislation is at the White House and is being reviewed.
Last day for action December 17.

Q: Is it correct that the Administration has opposed this bill in the past, and why?

A: Well, we have felt that the bill did not provide too much of a role for the Federal government, especially in the area of enforcement. We would prefer that enforcement and regulation be channeled at the local level. We've also had some concern about the funding level, but feel it would be improper to comment further at this time.

December 4, 1974

SUBJECT:

CONGRESS PASSES SAFE
DRINKING WATER BILL

Congress yesterday finished action on a \$156 million bill designed to safeguard citizens drinking water and establish for the first time national minimum standards.

Will the President sign this legislation?

GUIDANCE: ~~We have not seen the legislation in its final form, and it would be premature to comment until it arrives at the White House and is reviewed by the staff.~~

THE legislation is at the W.H. & is being reviewed. Last day for action 12/17

Is it correct that the Administration has opposed this bill in the past, and why?

GUIDANCE: Well, we have felt that the bill did provide too much of a role for the Federal government, especially in the area of enforcement. We would prefer that enforcement and regulation be channeled at the local level. We've also had some concern about the funding level, but feel it would be improper to comment further at this time.

JGC

CANCER AGENTS IN DRINKING WATER

Question:

What is the Administration doing about the reports that there are cancer causing agents in the New Orleans drinking water?

Answer:

The United States Environmental Protection Agency is undertaking, beginning immediately, a nationwide study to determine the concentration and potential effect of certain organic chemicals in drinking water. This is in direct response to the situation in New Orleans.

Although this does not appear to be a new problem, inasmuch as the chemical agents have apparently been in the water for a considerable period of time, until recently chemical methods of analysis have not been sufficiently sensitive to detect them. Recent improvements in these techniques brought the light to the current situation.

Working with EPA will be experts from the National Cancer Institute and HEW. Some have indicated that chlorine may be a cause of these cancer-producing agents, however, EPA Administrator Train has stated that, based on current knowledge, the benefits of chlorination far outweigh the potential harmful effects of compounds that may be created by the process.

M. Duval
11/8/74