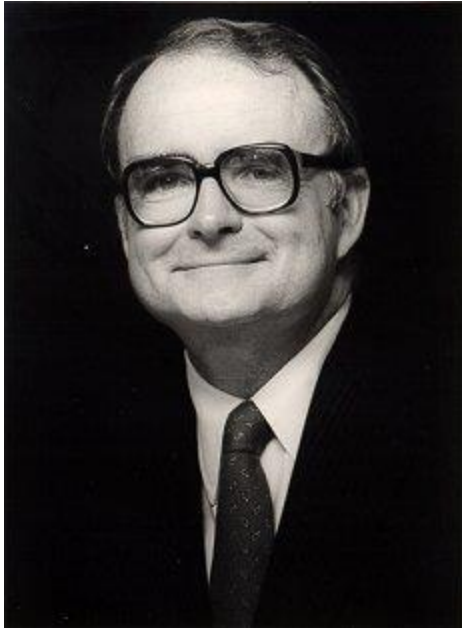


William D. Ruckelshaus: Oral History Interview

Foreword



This publication inaugurates a series of oral history interviews with the Environmental Protection Agency's administrators and deputy administrators. The EPA History Program has undertaken this project in order to preserve, distill, and disseminate the main experiences and insights of the men and women who have led the agency. EPA decision-makers and staff, related government entities, the environmental community, scholars, and the general public, will all profit from these recollections. Separately, each of the interviews will describe the perspectives of particular leaders. Collectively, these reminiscences will illustrate the dynamic nature of EPA's historic mission; the personalities and institutions which have shaped its outlook; the context of the times in which it has operated; and some of the agency's principal achievements and shortcomings.

The techniques used to prepare the EPA oral history series conform to the practices commonly observed by professional historians. The questions, submitted in advance, are broad and open-ended, and the answers are preserved on audio tape. Once transcripts of the recordings are completed, the History Program staff edits the manuscripts to improve clarity, factual accuracy, and logical progression. The finished manuscripts are then returned to the interviewees, who may alter the text to eliminate errors made during transcription of the tapes, or during the editorial phase of preparation.

A collaborative work such as this incurs many debts. Kathy Petruccelli, Director of EPA's Management and Organization Division, sought support for transcription, travel, and printing costs. Her superiors--John Chamberlin, Director of the Office of Administration, and Christian

Holmes, Assistant Administrator for Administration and Resources Management--provided the necessary funds. The History Program's researcher, Rebecca Jamison, designed the page layout. Finally, the crucial contributions of two EPA administrators must be recognized: William K. Reilly, who began the EPA History Program; and William Ruckelshaus himself, whose candor and insight set a high standard indeed for the volumes to follow.

Biography



EPA Administrator William D. Ruckelshaus 1971

William D. Ruckelshaus grew up in a distinguished Indiana family. Starting in the mid-nineteenth century, a succession of Ruckelshaus lawyers have practiced in Indianapolis. They have also had long associations with politics. William Ruckelshaus's grandfather worked actively for the Republican Party and in 1900 became state chairman. The son of this political stalwart, John K. Ruckelshaus, followed his father's example, serving as Chairman of the Platform Committee at five Republican Conventions.

William Doyle Ruckelshaus entered the family on July 24, 1932. The middle child of John K. and Marion Doyle Ruckelshaus, he had an older brother, John, and a younger sister named Bonney. Although he and his mother were very close, his father exercised the predominant influence over his life. A highly accomplished man with diverse personal qualities, the elder Ruckelshaus was at once athletic and intellectual, charming and devout. A clever storyteller on the political stump and in courtroom appearances, he actually preferred to teach law and read philosophy. The Ruckelshaus children matured in a supportive household, but John Ruckelshaus set high standards and demanded excellence.

William Ruckelshaus lived up to expectations. He attended parochial schools until the age of 16, then finished High School in Portsmouth, Rhode Island, at the Benedictine Portsmouth Abbey.

After graduation, he served for two years in the U.S. Army, became a drill sergeant, and left the service in 1955. During the next five years, Ruckelshaus quickly completed his college degrees: an A.B. (cum laude) from Princeton, followed in 1960 by an L.L.B. from Harvard Law School. After passing the Indiana bar, he joined the family firm of Ruckelshaus, Bobbitt, and O'Connor.

At the same time, the 28 year old lawyer was appointed Deputy State Attorney General, assigned to the Indiana Board of Health. Here he gained direct environmental experience. As counsel to the Indiana Stream Pollution Control Board, Ruckelshaus obtained court orders prohibiting industries and municipalities from gross pollution of the state's water supply. He also helped draft the 1961 Indiana Air Pollution Control Act, the state's first attempt to curb the problem.

After two years in this assignment and two more as Chief Counsel for the Attorney General's Office, Ruckelshaus embarked on a political career. He ran in 1964 as a moderate Republican for an Indiana Congressional seat, but lost in the primaries to a candidate from the Conservative wing of the party. Following a year as Minority Attorney for the State Senate, he joined the Republican tidal wave in the Indiana House of Representatives and won a seat; more than that, he became Majority Leader in his first term. Clearly a rising political star, Ruckelshaus was nominated by his party in 1968 to oppose Democrat Birch Bayh in a U.S. Senate race. Bayh won the election.

William Ruckelshaus then entered a period of federal service in which he held a series of important administrative positions. He was called to Washington at the start of President Richard Nixon's first term and assumed the duties of Assistant U.S. Attorney General for the Civil Division, overseeing all civil litigation involving the federal government. Meantime, in spring 1970, rumors circulated in Washington that the president's Executive Council on Reorganization--which was reviewing all aspects of executive branch structure for the new Administration--would recommend the unification of federal environmental activity in a single governmental institution.

One week after the first Earth Day on April 22, 1970, the council urged Mr. Nixon to form an Environmental Protection Agency (EPA). The president approved the suggestion and initiated the planning process in the White House. While the first by-product, known as Reorganization Plan Number 3, underwent congressional scrutiny during summer 1970, many names vied as candidates for EPA Administrator. William Ruckelshaus was mentioned often and his boss, Attorney General John Mitchell, broached the matter with him. About one month after Ruckelshaus confirmed his willingness to serve, Mitchell nominated him to the president, who accepted him for the position.

William Ruckelshaus held the office of administrator from the agency's first day of operation on December 4, 1970, until April 30, 1973. In two and one-half years, he laid the foundation for EPA by hiring its leaders, defining its mission, deciding priorities, and selecting an organizational structure. But as the Watergate scandal broke in successive waves over the Nixon administration, it finally affected the EPA as well. During the cabinet reshuffling following the resignations of White House Chief of Staff H. R. Haldeman and Domestic Affairs Advisor John Ehrlichman, Ruckelshaus's success at EPA and well-known integrity made him a likely candidate for one of the openings.

He agreed to leave the EPA and serve as Acting FBI Director. Soon, however, newly-appointed Attorney General Elliott Richardson invited him to be his Deputy at the Justice Department. He accepted, but this assignment also proved short-lived. When the president demanded that Richardson fire Special Watergate Prosecutor Archibald Cox, the Attorney General chose instead to resign. William Ruckelshaus was then ordered to remove Cox, but joined Richardson in quitting the Administration. Acting Attorney General Robert Bork finally dismissed Cox, who together with Richardson and Ruckelshaus became known as the victims of the October 1973 "Saturday Night Massacre."

During the next decade, William Ruckelshaus chose a quieter life outside government service. Late in 1973 he joined the Washington law firm of Ruckelshaus, Beveridge, Fairbanks, and Diamond. Two years later, he and his wife and five children moved to Seattle, Washington, where he accepted a position as Senior Vice President of the Weyerhaeuser Company. The family lived happily there, not expecting to return to the trials of Washington, D.C.

But during President Ronald Reagan's first term, Ruckelshaus observed increasing turmoil at EPA. When the deterioration became clear to the public, the same qualities of forthrightness which led him away from EPA during the Watergate scandal, drew him back ten years later. In spring 1983, White House Chief of Staff James Baker asked him to return to the agency. Intent on restoring the institution he had founded 13 years before, Ruckelshaus overcame his own and his family's resistance, on the condition the White House allow him maximum autonomy in the choice of new appointees.

Between May 15, 1983, and February 7, 1985, Administrator William Ruckelshaus attempted to win back public confidence in the EPA. It proved to be a difficult period, in which a skeptical press and a wary Congress scrutinized all aspects of the agency's activities and interpreted many of its actions in the worst possible light. Yet when Ruckelshaus left EPA, he did so with a sense of satisfaction. He had filled the top-level positions with persons of competence, turned the attention of the staff back to the mission, and raised the esteem of the agency in the public mind. He returned to private life at the start of President Reagan's second term, joining the Seattle law firm of Perkins and Coie. Three years later, he assumed the roles of Chairman and Chief Executive Officer of Browning Ferris Industries of Houston, Texas.

Reflecting on the exceptional diversity of the public and private offices he has filled, William Ruckelshaus ranked one above all others.

