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INDEX OF TOZZI PAPERS

VOLUME TWO

## VOLUME TWO

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	1	1	Letter from Alvin L. Alm, Asst. Admin. for Planning & Management, EPA to John Hill, Acting Assoc. Dir. for Natural Resources, Energy, Science OMB, dated 1/6/75, Subj: Standards and Regulations Procedural Manual. Refers to attached copy of Standards & Regulations Procedural Manual.
II	2	1-3	Letter from Russell E. Train Admin. EPA to Assistant Administrators, Regional Administrators, Deputy Assistant Administrators, Office Directors, NERC Directors, Dated: 12/6/74, Subj: Summary of Standards & Regulations Manual.
II	3	1-61	U.S. Environmental Protection Agency: Procedures for the Standards and Regulations Development Process, Office of Planning and Management Dated: 12/6/74.
II	4	1	Letter from Russell E. Train, Admin., EPA to Frank G. Zarb, Assoc. Dir., for Natural Resources, Energy & Science, OMB, Dated: 7/29/74, Subj: Train agrees with Zarb's view in his letter of 7/1/74, relating to consultation between EPA & DOT on noise-related matters. Also mentions: Noise Control Act & FAA Train attached a follow-up letter to Secretary of Transportation Brinegan.

II	5	1-2	Letter from Robert J. Riggs, Environmental Branch, Natural Resources Division, OMB to Mr. Ash, Dir., OMB, Dated: 5/29/74, Subj: Economic Impact of Environmental Regulations and the Quality of Life Review. Riggs expresses concern about the large economic impact of abatement requirements under the Clean Air Act and Federal Water Pollution Control Act. Vinyl chloride is an example. "Do not have a macro-economic impact of regulatory requirements in the private sector . . . the Quality of Life Review presents an institutional handle for dealing with these issues on a case-by-case basis."
II	6	1	Letter from Earl Darrah, Natural Resources Division, OMB to Mr. Zarb, Dated: 5/6/74, Subj: Clearance of EPA Regulations. Mr. Darrah informs Mr. Zarb of an EPA weekly status report (attached) which incorrectly shows four items as pending in OMB.
II	7	1-2	Page 1 -- Letter from Alvin L. Alm, Asst. Adm. for Planning & Management, EPA to Jim Tozzi, Chief, Environmental Branch NRD, OMB, Dated: 5/3/74, Subj: Timing of external review process. Mr. Alm explains in detail. His proposed time table for OMB review of proposed EPA regulations.
II	8	1-2	Letter from Roy L. Ash, Dir., OMB to the Hon. Henry S. Reuss, Chairman, Conservation & Natural Resources Subcommittee, House of Representatives, Dated: , Subj: Explanation of Quality of Life Review process with respect to proposal guidelines of the Bureau of Sport Fisheries and Wildlife.
II	9	1	Memo from Frank G. Zarb, Assoc. Dir., Natural Resources, Energy & Science, OMB to Don Crabill, Dated: 1/28/74, Subj: Zarb asks Crabill to prepare a response to the attached material for Roy L. Ash to sign.

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	10	1	Letter from Henry S. Reuss, Chairman, Conservation & Natural Resources, House of Representatives to Roy Ash, Dir., OMB, Dated: 1/24/74, Subj: Reuss asks Ash to "abandon this 1971 procedure and to rely entirely on the procedure established by Congress (including all Federal agencies) review of Federal regulations, etc. before they are adopted."
II	11	1-5	<p>Page 1 -- Letter from Henry S. Reuss, Chairman, Conservation &amp; Natural Resources Subcommittee, House of Representatives to Charles R. Ford, Chief, Office of Civil Functions, Dept. of the Army, Dated: 1/18/74, Subj: Reuss states: "The NRDC describes your letter (to John M. Seidl, Dep. Asst. Sec. of the Interior, 12/21/73) as a blatant attempt ... to suppress the Dept. of Interior's wise and much needed environmental guidelines."</p> <p>Page 2 -- Reuss states "the Corps seems to have initiated a 'drag and delay' tactic against these guidelines." The guidelines in question are the "Navigable Waters Handbook" which the Bureau of Sport Fisheries and Wildlife proposed to distribute to its field offices. Reuss continues, "we have previously criticized this OMB review process ... only one agency, EPA, adopted and published wetlands protection guidelines. Both the Corps' regulations and Interior guidelines have been held up for months by this OMB process."</p> <p>Page 3 -- "Army is seeking to delay the guidelines further by asking for a so-called "Quality of Life" review.</p>

