

ENVIRONMENTALLY RELATED EXECUTIVE ORDERS

1997

Federal Support of Community Efforts Along American Heritage Rivers

Executive Order 13061

September 11, 1997, 62 FR 48442

This EO establishes responsibilities of executive agencies with regards to the American Heritage Rivers initiative (river conservation, community health and revitalization) and defines the criteria for communities to nominate rivers as American Heritage Rivers. Executive agencies, to the extent permitted by the law, are to coordinate their plans, functions, programs and resources to preserve, protect and restore rivers designated as American Heritage rivers by the President or as nominated by communities. Section 4 of this EO identifies the responsibilities of Federal agencies, which include commitment to a policy that their actions will have a positive effect on the natural, historic, economic, and cultural resources of American Heritage River communities.

Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045

April 21, 1997, 62 FR 19883

This EO notes that children suffer disproportionately from environmental health and safety risks due in part to a child's size and still maturing bodily systems. To address this problem, Federal agencies are directed, to the extent permitted by the law and their mission, to identify and assess environmental and safety risks that could disproportionately affect children and ensure their policies, programs, activities and standards address these disproportionate risks. The focus of this EO is on identifying risks to health or safety that are attributable to substances or products that a child is likely to come in contact with or ingest as a result of a particular federal action.

1996

Indian Sacred Sites

Executive Order 13007

May 24, 1996, 61 FR 26771

This EO requires that, to the extent practicable, executive branch agencies with statutory or administrative responsibility for the management of Federal lands shall accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Executive branch agencies with responsibilities for managing Federal lands will insure that, where appropriate, procedures are established for providing reasonable notice of proposed actions or land management policies that could restrict the ceremonial use of, or adversely affect the physical condition of the sacred site. Executive branch agencies are to comply with the Executive memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments when conducting actions under this EO.

Locating Federal Facilities on Historic Properties in our Nation's Central Cities

Executive Order 13006

May 21, 1996, 61 FR 26071

This EO reaffirms the Clinton Administration's commitment, as identified in EO 12072, to strengthen the Nation's cities by encouraging the location of Federal facilities in central cities; to provide for leadership in the preservation of historic resources pursuant to the National Historic Preservation Act; and to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance pursuant to the Public Buildings Cooperative Use Act of 1976.

1995

Federal Acquisition and Community Right-to-Know

Executive Order 12969

August 8, 1995, 60 FR 40989

To the greatest extent possible, Federal agencies are to contract with companies that provide information to the public on their toxic chemicals released to the environment. Federal agencies are to include in contract solicitations as an eligibility criteria for competitive acquisition contracts expected to equal or exceed \$100,000 the requirement that Federal contractors ensure that Toxic Chemical Release Inventory Forms under the Emergency Planning and Community Right-to-Know Act (EPCRA) are filed by their covered facilities for the life of the contract.

1994

Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

Executive Order 12898,

February 11, 1994, 59 FR 7629

This EO directs federal agencies, through development of an agency-wide environmental justice strategy, to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations in the United States. Federal agencies are to execute their programs, policies, and activities that substantially affect human health or the environment in a way which ensures these activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin.

On February 11, 1994, the President also issued a memorandum for heads of all departments and agencies directing that the Environmental Protection Agency, whenever reviewing environmental effects of proposed actions pursuant to its authority under Section 309 of the Clean Air Act, ensure that the involved agency has fully analyzed environmental effects on minority and low income communities to include human health, social, and economic effects.

Energy- Efficiency and Water Conservation

Executive Order 12902

March 8, 1994, 59 FR 11463

To comply with this EO, Executive Agencies are to reduce overall energy use in Federal buildings by 30 percent by the year 2005, increase overall energy efficiency in industrial facilities by 20 percent by 2005, and implement water conservation projects, to the extent these measures are cost-effective. Executive Agencies are to conduct comprehensive facility audits and minimize the use of petroleum products by switching to less polluting alternative energy sources when practicable. The Department of Energy is designated to take the lead in implementing this order through the Federal Energy Management Program.

Government to Government Relations with Native American Tribal Governments

Presidential Memo

Apr. 29, 1994, 59 FR 22951

The President issued a memo to all heads of executive departments and agencies regarding future relationships with Native American tribal governments. As executive departments and agencies undertake activities affecting Native American tribal rights or resources, these activities should be executed in a knowledgeable and sensitive manner that is respectful of the tribal sovereignty. This memorandum outlines the principles that executive department and agencies are to follow when interacting with Native American tribal governments.

Federal Implementation of North American Agreement on Environmental Cooperation

Executive Order 12915

May 13, 1994, 59 FR 25775

As part of the North American Free Trade Agreement (NAFTA), the Environmental Cooperation Agreement (ECA) is implemented to advance sustainable development, pollution prevention, environmental justice, ecosystem protection and biodiversity preservation in a manner promoting transparency and public participation.

The ECA must be implemented to promote cooperation on trade and environmental issues among the U.S., Canada and Mexico. The primary emphasis is on considering the environmental impact of goods throughout their lifecycles.