I've had an awful lot of jobs in my lifetime, and in moving from one to another, have had the opportunity to think about what makes them worthwhile. I've concluded there are four important criteria: interest, excitement, challenge, and fulfillment. I've never worked anywhere where I could find all four to quite the same extent as at EPA. I can find interest, challenge, and excitement as Chairman of the Board of Browning Ferris Industries. I do have an interesting job. But it is tough to find the same degree of fulfillment I found in the government. At EPA, you work for a cause that is beyond self-interest and larger than the goals people normally pursue. You're not there for the money, you're there for something beyond yourself.

Interview

SESSION 1: The First Term (December 1970-April 1973)

Early life and influences

Q: Mr. Ruckelshaus, could you tell me about your upbringing, family life and education?

MR. RUCKELSHAUS: I was born some 59 years ago and raised in Indianapolis, Indiana. I had an older brother John, about two and a half years older, and a younger sister, Bonney, who is eight years younger.

My father was a lawyer, as his father before him, practicing law in Indianapolis. He had a short stint as a corporate attorney for Ulen Construction Company in Lebanon, Indiana, a town just north of Indianapolis. They did a lot of international construction but went out of business during the Depression. So he rejoined his father in the family law practice in Indianapolis. My brother is still in that law firm; in fact, for about 150 years there have been John Ruckelshaus lawyers in Indianapolis.

My father was quite active in political life. He was five times the chairman of the Platform Committee at Republican Party Conventions. He never ran for an office himself, but he was quite active politically all his life. My grandfather had also been active politically. He was state chairman of the Republican Party in Indiana in 1900. So we've had a long history of family involvement in politics.

We had a very close family. My father and mother are both dead now. He died at the age of about 60 in a drowning accident while fishing in Michigan. My mother lived into her early 80s. I spent my childhood years in Indianapolis, went to parochial schools there, and then transferred to a school in Rhode Island midway through high school. It was a Benedictine school called Portsmouth Abbey, run by monks in Portsmouth, Rhode Island.

I went from there to Princeton, then to Harvard, and then back to Indianapolis, where I joined the Indiana Attorney General's Office in 1960. I worked both in the Indiana Attorney General's Office and practiced law with my father and brother until Dad died in 1962. I ran for Congress in 1964 in Indiana and was defeated when Senator Barry Goldwater's forces swamped the Indiana primaries. I was not for Goldwater and my opponent was. I had the support of the Republican organization, but that was of no value in that period of the party's evolution in Indiana.

Then I ran for the state legislature in 1966, was elected, and became majority leader. Between the elections of 1964 and 1966, we went from 22 Republicans out of 100, to 66 out of 100. So there were a lot of new people in the legislature.

I had already been active in the state legislature through my work in the Attorney General's Office, having directed a group which reviewed all bills that came out of the legislature to determine their constitutionality. As a result, I had become quite familiar with several legislators

and the way the process worked, and I think because of that was elected majority leader. I was only in there for a two year term and then ran for the United States Senate in 1968. I was defeated by Birch Bayh. That's when I went to Washington.

Q: Who were the most important persons in your life? Who were the mentors who changed the direction of your life?

MR. RUCKELSHAUS: My father was the dominant person in my life. My mother and I were very close and had a wonderful relationship. But in terms of really inspiring me to a sense of high moral purpose in life, far and away the biggest influence was my father. He was a very religious man; I'm not a particularly religious man, but my father was. He not only was religious in the sense of being a regular church goer; he went to church every morning for the last 25 years of his life and took communion. But he *lived* it. His religion was very important to him, important in everything he did. He wasn't somebody who attended church and then conducted his daily affairs as if he had never gone. It was a *terribly* important part of his life. The high integrity which encompassed everything he did was very inspirational. I would say that among the people who had an influence in my life, no one was even close to him.

I've met several people with whom I have been close and have helped me along the way; you don't do anything without some help. I have always felt that people can help you get a position, and if you're lucky they might move you beyond where logic would suggest you were qualified. But then it's up to you. If you don't produce, then the help you may get does not make any difference. Certainly, I never would have been EPA Administrator had it not been for John Mitchell. But, John Mitchell wasn't going to make me either succeed or fail as EPA Administrator. He was the one who suggested my name to the president and got me there to begin with. Then it was up to me.

Ed Steers, the Indiana Attorney General, was a very helpful person in the early development of my legal career. He gave me increasing responsibilities and then made me the Chief Counsel of the Attorney General's Office, when I had been out of law school for less than three years. There were some 63 lawyers in the office at the time, so it gave me some early management experience, to the extent anybody manages lawyers. Again, it was lucky I happened to be in the right place at the right time and he helped me. But then it was up to me to figure out how to do it.

Q: Your father seems to have had such a powerful influence on you. Could I return to him for a moment and ask you to describe him in greater depth?

MR. RUCKELSHAUS: You have to bear in mind that I'm not exactly objective or unbiased about him. Through the eyes of others, including myself, he had a wonderful sense of humor. He loved to tell stories. He had an absolute wealth of stories to fit any situation. He was a sought after after-dinner speaker because of his humor. It wasn't a biting kind of wit, but more in the style of Indiana politicians of those days who would tell stories to illustrate a point. He argued a lot of jury trials and would use this technique in trying law suits.

He was a very intellectual man. He *loved* philosophy and one of the most important parts of his life was his dedication to reading the great thinkers of history. He was part of the Great Books

movement in the middle west, when Robert Hutchins and Mortimer Adler were active at the University of Chicago. He started one of the first Great Books reading circles in Indianapolis before the Second World War and it lasted until he died. The group he led would read a book and get together every two weeks to discuss it. When I got out of law school and joined, it had already been around for 20 years, so it must have started around 1940.

He also taught a class in jurisprudence at Indiana University Law School, which was in some ways more important to him than the practice of law. My father had only three or four lawyers working for him and had no interest in building a powerful practice. In fact, he was almost offended by these big law firms. He did like to handle a variety of legal problems, but, obviously, with that size firm it was not possible to undertake some of the larger matters that big offices do today.

My father was taller than I am--about 6'5"--and loved sports. He was a basketball player when he was in high school, and in those days was the tallest man in Indiana, about 6'4 1/2".

He was a *charming* man, a very kind person; the kind of person who people in trouble wanted to talk to. They loved to unburden themselves to him. My father could listen with great openness, tried to understand others, and helped them think things through without making judgments. This is what people do when they have problems. He was probably tougher on his children than anybody else. With my brother and sister and me he *was* judgmental and more inclined to express his views on life, which is understandable.

Road to EPA

Q: How did you arrive at EPA?

MR. RUCKELSHAUS: Well, the experience I had with the environment--to the extent I had any experience--was gained as a result of the Indiana Attorney General appointing me counsel to the State Board of Health after I had been in his office about six months. Environmental and public health issues in those days in Indiana were all managed out of the State Board of Health. There was a Stream Pollution Control Board and an Air Pollution Control Board, both under the aegis of the State Board of Health. I was assigned to the Board of Health and worked with a man who had been in the Indiana Attorney General's Office for some time. We actually sat in the State Board of Health building (rather than the State House) for several months; probably a little over a year. I helped interpret the statutes and manage the pollution agencies which were housed there, and also helped write the first Indiana air pollution law, passed by the legislature in the early 1960s.

This was the kind of experience I had in the environment. We also tried several gross pollution cases in the Stream Pollution Control Board. My impression in those days was that pollution was essentially a problem caused by competition among the states for the location of industry within their borders. When we began to enforce pollution laws, they were pretty broad in modern terms and only addressed flagrant pollution. I mean, there were a lot of cities without any sewage treatment and there were industries discharging absolutely untreated material into the waterways, killing fish. But whenever we pushed a major company very hard, there was always the threat

they would move to the south where the governors said, in effect, "Come on down here, we don't care, we need your business, we need jobs." My impression was, if you simply centralized all of this oversight and enforcement activity, you could bring such states and governors in line because there wouldn't be any place for them to run and hide.

For me, this simple view obscured the depth of the issue enormously. In Indiana, I never understood its complexity (as I later did at EPA) because we didn't need to. We were dealing with absolutely gross polluters. There was *no question* they were polluting the waterways. The whole issue was, could we enforce compliance? The Governor's office, which was another party to the process, would occasionally call if we pushed hard, and ask what we were doing. They reminded us the offending industries would leave the state if pressed too much. So there was very little public support--except in the locally affected areas--for strict enforcement of pollution laws.

When I was at the State Board of Health I worked with a state assignee from the U.S. Public Health Service named Jerry Hansler. He and I used to investigate these cases. He was a sanitary engineer by training, and we would go around the state in a panel truck and collect samples out of streams choked with dead fish, the result of gross discharges. We would call those responsible before the State Pollution Control Board and try to bring them into compliance. We had a lot of success because the pollution was so obvious. But the Stream Pollution Control Board, which backed us up, had never really done anything like that before, even though it was in the statutes. Hansler and I both had a very good time doing that for about a year and a half. He then went back to the Public Health Service.

When I went into the legislature, I lost track of Hansler. I heard from him every now and then, but not nearly as frequently as when we traveled together. Then, when I was in the Justice Department as an Assistant Attorney General in the Nixon Administration, he called me one day in spring 1970 and said, "Have you heard of this new agency called EPA?" I said, "I don't know what you're talking about." He said, "The [Roy] Ash Commission has recommended that the president create this new agency. I would like to recommend you as the new administrator." I said, "I don't know anything about it, let me look into it." I looked into it, he called me back, and I said, "That's about as big a long shot as I've ever heard." Hansler said, "I've got a friend at *Newsweek*. I'll have him run your name as a possible candidate in the Periscope column in *Newsweek*. Let's see what happens."