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
			Pages 4-7 -- <u>United States v. Interlake Steel Corp.</u> , 297 F.Supp. 912,914 (D.C. N.D. I11.E.D., 1969) is mentioned. Also, "we request that the Army Dept. cease its efforts to delay further the publication of these guidelines."
II	12	1-3	<p>Page 1 -- Letter from Chris Kirtz, Dir., Standards &amp; Regulations Coordination Branch, EPA to Jim Tozzi, OMB, Dated: 1/24/74, Subj: Cooperation between EPA &amp; OMB in interagency review process. Kirtz outline is typical of the type of problems that occur.</p> <p>Page 2 -- Kirtz proposes a weekly meeting to better coordinate Quality of Life Review. Walt Barber at OMB is mentioned.</p> <p>Page 3 -- "making this approach work will require additional efforts..."</p>
II	13	1	Letter from Jim Tozzi, Chief, Environmental Branch, Natural Resources Div., OMB, to Alvin Alm, Asst. Adm. for Planning & Management, EPA, Dated: 10/31/73, Subj: Tozzi informs Alm that OMB had not been receiving the monthly report on the status of regulatory actions.
II	14	1-8	<p>Page 1 -- Letter from Chris Kirtz, Dir., Standards &amp; Regulations Coordination Branch, EPA to Jim Tozzi, OMB, Dated: 10/3/73, Subj: Kirtz sends Tozzi report on Development of Standards, Regulations &amp; Reports prepared by EPA.</p> <p>Page 2 -- The Development of Standards, Regulations &amp; Reports by the Environmental Protection Agency. I. Introduction; II. Background.</p>

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
			Page 3 -- III. Statutory Responsibilities.
			Page 4 -- " "
			Page 5 -- IV. Standard-Setting Order 1000.6.
			Page 6 -- V. Recommended Changes.
			Page 7 -- Conclusions.
			Page 8 -- Quote from Russell Train.
II	15	1	Letter from John C. Sawhill, Assoc. Dir., OMB to the Hon. Russell E. Train, Adm., EPA, Dated: 9/27/73, Subj: Interagency Reviews. Sawhill states, "Recognizing that interagency reviews can become cumbersome and result in unnecessary delays, we will continue to assist in their coordination and to advise you of the budgetary implications of proposed rulemaking."
II	16	1-5	Page 1 -- OMB Route Slip from Jim Tozzi to Mr. Crabill & Mr. Sawhill, cc: Mr. Ross. Dated: Subj. Tozzi encloses a memo to Train and a detailed statement of the procedures to be followed. Tozzi asks for comments.  Page 2 -- Draft of letter from Sawhill to Train.  Page 3 -- EPA Procedures for the Interagency Review of Guidelines and Regulations: 1) Procedures to be followed prior to the publication of proposed rulemaking.  Page 4 -- 2) Procedures to be followed prior to the publication of final rulemaking.

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
			<p>Page 5 -- Chart listing Regulations, Examiners, Dates Sent to Agencies, OMB sign-off.</p> <p>Regulations include:</p> <ul style="list-style-type: none"> <li>--Emission Standards for Motor Vehicles</li> <li>--Emission Standards for Supersonic Aircraft</li> <li>--Ambient Air Quality Standards</li> <li>--Water Quality</li> <li>--E.O. 11602</li> <li>--Ocean Dumping Permit Program</li> <li>--Test of Procedures for the Analysis of Pollutants</li> <li>--Transportation of Dumping</li> </ul>
II	17	1-2	<p>Memorandum from John C. Sawhill, Assoc. Dir., OMB to Mr. Karl E. Bakke, Gen. Counsel, Dept. of Commerce and Mr. Alvin L. Alm, Asst. Adm., EPA, Dated: 8/28/73, Subj: Agency Review of Proposed Effluent Guidelines. Memorandum "documents procedures for review of effluent guidelines which were agreed upon in our meeting of 8/24/73."</p>

