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## *Forty Years of Service: An Interview with James (Jim) Seif*

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### Chapter 1: A Public and Private Sector Career in Environmental Protection<sup>1</sup>

**Ed Hanley:** *Welcome to the EPA Alumni Association's oral history program. Today we are fortunate to have with us James M. Seif, a man whose extensive career in environmental regulation encompasses just about every level of government and the private sector.*

*Jim, I wonder if you could set the stage for our conversation by giving us a brief recap of your career? Tell us how you got into environmental protection and some of the major steps along the way.*

**Jim Seif:** Sure, Ed, and thank you for being here and for listening for as long as you're about to listen. I was born and raised in Pittsburgh, Pennsylvania, a city which I still love. I went away to college, back home to law school. Just before I finished college I met Dick Thornburgh, who was engaged in various political enterprises there, a very fine lawyer on top of all that. He was appointed in 1969 to be the United States Attorney for western Pennsylvania. That position was not heretofore a very active one, but in the Nixon administration the Justice Department was beefed up and U.S. Attorneys really went after organized crime and other things.

I was lucky enough to become an Assistant U.S. Attorney after I left the Pitt Law School and went into that office hell-bent for stopping crime, but also with a great environmental ethic. My mother and Rachel Carson had been college classmates at Pennsylvania College for Women, now Chatham University, two scholarship students sharing the microscope in the lab. I had been raised with very much an environmental ethic: preservation, conservation, and some of the basic lessons of the environment. For example, recycling. Not bottles and cans, but putting coffee grounds and rotten tomatoes in holes in the tree stump so that you would have back to earth, back to nature, and completing the cycle.

One day in 1971, Dick Thornburg was presented with 500 bottles of dirty water, which had been collected by a couple of assistant professors at Penn State University, McKeesport campus. They said, "There is a bounty provision on the law we're citing. We got these bottles of dirty water from various steel mills around Pittsburgh rivers. You need to prosecute them." Their view was that the Nixon Justice Department would never prosecute these fine steel companies in Pittsburgh. Dick had me look at the evidence, what was in the jars, the chemicals and so on, and the situation under the law, which said, and it was passed in 1899, "You can't

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<sup>1</sup> This interview was conducted by the EPA Alumni Association on April 28, 2015.

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put anything in the rivers unless you have a permit from the Corps of Engineers." It was poorly drafted, but whatever, there was no permit program and nobody had a permit for these jars of dirty water. Dick said, "Looks like a case to me." These guys, of course, said, "Well, wait a minute, we couldn't have got a permit." And Dick said, "Well, that's a problem, but not my problem." This became an important prosecution at that time.

The interesting thing, the thing that I remember most sitting second chair in the prosecutor's table was the U.S. Steel attorney, a very major figure in the Pennsylvania bar, saying, "This environmental stuff is a passing fancy. It will go away," trying to convince a Pittsburgh, a western Pennsylvania jury, that this was a silly exercise. The jury took 30 minutes. Convicted. All counts. And these guys, by the way, got a bounty, which was also a popular part of laws from those days, at ten thousand dollars apiece. We knew, Dick knew for sure we were on to something.

And, of course, we weren't alone. From 1962 with Rachel Carson's book, through Earth Day in 1970, which I attended as a student at the Carnegie Mellon University, that's where the celebration was. It was happening. I got an invitation from the late Dan Snyder, then Regional Administrator at EPA in Philadelphia, to join him, to join what was then called the legal branch, and did so. We will be talking about that a little bit more.

It was heady times at EPA. It had just been formed three years before that. I made a lot of lifelong friends, friends I still cherish now, and learned quite a bit. And it really was a fun time. When President Ford took office, he invited Dick Thornburgh to join the Justice Department to become Assistant Attorney General of the criminal division, and to try to clean up that place post-Watergate. Then Jimmy Carter came and invited us to evaluate our opportunities in the private sector. In other words, we got pitched out. And I did so. Dick was off and running for governor. I took a job with the Rohm and Haas chemical company, now the Dow Chemical Company, for three months, and then got drafted by Dick to help run his campaign. I did that for two years and was in his office as Administrative Assistant for six years.