After my name appeared there, it started showing up in other places. *He* started it. Hansler did the whole thing! I finally talked to my boss, Attorney General John Mitchell about it. I said, "Look, I have had nothing to do with these leaks, let me tell you how it's happening." Then I explained the story to him. I said, "This guy Hansler is doing it. I'm not stimulating this myself." He said, "Are you interested in the job?" I said, "The leaks have stimulated me to think about it. I've read all the material about it and the answer is yes, I am. But I'm not eager to leave the Justice Department. That's not something I'm burning to do." Mitchell said, "We've got a couple of people we're talking to now, but let's wait and see." About a month later he called and said the other two guys turned it down! I never knew who they were. Mitchell said "We need somebody over there and I'm going to recommend you to the president." I said, "Well, all right." That's how it happened.

Q: Do you recall your first meeting with President Nixon?

MR. RUCKELSHAUS: I met him during the political campaign of 1968, when I was running for the Senate, and he was running for president. I did meet him earlier, but as part of a big crowd of people shaking hands with him. I actually campaigned with him a little bit in 1968. We weren't close by any means, I had just known him. I was really selected for the Justice Department position by John Mitchell, whom I met during the campaign. I never would have been appointed to the EPA job except that Mitchell recommended me. It wouldn't have occurred to the president to appoint me to the agency.

Environment before EPA

Q: When you first became administrator, how powerful was the environmental movement? How did the government regulate environmental pollution before EPA?

MR. RUCKELSHAUS: The first question about the environmental movement and its power has a lot to do with the second question. The big difference between the early 1960s (when we struggled to get anything done in Indiana) and the 1970s, was the shift of public opinion. There was no public support for the environment in Indiana in the late 1950s and early 1960s. Anything done was the result of individuals like myself or Jerry Hansler deciding, "This is *terrible*, we've got to stop some of this. After all, the law says it's wrong."

It was not so much that I was an environmentalist; I was never committed to an environmental cause. It had more to do with being a Deputy State Attorney General assigned the task of enforcing a statute violated on a rampant basis. But the public did not support this view. If there wasn't some kind of odor problem or obvious health problem in a town, local people would not support action against local industry, because that threatened jobs. If a plant's management decided to relocate, it would be catastrophic to the local economy. So there was not much public support for our early efforts.

Public support only began to explode in the late 1960s. It led to the creation of EPA, which never would have been established had it not been for public demand. That I am absolutely certain of. Public opinion remains *absolutely essential* for anything to be done on behalf of the environment. Absent that, nothing will happen because the forces of the economy and the impact on people's livelihood are so much more automatic and endemic. Absent some countervailing public pressure for the environment, nothing much will happen. I don't conclude that it's either a strong economy *or* a clean environment; this is what our statutes reflect and people in the country sometimes tend to think of as the central issue to the environment. But I do think you've *got* to have public support for environmental protection or it won't happen. That's what shifted between the early 1960s and the time EPA was formed.

Q: When you became administrator, how did the government go about regulating the environment?

MR. RUCKELSHAUS: Up to that point--up to the formation of EPA--it was largely a question of the states enforcing the environmental laws. The federal role was fairly peripheral. There was

a National Water Quality Act in which it was possible to hold hearings on a pollution problem like the Great Lakes and hold the gross polluters up for public scrutiny. This tactic sometimes put enough pressure on polluters to do something, or moved the states to begin to enforce the standards. There was a man named Murray Stein in the Water Quality Office of the Department of Interior who was famous for holding hearings and beating up on local polluters. He would blow into town, have a big hearing, and hold the accused up for ridicule in the hopes that would stimulate people to act. Sometimes it did, sometimes it didn't.

But there was really no overall federal enforcement to speak of. Again, as a result of weak public demand and local fear of job losses, you didn't have centralized enforcement responsibility. It was left to the states, and they competed with one another so fiercely for the location of industry that they weren't very good regulators of those industries. Particularly in the whole social regulatory area--health, safety, and the environment--they just weren't very good.

As a result, we pulled these laws into the orbit of the federal government, establishing over-all standard-setting and enforcement; command and control, as it has come to be called. But the federal government also had the responsibility to delegate *back* to the states the administration of the various media programs like water and air. The belief was that the states had enough interest and infrastructure to enforce these laws. If they also had this "gorilla in the closet"--that is, the federal government, which could assume control if the state authorities proved too weak or inept to curb local polluters--the states would be far more effective. That's the theory. Prior to EPA, there was no federal oversight. There was no "gorilla in the closet." Absent that, it was very hard to get widespread compliance.

Personal expectations of EPA

Q: When you first became EPA Administrator in December 1970, what were your personal expectations? What did you hope to achieve in the broad sense?

MR. RUCKELSHAUS: In the first place, given the public concern about the environment that led to the creation of EPA, it seemed to me important to demonstrate to the public that the government was capable of being responsive to their expressed concerns; namely, that we would do something about the environment. Therefore, it was important for us to *advocate* strong environmental compliance, back it up, and *do* it; to actually show we were willing to take on the large institutions in the society which hadn't been paying much attention to the environment. That included both public and private sectors. The private sector polluters, like the big steel companies who hadn't paid much attention to the problem, needed to be pushed very hard for compliance. The cities also needed to be pushed to move forward. All of that was necessary in order to show the public that there was some progress being made.

We then needed to set goals for the agency which were *achievable* and which had some parameters that made sense. In 1970, I thought about other agencies which had recently been formed. Two came to mind: NASA, and the Office of Economic Opportunity (OEO). NASA had a very narrow, precise goal set for it by President Kennedy--to get to the moon by the end of the decade. On the other hand, it seemed to me OEO had set an overly broad goal, in effect saying, "Let's do something about poverty." Both premises can destroy an institution.

In one case, you define an objective and achieve it. But then what do you do? I don't think NASA has yet figured out its role since the lunar landings. At OEO, the goal was so amorphous--let's do something about poverty--that not nearly enough could be measured and demonstrated as progress. Without that, how can you build on successes and move on to the next plateau? Somehow, EPA needed to find the middle ground between those two. We needed to set goals for ourselves that were concrete enough to be realized, but not so narrow that you couldn't maintain momentum and make progress.

I was convinced then--and have become increasingly so since--that the environment is a problem you must tend to everlastingly. It doesn't go away. It's not like putting out a fire or even building a highway. You can't do it, then brush your hands and say, "On to the next task." You have to keep at it *all* the time, otherwise it starts to slide back. But how do you keep attention--both institutional attention and public attention--focused on that kind of a problem? New issues crop up all the time, therefore, measuring progress is difficult. Also, because of the constant pressure of struggling not to fall behind, the agency and its people may lose heart. It's an ongoing dilemma which EPA is still fighting.

So it seemed to me we needed to set goals. We needed to organize. We had 15 agencies or pieces of agencies all under our umbrella. We had separate and overlapping geographic regions for air, water, and solid waste, which we had to bring together in one regional structure. We had to organize the agency headquarters in Washington. We inherited a pesticides agency from the Agriculture Department which was created to stop what the Department of Health, Education, and Welfare (HEW) was doing to regulate pesticides. All of a sudden, both were under one roof!

I needed to gain enough understanding of the nature of the agency, and what should be done, *before* organizing it, so that the organizational structure itself didn't get in the way of progress. By the same token, we needed to provide some structure in a timely fashion so that people didn't get discouraged and start drifting away from our central purpose. So in about four or five months--inundated with organization charts floating around my office--I just *chose* an organizational structure. It's been reorganized several times since, so obviously it wasn't a perfect structure. But it was important to provide some clear organizational framework.

President Nixon

Q: Did President Nixon ever give you directions about how he wanted your office or the agency to be run?

MR. RUCKELSHAUS: No. No. He was very uninvolved. Most of the presidential pronouncements that Nixon made about the environment, many of which were *quite* good, originated in his Council on Environmental Quality (CEQ); that is, from Russell Train and his people, including Al Alm, who was later my Deputy at EPA, and Bill Reilly, who is now the EPA Administrator. Train had a number of people like that who were *very* good, very bright, and had been active in the environmental movement as it unfolded in this country. Under Train's direction, they were the final authors of much of what the president said about the environment in those days.

But in terms of Mr. Nixon's own involvement in structuring the agency, the White House suggested I work with the Office of Management and Budget (OMB). They were of some help. John Ehrlichman was *quite* helpful to me in the White House. He was the main person I worked with there, and in the early days of EPA, often kept the agency's business out of range of the president. Ehrlichman realized Nixon would react negatively to anything that smacked of regulation, that would interfere with the economy, or, in a narrow sense, would arouse some of the captains of industry, whom the president admired tremendously. Nixon did not feel this way because they were contributors to the party or because they exercised some evil influence over him. He really admired those who had accomplished a great deal in the corporate world. So when they complained to him from time-to-time about regulatory infringement on their activities, he would become quite agitated.

