

Interview with Bill Ruckelshaus and his former assistants:

Chapter #1: Starting up the Agency—Setting the Right Tone*

Chuck Elkins: Hi, we're here this evening with Bill Ruckelshaus and three people that worked with him in those opening days of the agency - Phil Angell, Gary Bass, and myself, Chuck Elkins. We're here to talk about those opening days. Maybe we might start with talking about what the world was like back then, in terms of the environment and public interest. Bill, you might lead off on that.

Bill Ruckelshaus: I think it's important to remember that EPA was created in a period in our history when the concern for the environment and pollution was at a peak. Earth Day had occurred in April of 1970. The agency opened its doors on December 1st of that same year. All of this was a reaction to what the public perceived as being a big public health problem associated with pollution in the air and in the water, and in drinking water.

There was a lot of concern about smell, touch, and feel kind of pollution. We were sort of surrounded by it. You couldn't avoid it. As a result of that, the President, under a law that then existed that allowed him to take agencies or pieces of agencies and put them into one agency, under one umbrella called the Executive Reorganization Act, created the EPA. He sent it to the Congress. If they didn't veto it within 60 days, his recommendation for reorganization became law. That's the way this agency was originated.

That law has since lapsed. The President now can't do that. But in those days—that was 1970 of course—he could. EPA was created out of 15 separate agencies or pieces of agencies and was put under this one umbrella called the Environmental Protection Agency.

Chuck Elkins: Bill, I remember back then that those statutes that we had operating as we opened the door, were pretty weak in today's terms. I remember on the water side, we didn't have the authority to write effluent guidelines. We could require secondary treatment by industry, but it was very general.

We didn't have jurisdiction over navigable waters, we just had jurisdiction over inter-state waters. On the Clean Air Act, the states were setting the standards based on criteria that the federal agencies promulgated. Of course, that changed. As we opened the door, Congress passed the Clean Air Act in 1970 and that really in fact, turned out to be a big job for the agency to implement that statute. But things were fairly weak by today's standards I think, back then. We didn't have much to work with.

Bill Ruckelshaus: They really were weak. The states were the primary regulators of industry and the way they operated. The pollution was going into the air and water. I had experience in the

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state of Indiana in the decade of the 60's and all this responsibility was located with the State Board of Health. These issues were primarily seen as health-related issues and the laws were very weak, primarily because the states competed so strongly for industry to be located within their borders.

They weren't particularly interested in regulating those industries out of the state. In fact, there were southern states, in particular, that would invite industry to come down to their state because they didn't have the same kind of laws that were being pursued in the Mid-West, particularly in the upper Mid-West. That all changed as a result of public demand that something be done about this smell, touch, and feel kind of pollution that was becoming more apparent all over the country.

Chuck Elkins: Phil, do you remember anything about those opening days, what brings back to your mind about some of the...

Phil Angell: One of the things that you couldn't get away from was the sense of excitement at the agency. I mean, you couldn't walk through at 20th street—or more precisely on 16th street or K Street, 1626 K Street which was the headquarters of EPA until they moved over to Waterside Mall—[without feeling] that enormous sense of purpose and excitement. That, in fact, there was this agency which was going to do something about a problem that clearly was on the minds of a lot of people in this country.

The flood of resumes that came into the agency, the people who wanted to volunteer to work for the agency. It was a very heady time.

Bill Ruckelshaus: We had, literally, tens of thousands of applications for jobs that came into our personnel office in those first few months of EPA's existence. That was a manifestation of what Phil was talking about, the great excitement that existed around the country about a new agency dealing with a big problem that people perceived and they wanted to be part of the solution.

Chuck Elkins: Gary, you were Chief of Staff back then. What were some of the concerns about how to position this agency in those opening days?

Gary Baise: Well, I wish I would have been as thoughtful and had the wisdom to think about what position the agency was. Frankly, when we started on day one it was on, I think, 23rd Street in the Chamber of Commerce or the...

Chuck Elkins: Chamber of Commerce.

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Gary Baise: Chamber of Commerce offices to Washing Business Council Offices, we ended up three offices and what I remember, frankly, was the chaos that surrounded the beginning days. We were there on 23rd Street for, I think, a month-and-a-half or a few months, at least, before we moved over to 16th Street. And as Phil said, there was a palpable sense of excitement that we were about to do something big. We had to do things big because the newspapers and news magazines were filled with stories about Lake Erie dying. I know Bill, from time to time, talks about rivers were catching on fire. I think it was a year or two before that, the Cuyahoga had indeed caught on fire. I believe Houston's ship channel had the same issue.

We knew we were there to really deal with substantial problems and we were going to meet with immediate push back. It was interesting, I recall, the first company to come and see Bill was a friend, or an acquaintance, of mine and the issue still exists, to some extent, to this day and that is International Paper was being pushed by both New York and Vermont with regard to a discharge that they had or still have, on one of the lakes up in New York or Vermont.