During that time, 1983, I did try to become the Regional Administrator at EPA in Philadelphia. Bill Ruckelshaus came back, created a few RA vacancies, and it didn't happen then. I went on to join AT&T in Washington, D.C., where I lobbied the Pennsylvania congressional delegation. A guy named Ernie Minor, who many in our agency will remember, called me up about 18 months into that job and said, "Hey, Jim, there's a vacancy now, again, at the RA in Philadelphia position. Are you interested?" And I said, "Damn it, Ernie, I'm making more money than you're going to pay me. My wife is pregnant, and I moved to the wrong city. And, yes, I would be interested." And Lee Thomas hired me. I worked for Lee for four years, which was the second Reagan term. I came to share early on what many now say about Lee Thomas

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as a really smart guy, a really honest guy, hardworking, and did a world of good for that agency in terms of putting it back in shipshape after a tumultuous time.

When that gig ended I joined Dechert, Price, & Rhodes, the largest law firm in Pennsylvania. My practice was not just helping environmental companies, or rather, companies in environmental trouble, but companies that had environmental products, or technologies, or lines of business. That, I think, is a more interesting kind of an approach. During that period I met Tom Ridge, a congressman from Erie, Pennsylvania. Erie is that part of Pennsylvania, and every state has a part, that nobody knows anything about. Tom was the man nobody ever heard of from the place nobody ever goes, except he won the governorship and began his soon-to-be cut short term as governor. I had helped him during the campaign with issues and such. One of our proposals was to split the Department of Environmental Resources in two departments. The Parks and Forests would be the birds and bunnies part. The regulatory part would be the sludge part. I got the sludge part, and we did create a new department shortly after he took

The governor had to leave his post, as you'll recall, as governor to become the first Secretary of Homeland Security. I had left just a little bit before that to join PPL, formerly Pennsylvania Power and Light, which was a big utility in Allentown, Pennsylvania. It benefited greatly from the deregulatory policy that Ridge put in place, and I enjoyed being there. I am now back with Tom Ridge to close down the story, finally, with apologies, working on environmental issues, especially Marcellus Shale and other matters in Pennsylvania and, indeed, around the nation. It's been a great 40-year ride in law, politics, environment, Pennsylvania, and so on.

### Chapter 2: Early Days of Environmental Enforcement

**Hanley:** *As I understand it Jim, from what you said, your first tour of duty with EPA was that of a young attorney and if I remember correctly, you were an enforcement attorney. That must have been an interesting time in those very early days. Could you tell us about that?*

**Seif:** It was a tumultuous time. The agency had been formed out of elements of the Agriculture Department, HEW, and others. Plus, a bunch of us young lawyers who hadn't been anywhere before, typically, were all bearded up and ready to right the wrongs of the world. It was quite a mix. In fact, some of the statutes that we were to enforce in the region over the next 40 years hadn't been passed yet. The Clean Air Act was still embryonic in terms of

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implementation. The Clean Water Act didn't come until 1972. RCRA<sup>2</sup>, unheard of. The fact is that we had to invent as we went along. Huge boxes came over from the Army Corps of Engineers. These were the applications that had been belatedly filed under the Refuse Act. When the Clean Water Act was passed, they were converted in NPDES<sup>3</sup> permits. I still marvel at the lack of complexity of them. We issued permits that had total dissolved solids, temperature, and pH, period. That was as good as it got in terms of our regulatory capacity and our scientific knowledge. We also had to invent regs for adjudicatory hearings. If someone filed an appeal and didn't like it, what happened next? Well, we had to write that part of the implementation process.

I remember one night in particular. This was in the air area. Mike Vaccaro, the late Mike Vaccaro, a great man, a great lawyer in the region who was there his entire career, and I were faced with a submission by the state of Maryland. They wanted a SIP<sup>4</sup> approved. It was our duty to look at it as the regional office for Maryland, approve it, send it to headquarters, and they would do whatever it is that headquarters was going to do. We noted, and our technical people had told us, that this SIP wasn't going to do the job in terms of getting to the ambient standards. What to do? Mike and I got a map of the City of Baltimore, I guess from a gas station, and starting drawing bikeways on it. And we submitted it and it got approved. I'm here to assure the public that no such bikeways were ever produced based upon the traffic planning skills of myself and Mike.