But I didn't really get any help from him. Every time I'd meet with him, he would just lecture me about the "crazies" in the agency and advise me not to be pushed around by them. He never once asked me, "Is there anything wrong with the environment? Is the air really bad? Is it hurting people?" President Reagan was *much* more curious about that than President Nixon. Nixon thought the environmental movement was part of the same political strain as the anti-war movement; both reflected weaknesses in the American character. He tied the threads together. During the 1960s, when the Vietnam War protests were so powerful and so dominated his thinking, he observed that some of the same people involved in the environmental movement were also associated with the anti-war movement. So he tended to lump all of them together.

He created EPA for much the same reason Reagan invited me to return to the agency in 1983: because of public outrage about what was happening to the environment. Not because Nixon *shared* that concern, but *because he didn't have any choice*. People have often said, isn't that a terrible motive! But that's the way democracy is supposed to work. The president feels he's *got* to respond to something the American people feel is very important or he's going to get into political trouble. I think President Bush did this last week with the passage of the Civil Rights Act. I think it's the exact same phenomenon. He also did it with the nomination of Supreme Court Justice Clarence Thomas and with the Louisiana Senate campaign of David Duke. He had to do something or would get tarred with the brush of that crazy guy Duke. I think that's okay. I think that's the way democracies work.

Russell Train and Robert Fri

Q: You mentioned Russell Train and William Reilly. When you became administrator, who were your environmental counselors?

MR. RUCKELSHAUS: The CEQ was formed about a year before EPA. Russell Train had been a candidate for administrator of EPA at the time I was nominated, and then succeeded me. We became quite close friends. There was a potential, obviously, for becoming rivals after EPA was formed. I thought, and I think he concurred, that it would be a waste of time for us to engage in that sort of activity. This wasn't exactly an administration brimming over with environmentalists, so to the extent that we needed some strength in the counsels of the White House or the cabinet, we decided to stick together.

After EPA was formed, Train concentrated primarily on international affairs, which he liked and was quite good at, and gradually turned the domestic agenda over to EPA. It was inevitable that would happen. CEQ was then a much stronger and a better agency than it's become since, but still had only 35 to 40 people, compared to EPA's 15,000. There was no way they could compete. So Train was an important ally. Naturally, we also recruited people to help: the assistant administrators and my Deputy Administrator, Bob Fri, who was later acting administrator. These people--as well as their staffs and the others who worked for me at the agency--were the ones I really relied on.

Q: You mentioned Mr. Fri. What was the nature of his advice? Was it technical, was it broad policy?

MR. RUCKELSHAUS: Oh, he was a big help. I recruited the five assistant administrators before recruiting the deputy. Originally, Ehrlichman had recommended that Jim Schlesinger be the deputy. I talked to Schlesinger about it and he was quite interested. He was at OMB at the time. But then the president and Henry Kissinger asked him to do a study on the Central Intelligence Agency (CIA). Schlesinger said it would take three or four months, and at the end of that time he could move over to EPA. I said I didn't have that kind of time. So he became CIA director and then took on other jobs in the administration.

By that time I had already recruited the five assistant administrators and Bob Fri. He was recommended by Fred Malek in the White House Personnel Office. Malek joined the administration about the same time I did. He was *very* helpful to me in screening people I wanted to hire, and in recommending candidates for me to choose from. He had known Fri at McKenzie, the management consulting firm, and recommended Fri to me very strongly. Fri's background was in organizational design and general management consulting. He was *very* helpful in putting the agency together and establishing a management structure.

Most of my time was devoted to managing the external affairs of the agency. In EPA, the administrator has about five constituents to deal with: Congress, the White House, the environmentalists, the general public, and industry. The agricultural community was also a constituent in the early days. I had to spend a lot of time with all of them, as well as the press. You have to cultivate all of these groups or you get in trouble, and that alone is more than a full-time job. Keeping the agency moving and keeping the troops happy was also part of the job; but paying attention to the day-to-day management was really Fri's work, and he was very good at it.

Early surprises

Q: During your first year, did the job surprise you or did you find things went essentially the way you thought they would?

MR. RUCKELSHAUS: Oh no, not at all the way I thought they would. I thought that pollution could be solved by mild coercion. Once the federal government set some standards and began to enforce them, people would fall in line and the problem would essentially disappear. I thought we knew what the bad pollutants were, knew at what levels they caused adverse health and

environmental effects, and knew the technology needed to combat them. Finally, I thought all of this could be done at a reasonable cost within a reasonable time.

I was there about three months when I began to question *every single one of the assumptions* I had entered the agency with. I was no longer certain we knew what the bad pollutants were. We knew some of them, but we certainly didn't know all of them, nor their effects at very high levels. We had very little knowledge other than elaborate models and extrapolations on the effects of pollutants at lower levels. We knew almost nothing about the synergistic effect of these pollutants, what they might do in combination to public health or the environment. Even assuming we did know the effects, the cost of controlling them, in some cases, was prohibitive. Also, actions to redress these problems could be very time-consuming. The public had almost no understanding of all this.

So my view of the environment had been skewed and biased by my experience at the state level, where it appeared that all we needed to do to get rid of *gross* pollution was have the central government enforce standards. I thought we could do something about gross pollution, until I encountered the practice of zero health effects. Mandated by Congress, it threw us into a lot choppier waters.

Important issues

Q: What were the half dozen most important issues you faced in your first term?

MR. RUCKELSHAUS: The most important imperative, I think, was establishing the credibility of the agency and demonstrating the willingness of the central government, and the political process, to respond to the legitimate demands of the people. I thought these tasks were essential. Second, it was crucial to organize the agency properly and set out some achievable goals. Third, I selected some issues to take on personally, in order to demonstrate the willingness of EPA to step up to its responsibilities. There were also some pressing issues like DDT, which required immediate attention; and enforcement action against three cities.

Likewise, there were some large industrial polluters that the public felt we should challenge, and we did. The job was made easier by the companies themselves. Some American industrialists believed environmentalism was a fad, a lot of nonsense that would go away if they just hunkered down, fought, and publicly confronted us. They couldn't have been more wrong. They really misjudged the power of the environmental movement and its ability to galvanize public support. So when they decided to confront me or the agency, it was simple to take them on. We couldn't have invented any better antagonist for the purpose of showing that this was serious business, that the agency was serious about its mission.

As things unfolded, the most complicated problem was, and remains, how to successfully manage the relationship between the agency and the White House; in particular, the OMB. By the nature of things, that office resisted large expenditures when it perceived minimal benefits were at stake. It was not impressed with the Congressional mandate to get on with environmental protection regardless of cost, as some of the statutes demanded. This situation acted as a serious impediment to the effectiveness of the EPA Administrator, who was immediately responsible to

Congress to carry out its wishes. The OMB staff was removed from that responsibility and somewhat insulated as a result of cover in the White House. The relationship between EPA and OMB was a *very* difficult one, and remains so.

It's the hardest job for Bill Reilly, although the Competitive Council headed by Vice President Quayle has displaced OMB as the chief EPA nemesis within the administration. But White House reorganizations don't really matter. When Douglas Costle was administrator, the culprit was the Wage and Price Council. There is *always* going to be somebody in the White House handling the regulatory agencies who will resist--and resist with some justification--the EPA's initiatives. Yet, many such programs are pushed very hard by the Congress, which has an incomplete understanding of the countervailing White House pressures.

This predicament puts the administrator right in the middle of conflicting currents, and it is a *very* complicated thing to deal with. It began to occur almost as soon as I got to the agency. The first sign of the problem manifested itself during the issuance of the Clean Air Standards, as provided by the Clean Air Act. Under this statute, we had 90 days to issue ambient air quality standards for the whole nation. When I started at EPA, I was told that everybody had already agreed to these standards. They had been cleared through Congress, and HEW, which then ran the Air Pollution Control Agency, had developed a set of criteria documents which stood six feet high! I was handed them three or four days before the deadline and told they were all signed, everybody agreed to them, there was no controversy; just announce them and the agency would start to enforce the new Clean Air Act.

We made some modifications, but not many, and announced the standards. The impact on industry was quite dramatic. Its leaders got very agitated and charged the White House. Nixon's staff then formed a Quality of Life Review Committee, which was the precursor of all of the White House oversight and led to so much rancor between OMB and EPA. No matter which political party is in office, this tension will persist. I couldn't resolve it then, and when I went back to the agency in 1983, I got right back in the middle of it! *The same people were there!* The *same* people in the agency, the *same* people in OMB, fighting each other over what should happen to these standards!

Congress and EPA

Q: In your first term, what was your relationship, and the agency's relationship, to Congress?

MR. RUCKELSHAUS: I would say by and large it was pretty good. Senator Edmund Muskie, a Democrat, was the chairman of the Senate Public Works Committee. He had been the author of the Clean Air Act and spent a lot of time on environmental issues in relative obscurity, until the public became agitated about them. Then it was quite helpful to him in a political sense. During my confirmation hearings, there was a good deal of speculation about Muskie's presidential ambitions. On the eve of the 1970 Congressional elections, Muskie and the President Nixon had a face off in which Muskie was widely perceived to have come out the better. By then he was clearly the leading Democratic candidate for president. He or his staff may have looked for openings to question Nixon's environmental record, but my relationship with him was really

quite good. I think Muskie realized we were trying to do the right thing, trying to figure out how to make the EPA work.