Bill Ruckelshaus: Lake Champlain.

Gary Baise: Lake Champlain. And that issue itself, which had been going on and then not long after that, people started coming in because people were complaining about the iron industry dumping these millions of tons of something I had never heard of--taconite.¹

I just remembered thinking, "My god, what have we gotten ourselves into?" because he and I had come from the Civil Division of the Justice Department. And there were certainly major cases there, but I had never seen or heard of some of these issues that were so monumental. The struggles I recall him having was, "What are we going to do about this because we really have no authority."

That led to a strategy as he was able to build his team with lawyers. And that took some time of getting the appropriate Assistant Administrators on board. This didn't happen immediately. I think he struggled for a period of time to get the right people in all these slots. We had key support from individuals such as yourself who came over from OMB and that helped to start, for him, organized this agency to deal with these monumental problems that just seemed to flow into this office almost, literally, from day one.

¹ EDITOR'S NOTE: The issue with taconite was that the Reserve Mining Company of Duluth, Minnesota was dumping taconite tailings into Lake Superior.

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Phil Angell: But still, there was...I remember you talking...wasn't there a sense that we had to establish the bona fides of this agency, that in fact, there was a strong sense in private sector that this was a passing fad.

Bill Ruckelshaus: There was, but today it's...it's not unlike today, in some respects. Here we are in 2013 and there's a lot of unhappiness with the government and its inability, apparently, to deal with some of our bigger problems and they're thrashing around, trying to solve. The Vietnam War was not over and it was disenchanting a lot of, particularly young, people in the county, older people as well.

The government was not perceived as being very effective, or even very efficient at doing its assigned task. So it seemed to me, here was a big problem the public had expressed deep concern about it. The government, at the federal level, had really not done very much about it. Up to this point, most of what was done, to the extent anything was done, was at the state level. So, when the new agency was created, it seemed we had an imperative to show the public that the government was capable of responding to their legitimate concerns, and doing so in a way that was very fair, but at the same time very aggressive in trying to address these problems. Fortunately, we were faced with a lot of very big and in some cases, very arrogant polluters who were not only discharging bad stuff into the water and air, but were willing to confront the government about whether they ought to do anything about it.

So, it was an almost ideal situation from the standpoint of trying to start the agency off fast, show the country that we were serious about this problem, we were trying to respond to their interests, and to do so very aggressively. It has gotten to be a lot more complicated since, but at the time it was a relatively straightforward problem with a handy villain out there who was confronting the government about discharging its responsibilities.

We needed to convince the public that we were attempting to solve what they said was a problem and if we didn't do anything about it, that was our problem--we became the problem. But if we were willing to do something about it, then the government was acting the way it was supposed to.

Chuck Elkins: I remember you going down to Atlanta, wasn't it...?

Phil Angell: Two weeks after the agency was born.

Chuck Elkins: Yes, tell us about that.

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Bill Ruckelshaus: Under the Clean Water Act, there was a matching program for the construction of sewage treatment plants. But, the amount of money in the program covered just a very small percentage of the cities in the country. I think when we started it was about a 75 to a 100 million dollar program. It ended up 7 billion dollars by the time I left EPA a little over three years later.

But at this time, there was very little money, and the governments at the city level were waiting until the federal, government and states put in their 90%, (it ended up 75% from the Federal government and 15% from the state,) before they would do anything.

There was nothing in the law letting them off the hook, before the federal government put its share of the matching grant in, so we had a meeting of the mayors in Atlanta. We issued an order against Cleveland, Detroit, and Atlanta that they clean up the pollution resulting from inadequately treated sewage coming out of their sewage treatment plants.

I announced it at a national meeting of the mayors.² A friend of mine was the chairman of the mayors association—Senator Luger. He was then mayor of Indianapolis. He was a little concerned about the way I had chosen to make this announcement, but it had the desired effect in that it brought home to the country that we had a lot of pollution problems.

It wasn't just industry. It was also cities. It was also sources of pollution that weren't necessarily what the public had in mind, with the big smokestacks with smoke pouring out. I guess in retrospect, I'd have to say I was a little more aggressive than I needed to be. But by the same token, it sent a clear message that again, the government was serious about this. We weren't going to allow this situation to continue with pollution blackening the skies and poisoning the waters. We were going to do something about it.