And we weren't trying to upstage Maryland, we were trying to help them out, get a SIP through headquarters, and get a SIP filed. It was part of the region's responsibilities to get SIPs, so we were going to doctor it up until we got one.

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1. <sup>2</sup> The Resource Conservation and Recovery Act (**RCRA**), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste.

<sup>3</sup> Authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

<sup>4</sup> The Clean Air Act requires states to develop a general plan to attain and maintain the National Ambient Air Quality Standards (NAAQS) in all areas of the country and a specific plan to attain the standards for each area designated nonattainment for a NAAQS. This plan is called a State Implementation Plan, or SIP.

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I don't know if the people in Maryland resented it or appreciated it, but as I say, no bikeways were ever built, and we learned a lot about state-federal relations in more sophisticated ways as we went along.

I prized that time because it's a glimpse, not of a bureaucracy, but of a movement being converted into a mechanism, which sometimes became a bureaucracy and may still be in some areas. But it was how the democracy was implementing the real nuts and bolts of a visceral, "We've got to do better than this. We've got to stop pooping in the nest." And it was wonderful to see, and a privilege to have been part of it. As I say, I have friendships from those years that prosper still, and I value them.

**Hanley:** *Now those must have been exciting days. After Earth Day and with the establishment of EPA, and everybody caught up in the environmental movement, there appeared to be strong public support for doing the work of environmental protection. Did you sense that in your work, and was that a factor?*

**Seif:** The public was and remains on the side of a cleaner environment. But the public is not entirely consistent. You could say that Congress is a rotten institution, but you're going to love your own congressman. You're going to say, "The environment's a great thing, but don't shut down the plant near me. Don't raise taxes by creating a big sewage treatment plant that I've got to pay for." So, the devil is in the details. And you did have a significant part of the population, including owners of businesses, saying, as I quoted the U.S. Steel lawyer, "This is a passing fancy. It'll go away." Though, I must say, by the mid-'70s, that was obviously not going to happen.

I think during this time the people who offered the most resistance were going through what you call the grieving process, a shocked disbelief, sadness, and then coping and so on. That has gone all the way. The fact is that the people who were at Earth Day with me in 1970 on the CMU campus are running the companies 20 years later, and agreeing that something should have been done, and was done, and participating in it. When I was taking part in a case against the Clairton Coke Works of U.S. Steel in Pittsburgh as an EPA lawyer, the environmental official had a trailer at the edge of the plant; that was his office. U.S. Steel now has a senior vice president for sustainability, and they mean it, as does DuPont and many, many others. So, I think that bump in the road, general resistance, is gone.

There remains, however, resistance to what some people think is an overreach on the risks EPA tries to control, on specific actions they take, and so on. But, generally, the public and all

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important parts of the public agree with what we're up to. I say "we" because I still feel a part of the community. One could liken it to the Civil Rights Movement, the two biggest movements of our lifetime. You and I, Ed. There's nobody crossing their arms and saying, "This is tomfoolery, we've got to stop it. Let's go back to whatever we were back to." And the laws are passed, the laws are being implemented. It's not politically correct to disagree with any of the objectives of those laws, so I think the battles are won. I would say, and this I regret to say, that the public's acceptance of environmental progress is probably greater and more strongly implanted than its acceptance of racial progress. I think there's more bigotry left than there is anti-greenness. I pray that it passes just as the anti-green movement has.

### Chapter 3: State-EPA Relations

**Hanley:** *Jim, as you know better than I, most federal environmental statutes envisioned a major role for states. They envisioned that federal programs would be delegated to states. States would carry them out, for the most part. That's been a source of a great deal of tension, at least it was in the early days of EPA. You were there when that was unfolding, and then you came along later as Regional Administrator. Could you share with us your experience with the state-federal relationship, and your thoughts on how to make it stronger?*

**Seif:** I can't say I'm fully current on the ins and outs of the relationship now, but the statutorily contemplated delegation of programs to the states is very nearly done or played out. Those that haven't been done probably won't be in the near future. They are little backwaters, as I'd say. It's a fundamentally sound idea that the states carry this burden, both in terms of where the manpower has to be, the local knowledge, and the states' right, fundamental right, to decide at least some of this stuff. The beltway doesn't recognize it, but most of the action goes on out in the states. Important stuff happens in the beltway, and maybe more important than the states, but not more important than the states in the aggregate, in terms of the activity that gets done.