Senator Howard Baker was the ranking member of the Public Works Committee. He was a friend of Muskie's, although politically they were on opposite sides of the fence. There wasn't much partisanship on that committee, and there still isn't. We found one or two Republicans antagonistic to our program, but the majority supported us in a broad, pro-environmental sense, without much confrontation.

The House had a little different equation. People like Congressman John Dingell, who in the early days of the environmental movement was something of an activist, later came to be perceived as less supportive. The House had a number of committees concerned with the environment. In fact, there were 15 I reported to in one form or another. When all of the institutional parts were combined to form EPA, we inherited all of these Congressional overseers.

I tried to get Speaker of the House John McCormack and Senate Majority Leader Mike Mansfield to consolidate the environmental committees in both houses. They agreed it should be done and suggested I talk to the committee chairmen and see if they would make the consolidations. I did talk to them, and each one agreed to it--so long as the final arrangements were under their own control! Consequently, there are now some 50 different committees the EPA Administrator answers to. In general, Dingell's committee was the major one in the House, but Muskie's in the Senate was by far the single most powerful environmental committee in Congress.

Jamie Whitten was a crucial committee member in the House. He had responsibility over our appropriations and had written a book on pesticides prior to the formation of EPA. It was very negative towards pesticides regulation. Whitten represented--and still represents--a rural Mississippi delta district which felt that environmentalists had often, and unreasonably, opposed the use of chemicals for the control of pests on cotton and some other crops. The activists had also objected to public works projects, such as the building of deltas for flood control. Whitten thought these objections were crazy. So, the first time I met him he gave me an autographed copy of his book which, again, was *very* antagonistic to any regulation of pesticides. He believed it was all a lot of nonsense.

But I spent a lot of time with him. Before I'd make a decision that had any effect on something he thought was important, I'd go talk to him about it. Often, the decision was contrary to what he thought should be done. However, if you stayed in touch with him, communicated with him, and tried to accommodate his interests, it would normally be all right. He and some others might attack you publicly, but if they thought you were doing what *you* thought right, my experience showed they would not become totally alienated.

Q: When and why did Congress begin to diminish EPA's regulatory autonomy?

MR. RUCKELSHAUS: That came as a result of the increasing mistrust of the executive branch by the legislative branch. It was caused partly because each of the two branches were controlled

by a different political party. It also resulted from the Vietnam War. Even though the Democrats ruled both branches in the early years of the conflict, Senator William Fulbright, chairman of the Foreign Relations Committee, openly accused President Lyndon Johnson of lying to Congress about the conduct of the war. That attitude began to infect other committees. It became a hallmark of the relationship between the regulatory agencies and Muskie's Public Works Committee in the Senate; and to a lesser extent the House, where there were no presidential candidates.

In my view, the environmental statutory base became a casualty of this bad feeling. As a result, the early success with the Clean Air Act was copied indiscriminately. In this law, Congress had set automotive emissions standards that were not achievable on the basis of known technology. Assume you had to get 90 percent of carbon monoxide (one of the three major pollutants, along with hydrocarbons and nitrogen oxides) out of car exhaust five years from 1970, when the Act passed. This meant the 90 percent reduction represented a technology-forcing mechanism; 90 percent reduction *by* 1975. Yet, for all intents and purposes, it worked.

We did get enormous progress well beyond what anybody expected as a result of setting the standard. But in the highly partisan climate in Congress, the decision was made to stretch the lesson of the Clean Air Act; to set standards and apply deadlines *across the board*, for *all* kinds of pollutants. I don't think it was properly understood whether that made sense as a matter of public policy. The real issue was, would it work? Was it even a good mechanism for Congress to achieve further *air* pollution reductions?

Moreover, did the techniques used to achieve some early successes against automobile exhaust really have universal application? In Detroit, we had a *very* centralized industry. The sources of pollution were sent out through a unified distribution system; not at all like stationary sources located all over the country, or like even more complicated non-point sources of air and water pollution represented by sewage treatment plants, by farm fertilizers, and so on. Again, the automobile industry represented a very concentrated source of pollution. The auto makers, which are technology-driven enterprises that control much of the R & D apparatus themselves, and increasingly encounter strong foreign competition. Foreign competition may have been as important as anything. The Japanese testified at EPA hearings that they could achieve the standards and meet the deadlines. This had a powerful effect on American manufacturers to achieve the standards within the same period of time.

Given all these dynamics, the setting of standards and deadlines probably made some sense, at least in being able to make progress against automobile pollutants. But when you start applying this practice across the board, it often didn't make any sense. The early success with cars convinced Congress that this formula could be adopted universally. I think it greatly oversimplified the nature of the problem and, therefore, our approach to it. I also think it had a detrimental effect on public understanding of, and adaptation to the issues, ultimately preventing voters from making demands on their elected representatives which would have allowed EPA to put a more sensible and progressive process in place.

Industrial polluters

Q: What was your overall relationship to industrial polluters?

MR. RUCKELSHAUS: My relationship with industry in the early days of EPA was about what it should have been. We gave the benefit of the doubt to those who tried to figure out what we wanted and who tried to comply. The ones who wanted to confront the agency were treated in kind. In a way, it was serendipitous for the public image of EPA that some were willing to oppose us. Secretary of Commerce Maurice Stans responded to our actions by forming an organization called the National Industrial Pollution Control Council (NIPCC). Stans believed you answered pollution standards with voluntary compliance on the part of industry. NIPCC did get some pledges of compliance from industries and some agreement on the clean-up steps they were willing to take.

The problem with that--and I discussed it with Stans quite a bit--was that the free enterprise system doesn't work unless there are fairly clear rules defining competitive parameters. In the case of pollution, if you are relying on the good will of an industry--say the pulp and paper industry--to achieve a given environmental result, it only works if everybody plays. If you have significant expenditures that need to be made in order to achieve compliance, and only one competitor won't make the outlays, it won't work. So the government has to mandate a certain level of compliance necessary to achieve a given environmental result. Let manufacturers compete as to how they do it; don't tell them how to achieve the result. But tell them what you want them to do, and the free enterprise system will work.

I don't think we ever made a lot of progress in the *early* years with voluntary compliance. I think it's working better today simply because EPA is more sophisticated. Industries are *a lot* more sophisticated. They understand they are going to have to achieve high standards eventually. The public isn't going to back away. It's not a fad. Almost no one at the top of major American companies fails to understand that they must pay attention to the environment; that confrontation with the government is an absolute waste of time; and that voluntary compliance merely averts the inevitable.

For example, I'm on the board of the Monsanto Corporation, which has pledged to reduce its toxic pollutants by 90 percent by the end of next year. That was a *strictly* voluntary decision on their part and has tended to pull the whole industry toward this objective. It resulted from a combination of prodding by EPA and public demand. That *never* could have happened 20 years ago. *Never*.

So my relationship with industry in the early days of the agency was fairly confrontational, almost by the nature of things. I would meet with industry groups from time-to-time and we had quite a few confrontations. I was threatened by people in the steel industry; not physically, but threatened that my job would be abolished. In fact, as a way of raising money for Nixon's presidential campaign, Maurice Stans would occasionally promise to campaign contributors that I wouldn't be around for the second term! Generally, it was a time in which industry was having some trouble adjusting to the new public demands represented by this new agency. To me, it didn't seem surprising.

State governments

Q: Broadly speaking, how were relations between EPA and the state governments?

MR. RUCKELSHAUS: Broadly speaking, they were terrible, because the agency itself represented a repudiation of what the state regulators had been doing for the previous 20 years. They felt, often with a good deal of justification, that in the face of very little public support--and therefore, very little political support--they had made remarkable progress and were getting no credit for it. The very *existence* of EPA itself symbolized to state environmental agencies the lack of appreciation the public had for their, "laboring in the darkness for lo these many decades." One of the first things I did at EPA was travel around the country and talk to state regulatory officials.

I convened meetings with them in the various EPA regions. I heard the same story over and over and over again: "You're pushing us around too much; you're trying to dictate what ought to happen; we can handle this stuff ourselves; just give us more money, more federal grants; stay out of our hair." Some of the more philosophic ones acknowledged that EPA was really a gorilla in the closet. So long as we didn't come out of the closet and we let the states alone, the gorilla could help induce compliance. But I had some quite angry meetings with these state regulatory officials.

There were also some growing pains in the agency. As it got new powers from the Clean Air Act and the Clean Water Act to regulate state activities, EPA had to be sure the states had adequate bureaucratic mechanisms in place before delegating to them the operation and administration of new programs. This oversight created a *very, very* difficult period between the EPA and the states. The states thought we dictated too much, were too intrusive. Again, a lot of it stemmed from resentment for not having gotten adequate credit for what they had done.

When I returned to the agency ten years later, that was all gone. In most cases, we worked with new people. The air and water programs were much more mature, and had been delegated now for eight or nine years. The *toxic* waste programs, however, were taking on many of the qualities of the early Air and Water programs because they were much newer and the delegations had not taken place. The states responded just as before: "You're pushing us around, imposing too many standards and too many rules; just give us some money and get out of our hair."

