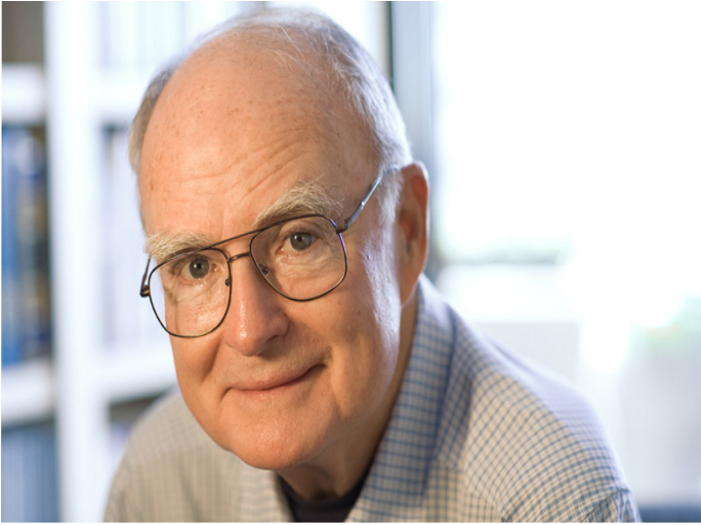

REMAPPING DEBATE

Asking "Why" and "Why Not"

Ruckelshaus weighs in on EPA-bashing

Original Reporting | By James Lardner | Environment, Regulation



March 9, 2011 — In 1983, Ronald Reagan needed a symbol of integrity to run the Environmental Protection Administration and put the lid on a scandal involving its Superfund cleanup program. He turned to William Ruckelshaus, who had won the environmental movement's respect as the agency's first leader from 1970 to 1972, and then, in the "Saturday night massacre" of October 1973, had resigned as Deputy Attorney General rather than carry out President Richard Nixon's order to fire Archibald Cox, the special prosecutor who had taken the Watergate cover-up more seriously than he was supposed to.

Last week, Remapping Debate sought out the 78-year-old Ruckelshaus — who has also worked as an executive or director at various corporations, including Weyerhaeuser and Browning Ferris Industries — for some historical perspective on environmental policy and the way the EPA and other rule-making agencies are treated by elected officials nowadays.

A lifelong Republican, Ruckelshaus endorsed Barack Obama for President in 2008, citing Obama's campaign commitment to action on climate change as one big reason.

Once upon a time the GOP supported environmental protections...

Ruckelshaus's memories of Washington stretch back four decades to a time when, as he recalled, "the Clean Air Act passed the House by 374 to 1; it passed the Senate by 73 to nothing. These were not partisan issues," he said. "They have become much more partisan since."

He was quick to add that some of Congress's habits, such as not giving an agency remotely enough funding to accomplish its statutory goals, are longstanding. "When the Clean Water Act passed in 1972, they put a deadline of all the water in the country being fishable and swimmable by 1983. I remember

testifying, ‘Look, if we dropped everything else we were doing in the federal government and did nothing but focus our attention on cleaning up the water, we wouldn’t be able to do it by 1983. That doesn’t mean we shouldn’t have goals and deadlines and that you shouldn’t hold us to them,’ I said, ‘but don’t doom us to failure by setting us some deadline we can’t possibly meet.’ It had no effect on them.”

EPA never had more than 15 to 20 percent of the funding that it needed

At peak funding, “we probably had 15 to 20 percent of the funds necessary to carry out the mandates that Congress had put on the agency,” and “the [current] House budget would cut [EPA’s funding] by 40 percent.”

Because of the chronic gulf between mission and means, “the agency doesn’t take these congressionally-established deadlines and even sometimes congressionally-established *standards* seriously,” Ruckelshaus said. “The agency goes ahead and does the best it can under the limitations of personnel and funding that they have, and does the best it can to approximate the deadlines and even the standards...and hopes that holds up.”

Ineffective Congressional oversight

The oversight process “doesn’t work very well, because Congress doesn’t take the time — at least most members don’t — to really understand what the agency’s charge is and how well they’re carrying it out. That’s a time-consuming, politically not very rewarding exercise...and there just aren’t enough of them who care enough about it to spend the time to study [the issues].”

Ruckelshaus was in a hotel room in San Francisco last week watching the current EPA administrator, Lisa Jackson, testify before a House Appropriations Committee. “Their aides would hand [the Committee members] a question, and they’d ask the question,” he said, “and if she had an answer — which she did for most all of them — they didn’t know what to ask next, and they would turn to the aide and ask for more ammunition...They won’t take the time to do the research to find out where there may be real flaws in the way the statute’s being administered, and therefore what kinds of questions they ought to ask.”

“They begin to back off because they’re not quite sure how to conduct [what is] almost like a cross-examination.”

The agency “really gets pummeled” in an economic downturn. When the economy improves “and something happens that makes it clear that we’re not paying enough attention to either human or corporate activity...there will be a wild swing of the pendulum back in the other direction.”