² EDITOR'S NOTE: Convention of the National League of Cities

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Gary Baise: I think that demonstrates what I was talking about in the first few days, few weeks: how did he establish the bona fides of this agency? I think another issue that I have had come up in a number of speeches I've made around the country is, "why ten regions?". People tend to forget he had run for the United States Senate in 1968 and one of the platforms of his campaign was "not all knowledge resides on the banks of the Potomac". In fact, there was an article in Harper's magazine about the Roman proconsul system which I think he read, or at least he referred it to me to read and others, and I've always traced (to) that system that he said, 'let's have people closest to the problem try to deal with the problems.' My recollection is that folks were always complaining about the fact that they had to go to this city, that city, other cities to get decisions made by an agency. He decided, I don't know how he came to this conclusion, but to set up these ten regional offices was I think at that time a fairly daring idea.

Bill Ruckelshaus: It was really an initiative of the President's. I mean it would be unfair for me to take credit for it. President Nixon had this idea, stimulated by John Ehrlichman, who had recommended that they consolidate the federal governmental regional offices into ten separate offices. When we inherited the Clean Air from HEW, water from the Interior Department, they had separate regions for water, for air, for solid waste, for drinking water so putting them all together under one roof made a lot of sense. The proconsul idea, the Roman consul approach, was really Ehrlichman's idea from the White House. That's the way he expressed it to the President and the President bought it so we followed it. We were a new agency and we were able to make this adjustment pretty easily because we didn't have all this entrenched foot dragging going on that the other agencies had to try to keep that from happening. A lot of the Regional Administrators told me at the time they didn't like going into meetings with the other federal agencies because they had nowhere near the power and the authority that we had granted them and for that the reason that they could act and act quickly and act responsively to the local problems. I tell you when I came back ten years later that had all changed. We had much the same bureaucratic responses that the other agencies were complaining about when EPA made its first foray into these regional offices.

Chuck Elkins: You put some pretty strong people into those regional offices didn't you? You handed over power to people who had the brains and the motivation and the personality, in

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many cases, to essentially to take the lead, perhaps sometimes faster than you were ready for them to--I don't know. There were some tough characters.

Bill Ruckelshaus: We had some pretty aggressive guys out there. When I say guys I don't think we had any women. We should have but we didn't. But, in any event they were a mix of career people and some outsiders and some people who came from state operations similar to this. We had a very extensive review process that we carried out with the personnel office at the White House. It's worth mentioning the personnel office there at the White House because it was then run by a man named Fred Malik who afterwards had several positions in the government. He had come from McKinsey and Company into the White House personnel office. It was two years into Nixon's first term, and most of the political pressure to appoint people who had been party loyalists into a lot of jobs had subsided. We were able at EPA to pick the best people we could possibly find and I had a lot of conversations with Fred Malik about it. I said, "Look, you've got a veto, we've got a veto, let's choose the best people we can possibly find." He was more than eager to do that. I think as a result we were able to put really first rate people into a lot of those jobs. I'm not saying they were all perfect; like any personnel effort you sometimes make mistakes but we had some really good people and I think that's carried the agency through its entire existence.

Gary Baise: I think Fred Malik does deserve credit here along with what Bill has said. I will never forget Fred Malik coming to [Bill's] office as Assistant Attorney General, Civil Division, and I think we both were a bit aghast at the man who had just thrown out and locked out one Wally Hickle, Secretary of the Interior, [and he] was coming to see Mr. Ruckelshaus. I was so surprised that this very calm, and as he points out, McKensey-type guy and this happened when he's still Assistant Attorney General, lays out for these positions, all these top notch people and then ask him, 'Do you have anyone you want to recommend?' I went into the meeting remembering and thinking this guy is going to come in and give my colleague his marching orders and probably we're never going to the EPA because I knew what his attitude would be. Mr. Malik had a fearsome reputation at this point and he was the President's hatchet man but he could not have been better I think than what he just described: the top people. In the end it was Bill's decision. I think the President and Malik oftentimes do not get a lot of credit for that.

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Phil Angell: It's hard to imagine not having been there but this was an extraordinarily demanding time in January, February, March 1971 one month after the agency began. You not only had a huge public responsibility to establish the bona fides and show the agency in fact meant business, but you had, as Bill said--and that's something you ought to talk about—how do you take about 6,000 employees from 15 departments and agencies scattered throughout the 50 United States essentially and make them very quickly assume new positions and assume a new culture, or help establish a new culture, in a new agency that in fact was going to mean business. It was going to be a permanent part of the Executive Branch of the government. That was something that was on your plate as well.

Bill Ruckelshaus: It was necessary to do that. I had not had any experience managing something of that size. I had managed the Indiana Attorney General's office, some 85 lawyers and 300 in the civil division. I use the term, "manage" very loosely. I sat over that many lawyers and that was nothing like an assignment of taking 6,000 people into a new structure and making sense of it. Fortunately I had some really good help from people like yourself and Howard Messner and others who understood that management structure in the government very well and very thoroughly. So I was able to rely on their advice in terms of how to think about structuring an agency like that and keeping it going. There was a tension between letting organizational structure decisions go too long so that people began to wonder, were we ever going to get ourselves organized, and moving too fast before you'd thought through what is the best structure for these people to operate under so as to maximize their potential. There came a point where we simply had to move and we made the best judgment we could at the time helped, I must say, by a lot of very good career people in the government who helped me think through exactly how to do that.