Environmental movement

Q: What was your relationship, and the relationship of the agency, to the growing environmental movement in the 1970s?

MR. RUCKELSHAUS: In the early days it was quite positive. I have a theory about movements in America, whether it is the women's movement, the civil rights movement, or the environmental movement. When they first start, they tend to point up imperfections in the society which are almost universally accepted as problems. They serve a useful function in highlighting past wrongs that every fair-minded person agrees should be righted.

It's only in the subsequent phases of the movement that they begin to get into more controversial questions, after the *initial* agenda of the movement has been quite uniformly accepted as a

correct one which ought to be redressed. Congress then enacts the fundamentals of the movement, whether related to civil rights, women's rights, or environmental protection. You know, there are two ways of killing movements: either give them nothing, or give them everything. Some get everything they asked for, what do they do next? When the original agenda is enacted, then what? The movement doesn't break up, but holds together by finding a new agenda.

The women's movement started with issues involving equal pay for equal work, something almost no one could deny. While it hasn't yet been fully achieved, everybody agrees it is the right thing. But once the original agenda is achieved, then what? Questions are raised about abortion rights, for example, which is more controversial, and not uniformly or universally accepted like equal pay for equal work. Civil rights experienced the same thing, as did environmentalism.

Likewise, in the early days of EPA, we accepted much of the initial agenda of the environmental movement. In fact, the new agency worked with environmentalists, whose demands helped create EPA in the first place. They were allies, at least in part; not locked in the confrontation that exists today between the agency and the environmental community. There still is a so-called "iron triangle" relationship between the environmental movement, the EPA staff, and the Congressional committee staffs. Some of it has to do with job security, some of it has to do with a certain amount of zealotry inside EPA (although I don't think it is anywhere near as rampant as some think).

Basically, the three parties have used each other. There has existed among them a symbiosis, in which the environmental movement used the agency as an antagonist to raise money and get more members; and the agency used the environmental groups to sue for objectives they were trying to accomplish, but could not otherwise gain. The same is true of the Congressional committees. But I would say that the agency's relationship, and my own relationship with environmental groups, was *much more* positive at the start of EPA than ten years later.

International affairs

Q: How would you characterize EPA's early involvement in international environmental affairs?

MR. RUCKELSHAUS: I primarily agreed with Russell Train that he should take over most of the international work. I did go to several conferences, was a delegate to the Stockholm Conference in 1970, and signed some international agreements to help both developed and developing countries with their environmental programs. In the late 1960s and early 1970s, we led the rest of the world in dealing with the environment.

The agency had and still has a *very* fine international reputation, in fact, much higher than in this country. Its scientific expertise, its technical capabilities, its willingness to share data, and the efficiency and effectiveness of its regulatory mechanisms made and make EPA highly esteemed abroad. People from other nations often turned to EPA for advice on environmental action. In fact, foreign countries were much more likely to tap our knowledge than American states. Relations with the states were really not as good.

Goals v. funding

Q: A current assistant administrator recently observed that in 1991 the level of EPA funding was flat, but public expectations of the agency were rising. Is this situation unique, or is it something you faced in the early days?

MR. RUCKELSHAUS: It's a constant with EPA. The Congress constantly *loads* more and more responsibilities on the agency, but doesn't provide enough money to carry them out. In fact, I used to invite some of the authorization committee chairmen to visit the appropriation committee hearings if they wanted to know why I couldn't do all the things they loaded on me.

In the first place, there probably isn't enough money in the whole federal budget to do everything they assign to EPA. At the authorization level, they don't seem to pay much attention to the budgetary implications of what they tell you to do. They leave that up to the administrative branch and the other committees to wrestle with. Even members of Congress who were conservative in their willingness to spend money, still loaded on these responsibilities.

It is very frustrating because there is no way you can do everything Congress expects of you. I do think that when you testify before the committees, you must lay the groundwork for your inability to achieve their unrealizable goals. I simply told them "This is going to cost more money than I have. I don't have the resources to do this. You can *give me* this assignment, but I'll tell you right now I'm not going to achieve it." Then they'll make pledges about getting you the money and the resources, and it won't happen. When I returned to these committees in subsequent sessions, I said, "I told you. Here is my previous testimony; there wasn't any way under the sun I could accomplish this." Sometimes this is hard to do. But once you've been through a couple of rounds and realize what's happening, you realize you had *better* lay the groundwork. So, your AA is not unique. You will find in just about any part of the agency that there will be more responsibilities than resources to carry them out.

Q: Do you have any other advice on this subject?

MR. RUCKELSHAUS: You have to set priorities and defend them on the grounds of having the greatest social payoff. Then keep saying, "Here is the money and manpower I have to carry out the responsibilities you insist on, here is why I get the priorities the way I have. While I recognize my obligations, I don't have the resources to fulfill them."

Then you have an added complication: even though the *administration* isn't going to ask for the resources *either*, you have to *defend* the administration's position and its unwillingness to carry out the mandate of the Congress. I used to combat this by falling back on the game being played, which everybody understands. Congress lays on EPA more than they are capable of doing. The administration doesn't ask for enough money to accomplish EPA's whole program because, frankly, there's too much for any single agency to accomplish in the allowed timeframe. Members of Congress fail to testify on behalf of more money for EPA, making it impossible for the agency to execute what Congress itself mandated. Then the administrator appears before the committees and is attacked for not doing what he had no hope of doing in the first instance.

But when you repeat these steps back to the committees and remind them of your warnings of insufficient funding in previous testimony, they don't say anything; they calm down. They know you understand what's going on, and they have to be quiet or face further embarrassment from you.

When I returned to EPA after ten years absence, I faced the same thing. I told Congress, "I'll show you the testimony I gave ten years ago in which I said this was going to happen; and now it has." In the EPA job, you will miss deadlines and have assignments you can't carry out. It's all just a part of it. You do the best you can. But you are in a stronger position to do the best you can if you tell Congress ahead of time what you are going to do, what are the limitations on your capabilities, and then keep pointing back to what you predicted.

Achievements and legacy

Q: What are the lasting achievements of your first three years at EPA?

MR. RUCKELSHAUS: I think we did establish the credibility of the agency along the lines I have suggested. I think we did establish in the public's mind the willingness of this government agency to do what the public wanted; namely, begin to control pollution. By the time I assumed office, the initial drive of the Nixon administration to place every political appointee in some kind of job--to get every precinct committeemen one of these wonderful federal appointments--had faded. This reversal happened because of a man named Fred Malek, who was put in charge of the personnel office in the White House. He was *very* good and very dedicated to getting first rate people. He has since become quite famous. At the end of Nixon's first term, he was the one who delivered the message about the mass firings in the administration. He also became quite close to George Bush.

Malek, however, encountered charges of anti-semitism when he carried out President Nixon's order to investigate so-called "Jewish influence" in the Labor Department. He claimed he was just doing what the president told him to do, but it damaged his reputation and he was eventually squeezed out of the administration. I've known him since the early 1970s and I don't think he is anti-semitic; as far as I know he is not a bigot.

At any rate, he was very good at his job, particularly in the beginning, because he didn't carry much political baggage. Nixon, who was doing things that subsequently brought down his administration, stayed out of Malek's way. Malek and I were equally dedicated to our jobs. We had the authority to hire 2,000 people for EPA and decided to get the *best* 2,000 we could find. I was pretty free to do this, he was free to help, and we did get absolutely first-rate people in the early days of the agency. I think it established a very high level of talent and competence in EPA which has endured to this day, through some *tough* times.

I think that was a *very* important thing. When I went back to the agency in 1983, I visited all the regions, trying to calm down the staffs as a result of Anne Burford's tenure. I invited all hands--500 to 600 people per region--to attend my talks. I asked each of these large crowds how many had worked for EPA from the beginning. Sometimes as many as two-thirds of the audience stand

up. So these people persevered through some *very tough* periods in the agency's development. I think they stood it in very good stead.

That was an accomplishment. Getting in place an organizational structure that worked--not perfectly, but worked--was an achievement. I was beginning to make progress on some of the *larger* environmental issues like air pollution and water pollution, and setting in place some permit programs for water and air. I think these were necessary to get people working in the same direction. In my view, if you look at progress we have made as a society, EPA has made some unique contributions. Over the 20 years we've been working on pollution problems, the changes have really been *quite* remarkable. The progress has been obscured by the "chemical of the week" syndrome, a by-product of ever-changing problems. But I think the EPA has been a major contributor to this progress. Part of the success, at least, was the result of having gotten the right start.

Q: What is the Ruckelshaus legacy for EPA? What can the current leaders of the agency learn from your period? What are the most important lessons?

MR. RUCKELSHAUS: That may be for others to say. But in my view, it's *very* important to be open about what you're doing. I now think the job of EPA Administrator is much less an advocacy position and much more of an educational one. I think that is what Bill Reilly is trying to do. Today, society is full of environmental advocates; virtually everybody in the *country* is an advocate for the environment. That whole argument is over. The question is, what is the *intelligent* thing for society *to do* about the environment? That takes a level of knowledge about the nature of these problems which is much higher than in 1970. So, you must be open about the nature of these problems, work *very* hard communicating with the various constituencies I mentioned, and take pains to communicate through the press. Staying both honest and credible with them is important.

