

THE WHITE HOUSE
WASHINGTON

TO: JUANITA DUGGAN

FROM: DAVID Q. BATES

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Office of the
Assistant Attorney General

7-14-89

Juanita

Here is the promised draft of a memo to undo Hill's mischief and restore our options. I've tried to word it with sufficient care so it doesn't create another flap.

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DRAFT

TO: Heads of Agencies

FROM: David Q. Bates
Assistant to the President
and Secretary to the Cabinet

On June 23, 1989, then-Chairman A. Alan Hill of the Council on Environmental Quality, transmitted a draft guidance document embodying his view that global climate change and stratospheric ozone depletion are "reasonably foreseeable" effects of certain categories of federally permitted activities, within the meaning of the National Environmental Policy Act (NEPA). Thus, in his judgment, agencies should be required to prepare environmental assessments or full impact statements on continuing or future actions which address the implications for these global phenomena.

As you are aware, the President has instructed the U.S. delegation on the Montreal Protocol to seek a phaseout of ozone-depleting substances by the end of the century. In addition, the President has called for a thorough scientific program to ascertain the causes and extent of any alteration of global climate patterns which may be attributable to human intervention, and has authorized our representatives to the Intergovernmental Panel on Climate Change to commence discussion of the concepts of an appropriate framework for an international convention on the matter. The Administration is committed to developing a reasoned response on this important environmental issue that is both timely and effective. It is not clear at this juncture, however, that the legalistic and specific federal project-oriented NEPA process affords an advantageous vehicle for this response. Nor is it necessarily a sound conclusion that global climate change is a "reasonably foreseeable" result of such activities. Accordingly, former Chairman Hill's draft guidance, which was circulated without proper clearance, does not reflect Administration policy at this point. Further development of Administration policy in this respect will be forthcoming upon full coordination within the Office of the President and with the incoming Chairman of the Council on Environmental Quality.