Phil's other point about trying to establish a culture in the agency; it wasn't the only thing we did by any means, but one thing we did that really worked was an interactive film process that we contracted with AT&T to do. We took all the people in the agency and brought them to locations around the country to listen to, unfortunately they had to listen to me, and they also listened to a lot of the Assistant Administrators and others as to what the agency was all about. People were able to ask questions on an interactive basis, this was brand new in those days, nobody had ever tried this. It built an esprit de corps throughout the agency in a sense of being all part of what we were doing in a way that was very effective. In fact I was so convinced it was a great idea I never wanted to

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repeat it. Other people would come in and say, 'Why don't we do the thing we did four months ago and bring everybody and you can tell them what to do and everybody else can say what should be done.' We were lucky that that it worked the first time. And it really did have an impact so I said, "Let's leave well enough alone and not try to duplicate that."

Chuck Elkins: Didn't you actually go out to...You were physically there at the theatre and going to each of the ten regions, didn't you?

Bill Ruckelshaus: It was really important for them to see that this was one agency and go out and talk to them. To me it was just fascinating and I hate to contrast this with something later at the agency, but when I went back in 1983... The first time I went out, everybody was just so excited about being part of this new agency and doing something wonderful for the country and they were saying how we are going to stop all this pollution and make sure the health of the public is protected and the environment is protected. Ten years later when I went back a second time, I went out to those same regions and people were saying, 'I'm getting close to retirement and I'm wondering about my pay.' There were all these issues that people deal with after they've been in an institution for a decade or longer. A lot of that initial enthusiasm and wonderment about what they were doing in this new agency had subsided.

Phil Angell: It was also interesting that the second time you went out there you asked for a show of hands of how many people at that all-hands meeting had been there when you had done the first tour. And it was over 50%.

Bill Ruckelshaus: It's amazing. We went back to the 35th reunion several years ago now and asked the same question and there were about 300 and some people out there who'd been there for the whole time.

Gary Baise: I'd like to go back Chuck to your role and it may not be on the record and that is the enormous amount of work that had been done by the guy that's very famous and associated with this agency, Douglas Costle. My recollection is Bill and I were summoned over to OMB late summer, early fall. You say you were there; frankly I apologise. I don't

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recall your being there but I'll take your word for it. I do know there were a number of young people and they were working for something; I think maybe Ash Commission or...

Chuck Elkins: Right. The Ash Council.

Gary Baise: But I think we cannot give enough credit to those folks who had been at NASA. I think Howard Messner and Seymour Greenstone that we just talked about, and several others, had been at NASA and NASA was slowly shutting down at this point but the amount of thought that had been given to organizing this agency, advising it, it was his decision but I remember I had some of the unfortunate role of telling a number of people they were not going to have a role in this new administration. Howard Messner and others at OMB, certainly for a young person such as me, laid the groundwork as a chief of staff, of him not having to do it. But that team, and I don't know who all was on that team, deserves an enormous amount of credit it seems to me in setting up the decision points for him to decide to get the agency a much faster start than it would have otherwise.

Chuck Elkins: Doug Costle who later as you know, as we all know, became Administrator. He was of course in his younger days then and he was the staff person who was running the Ash Council committee that worked on the EPA.

Phil Angell: He also came from the Connecticut Environmental Department.

Chuck Elkins: Right, so he knew a lot of this.

Phil Angell: I thought that was afterwards.

Chuck Elkins: No, he had some background. I don't remember the details of it but he recruited me over as his deputy and we had Howard Messner and Seymour Greenstone as you say, and we basically went through all the aspects of who's coming, who's not coming, what

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programs are coming, which ones are not coming. We decided Occupational Health and Safety would not come—who would think today that that was a serious conversation—and whether the agency should have any laboratories or not. But I remember Doug sitting around with all of us and saying, ‘Now we need to decide what the organization chart looks like for this agency,’ and that’s when I began to tune out because every organization chart to me looked the same as every other one. You have an Assistant Administrator here... But Doug was very much into that and we decided to have air and water put together because we decided it was really important to have interaction between the air and water programs.

Gary Baise: There were huge debates with you...

Bill Ruckelshaus: We had five Assistant Administrators approved by Congress, all of whom seemed to me to have some responsibility for portions of the agency -- there is now something like 13 Assistant Administrators there at the Agency now -- that had to be confirmed by the Senate at the time. Therefore we had to consolidate big pieces of it, put it under one of these Presidential appointees. How to do that when there’s no magic formula for doing it. That’s the sort of thing I spent countless hours talking to and working with Howard and others who had an understanding and responsibility. Chuck was involved in many of those discussions. And, we finally decided on one structure which has been changed several times since.