Being open *inside* the agency is also crucial. You have to maintain the support of the people in the agency if you're going to be successful. Therefore, you need to inform them about what you are thinking and doing, or risk losing their support, their help, their enthusiasm, their loyalty, and their willingness to give you the benefit of the doubt. I think that was the big mistake Anne Burford made. She showed she didn't trust the people in the agency, and if you do that, it won't be a week before you're right; because they will return that lack of trust in kind.

I think the administrator must view himself not only as responsible to the president who appointed him; but to the Congress, which confirmed him, and in a broader sense, to the public which he ultimately serves. He must let the public know what he is doing and convince them he is doing the best he can to act in *their* interest. This is *very, very* important because in the environmental field, you are dealing with things that are so *intimate* to people, so *important* to them in terms of public health, their own health, and the health of the planet we all share. If they do not think you are doing the best you can to act in their interest, and you lose their trust and support, I think you will have real trouble in succeeding. Not just the administrator himself, but the agency itself gets into trouble. It is much tougher for EPA to do the right thing if that bond of trust is ever broken. I think that is what happened during the early Reagan years.

Q: Is there anything you would like to add about your first term as EPA administrator?

MR. RUCKELSHAUS: Yes. The early days were a lot of fun. We really operated effectively and had a good group of people, with whom we worked closely. There were antagonisms and strife like you always have in institutions; but by and large everybody thought they were attached to a cause larger than themselves. We worked *very* hard, long hours, but had a lot of fun doing it. We made mistakes, but were capable of laughing at them and moving on to the next challenge.

I found when I went back to EPA ten years later, the *challenge* certainly was still there--as well as the interest and excitement--but it was hard to recreate that sense of joy in creating something brand new. When I made the circuit of the regions in 1983 and asked people to tell me their problems, I got questions about *pension* benefits, *employee* rights, and all the things bureaucracies focus on. That was not true from 1970 to 1973, when we had the feeling that, "By God, we're going to do something about this terrible problem afflicting society! Isn't it wonderful we're all banded together to do it!" There was a real sense of camaraderie and joy about what we were doing. But I don't think you can recapture it after an institution has been around for a couple of decades. It's very hard to do. The rush of youthful enthusiasm you sense in a brand new institution is really something to experience. It was *fun*.

SESSION 2: The Second Term (May 1983-January 1985)

Return to EPA

Q: What was the chain of events which led to your return to EPA in 1983?

MR. RUCKELSHAUS: I was at the Weyerhaeuser Corporation at the time and had watched the Reagan Administration--in particular, Anne Burford--get into increasing trouble at the agency. After she was nominated and was awaiting confirmation, I called her a number of times, but had a lot of trouble getting her to respond. I was prompted by a desire to help. I didn't know who she was, only read about her in the newspaper. But I knew she was stepping into a complicated job, one she probably wasn't fully prepared for, anymore than I, or the other administrators had been.

Finally, after calling her for six weeks or so, I spoke to her. I told her all of the former administrators would certainly be glad to help her. I suggested to her that it would be a complicated assignment which had not gotten any easier over the years. I said she probably could gain a lot from talking to people who had held the job in the past, including her immediate predecessor, Douglas Costle, a Democrat. She thanked me very much for the advice, but was really quite distant, I thought, in her tone. I didn't hear again from her for eight or nine months, and the other former administrators never heard at all. She didn't want their help. By the time she called me in November or December 1981, she had already made many mistakes. It was almost too late to help, but I did spend some time with her over the next couple of months and talked to her occasionally.

In any event, in the spring of 1983 things had really deteriorated badly. I was called by James Baker (then President Reagan's Chief of Staff) and asked if I would consider returning to EPA. Obviously, I had to unhook myself from Weyerhaeuser, which was not simple at the time; the

whole family was living in Seattle. We have five children, and while four were then in college, one daughter was still in high school. It was most difficult for her. My wife was also less than enchanted with the idea of returning to Washington.

She referred to going back to EPA as a "self-inflicted Heimlich maneuver." My mother even chastised me for making a mistake like that. But after thinking about it for a week, I decided to accept. I flew back to Washington, at which point the president announced my nomination. For the next six weeks, I went through the lengthy confirmation process on a so-called *accelerated* basis. By contrast, in the 1970s I had been confirmed for jobs in three days!

Nonetheless, it seemed to me that EPA was in a good deal of trouble through no fault of the agency's people; only through the fault of misguided leadership. I thought I knew how to right the situation: by calming down the staff, getting them focused again on their work, and beginning the process of restoring the public's trust in the agency. In this case, you had to start with the press, which was very agitated over what had happened. While it would take some time to restore EPA's good name, I thought it was something that could be done and was certainly worth trying.

I had no preconceptions about the nature of the new administration or how it operated. But I had known Jim Baker in the Nixon Administration and I thought a good deal of him. I had known Richard Darman in the Justice Department, when he was an aide of Attorney General Elliott Richardson and I was the Deputy Attorney General. So I knew some people in the White House quite well. I had gotten a lot of advice about what I should ask President Reagan before I accepted the job; I rejected most of it.

When I did meet the president, the one thing I asked for was the authority to appoint people without going through the elaborate White House clearance process. I feared it would take a year to fill the top positions if we had to subject them to political litmus tests, in addition to the usual FBI and Congressional clearances. This was most important because all but one or two of the 13 presidential appointees in the agency had been fired under Burford.

The president was quick to agree and gave his White House personnel office instructions to clear my nominees quickly. On the other hand, I assured Mr. Reagan that I wasn't going to appoint people with points of view antagonistic to his own and would find good, solid candidates who understood government, how it worked, and the mission of EPA. I told him I knew where to find such people, and he said, "Fine, go to it." Thanks to the president's support, within three months all 13 presidential appointees had been confirmed by the Senate--without a single dissenting vote.

For these positions, I sought persons with professional management experience, not caring too much about their political persuasion; just that they be good, solid professionals. With that team in place, I thought it was possible to restore credibility. It was certainly something worth doing. I had a great deal of affection for EPA and felt badly about what had happened to the agency and to its staff. We did lose some very good employees, but I was surprised how many good people stayed on.

Agency mood

Q: When you came back to Washington, what was the mood at EPA, and did it surprise you?

MR. RUCKELSHAUS: I think it's fair to say the mood swung from despair to jubilation. The people felt their long nightmare was over, and it *was* a nightmare. What the Burford political appointees had done was *terrible*. I mean, it really was *awful*. If anything, the press underplayed its seriousness. The other scandals I've been associated with (not as a participant, I'm glad to say) tended to be overplayed by the journalists. In this case, if anything, I think it was underplayed. There were just awful goings-on.

Q: Could you give an example?

MR. RUCKELSHAUS: In one of the offices they had compiled a "hit list" of career appointees, drawn up in colored ink on charts. They were targeted for dismissal because of alleged disloyalty to the administration. And the whole staff was *aware* of such things! Of colored charts locked up every night so no one would find them! There were a lot of antics; it was almost *juvenile*. *Very clear* signals went out to the people of the agency which said, *we don't trust you. We don't trust you to do what we want done*. It generated enormous employee morale problems.

Such doings resulted in a justifiable lack of trust towards my political employees as well. It is not widely understood that while institutions like EPA exist to serve the public, they are also there to serve the political appointees. The agency staff is very adaptable, within limits. If you rely on them, tell them what you want, and send clear signals, they do everything they can to help you.

But they sure won't do that if you tell them you don't *trust* them or you don't think they are capable. EPA is full of *very* capable people. They are not interested in walking away from their responsibilities and certainly are willing to take the leadership you offer and turn it into programs that work. To the extent they have any flexibility under the statutes--which they increasingly lack--they are *very* responsive to the political appointees.

Press, White House, Congress

Q: As you re-acquainted yourself with the job, did you encounter unexpected problems or were you able to go ahead as planned?

MR. RUCKELSHAUS: There were certainly unexpected problems. The press was *extremely* mistrustful of me and of many people in the agency, simply because they had operated that way for months. So I started a weekly press briefing at lunch in the administrator's office. I invited the press, but they had to bring their own lunches. They did show up every week, although I have subsequently found out some of them didn't like the meetings. But they were afraid not to come for fear they would miss a story. These sessions were helpful in publicizing my views on an informal basis, and explaining what was going on at EPA and what I thought we needed to do to make improvements.

The relationship with the White House was important. I tried very hard to start off on the right foot with OMB Director David Stockman and to improve the relationship between the agency, the OMB, and the White House. I think it was okay for a couple of months, but then began to deteriorate again.

I worked hard with the Congress. By that time we had 13 years experience with the Clean Air Act, 11 years with the Clean Water Act, and a *lot* of experience in trying to make these statutes work. But it was clear to me that we needed to adjust both laws to meet new realities, new challenges, and try different approaches. While there was a good deal of understanding in the Congressional committees I reported to, those who were not dedicated to change were *very* fearful of opening up these issues because the Reagan Administration had become so discredited on the environment. While they agreed with me privately, they were not about to take on any of these things publicly.

So the administration's avowed purpose of lessening the impact of regulation on society really had the opposite effect, at least with respect to the environment. To the extent it acted at all, Congress increased the degree of regulation, imposing new restrictions on flexibility and on the administration of the statutes. I thought the situation in Congress was complicated and not fruitful. I felt my relationship with most of the members was all right, but the climate was very confrontational and political.

