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# EPA JOURNAL



**Dawn of a New Era**

# Charting a New Course

*"You have my total support in your difficult job of enforcing and administering our Nation's environmental protection laws."  
— President Ronald Reagan to William D. Ruckelshaus at the nationally-televised swearing-in ceremony for EPA's new administrator May 18, 1983.*

Along with this assurance of vigorous support, the President also assigned EPA's leader the responsibility "to accomplish our goal: the protection of the health and well-being of the American people."

The President told Ruckelshaus that "I'm counting on you, in your daily performance of your duty, to reaffirm this Administration's firm commitment to a sound and safe environment—and an EPA that is trusted and respected by all."

Buoyed by this Presidential backing and a 97-0 confirmation vote from the United States

Senate, Administrator Ruckelshaus began his second term at EPA, the agency he organized in 1970 and led until 1973.

In this issue of EPA Journal, we take a look at EPA's new priorities outlined by the President at the swearing-in ceremony and in Administrator Ruckelshaus' public statements and testimony during confirmation hearings before the Senate Committee on the Environment and Public Works.

This issue includes articles on changes in leadership at the agency and new policies.

In addition, a photo essay on

wild birds illustrates one of the results of Ruckelshaus' first term at EPA. The bald eagle, our national symbol, and other creatures today have a better chance of survival because of the Administrator's 1972 action banning most uses of DDT.

In future issues, the Journal will report on fresh developments as the Agency sets out on a new course, with the objective of helping ensure a safer, cleaner environment for the American people and the world.

*An ocean beach, part of the environment which millions of people are visiting this summer.*



# EPA JOURNAL

**William D. Ruckelshaus, Administrator**  
**William J. Ahlfeld, Director, Office of Public Affairs**  
**Charles D. Pierce, Editor**

## Articles

EPA is charged by Congress with protecting the Nation's land, air and water systems. Under a mandate of national environmental laws, the Agency strives to formulate and implement actions which lead to a compatible balance between human activities and the ability of natural systems to support and nurture life.

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*Front Cover: Sunrise over Washington as seen from the Lincoln Memorial with the Washington Monument and the U.S. Capitol in the background*

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# President Reagan Assigns EPA Four Priority Tasks

President Reagan has charged EPA to act promptly in four major areas: controlling acid rain, expediting Superfund cleanups, clarifying roles of the various levels of government, and vigorously enforcing environmental laws.

"We must do even more to protect and cleanse our environment," the President told Administrator William D. Ruckelshaus at his swearing-in ceremony May 18. President Reagan cited four "areas of immediate concern":

**Acid rain:** "First, many of us—both here and in Canada—are concerned about the harmful effects acid rain may be having on lakes and forests. I would like you to work with others in our Administration, with the Congress, and with State and local officials, to meet this issue head-on.

"At a time when spending in other areas must be curtailed, we have already asked for an increase of 112 percent in research funds for acid rain. People on both sides of the border must understand that we are doing what's right and fair in this area."

**Superfund:** "Second, accelerate efforts to put the Superfund to good use, cleaning up those hazardous dumps that present an imminent or serious threat to human health. We've made progress—we must make still more. Let's pledge that no American will be held hostage or exposed to danger because of bureaucratic snafus or legal disputes over responsibility."

**Federal, state, local authorities:** "Third... we need a sorting out process to determine the areas of authority between the various levels of government. I've always thought that protecting the environment was something in which the State and local governments could and should play an important role. When I was Governor of California I was proud that our State led the way in many aspects of this battle, including the laws concerning air pollution. I hope you can focus on this and provide us with a better idea of who is best equipped to handle specific areas of responsibility."



*With William D. Ruckelshaus standing in the background, the President announces that he is nominating the former EPA Administrator to head EPA again.*

**Environmental laws:** "Fourth, we must insure that the laws concerning this vital area continue to be vigorously enforced. We expect nothing less than full compliance with the letter and spirit of the law."