Consequences of Bush administration foot-dragging

“Lisa Jackson has been very aggressive in trying to discharge the mandates that the Congress has given her and the mandates that she’s facing under court order. A lot of these arose during the Bush administration, when they were dragging their feet on implementing a lot of statutory deadlines, and they had sort of piled up. And Lisa Jackson, being more of an aggressive regulator...has issued a cascade of regulations that have affected a lot more people than the normal flow of regulations would have...and so they’re kind of ganging up on her.”

Anti-regulation fervor during economic downturns, but pendulum will swing back

Why, Ruckelshaus was asked, are so many elected officials on an anti-regulation tear today, after a series of calamities (including the financial meltdown of late 2008 and the Deepwater Horizon oil leak of 2010) that appear to stem from inadequate regulation? When “we’re in an economic downturn like we’ve been for the past couple of years, the health, safety and welfare, and environment agencies become very vulnerable — people don’t like regulation when the economy is in bad shape,” he answered. Even BP’s disaster in the Gulf hasn’t changed that trajectory, he said. “That Gulf spill was a horrible thing, and yet it has not inhibited these newly elected congressmen from attacking [EPA and other] regulatory agencies for overreaching, for going too far, and they haven’t gotten any blowback on that yet.”

“The agency really gets pummeled in those [bad economic] periods. And then when the economy improves and something happens that makes it clear that we’re not paying enough attention to either human or corporate activity and its impact on public health or the environment, then there will be a wild swing of the pendulum back in the other direction.”

Pollution that you could smell, touch, and feel

Another factor that helps explain wider political support for environmental regulation in the 1970s, Ruckelshaus said, was the dramatic nature of the “smell-touch-and-feel pollution” of those days. “We had flammable rivers and mountains that you couldn’t see; in Los Angeles, you couldn’t even see one another. And we’ve forgotten all of that stuff.” The notorious Santa Barbara oil spill, he added, was “just kind of an example of an off-shore disaster that was piled onto the rest of these problems and got people excited.”

Public outrage needed to revitalize regulation

Ultimately, it is public opinion that drives environmental policy, Ruckelshaus said. “During the Nixon Administration, 16 massive pieces of environmental legislation were passed...Now, Nixon himself did not

care about the environment — that was not an issue he ever paid any attention to — and yet, if you look at his record, it's remarkable, primarily because the public was demanding something be done about it.”

“Point” versus “non-point” pollution

The air and water pollution of the 1970s could be traced to the smokestacks and drainage pipes of a finite set of power plants and other large facilities. Four decades later, some of the biggest pollution problems — like greenhouse gases heating up the planet — are more diffuse and accordingly more difficult to address. Today's biggest unaddressed sources of water pollution, Ruckelhaus pointed out, are urban, suburban, and agricultural run-off. The point-source problem is largely “under social control,” he said, but not the non-point problem.

“Nixon himself did not care about the environment...and yet if you look at his record, it's remarkable — primarily because the public was demanding something be done about it.”

The latter is “the storm-water problem and it runs off city streets, farms, and suburban and rural areas and is now 85 percent of the water-pollution problem in the country. When I started at EPA it was 15 percent. The whole thing has completely shifted, and it's primarily because we've brought the big point-source problems under control through a national permit system that spells out what they can discharge and what they can't.”

Political difficulties in controlling run-off pollution

Run-off is a tougher problem politically as well as technologically, according to Ruckelshaus, because regulation threatens more people, and the “farmer who's being told that run-off from his land is polluting water” to the detriment of fish or recreation, may not take kindly to the information, especially if “they're approached like the enemy, not like somebody who's got a problem and needs to be acquainted with it and needs to understand what's necessary to correct it. So it really alienates land-owners.”

“Ideological liberals and operational conservatives”

Public opinion on environmental questions is far from a model of consistency, Ruckelshaus said. “Go into any city in the country and say, ‘Do you think the Clean Air Act should be more strictly enforced?’ Eighty percent of the people will say yes. And if you ask that same group of people ‘how about spending 20 minutes every two years getting your automobile tested,’ which demonstrably helps the environment, the air, 80 percent of them will say, ‘Nothing doing.’ They're sort of ideological liberals and operational conservatives.”

The longer-term politics of attacking environmental regulation

Republicans may live to regret the vehemence of their attacks on environmental regulation, Ruckelshaus said, “because I don’t think the public is any more tolerant today of giant insults on their health or environment than they were forty years ago.” He added that the pendulum may already be “beginning to swing back a little. I’ve noticed that some of these members who were quite outspoken during the campaign and immediately afterward have begun to mute their attacks.”

A better world?

What kind of procedural or cultural changes would Ruckelshaus advocate? In his vision, Congress and the various regulators would talk straight: the agency would say, “This is what we think we need to do to carry out the responsibilities [you have] handed to us, and [if we] ask for 100 and get 80, well all right, here is the 20 percent we think we’re going to have to do without under this budget because we simply can’t — we don’t have the resources.”

“Congress doesn’t take the time...to really understand what the agency’s charge is and how well they’re carrying it out. That’s a time-consuming, politically not very rewarding exercise.”

This content originally appeared at <http://remappingdebate.org/article/ruckelshaus-weighs-epa-bashing>