There were a lot of adventures and misadventures in the early days with delegation, and lots of misunderstandings. The application to get a delegation as it passed through the regional office was phonebook sized or worse. And states sometimes resented that because they had to reveal budgets and make statements about their intentions when they insisted that their intentions were good and "Who are you, GS-12, to ask for that?" and so on and so forth. I remember when I got back to EPA as Regional Administrator in 1985, we found that some states were way ahead of EPA in terms of capacity, zeal, and interest, Pennsylvania among them. We had one state, and I do have to name it -- I don't make any allegations about them now -- but West Virginia managed to get its own law thrown out. It repealed the statute under which we had delegated the water program, put a whole new statute in place which some

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thought gave away the store to the coal industry. And we sort of had to say, "You can't do that."

It was a long struggle. The reality was that nobody thought that EPA could, if we had yanked the program as the saying went, and do it ourselves. It was a political impossibility in West Virginia, a bureaucratic impossibility from Philadelphia to Charleston with no local knowledge, and no people, and so on. Eventually they passed a law which passed muster under the delegation regs, and we got it done.

The state-federal relationship between EPA and the states is not as contentious as it was back when you and I started in the agency in the early '70s. Not even close. But, remember, it will never be solved, if you think that that's possible. The fact is that the tension is built into the Constitution. The founding fathers, after all, knit together 13 sovereign nations in order to form this more perfect union. They gave up sovereignty to a degree. Now, that has been considerably eroded, that sovereignty as some would see it, and a civil war was fought over how much further erosion there could be. But, the fact is the states still have enormous capacity to do stuff, and a great deal of latitude in many areas. And I believe that's as it should be. A dispute between any two sovereigns, the federal and the state, looking at the same factory or the same piece of turf, or the same waterway, is probably inevitable. But I think it's been greatly worked out. The delegation process is part of it. That turned out to be wise.

I think a lot of other things have ameliorated the fisticuffs that early on happened, for example, between EPA Region 3 and West Virginia over the water statutes. In the first place, you have a lot of people who have personal relationships that have come in and out of both state and federal and private sector, and they've grown up together. Just because they've gotten older doesn't mean they're wiser, but there's a little bit less testosterone and a little bit more patience. I think genuine policy differences are recognized as such and legitimate. And you don't go to the mat over every one. You have relationships in place that can soften them. I don't think that you have this fight that a state is sovereign and EPA should get out and so on. I think since most people in position in both state and federal agree with the mission, let's do something, let's fix this problem. That probably makes it all softer than it used to be.

But you still have issues like legislative versus executive. The executive branch can agree with the Regional Administrator, but the legislature passes a law that nobody likes. That has happened. You have scientific disputes, difference of opinion over what a fact set means. You have differences of opinion over what level of risk is acceptable. You have changes in all of these over time, different perceptions take place. You have powerful personalities involved in some cases, or persons who would like to be powerful. That has happened. But all of this is

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part of a shared common experience of almost all players, the 3,000 people I had eventually at DER and the 800 people in the region and other thousands at EPA. You had an intermixing of EPA RAs<sup>5</sup> and State Secretaries. Varney and Gade and Seif. And in New Jersey, the first one, Chris Daggett. Many others, Robbie Roberts and the like. I think when each of them has looked through the other end of the telescope, the temperature goes down. You can get along. But remember, the legitimate disagreement -- the state official who goes to Congress and complains -- is there, and there permanently, and I think wisely, in the Constitution.

### Chapter 4: Public-Private Sector Relationships

**Hanley:** *If, as you say, Jim, the federal-state relationship is actually fairly healthy, or at least as good as it's going to get given the tension that's built into our constitution, what do you see as the most important relationship for EPA to work on in the future?*

**Seif:** While I just said that the state-federal relationship will never be quote unquote, resolved, I think it takes a backseat to a big one, which is the public versus private set of perceptions, relationships, and institutions. There is a real divide. A GS-12 is never going to understand what a CFO is worried about in terms of stock price. Nor will the CFO ever understand a national program director's, like an Assistant Administrator's, urge to live up to a Congressional mandate and make things happen out there through the complicated mechanism of region and then maybe state.