The President noted that "13 years ago, under another Republican administration, the EPA was formed to preserve and enhance the quality of America's most precious assets—our air, land, and water. Its creation signaled a new awareness of the ecology and the impact of urbanization and industrialization on the quality of our lives.

"EPA was fortunate to have, as its first Administrator, an extraordinary public servant who gave direction and momentum to the fledgling environmental agency. His assignment, not an easy one, was performed with dedication, integrity and a balanced understanding of the Nation's needs. He soon became known—and with good reason—as 'Mr. Clean.'

"Today, at a time when we are opening a new chapter in the history of this agency, I

cannot imagine anyone who is more qualified or better suited to be at the helm once again than 'Mr. Clean'—Bill Ruckelshaus." The President said that Ruckelshaus "helped set this Nation on a course we still follow today—a course that has brought many tangible signs of progress. The quality of air in the United States, especially in our cities, is better today than it was 13 years ago. Streams, rivers and lakes all across the country are becoming cleaner. Regulations are now in place that come to grips with the problems of hazardous waste disposal. Progress is being made in cleaning up the abandoned chemical dumpsites which mar the countryside."

With the leadership of Administrator Ruckelshaus "and the assistance of EPA's fine career professionals and with a good working relationship with State and local environmental agencies," the President said he was confident the health and well-being of the American people would be protected.

# Science, Risk, and Public Policy

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community.

Somehow our democratic technological society must resolve the dissonance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

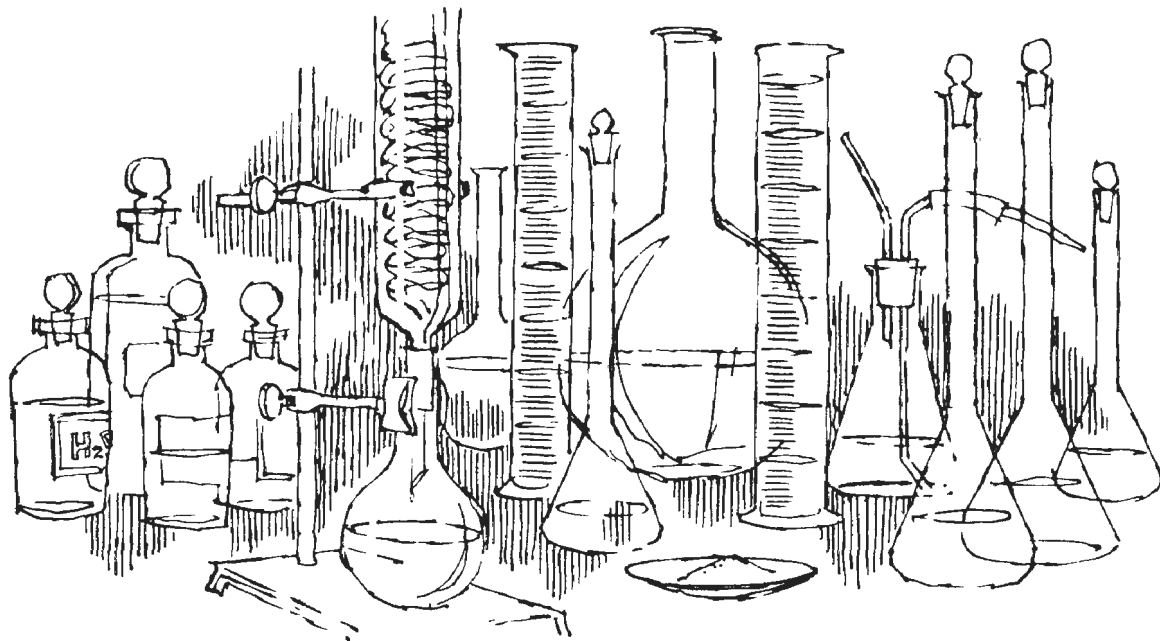
Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or health-related, must have a sound scientific base.