The Administrator of the Environmental Protection Agency is the U.S. representative on the Council for the Commission for Environmental Cooperation. The policies and positions of the U.S. in the Council are coordinated through interagency procedures. The EPA will enlist state involvement when the ECA activities have a direct impact on the States. Areas for future state involvement include dispute resolution and any activities where the states exercise concurrent or exclusive legislature, regulatory, or enforcement authority.

1993

Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances

Executive Order 12843

April 21, 1993, 58 FR 21881

This EO requires Federal Agencies to maximize use of alternatives to ozone depleting substances and requires the modification of procurement specifications and practices to substitute non-ozone depleting substances to the extent economically practicable. The effective date of this order was 30 days from the date of the order.

Federal Use of Alternative Fueled Vehicles

Executive Order 12844

April 21, 1993, 58 FR 21885

This EO directs the Federal Government to exercise leadership in using alternative fueled vehicles in accordance with the Energy Policy Act of 1992 (Public Law 102-486). Essentially, the federal fleet acquisition program is restructured by this EO. The use of alternative fueled vehicles is to be promoted to the greatest extent possible to reduce pollutants and vehicle maintenance costs and increase use of domestic fuel sources and economic activity.

By way of setting an example, this federal action may provide a significant market impetus for developing and producing alternative fueled vehicles and for expanding the infrastructure needed to support the private use of alternative fueled vehicles.

Purchasing Energy Efficient Computer Equipment

Executive Order 12845

April 21, 1993, 58 FR 21887

This EO directs the heads of Federal Agencies to meet the Environmental Protection Agency's "Energy Star" energy efficiency requirements when purchasing computer equipment. In addition, such equipment is to be equipped with an energy efficient low-power stand-by feature unless the equipment meets the Energy Star efficiency levels at all times. This EO establishes a requirement to educate staff about the environmental and economic benefits of energy efficient computer equipment. The effective date of this EO was 180 days from the date of the order, approximately mid-October 1993.

Federal Compliance with Right to Know Laws and Pollution Prevention Requirements
Executive Order 12856
Aug. 4, 1993, 58 FR 41981

This EO requires Federal agencies to take the necessary actions for pollution prevention and ensure compliance with the Pollution Prevention Act (PPA) and the Emergency Planning and Community Right-to-Know Act (EPCRA) provisions and implementing regulations. Federal agencies are to provide information to the public concerning toxic chemicals entering any wastestream from their facilities, including releases to the environment, and to improve local emergency planning, response, and accident notification. Reporting under EPCRA and PPA shall be completed no later than the 1994 calendar year with reports due on or before July 1, 1995.

Regulatory Planning and Review
Executive Order 12866
Sep. 30, 1993, 58 FR 51735

This EO directs Federal agencies to promulgate only those regulations that are absolutely necessary to interpret the law or are made necessary by a compelling public need. Agencies are to assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. The goal in selecting a regulatory approach is to maximize net benefits to include economic, environmental, public health and safety, distributive impacts and equity. This EO sets out the Principles of Regulation which agencies should adhere to, as allowed by law and where applicable, and appoints the Office of Management and Budget (OMB) with the function to review agency rulemaking to insure that the proposed regulations are consistent with the applicable law, the President's priorities, and other guidance contained in this EO.

Federal Acquisition, Recycling and Waste Prevention
Executive Order 12873
Oct. 20, 1993, 58 FR 54911 as amended by EO 12995, March 25, 1996, 61 FR 13645

This EO requires the federal government to incorporate waste prevention and recycling into daily operations and work to increase markets for recovered materials through greater federal government preference and demand for such products. Environmentally preferable products are those products/services that have a lesser or reduced effect on human health and the environment as compared to other competing products serving the same purposes. The use of environmentally preferable products extends from raw materials, acquisition efforts, production, operations and maintenance through disposal of the product or service. However, to be most effective, the use of environmentally friendly products should be examined at the earliest point possible in the project.

1987

Superfund Implementation
Executive Order 12580,
January 23, 1987, 52 FR 2923 as amended by EO 12777, October 18, 1991, 56 FR 54757 and EO 13016, August 28,
1996, 61 FR 45871

This EO specifies which federal agencies should be represented on the National Response Team (NRT), the NRT being a requirement under the National Contingency Plan, and delegates from the President to certain federal agencies several decision-making authorities under the Comprehensive Environmental Response, Compensation, and Liability Act.

1979

Environmental Effects Abroad of Major Federal Actions
Executive Order 12114
January 4, 1979, 44 FR 1957

Federal agencies taking major Federal actions having significant effects on the environment outside the geographical borders of the United States and its territories and possessions must prepare either an environmental impact statement, bilateral or multilateral environmental studies relevant to the proposed action, or concise reviews of the environmental issues involved with the purpose of providing decisionmakers with information, heightening their awareness of and interest in environmental concerns and, as appropriate, facilitating environmental cooperation with foreign nations.