Q: Did it improve over your tenure?

MR. RUCKELSHAUS: Not much. I think my own relationship with most of them was pretty positive, but the public interaction was *very hostile* and confrontational. Sometimes spectacular charges were launched and committee chairmen would ask me to testify. They gave me the questions ahead of time, but in public acted tough and confrontational. This would give them television coverage, after which the hearings were adjourned. They even invited me to their districts for the same purpose.

As I mentioned, the administrator reported to some 50 committees, and I tried to avoid these public shows to the maximum extent possible; it was not always possible. That part of it was pretty unpleasant. I didn't think it was worth much because it was all a big game--not an awful lot happened. Wild accusations were made at the hearings, but after adjournment not much resulted.

At the same time, there were several major issues the agency was dealing with. Amendments to the Clean Air Act required the issuance of new standards. We had a major problem with the pesticide ethylene dibromide (EDB), a grain and citrus fumigant which some studies found to be a major animal carcinogen. It first arose in Florida and then spread to the rest of the country.

Pesticides, in general, generated an enormous amount of public panic. For example, the grocery manufacturers contacted me through the Agriculture Department and insisted we take action against EDB. They wanted us to remove certain products from the grocery shelves because they were worried about a national panic. The chemical was showing up in cake mixes, flour, and various food stuffs. Of course, EDB has already been used for 35 years, whatever damage it was

going to do had already been done. But it was scaring everybody to death, so it was a major issue at EPA. We finally got EDB bled out of the food distribution system. Until then, even the Russians got into it. They threatened to cancel an \$8 billion grain sale because they feared the taint of EDB. This was the kind of issue I dealt with all the time.

Achievements

Q: During the period 1983 to 1985, what were the agency's most important achievements and how would you characterize the two years?

MR. RUCKELSHAUS: This is probably not my judgment to make, but I think the most important achievement by far was to restore the agency; that is, to put it back on an even keel, restore the trust of the public (or at least stop the damage), and begin to rebuild trust within EPA. I think we accomplished these things.

To the extent I began the process of risk-based decisionmaking within the agency, I consider this a major achievement. I believe it started when we embraced the National Academy of Sciences study on risk assessment and risk management. We began to use its principles in establishing priorities in the agency, and in managing the major risks society faced and EPA attempted to regulate.

We put very good people in the agency, including my successor, Lee Thomas, who managed to keep most of the original EPA staff in place the next four years. I think a lot of progress was made during the Reagan years, much more than the administration is given credit for. Once the initial damage was done from 1981 to 1983, the president largely avoided environmental issues. I repeat, however, that he showed more personal curiosity about pollution problems than President Nixon. Gradually, the turmoil died down and the agency returned to wrestling with the usual demons (in OMB and other places) which affected EPA's ability to function.

Contrast of two terms

Q: Were the two experiences--1970-1973 and 1983-1985--uniquely different?

MR. RUCKELSHAUS: Very different. The problems were much different. The agency had greatly matured over the ten year interval. That was both good and bad. Some of the excitement had gone, although there was enough excitement surrounding Anne Burford's departure to keep everyone enlivened; but nothing like the early days. In the early days we were full of self-confidence, probably a lot more self-confidence than the facts warranted. Some of that had gone. But healthy skepticism, even self-doubt, is fine in a regulatory agency. I think you have to be careful not to become know-it-alls.

I think the agency was *better* able to deal with problems confronting it when I returned than when I started, simply because the staff had accumulated an awful lot of *experience* dealing with the issues. The people in the agency also had a better appreciation of the *enormous* impact their decisions had on the society; an impact not only on the environment and on public health, but also on jobs and on the economy. When you decide that a substance should be banned or that

money should be spent for a particular cause, *those affected are honest-to-God, live people whose jobs and livelihood you may influence*. This is something which must be taken into account in making judgments. I think there was a much deeper appreciation for such complexities in 1983 than in 1973.

Education v. advocacy

Q: In EPA there is a sense that under the Reilly-Habicht administration the agency has turned a corner; has tried to assume more of an educational, and less of an advocacy role. Do you think 1989 marks a watershed in EPA history, or are we merely seeing adjustments in old patterns?

MR. RUCKELSHAUS: I think Bill Reilly is a good leader who believes it is necessary for the agency to begin to set some priorities, to measure available resources against the biggest environmental problems. He has begun to stimulate public discussion about what the priorities *ought* to be, becoming an educator in the process. I think it's a very responsible and effective approach to the job and represents present realities far more than the advocate role.

The environmentalists and the Congress, however, all want you to be an advocate. The Congress stages fights with the administration so they can have wonderful hearings. The environmentalists think that because the Secretary of Agriculture is an advocate for the farmer, the EPA Administrator should be an advocate for the environment. Occasionally, you do have to perform this function; obviously, you have to stand up for what you think is right. But I think this country is just *full* of advocates for the environment. I think 80 percent of the people are advocates for the environment.

You really need someone who will perform the role of a trusted educator, and there is no one more suited to it than the administrator of EPA. Reilly has taken it on and that's good. But there are an awful lot of people who do not agree. Say the words and Congress--and particularly the environmental organizations--get angry. About two weeks ago, I pointed that out in Colorado, at a meeting of environmental journalists. My speech made about half of them mad; environmental reporters are often as close to the environmental movement as the members of the movement itself. They don't like to hear such things. Some guy I had known for years told me afterward that it sounded like a Chamber of Commerce speech!

Cabinet status of EPA

Q: Do you think cabinet level status for EPA will make a difference?

MR. RUCKELSHAUS: Not much. No. I think it will help a little in that it will give the administrator a place at the table with the other cabinet members. It may also increase their understanding of what the administrator must do to discharge his responsibilities (which occasionally entails pointing fingers at these same cabinet colleagues). Other than that, there may be some symbolic value. But the public doesn't know the difference between a cabinet department and an agency anyway. They don't know the difference, so I don't think it's going to make much of a difference. It might make the people in the agency feel better; that's worth something.

Reflections on being administrator

Q: Do you have some final observations to make, reflecting on your whole career in the environmental field?

MR. RUCKELSHAUS: I've had an awful lot of jobs in my lifetime, and in moving from one to another, have had the opportunity to think about what makes them worthwhile. I've concluded there are four important criteria: interest, excitement, challenge, and fulfillment. I've never worked anywhere where I could find all four to quite the same extent as at EPA.

I can find interest, challenge, and excitement as Chairman of the Board of Browning Ferris Industries. I do have an *interesting* job. But it is tough to find the same degree of fulfillment I found in the government. At EPA, you work for a cause that is beyond self-interest and larger than the goals people normally pursue. You're not there for the money, you're there for something beyond yourself. In fact, I've found you are doing well if you can find a job with two of the four criteria I mentioned. If you find all four, it's terrific.

Now, there *are* frustrations in EPA, too; *enormous* frustrations. Like anything else, you tend to remember the good things and forget the bad. But the agency is a terrific place doing a lot of important work. I have never thought of myself as an environmentalist, in the sense of being part of the environmental movement; rather, I was someone very interested in government who happened to have an assignment that dealt with controlling risk in society. I found it fascinating to administer EPA, in *particular* being present at the creation of an agency of that kind. It was really a rare opportunity, really remarkable. , It had more to do with my later appointment as Deputy Attorney General than anything else. It was a lot of fun.

Nixon and Reagan policies

Q: In closing, how do you assess the environmental policies of Presidents Nixon and Reagan?

MR. RUCKELSHAUS: The environment has only been a recent discovery of President Nixon's. In his writings, he has begun to take credit for EPA and the environmental initiatives. Yet, if you look at what he *did* and *said* publicly about the environment, it is quite significant. That is not necessarily what he thought about it, however. I would prefer to have a president who really believes in his own policies, and therefore truly supports their implementation. But Nixon was pushed to action by public opinion. As a result, I think a lot was accomplished in his administration.

In the public's mind, President Reagan will get no where near as much credit, and in fact, a lot of blame for his perceived blunders in environmental affairs. But as a human being he was much more *curious* about the problem and probably, in his own way, more supportive than Nixon. He did little about the environment because, like Nixon, he had spent almost none of his public life on environmental issues (although as Governor of California he did have to deal with these questions on occasion).

Prior to the 1968 campaign, however, it wasn't even an issue for Mr. Nixon. I would bet he didn't spend ten minutes thinking about it. To the extent he did, he saw it as an irritant. He had somehow gotten to be a great fan of Norman Borlaug, the father of the green revolution. Borlaug was a scientist who advocated the use of DDT and pesticides to drastically increase farm productivity. He felt the environmental movement posed a serious threat to the green revolution (green, that is, in the agricultural sense, not in the environmental sense). He convinced Nixon that when I banned DDT, I had made a terrible decision. I didn't find this out until after I left EPA; Nixon never spoke to me about it. In fact, *he never asked me about anything going on* in EPA. Never. He asked me about issues involving Indiana politics or relationships with the Congress, but not about the environment. He wasn't really *curious* about it.

Q: Mr. Ruckelshaus, thank you for your time and insights.

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