Science and the law are thus partners

at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

But EPA's laws often assume, indeed demand, a certainty of protection greater than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what all the bad pollutants are, *precisely* what adverse health or environmental effects they cause, how to measure them *exactly* and control them *absolutely*. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

When I left EPA over 10 years ago as its first Administrator, we had the Clean Air Act, the Clean Water Act, a solid waste law, a pesticide law and laws to control radiation and noise. Yet to come





were the myriad of laws to control toxic substances from their manufacture to their disposal—but that they would pass was even then obvious.

When I departed a decade ago, the struggle over whether the Federal Government was to have a major role in protecting our health, safety and environment was ended. The American people had spoken. The laws had passed, the regulations were being written. The only remaining question was whether the statutory framework we had created for our journey made sense or whether, over time, we would adjust it.

Ten years ago I thought I knew the answer to that question as well. I believed it would become apparent to all that we could virtually eliminate the risks we call pollution if we wanted to spend enough money. When it also became apparent that enough money for all the pollutants was a lot of money, I further believed we would begin to examine the risks very carefully and structure a system which forced us to balance our desire to eliminate pollution against the costs of its control. This would entail some adjustment of the laws, but really not all that much, and it would happen by about 1976. I was wrong.

It may be that God is repaying me for my error by causing me to be reincarnated as Administrator of EPA. Whether God or President Reagan is the cause this time around, I am determined to improve our country's ability to cope with the risk of pollutants over where I left it 10 years ago.

It will not be easy, because we must now deal with a class of pollutants for which a safe level is difficult, if not impossible, to establish. These pollutants interfere with genetic processes and are associated with the diseases we fear most: cancer and reproductive disorders, including birth defects. The scientific consensus has it that any exposure, however small, to a genetically active substance embodies some risk of an effect. Since these substances are wide-spread in the environment, and since we can detect them down to very low levels, we must assume that life now takes place in a minefield of risks from hundreds, perhaps thousands, of substances. No more can we tell the public: you are home free with an adequate margin of safety.

This worries all of us, and it should. But when we examine the premises on which such estimates of risk are based, we find a confusing picture. In assessing a suspected carcinogen, for example, there are uncertainties at every point where an assumption must be made: in calculating exposure; in extrapolating from high doses where we have seen an

effect to the low doses typical of environmental pollution; in what we may expect when humans are subjected to much lower doses of the same substance that caused tumors when given in high doses to laboratory animals; and finally, in the very mechanisms by which we suppose the disease to work.

One thing we clearly need to do is insure that our laws reflect these scientific realities. The Administrator of EPA should not be forced to represent that a margin of safety exists for a specific substance at a specific level of exposure where none can be scientifically established. This is particularly true where the inability to so represent forces the cessation of all use of a substance without any further evaluation.

It is my strong belief that where EPA or OSHA or any of the social regulatory agencies is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices.

I recognize that legislative change in the current climate is difficult. It is up to those of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This

is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I intend to allocate some of EPA's increased resources, which everyone seems determined to give us, toward these ends. Our 1984 request contains significant increases for risk assessment and associated work. We have requested \$31 million in supplemental appropriations for research and development and I would expect that risk assessment will be more strongly supported as a result of this increase as well.

I would also like to revitalize our long-term research program to develop a base for more adequately protecting the public health from toxic pollutants. I will be asking the advice of the outside scientific community how best to focus those research efforts.

Despite conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus *only*. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessment of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgement.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is *only* 10<sup>-6</sup>, is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are

and help them compare that risk to those with which they are more familiar.

To effectively *manage* the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

For this to happen, scientists must be willing to take a larger role in explaining the risks to the public—including the uncertainties inherent in any risk assessment. What we need to hear more of from scientists is science. I am going to try to provide avenues at EPA for involvement in the public dialogue in which the scientific problems are described. Our country needs the clear unbiased voice of science.

Lest anyone misunderstand, I am not suggesting that all the elements of managing risk can be reduced to some neat mathematical formula. Going through a disciplined approach can help. It will assist in organizing our thoughts to include all the elements that should be weighed. We will build up a set of precedents that will assist later decision-making and provide more predictable outcomes for any social regulatory programs we adopt.