Gary Baise: But it’s still basically the same structure it’s just been added to.

Bill Ruckelshaus: The danger was, and it’s still a danger at the agency, is that you put these silos in place, here’s water and here’s air and here’s solid waste and here’s drinking water, and tell them all to pursue their own programmatic efforts without any connection with the other silo and that you’ll instead of really cleaning up pollution you simply move it from one media to another, declaring victory at each step along the way. To a certain extent the agency still suffers that kind of problem, just not to the extent we did when we started. The necessity of determining what should be done with the ecosystem for instance, that involves air, water, and land in order to keep it healthy and functioning for all the various purposes it will be used for. We didn’t have that sense when we started.

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Gary Baise: But didn't you change that because you saw that very problem when you came back in '83 because I remember it was Phil and Jim Barnes and some of us got together. You decided as a policy you were going to move a lot of people in their slots to new slots and that caused a fair amount of consternation in the agency.

Bill Ruckelshaus: If you move people around, they don't like it. They liked the way it was before.

Gary Baise: But you made that as a policy decision when you returned.

Bill Ruckelshaus: Well, we did turn...(laughter). That's right. You're cross-examining me. It was important to try to take some of the learnings that had accumulated in the agency up to that point that I'd learned earlier, and apply them to the agency. There were 13 Presidential appointees when I came back. There were seven if you counted the deputy and me [in 1971]. So, we doubled it really when I came back and they were already divided somewhat differently.

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Interview with Bill Ruckelshaus and his former assistants: **Chapter #3: Major Issues--DDT and the Clean Air Act***

Chuck Elkins: One of my thoughts earlier on was that we had a lot of work to start with, with the Clean Air Act just being passed, we had to implement that. But then, we ended up with this court decision on DDT, that was actually the Agriculture Department being sued, but you ended up inheriting, or the agency inherited, the decision which basically was the Federal Government needs to react to the petition to ban DDT.

This is my memory of it at least, and so we're saddled with yet another big controversial issue that took a lot of time and a lot of effort to make that decision. But, in one sense it did focus you, I think, on the pesticide program, which was a major program in the agency that, shall we say, had been neglected somewhat at the Agriculture Department.

Bill Ruckelshaus: Well, we inherited one agency or part of an agency, from the Agricultural Department, which was charged by law with promoting the use of pesticides. And, we inherited another agency from the Department of HEW which was charged, by law with regulating the use of pesticides. As I recall, we put them all in one building.

Chuck Elkins: And you had people from the Department of Interior who were looking out for fish and wildlife and birds.

Phil Angell: So, you made them sit next to each other.

Bill Ruckelshaus: Whoever survived got a job. Indeed there was a court order ordering us to look at the cancellation of [the uses of DDT]. Under the Federal Insecticide Fungicide Administrative Act, there's an elaborate process used. You can either suspend the use of a pesticide, which is immediate action, or you can cancel it, which triggers an administrative review. We chose the cancellation approach to take a longer look at it to see what the problems were.

And, after several months an administrative hearing--I don't want to go into the details too much because it's too complicated--but we had an administrative ruling that DDT should not be canceled, should be continued under the law. Then it was appealed to me as Administrator to make a decision. And, the legal department of EPA represented the government's position in front of the Administrator. It's a very weird law to be honest with you.

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And, then the petitioners, who wanted it to continue the use of DDT, which were primarily the manufacturers of DDT, were on the other side. I decided that under the law the risks outweighed the benefits. It wasn't an easy decision, DDT—I don't want to get into it because it's a long story—but DDT was a very useful pesticide in the Second World War. It controlled all kinds of varmints that were bothering our soldiers. It had been used on a number of crops effectively. Its use had been restricted by the time it was finally canceled. Probably 70% of it was used on cotton.

We ended up canceling it but, permitting it to be used in an emergency. And, there have been some emergencies since then for which it has been used.. The fact is because of Rachel Carson's book which, sort of, featured DDT as one of the issues associated with "the silent spring", it was an issue that got a considerable amount of public attention.

Chuck Elkins: I guess another one that took a lot of your time was the automobile industry coming out of the Clean Air Act. The previous Clean Air Act had standards on automobiles, which, I think, the industry thought were pretty stringent. They were 85% reduction of some of the pollutants, but the Clean Air Act of '70 really put a much stronger...

