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To Messrs. Robinson, Smith and Cole

The attached will be of interest  
to you.

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Democrats, rarely let such considerations get in their way when they are determined to report progress.

The chapter on the urban environment must really be interpreted as a cop-out. It talks only in the most abstract ways of steps being taken for urban renewal and rehabilitation to make the central city once again the enjoyable place to live which it once was. But those are not the considerations which inspire environmentalists, although architects might find it pleasing.

Note: EPA Administrator Russell E. Train, in a luncheon address to the National Press Club, sought to project the promise of an agency dedicated to improving the "quality of life." Making the environmental movement and the ecological enthusiasm more relevant to social needs should certainly be the top goal of EPA and CEQ. But how do you improve the quality of life by cleaning air over a city and leaving untouched the ghettos and the sub-standard housing and the marginal existence of the millions below?

#### NEW VERSION OF LEAD-BASED PAINT PROGRAM APPROVED; VETO POSSIBLE:

A conference committee report on the Kennedy Bill (S. 607) to amend the Lead-Based Paint Poisoning Prevention Act has been filed in both the House and Senate. Congress is expected to approve the compromise version shortly, but insiders believe there is a 50-50 chance of a Presidential veto because of the money involved. OMB and HEW have consistently urged a veto.

The public health aspects of the legislation are generally embodied in Title 1, Detection and Treatment Programs. The compromise bill approved by the conference committee authorizes \$25 million in Federal financial assistance to local communities in fiscal 1974 and 1975 under this title.

This is considerably above the \$6.5 million requested by the Administration for the entire lead-based paint poisoning program (Titles 2 and 3 contain authorizations for an additional \$38 million). The Labor-HEW appropriations committees are considered likely to confine themselves to Title 1 only.

The conference committee report switched from HEW to the Consumer Product Safety Commission the authority to conduct appropriate research on multiple layers of lead paint film and to submit a complete report of findings and recommendations to Congress by the end of 1974. The conferees also provided for wide cooperation between HEW and HUD on steps to be taken to prohibit the use of lead paint in structures receiving any Federal assistance.

The conferees also agreed on a provision calling for Federal pre-emption of any and all laws of state and local governments regarding the requirement prohibition of standards relating to lead content in paints on any other surface coating in materials which differ from the provisions of the Act.

#### GAO RULES EPA MUST PREPARE IMPACT STATEMENTS UNLESS EXEMPTED BY LAW:

The General Accounting Office has expressed a 13-page opinion that the EPA is required to prepare environmental impact statements on its major actions under Section 102 of the National Environmental Policy Act of 1969.

After reviewing NEPA, its legislative history and several pertinent court decisions, the Comptroller General concluded that "the plain words of the applicable statute require the conclusion that EPA is subject to the provisions of section 102(2)(C) of NEPA, except with respect to the exemption thereto established in section 511(c)(1) of Public Law 92-500." (Water Pollution Amendments)

Rep. John Dingell (D-Mich.), chairman of the House Fisheries and Wildlife Conservation and Environment Subcommittee, released the GAO opinion, which actually was issued June 6 but never made public by Dingell, who requested it at that time. He did so in conjunction with House approval of an appropriation providing \$5 million in fiscal 1974 to prepare NEPA impact statements "on all proposed actions by EPA, except where prohibited by law."

Dingell noted that a recent revision of 1971 impact statement guidelines issued by CEQ no longer includes a section exempting EPA from the requirements of NEPA.

"The GAO opinion, together with CEQ's abandonment of this exemption in its guidelines, will hopefully convince EPA that its continued disregard for NEPA's requirements is folly," he said. "The public interest is not served by EPA's refusal to comply with the law and prepare impact statements as an aid to decision-making."

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