**Independent Water Project Review
Executive Order 12113
January 4, 1979, 44 FR 1955**

Beginning April 1, 1979, all agencies are to submit preauthorization reports or proposals and preconstruction plans for Federal and Federally assisted water, and related land resources, projects and programs to the Water Resources Council at least 90 days prior to their scheduled submission to the Office of Management and Budget for authorization and funding requests for those activities.

1978

**Federal Compliance with Pollution Control Standards
Executive Order 12088,
October 13, 1978, 43 FR 47707 as amended by EO 12580, January 23, 1987, 52 FR 2923**

This EO requires Executive agencies to take the necessary actions for the prevention, control, and abatement of environmental pollution for Federal facilities and agency activities under their control and to comply with applicable pollution control standards. At the request of the Environmental Protection Agency, the Director of the Office of Management and Budget shall consider unresolved conflicts regarding a violation by an Executive agency of an applicable pollution control standard. Executive agencies should ensure that the construction or operation of Federal facilities outside the United States complies with the environmental pollution control standards of general applicability in the host country or jurisdiction.

1977

**Floodplain Management
Executive Order 11988
May 24, 1977, 42 FR 26951**

This EO requires federal agencies to incorporate actions to reduce the risk of flood loss by minimizing the impacts of floods on human safety, health, and welfare in carrying out assigned responsibilities for managing and disposing of federal lands. The goal is to restore and preserve the national and beneficial values served by floodplains. Before taking an action, agencies must determine whether a proposed action will occur in a floodplain and if so, must look at alternatives to avoid adverse effects and incompatible development in the floodplains. For major Federal actions significantly affecting the environment, the alternatives analysis must be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act.

**Protection of Wetlands
Executive Order 11990
May 24, 1977, 42 FR 26961**

This EO requires federal agencies to incorporate actions to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands while carrying out the agencies' responsibilities for managing and disposing of federal lands and facilities. Each agency, as allowed by law, should avoid new construction in wetlands unless the agency determines there is no practicable alternative to the proposed construction and the proposed action includes all practicable measures for mitigation. For any proposal for lease, easement, right-of-way, or disposal to nonfederal public or private parties, the federal agency is to reference in the conveyance document those uses which are restricted under federal, state or local wetland regulations. Other appropriate restrictions on use must be attached to the use of the property by the grantee or buyer and any successor, except where prohibited by law. Without the appropriate restrictions attached, the properties should be withheld from disposal.

Exotic Organisms
Executive Order 11987
May 24, 1977, 42 FR 26949

This EO directs Executive agencies, to the extent permitted by law, to restrict the introduction of exotic species into the natural ecosystems on lands and waters which they own, lease, or hold for purposes of administration. For purposes of this EO, an "exotic species" is defined as all species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.

1973

Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal Contracts, Grants, or Loans
Executive Order 11738
September 12, 1973, 38 FR 25161

This EO requires the Environmental Protection Agency to designate those facilities which have violated the criminal provisions of either the Clean Air Act or the Federal Water Pollution Control Act. Unless exempted, no Federal agency may then enter into any contract or support an activity or program through a grant, loan or contract involving the use of a designated facility. Federal agencies must also require, as a condition of entering into, renewing, or extending any contract, grant, or loan a provision which requires compliance with the Clean Air Act and Federal Water Pollution Control Act in the facilities where the contract, grant, or loan is to be performed.

1972

Use of Off-Road Vehicles on the Public Lands
Executive Order 11644
February 9, 1972, 37 FR 2877, as amended by EO 11989, May 24, 1977, 42 FR 26959

This EO requires the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority to develop and issue regulations within six months of the date of this order to provide for the administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted and those areas where such vehicles may not be permitted.

Environmental Safeguards on Activities for Animal Damage Control on Federal Lands
Executive Order 11643
February 9, 1972, 37 FR 2875

This EO restricts the use of chemical toxicants on Federal lands for the purpose of killing predatory mammals or birds

1970

Protection and Enhancement of Environmental Quality
Executive Order 11514 and 11991
March 5, 1970, 35 FR 4247 as amended by EO 11991, May 24, 1977, 42 FR 26967

These EOs direct the federal government to provide leadership in protecting and enhancing the quality of the nation's environment to sustain and enrich human life. As part of the process under the National Environmental Policy Act (NEPA), Federal agencies are to develop programs and measures to protect and enhance environmental quality and are to assess progress in meeting their objectives. Other federal agencies, states, and local governments can be consulted in order for an agency to carry out its activities that could affect the quality of the environment.

Agencies are to develop procedures to ensure that information and understanding of federal plans/programs with environmental impact are publicized to obtain the views of interested parties. Agencies should also encourage state and local agencies to adopt similar procedures for informing the public concerning their own activities that affect the quality of the environment.

Agencies are to review their statutory authority, regulations, policies and procedures to identify any deficiencies that would prevent them from complying with the requirements of the NEPA. Any deficiencies should be identified to the Council on Environmental Quality (CEQ) with a proposed resolution. In addition, agencies are to comply with CEQ regulations except where such compliance would be inconsistent with statutory requirements.