There are so many differences of perception, and I think it arises out of, at some point, genuinely different personality types and backgrounds. EPA and states are lots of the same kind of people. Public and private are not, and it's really hard to walk a mile in someone else's shoes. We all know people who have excelled in the private sector and have made fools of themselves in the public sector, and vice versa. I've gone back and forth. I won't say which one I was a fool in, if any, but I really got to be a connoisseur of translating. And, indeed, my last professional job was with a large Fortune 250 energy company, and I did a lot of that. It was fun because they got it in a basic sense, but there were sure potholes.

**Hanley:** *Very soon after serving as EPA's Regional Administrator in Philadelphia, I guess five or six years later, you became the Secretary for the Environment in Pennsylvania, one of the states that you had formerly overseen. That must have been an interesting switch of hats.*

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<sup>5</sup> EPA Regional Administrators



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**Seif:** Yes, between those two I practiced law for six years, and that's where I really began to get a notion of public versus private perceptions and so on. If I'm right that the relationships between EPA and the states have greatly improved, it wasn't a complete hat switch. It was a change of uniform, but still on the same boat. They didn't oversee me, and I sort of oversaw them, too. It was a mix. I knew a lot of people in the region. I still do, and I'm happy about that. So, that helped.

We did have one huge fly in the ointment, and I'm sure this is familiar to many EPA people. The Inspector General had no clue about how programs worked and was simply looking for scalps, and often set us against each other. One time it worked, because there was a leak from his office, a premature leak of a critical report that could have been easily corrected, maybe he thought it would be so he had to get it out. All right, that's unfair, but you get the drift, and it was a big black eye for both institutions.

You had, also, disagreements over programs like Superfund. My personal view is that Superfund is the least successful federal environmental statute of my lifetime. When I was in private practice we spent days at depositions of janitors asking them what they threw away in paint cans in 1962. All so that we could assign millions of dollars of liability to a company that was probably doing the right thing anyway for that time and place. It's just a witch-hunt, great minds tracing down meaningless molecules. And that got states either demanding that something be put on Superfund list or demanding that it not be put on that list. The same collisions of interests that Superfund touched off in the private sector were happening in the public sector, too, regrettably.

Pennsylvania, in fact, had adopted a cleanup standard of "leave no molecule behind." It was sort of like a standard that Superfund enforced, and Tom Ridge campaigned against it. And I egged him on, I must say. We then passed, in Pennsylvania, a bill, the Industrial Sites Recycling Act -- 20 years old this May, 2015 -- that really loosened up the rules on cleanups. Now, you're going to say, "What do you mean loosened up? There's danger out there." No, we used federal cleanup standards, but we also provided a piece of paper that said, "You're done." Meaning that commerce could come in and spend the money and save the site. Several thousand sites have been thusly rescued. That program won the Harvard and Ford Foundation "Most Innovative Program of 1997." It's still going strong.

And we were able to get RCRA programs at EPA, state cleanups at military sites and so on all under the rubric of that. So, in that case, the state led and harnessed a welter of other statutes and impulses to clean up, which the military had, under a definable program which

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led to a lot of private money coming in that would have, under the "leave no molecule behind" standard, stayed on the sidelines and gone elsewhere.

Our basic objective, and this was somewhat at odds with EPA, was to turn the agency from simply an enforcement and regulatory agency, into an environmental department. Hence, we made treaties and arrangements with the Transportation Department, Education Department, banking, insurance, commerce, and so on, to get things operated sustainably. We did a great deal of teaching and preaching, as Lee Thomas had taught me to say, "Teachin' and preachin'," to make people understand that sustainability, which was sort of enunciated first in 1992, two years before I got to Harrisburg, was the goal. Not beating people up with a billy club, but seeing that all ships could rise together: the economic, the community, and the environmental. That turned an agency that had been beleaguered, and Tom Ridge certainly was critical of them in the campaign, into one that could be helpful, seen as a partner, and whose people could be proud of their mission.