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	18	1-3	<p>Page 1 -- Letter from Robert V. Zenner, Acting Dep. General Counsel, EPA to Karl E. Bakke, Acting General Counsel, Dept. of Commerce, Dated: 8/22/73, Subj: Mr. Zenner gives his opinion on two questions: 1) whether requirement of consultation with appropriate Federal agencies requires that such other agencies be shown a copy of any proposed guidelines before publication of a notice of proposed rulemaking in the Federal Register?; 2) whether the statutory requirement that the Administration publish within one year of enactment of this title, regulation, providing guidelines for effluent limitations', can be satisfied by publication of a notice of proposed rulemaking in the Federal Register on or before 10/18/73 or whether the Act requires final promulgation by that date.</p> <p>Page 2 -- " "</p> <p>Page 3 -- Zenner refers to an enclosed complaint filed against EPA by NRDC.</p>
II	19	1-2	<p>Procedures to be followed for the Interagency Review of Guidelines and Regulations as Prescribed by the OMB Memorandum to the Head of Departments and Agencies Dated: 10/5/71.</p>
II	20	1-5	<p>OMB Route Slip from Mr. Tozzi o Mr. Crabill and Mr. sawhill (cc: Mr. Fairbanks); Dated: 8/21/73; Subj: 1) Interagency Review of Effluent Guidelines--complaint by Tozzi against EPA publishing standards for two industries without the knowledge of OMB or Commerce 2) "EPA wants Quality of Life Review to be discontinued."</p>



<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
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Letter from Walter Barber, Natural Resources Programs Division, OMB to Mr. John C. Sawhill, Dated: 8/21/73; Subj: Interagency Review of EPA Regulations & Standards. Issue: What should OMB's role be in reviewing and coordinating resolution of agency comments on EPA regulations?

Options -- 1) Suspend the requirement for Quality of Life Review for EPA regulations; 2) continue the requirement for a full Quality of Life Review for proposed and final regulations including effluent guidelines with OMB acting as arbiter of conflicts; 3) Implement modified review process with a preliminary review for major policy problems prior to proposed rulemaking and a full-scale review prior to final rulemaking with OMB acting as arbiter of conflicts; 4) Implement modified review process as in 3 above but limit OMB role to providing comments for consideration by the Administrator.

Page 4 -- Analysis of Options.

Page 5 -- NRPD Recommendation = Option 3, assuming that Quality of Life is to be continued. If not, Option 1, not 4.

Commerce = Option 2 (would accept Option 3)  
EPA = Option 4.

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	21	1-3	Page 1 -- Memorandum for the Heads of Departments and Agencies, Dated: 10/5/71 Subj: Agency regulations, standards, and guidelines pertaining to environmental quality, consumer protection and occupational & public health & safety, (see Vol. I, Doc. 29, pages. 6-9).
II	22	1-3	Identical to Vol. I. Doc. 34, pages. 1-3)
II	23	1-4	Page 1 -- Letter from Robert W. Fri, Acting Adm., EPA to John C. Sawhill, Assoc. Dir., OMB, Dated: 6/14/73, Subj: Purpose of letter to review status of EPA effluent guideline development effort and to propose a procedure and schedule for promulgation of final effluent limitation regulations and guidelines by 10/18/73. Specifically, the Federal Water Pollution Control Act. "EPA currently has guidelines under development for 30 industries."  Page 2 -- Fri explains the time limitations of going through the usual process.  Page 3 -- Fri asks Sawhill for comments.  Page 4 -- Proposed schedule for Action and Completion dates July 9 - Oct. 18.
II	24	1	Letter from John C. Sawhill, Assoc. Dir., OMB to Robert Fri, Acting Adm., EPA, Dated: 6/28/73, Subj: Letter is a response to Mr. Fri's letter of 6/14/73 outlining proposed modifications to interagency review process.

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	25	1-2	Development of Effluent Guidelines Procedures for Consultation with Appropriate Federal Agencies Pursuant to Sec. 304(b), FWPCA Dated: 8/21/73.
II	26	1-2	Page 1 -- Discussion paper for Mr. Sawhill's meetings with Commerce & EPA concerning effluent guidelines and Quality of Life Review. Not Dated:
II	27	1-2	(Document is identical to Vol. II, Doc. 19, pages. 1-2).
II	28	1	Letter from Thomas E. Carroll, Asst. Adm., for Planning and Management, EPA to Donald Crabill, Chief, Natural Resources Program Division, OMB, Dated: 1/26/73, Subj: Mr. Carroll suggests having other agencies send EPA copies of scheduled regulatory activity.
II	29	1-3	Page 1 -- Letter from Thomas E. Carroll, Asst. Adm., EPA to Donald Crabill, Chief, Natural Resources Program Division, OMB, Dated: 12/11/72, Subj: EPA's recommendations for change in Quality of Life Review Process; I) Timely determination of which items should undergo the Quality of Life Process. II) How the Quality of Life Process should operate on EPA's <u>proposed</u> regulations.  III) Publication of EPA's final rulemaking activities.