Bill Ruckelshaus: It was 90%. What Senator Muskie was convinced of is that he gave the automobile companies ample time to perform and they had not. I suppose I spent 60% of my time in that first tour of the EPA on the automobile industry. It was a big industry, very important for the country, and was under a lot of pressure because of pollution being caused by emissions from the tailpipe. And, Senator Muskie had fashioned an earlier law, which didn't have anywhere near the teeth that the second Clean Air Act did, the new law essentially charged the automobile companies with making a good faith concerted effort to develop less polluting engines in their manufacturing process. Muskie believed that they had not lived up to that charge, and he was very angry about what he thought was the intransigence of the automobile industry. This all predated my coming to EPA so I don't have any personal recollection of whether he's right or not, but I do know he was mad.

And, so, the second Clean Air Act (passed in 1970), gave the automobile companies, until 1975 to achieve a 90% reduction in nitrogen oxide, hydrocarbons, and carbon monoxide. This was a very stringent deadline for them to meet because of their

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manufacturing processes and it takes them quite a while to change the engines to meet those kinds of standards.

Under the law, they had the ability to ask for a one year extension. So, we had extension hearings in 1972, which was an election year, and the automobile companies were convinced they were going to get an extension because, they could make the case that they couldn't meet the standards in the period of time that was allowed by Congress.

I sat in on the hearings because I was convinced that if I didn't, I'd be accused of doing whatever the White House's bidding was. I had no intention of doing that but, I just wanted to make sure that if it is a bad decision, it's my bad decision, it isn't the White House's decision. So, I sat through three weeks of hearings and I became convinced, after listening to what the automobile companies were saying and the people who opposed the one year extension, that the automobile companies had not made the case that that one year extension was warranted.

I also was convinced that if they had an extra year to make the case and if they made a good faith effort in the coming year, they might be able to show that they needed an extension, and so, I denied the request for an extension in 1972. They came back after I left EPA and they were able to make the case that they needed more time. Finally, the Senate -- the Congress, not just the Senate -- gave them until 1980 to meet the standards that had been established for them to meet in '75.

And the result is, and this is one of the things we've really got to remember about the EPA, the result is that the pollution associated with the automobile in this country was greatly reduced from what it was when this entire hullabaloo started. I mean, we've got three times the number of cars on the road that we had in 1970 and they're nowhere near the contributors to smog and pollution that they were then. It's because the EPA regulated in effect, the way automobiles were manufactured. The government had never done that before.

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Interview with Bill Ruckelshaus and his former assistants: **Chapter #3: Major Issues--DDT and the Clean Air Act***

I am also convinced that if Senator Muskie could have become totally convinced that the automobile companies was making a good faith effort and they were making a case for how much time they needed, they wouldn't have had the regulatory system that was put in place. But, since he felt they were not acting in good faith he insisted that the law be much more stringent against them.

Gary Base: And, he had staff help—a very famous name to all of us at this time—a fellow named Leon Billings. And Billings reflected Senator Muskie's feelings [toward Ed Cole] many times to me as just a lying SOB, saying I recall distinctly, during or after this time--Ed Cole, who was then head of General Motors, and I was very impressed. -- he's setting up meetings for Ed Cole, the CEO of General Motors, to come see Mr. Ruckelshaus. He, in essence said: "We can do it." but Lee Iacocca came in, in his plaid suit, as I recall, which stood out like a sore thumb, and sort of berated you and indicated they could not do it.

Bill Ruckelshaus: Ed Cole did say he could do it and they could meet standards within—I can't remember exactly the deadline, it was beyond 1975, certainly. I don't know that they went all the way to 1980. And, Lee Iacocca was a much more flamboyant character. He came in and said "I know you have to hold my feet to the fire, but my pants are on fire." That was one of the things he said to me. And, he just pled for more time. He was no longer claiming that, you know that...I didn't have any authority to grant him anymore time anyway. They had to go back to Congress, which they did and that's how they got it extended to 1980. But, then, their approach was really quite different.

Gary Base: And, the other industry that was under severe attack, that came to me on a number of occasions, that he had to deal with during this time, was the steel industry. The steel industry was notorious for all this...now we call it particulate matter, then it was "total suspended particulates" TSP. And, we had the six city study that you had to wrestle with. But, the steel industry also took an enormous amount of his time. And other industries, cement industries, that were putting out dust or particulates into the air.

So, it wasn't just the automobile industry he was wrestling with, or at least the people I set up to go see him. And, I think, this brings up another point, Bill, you and I have talked about before. I've seen it appear differently with different Administrators. His instructions to us were to never be like—the two gentlemen around President Nixon were known as the Praetorian Dogs, I think.

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Chuck Elkins: Guards.

Gary Baise: Praetorian Guards and they were called “dogs. Berlin Wall. I was always, while I was his Chief of Staff and Jim Barnes succeeded me and then Phil, but he always wanted to hear as many viewpoints as he could and I always tried to arrange that. And, to this day, I could go back to this agency and say you know, [someone will say] to a doddering person like the three of us: “You know, I remember one time I was invited into a meeting and I got to say this to the Administrator.” And, I think, by doing that, trying to incorporate all these views and not trying to isolate the decision maker but, trying to make him as available as possible to important people.... As he always said to me: “Make sure that you get some of these folks that never come up here because, when I am in big meetings I’m always looking for that one person down there that really knows what they are talking about.” And, “maybe after 15 to 20 minutes,” he would say, “that person will open up and say: ‘Have you thought about this?’” And, that was sort of your style.