When I had gotten back to EPA in 1985, it was fresh from the beating it got over the Reagan years. And there was a feeling of beleaguerment, so too, at DEP in '94. I used to tell the people that it was the job of the Secretary to create the external preconditions, such that they could do their job and not worry about it -- won't get jumped on by legislative committees, and editorial writers, and so on -- to create a public mood, and to create achievements, that they could step out of the bunker. I told the story of, "You know, we're not going to make any money here. We might as well make some history." If you're in government to make money, you're either a crook or not too bright, but making history is fun. And with industrial site recycling and changing the mission of the department we were able to do a lot of that.

I'm very glad that some of that remains. We gave away huge piles of money to create environmental organizations, watershed cleanup efforts, and the like. That continues, as it should. So, in addition to being able to get along with EPA in those more modern years, we had different missions, different things to do, and did them happily, and with EPA's assent, generally speaking.

Which of those jobs, between the two, would I do again, or liked best? I do have to say "Secretary." The fact is that the Secretary reports to the senior elected official in the jurisdiction. The Regional Administrator reports to the Administrator, and technically and functionally to a lot of Assistant Administrators, so that the political dose, the being out there enunciating policy and teaching the senior official -- president or a governor, and I had a great student in Tom Ridge -- is an important part of a Secretary's job, much less so, if at all, with the Regional Administrator's job. And I enjoyed that. Yes, it's a smaller pond, but you're a much more interesting kind of fish, if not a bigger one, in that pond. In a big state, especially.

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**Hanley:** *You've mentioned several times the national program directors, and how they could sometimes present challenges for you and your people, both as Regional Administrator and as a State Secretary. Could you talk a little bit about the role of the national program manager, the Assistant Administrators, and how you dealt with that when you were Regional Administrator?*

**Seif:** In Philadelphia, at Region 3, I recognized that I was a two-hour train ride from Washington. And not only that, Washington was one of my quote unquote states. Screwups by me would be read about by the boss in the Washington Post. I made it a point to get down to the Waterside Mall at that time as often as I could. I walked the hallways, get to know the Assistant Administrators, and sometimes personally negotiate whatever the acronym du jour was for the commitments that regions had to make, or make states live up to. And I jokingly told my people, "It's my job to make sure I go down to Washington and get you more than your fair share of stuff from headquarters." I don't know if I ever succeeded at that, but I did think that was just a subset of my job, to make the preconditions of their job pleasant and workable. I did recognize that the people who worked for me, division directors, had a lot more affinity with the career people in those silos headed by Assistant Administrators than I did. And so it was always a question of good personal relationships and fudging disagreements sometimes to make forward motion.

Another anecdote from that period comes to mind. Pennsylvania had radon discovered in southeastern Pennsylvania. My deputy and I -- Stan Laskowski, another lifelong friend -- knew that radon in basements wasn't exactly an EPA-type problem. Certainly, it wasn't Superfund or anything like that, but it was a real risk. We're talking lung cancer, children being vulnerable, and so on. Pennsylvania, whose DER at that time was headed by Nick DeBenedictis, another friend who had come over to EPA and then gone to Harrisburg, helped me a lot. He put people in the field, he did education, he encouraged businesses to learn how to do remediation and so on, addressing an important public risk. I appreciated that, and the governor did, too.

Later on Pennsylvania and EPA got into a dispute about Pennsylvania's administration of the Safe Drinking Water Act. I don't know what the deficiency was supposed to be, but a guy came up from headquarters -- mercifully, I can't remember his name -- and told me that we ought to fix it. I told him, "Well, you know, I don't know exactly what to do. What if they don't finally fix it our way?" "Take the program away," he says. They don't need to have a delegation if they can't do it right. Right meaning his way. I said, "Well, you know, Secretary DeBenedictis has done a great deal for me, for EPA, and for the reduction of health issues in Pennsylvania. I

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can't embarrass him and pick a fight with him over something like this and risk all of that." "What did he do for you?" "Well, he helped with the radon problem." And this guy says to me, "What's radon?" I don't know if he didn't know what radon was, or whether he knew fully well what it was and simply didn't care because he was buried so deep in his silo, and his program had to be saved. My view was and is that the state's assessment of whether there was more risk addressed with a successful radon program than there was doing safe drinking water his way was a legitimate state judgment. I wish I could remember the upshot of that, but I would be willing to bet that I never stepped on Pennsylvania's safe drinking water program like this guy wanted me to.