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	30	1	Letter from Thomas E. Carroll, Asst. Adm., for Planning & Management, EPA to Donald Crabill, Chief, NRPD, OMB, Dated: 1/26/73, Subj: attached is a copy of EPA's Standard Setting Order 1000.6 of Mr. Rukelshaus' memorandum of Jan. 4 and minutes from Standing Steering Committee on Jan. 17 (Note: Crabill asks Tozzi "how we best interface.")
II	31	1-5	Memorandum from William Ruckelshaus, Adm., EPA to Assistant Administrators and Office Directors, Dated: 1/4/73, Subj: Standing Steering Committee on Standards & Regulations (Document is identical to Vol. I, Doc. 22, pages. 1-5).
II	32	1-6	Minutes from Standing Steering Committee Meeting, 1/17/73, from Terry A. Trumbull and Chris Kirtz, Standards & Regulations Staff/OPE, Dated: 1/19/73. I Aircraft Emissions.  Air Quality Measurement Regulations.  Procedural Items a) Timetables & Development Plans b) OMB Procedural Changes c) Other issues.  d) Details.  Agreed upon follow-up action.
II	33	1-5	Page 1 -- HEW Route Slip from Steven R. Levisohn to Jim Tozzi, Dated: 3/16/73, Subj: attached critique of Quality of Life Review.  Page 2 -- Note to Jim Tozzi, Dated: 3/15/73 Subj: Quality of Life Review, Dr. Levisohn states his opinion of the Quality of Life Review.

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			(Note: This appears to be a significant document. It articulates many of the problems facing OMB as it dealt with the Quality of Life Review Process)
II	34	1	Letter from Thomas E. Carroll, Asst. Adm., for Planning & Management, EPA to James Tozzi, OMB, Dated: 4/10/73, Subj: Carroll expresses "concern that OMB's review of our standards may be hindered by your nonparticipation in the briefings routinely given for other agencies."
II	35	1-3	<p>Page 1 -- Letter from Chris Kirtz, EPA to Jim Tozzi, OMB, Dated: 4/27/73, Subj: Kirtz refers to attached breakout of the timing of the OMB/Interagency process.</p> <p>Page 2 -- Time period for Interagency Review.</p> <p>Page 3 -- Items mentioned: Hazardous Air Pollutants, Water Continuous Planning, Ocean Dumping Regulations, Secondary Treatment Regulations, Municipal and Industrial Long Forms, Agricultural Forms, Group II New Source, Ocean Dumping Criteria, Areawide Waste Management, (Final) Federal Permit Regulations, Well Injection, Low Emission Vehicles User Charges, Oil Spill Prevention.</p>

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	36	1	Memorandum from Dick Fairbanks, The White House to Ken Cole, Dated: 1/15/73, Subj: quality of Life Review--Status Report. Fairbanks States, "I held a brief meeting on the future of the Quality of Life Review with Bob Fri of EPA and Bill Morrill. We worked out a basic agreement that I think satisfies all of our concerns." (Note: Ken Cole wrote something on the letter.
II	37	1-2	Letter from Jack L. Jacquain, Senior Advisor Legislative & Regulatory Standards, Amway Corp., to Roy Ash, Dir., OMB, Dated: 1/11/74, Subj: Jacquain expresses his dissatisfaction with current regulatory review process. Specifically, recent proposal relating to USDA. cc: The Honorable Gerald R. Ford, Vice President of the United States.
II	38	1-2	<u>Major Standards, Regulations &amp; Guidelines -- Procedures for Preparation and Issuance of Explanations.</u> <u>Federal Register</u> , Vol. 38, No. 114 -- Thursday, June 14, 1973. Robert Fri, Acting Admin., EPA.
II	39	1-9	Environmental Protection Agency Order 1000.6, Dated: 12/10/71. <u>Policy and Procedures for the Standards and Regulations Development Process.</u>
II	40	1-10	Page 1 -- EPA Transmittal 1000.6, 12/10/71, signed by Howard M. Messner, Dept. Asst., Adm., for Administration, EPA.  Page 2-10 -- EPA Order 1000.6 (identical to Vol. II, Doc. 39, pp. 1-9) except for some notes written in the margins

<u>Volume</u>	<u>Document</u>	<u>Pages</u>	<u>Notes</u>
II	41	1-3	Handwritten notes by Jim Tozzi--(see Tozzi as for details.