Bill Ruckelshaus: I’ll tell you, the other thing about big meetings I found was...

Gary Baise: People complained about his big meetings.

Bill Ruckelshaus: ...if you worry about leaks, the bigger meeting you have, the fewer leaks you will have. That’s just because somebody, wherever they were at the agency, felt they had something important to say about the decision, and they were excluded from the meeting, they would just go out and tell some reporter and anybody else they could get a hold of what their point of view was. But, if they were in the meeting, and they had as much of a chance as anybody else to be heard, even if you didn’t decide a situation or an issue in their favor, then they didn’t leak it.

And you know, the kinds of decisions we were making could have an enormous impact on the industry’s bottom line. It could have an impact on their stock price. It could really damage them if you weren’t careful about the way you announce a decision,

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being very clear about what the impact was on the industry and tried as much as you could not to have a devastating impact on some industry you were regulating for purposes of protecting public health. And, so not having leaks was important because it could really devastate, unfairly, people who were being regulated.

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Interview with Bill Ruckelshaus and his former assistants:

Chapter #4: Leadership of the New Agency*

Phil Angell: This was an extraordinary time. I think an interesting question is how you [Ruckelshaus] allocated your time and the resources that your time represented when the enormous amount of demands that were placed on you not only to be a public figure, that was very important and it was important for quite a while, not only to be a manager or a manager-decision maker because putting this agency together wasn't a very easy task and the kinds of regulatory decisions that you had to make: the DDT decision, the automobile decision. You began to get involved in international activity; you had to go to Stockholm, you went to Mexico, you went to the UK. You had those, which were temporal demands of some consequence on you. And there was this enormous public demand to feed their demand for action because of what they thought they had created at the EPA and [they] wanted to see results as a result of what had transpired with the creation of the agency. It's an interesting question as to how you allocated that time.

Gary Baise: I think again, when you start something like this you start off slowly but as I sat there trying to look at his schedule and manage that, Phil was involved, Jim Barnes who unfortunately cannot be with us this evening, Nancy Malloley, another young lady who lives up in Canada was...

Phil Angell: Andrea Paleologos.

Gary Baise: We would try to figure out as Phil just said, he needs so much time to do this and so much time to do that. It was not unusual for me to get over 100, 150 phone calls a day. And so many of those came to me because they knew of our association going back to Indiana, trying to organize all that, making sure that I met his demands that 'I want to see as many people as possible.' Well, he couldn't see as many people as possible but then these demands Phil was talking about -- going off and travelling, going off and making speeches. As I look back on it frankly I don't know how we did it at the time and...

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Bill Ruckelshaus: We were younger.

Gary Baise: We were a lot younger but and the fact is, you saw this at the time, you hear about all this back biting and clawing among staff members among high level people in Washington D.C., particularly at the White House, either we were young, which obviously we were, naive, which we obviously were, but we never had any of that that I'm aware of the entire time he was there as a leader he set that tone. But we got through it and sometimes I look back and see these demands and wonder how did we allocate enough time so that he could think through these major decisions and consult with the appropriate people and reach a decision.

Chuck Elkins: I think one of the things that strikes me is that it wasn't given that Bill had to make these decisions. In other more institutional agencies or departments, these decisions would have just been done by people further down in the organization. I think one of the things that really changed the way forever that the agency does business is that Bill started the tradition that these decisions, the big decisions, will be made by the Administrator. He's not just a manager, he actually is a decision maker and that they will be fact based. Essentially the staff who came in to brief the Administrator learned you darn well better bring your facts with you because that's what the meeting is about and you're supposed to present the facts. We take that for granted now I think but if you look at all the Administrators of EPA I think they have all in varying degrees been the decision maker. I think in other agencies you don't hear about the Secretary of whatever making these big decisions the way we made them at EPA and I think that's made the agency a lot stronger.

Phil Angell: Part of question is it's included in the statutes...the Clean Air Act requires it.

Chuck Elkins: They say you can delegate...but, no, you're right.

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Bill Ruckelshaus: You can set up processes for the decision to be made but the Administrator, like anybody is the top of an institution, even the President of the United States, all the easy ones get made before they get to you. I thought, particularly at the beginning, that you can't enmesh yourself in all the details of every one of these issues; you just don't have time to do it. You better pick some, and we mentioned a couple here, the automobile decision, the DDT decision, you better pick two or three or four out and really try to understand what that problem is all about right down to the bottom of it so that when you do make a decision you can anticipate what's going to be visible, which decisions are going to be visible, and you better have the best facts you can possibly get and go all the way to the bottom of this factual and scientific basis so that you feel comfortable in the decision you made.