### Chapter 5: The Future of Environmental Protection

**Hanley:** *I've been told by some European governments that I worked with when I was doing work for the agency that they prefer recruiting American companies and American engineers because they no longer know how to build and operate dirty plants. In fact, I was told that by the economic development ministers and curiously, at least to an American, in several cases the Environment Minister and the Economic Development Minister was the same person.*

**Seif:** Yes, a couple of generations here of people going to graduate school for environmental degrees, and the education of complying with statutes at the operating face of companies has produced just a different way of looking at things. You wouldn't think of throwing the crap out the backdoor into the trout stream. And yet it was standard practice in the western Pennsylvania that I grew up in.

It's interesting that you point out that the combination of Environmental and Economic Secretaries or Ministers is unthinkable here. I wish it weren't, and I enjoyed my sort of Department of Commerce role in the Ridge administration because if you really think about what sustainability must mean, it means that. It doesn't mean conflict. For a thousand years our culture has used litigation as the way to solve things; we have the adversarial system. We go off to court. "Yes, you did." "No, I didn't." And that's how we do stuff. And that's how environmental laws get made, or environmental cases get resolved. It is not god's will that we use the adversarial system on everything, it's a societal reflex. It has its benefits, but it's maybe not the best way to do it. If you could just get it right the first time and not argue about it, it would be so much better.

I must certainly agree with you that industry figures out problems. I remember a board meeting of the Marcellus Shale coalition, where some awful standard was being discussed in government that was going to be foisted on them, and one guy got up -- one I consider an

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adult among them -- and said, "Look, it's a technical problem. We know how to do that. That's what we do better than anybody. Relax." And he was right.

Consider the automobile industry in the 1970s with catalytic converters and so on. My god, it was Armageddon, and now they're bragging about how great their engines are, and it all came about because of that regulatory push. I think that you see signs of some industries and some people getting it, and they'll make money out of carbon, you just watch. Or they'll invent something that eats it or whatever. It will take regulatory pressure, societal pressure, to do that. It might take a little bit of cessation of "holier than thou" on the part of the carbon believers. A little bit less name-calling, a little bit less threatening of, you know, "We're going to lose all of Latin America. You'll only see the Andes." Come on. There's a great deal of whining and screaming on both sides. Let's not open up another hour of discussion on the quality of public discourse today. In the environment, it has its own expressions. So, yeah, I think mankind will solve the carbon problem, and they'll do it like the auto industry solved the smog problem. Almost.

One of the things I did as Secretary, Ridge had established 18 Pennsylvania offices around the world, and I went around to many of them peddling Pennsylvania environmental technology. We screwed it up. The industrial revolution came to Pennsylvania and we learned earlier than many with a very strong environmental program in the '70s at the state level, how to fix it, including the use of regular old enforcement statutes as well as coal mine remediation and many other approaches. And then as instrumentation and devices and so on got to be invented and got to be more important, I wanted to make sure we tooted our horn about that as well.

I am concerned about the progression of learning with environmental stuff. We learned it. We lived in a Pittsburgh when I was growing up where my dad took two white shirts to the office. One he wore in the morning. If he went out for lunch, it got covered with coal dust and he had to put on another one. Headlights at noon in the city, and then with smog and so on, which is actually more dangerous than the coal soot was in Pittsburgh. I wonder if it's necessary that other nations will go through that as they learn how to clean up, or whether they'll say, "Wait, America finally did sort of figure it out and get it right. We do have cars that don't pollute. We do have, in America, smokestacks that are mostly steam, mostly. Could we skip that messy part from 1850 to 1970?" And I don't see it. I mean, China is burning coal like there's no tomorrow. They're complaining about it. Chinese people have to wear masks in the nation's capital, but I wish we had the same force that Americans applied to their government applied to those governments to get progress. It would help the world quite a bit. We'll see. I think we'll skip over some of the worse problems, but maybe not all of them, and that cycle is

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inevitable. It was fun to watch the American one play out. Would rather not see too many more.