You recognize it because it's a hard decision; other people could make it differently. They could decide differently than you are. You're not all knowing when it comes to one of these things but if you yourself are comfortable that on balance you're making the right decision, that gets communicated to the public, it gets communicated to others who then begin to trust that the agency's at least trying to do the right thing. That's the kind of problem that today we don't have that sense particularly with the Congress but in the case of regulatory agencies or even with the Executive Office that people are trying to do the right thing. I don't think you fail because you don't do the right thing. I think you fail because you don't try to do the right thing. What I've found with the kind of decisions that EPA has, is if somebody said, 'How did you make it this way?' and you tell them all the factors that had to be weighed in making the decision their reaction usually is, 'Thank God I didn't have to do that.'

Phil Angell: Again, another thing to keep in mind, this was an agency under an enormous amount of public scrutiny. And it had a big press corps. All the major papers had environmental reporters. Walter Cronkite had one or two environmental segments every week on the most watched news program in the country. There wasn't anything you didn't do at that agency, any decision, any trip, any speech that he made, any major kind of ruling that wasn't subject to an enormous amount of press coverage, which was feeding that public demand to see what this agency was doing.

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Gary Baise: Didn't Walter Cronkite come down to see you one time? I know Robert Redford called my office and my staff was absolutely bowled over that Robert Redford was coming by to see the Administrator. Eddie Albert who was a very famous TV guy at that point wanted to come in and do public service ads. People like that would call, volunteering their service and he had to deal with them. Lowlifes like me could not do that but it just gives you an idea of what Phil is saying...the visibility of this agency.

Phil Angell: But, the visibility was also scrutiny, which meant a big difference.

Bill Ruckelshaus: One thing we have to remember about today, in contrast to those days, is if you look at a publication like Inside EPA...or that water publication, I forget what the name of it is, these decisions are so complex and if you think because [someone] gets involved with his lawyer, I don't have to get involved, I don't have to read these 250 page rulemaking. I don't want to read them, but if you think you can just gloss over the surface and say whether they're right or wrong, you're crazy. You can't. The general public, unlike something like automobiles or DDT, they just don't get it, they don't understand it. They can't. And it makes the job harder, I think, than it was when we started.

Chuck Elkins: It has been over 40 years since the time we're talking about but I would like to think that many of the things that we've talked about this evening, that Bill you started and all of us had a chance to help, really have made a difference. Many of them stuck: strong regional offices, decision making based on the facts, openness, transparency. There are a lot of things that you stood for and that you charted the agency on that I think have stuck with us and I think we can be thankful for that.

Bill Ruckelshaus: Thank you, Chuck. I certainly wouldn't have been able to do any of this without you guys and a lot more people like yourselves who were there at the beginning and who were just as excited as I was. I can remember every morning I got up I was just eager to go down and work, get in the car because it was really an exciting time. When you can

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find a job, I've discovered in life where you find you have challenge and interest and excitement and fulfillment all in one job boy, you better hang onto it because you're not going to find that very often. I can find the challenge and interest and excitement in the private sector. I can't find the fulfillment in the private sector that I got out of government because you're working on something bigger than yourself, you're trying to figure out what the public interest dictates and it's very fulfilling.

Gary Baise: I think we have to not forget the context in which we were operating. Vietnam was ripping this country apart. In fact, when he and I were at the Justice Department, riots. He and I would go to various cities on the weekends. That continued in '71, '72 and '73. This agency, I think, offered young people a beacon of hope they didn't otherwise see in the future of this country at that time. Vietnam overlaid what we were doing in an enormous way and I think we still haven't quite separated out how important this agency was for hope we actually still could do something good.

Bill Ruckelshaus: I think there's really merit to that. Having a government agency today which is doing its job, which the public understands is doing its job, is accomplishing something for the public interest, the money represented by their taxes is being devoted to something that's in their best interest. It's very important anytime an opportunity like that arises for a government agency that they see that as important for them to discharge. Because there are enough things the public won't understand and that they'll get mad about because their erosion of trust in government which is the central problem to our country today.

Gary Baise: You helped create that trust because as we know this story develops he and I...well, he is pulled out to go to the FBI, you had this undercurrent of Watergate beginning to start in '72. He was trying to do some good things in '73, as we know...sort of ends his first career. Again, you had all this distrust and yet EPA stood out, I think, as some sort of beacon.

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Chuck Elkins: Bill, thank you very much for this evening and Phil Angel and Gary Baise

Bill Ruckelshaus: Chuck, thank you for inviting us, for hosting us for this discussion. It was really nice of you to do that.

Chuck Elkins: It's good to get together.

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