**Hanley:** *Jim, you've said that the state-EPA relationship has matured. You've commented on the government versus the private sector differences, and how that's not necessarily something that is going to change. Let's pretend: You get a phone call from Washington. A new president is in the White House, and the voice on the other end of the phone says, "Mr. Seif, I'd like you to come to Washington and be the new Administrator at EPA." What would your answer be, and what would your agenda be as Administrator?*

**Seif:** You really are playing let's pretend on that one. I was, just a few weeks ago, 70 years old, and I can't remember what years I was Regional Administrator, let alone what I had for breakfast. And assuming, also, Senate confirmation, because I probably would suffer, as I have over my lifetime, from terminal candor during the hearing. But in any event, yes, I would accept. One doesn't turn down the president, as Tom Ridge did not turn down the president, even with great misgivings he must have had about the Homeland Security position.

The kinds of environmental solutions that I have always seen work best vary with the kind of environmental problem there is. If there is a plain old mess in the water because of sewage treatment plants, you can enforce until the cows come home, but you'd better build better sewage treatment plants, too. That takes a huge public works program, which we had under the construction grants program, I think Title II of the Clean Water Act. If you are talking about putting mercury in the air from the stacks of a steel mill, plain old enforcement until they get it, that they have to change production or invent something, or do something, is what's called for.

So many other problems, however, are not amenable to either throwing money or enforcement muscle at them. Teachin' and preachin', back to Lee Thomas's term. Education in the long run, meaning societal education, not just turning out people with degrees on how to invent anti-pollution devices. It means the setting up of incentives. Taxes, yes, although I hesitate to become a tax lawyer. That's a bad enough situation as it is, with complexity and so on. But other kinds of incentives like putting a pollutant on a market like CO<sub>2</sub> or SO<sub>2</sub>, which after all was a very successful example from George H.W. Bush.

I think that with respect to agency and state relations, I have seen as a state official, before and after, every Administrator would go to state secretaries meetings and pledge all manner

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of cooperation and friendship and it sort of doesn't happen. Unless I walked a mile in the Administrator's shoes and learned something I don't know now, I would try to make that happen a little better. How can you get along without the biggest part of your army, politically, in terms of support, let alone the people out there writing citations and trying to get people to do things right? It can't be done. I think I would -- this sounds like a kid that just finished reading a civics textbook, but Congressional oversight is not thoughtful, not helpful in so many ways, and maybe I'm thinking back to John Dingell's time, but the fact is that you ought to spend some time and have others, and maybe even get help from the President to spend some time lowering the temperature of that process so that you had maneuvering room.

With respect to the civil servants and SES people at EPA, a really important constituency for an Administrator, I think they are first class. I think in the 40 years that I have seen them grow from a bunch of very young, hotheaded lawyers, among them myself, to this date and all those who have come in since then, there may be a little bit of bureaucratization, ossification. A little bit of, "I've been beaten down enough, so I'm just going to show up and do my job." There's no easy way around that, but it would behoove an Administrator to try to do something to liven the place up, to get it to be a little less put upon by the outside, or least not to feel so much that they are.

Policies? Well, let's see what the problems are first. One in particular that I would make, and I wouldn't work for a president who wouldn't make it, is with respect to tight shale gas, Keystone Pipeline, and things like that. The shale gas that the nation has, that the world has, is the biggest economic story of my lifetime, as I've said. It will not be beaten back. The people who want moratoriums, whether it's Andrew Cuomo or Yoko Ono, are wrong. It's bad for the country, it's bad for national security, it's silly. We might as well have had a moratorium on the steel industry in 1910. It isn't going to happen, and we wouldn't want it to.

So, let's do it right. Let's transport the oil, not on rickety trains, but in real pipelines, well built. Let's look at the dangers of fracking, which are nil, and let's look at the dangers on the surface of pipelines, roads, and so on, which are more substantial than I think fracking is. And of emissions, which may be more substantial if you're looking at greenhouse gas effects. Let's get it right, and not just make common cause, rhetorically, with those who fold their arms and look away from the 21st century.

**Hanley:** *Thank you, Jim. Thanks for taking the time to talk with us today. And, on behalf of the EPA Alumni Association, I want express our deep appreciation for your willingness to share with us your reflections on what is just about a half century of experience with environmental protection. Thank you.*