It is clear to me that in a society in which democratic principles so dominate, the perceptions of the public must be weighed. Instead of objective and subjective risks, the experts sometimes substitute "real" and "imaginary" risks. There is a certain arrogance in this — an elitism which has ill served us in the past. Rather than decry the ignorance of the public and seek to ignore their concerns, our governmental processes must accommodate the will of the people and recognize its occasional wisdom. As Thomas Jefferson observed:

"If we think (the people) not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Up to this point I have been suggesting how risks should be assessed and managed in EPA. Much needs to be done to coordinate the various EPA programs to assure a consistent approach. I have established a task force with that charter.

I further believe we should make uniform the way in which we manage risk across the Federal regulatory agencies. The public interest is not



Administrator William D. Ruckelshaus addresses National Academy of Sciences in Washington, D.C.

served by two Federal agencies taking diametrically opposed positions on the health risks of a given toxic substance and then arguing about it in the press. We should be able to coordinate our risk assessment procedures across all Federal agencies. The risk management strategy that flows from that assessment may indeed differ, depending on the agency's statutory mandate or the judgment of the ultimate decision maker.

But even at the management stage there is no reason why the approaches cannot be coordinated to achieve the goal of risk avoidance or minimization with the least societal disruption possible. In the last few weeks I have been exploring with the White House and the Office of Management and Budget the possibility of effecting a better intra-governmental coordination of the way in which we assess and manage risk.

To push this one step further, I believe it is in our nation's best interest to share our knowledge of risks and our approach to managing them with the other developed nations of the world. The environmental movement has taught us the interdependencies of the world's ecosystems. In coping with the legitimate concerns raised by environmentalism we must not forget that we cope in a world with interdependent economies. If our approach to the management of risk is not sufficiently in harmony with those of the other developed nations, we could

save our health and risk our economy. I don't believe we need abandon either, but to insure it does not happen, we need to work hard to share scientific data and understand how to harmonize our management techniques with those of our sister nations.

\* \* \* \*

I want to help achieve a better conceptual, statutory and societal framework to cope with risk in our country.

To do that we need to get the emotion out of and the scientist into the process:

I need science's help.

I'll try to make it easier to access what we're doing at EPA.

But if I can't do that, I need your help anyway.

What I'm after is a government-wide process for assessing and managing health, safety and environmental risks.

This will take coordination, cooperation and good will within EPA, within the Executive Branch agencies and between the Congress and the Administration.

In other words, this will take a miracle.

Now I know science doesn't believe in miracles, but I need your help if this one's going to happen.

What's at stake is no less than whether this country works. It's worth the effort of all of us.



*"Picture what you are doing or saying as being on a billboard that you pass on the way to work. As you pass that billboard, if you look up and see what you are doing or saying and it embarrasses you, then don't do it or don't say it."*

*Administrator Ruckelshaus testifying.*

## Ruckelshaus Outlines Major Issues

Administrator William D. Ruckelshaus communicated his views on key issues in testimony before the Senate Committee on Environment and Public Works, at his swearing-in ceremony, and in various public comments.

Significant statements he has made include the following:

### **EPA's Mission:**

"EPA was not created to deal with the usual mix of social problems whether they be poverty, jobs, housing, education, crime. . . . In a real sense EPA's mission transcends all of these. That mission is the preservation of life itself."

\* \* \* \*

"I will endeavor to re-instill in the employees of EPA a sense of mission and a dedication to excellence. I will try to convince them that EPA's mission must be carried out by people who recognize they are servants of the public and not their masters, and by people who are as dedicated to fairness and civility to others as to excellence in themselves. An Agency steeped in this tradition is a legacy to which I will aspire."

\* \* \* \*

### **Public Commitment:**

"To the American people, protection of public health and our natural environment is a terribly important and enduring imperative. The survey I have seen, and my own experience, strongly indicate that Americans feel more deeply committed to the protection of

public health and the environment than any people on earth.

"Our country, acting through federal, state and local governments, over the last two decades, has translated that commitment into a massive network of laws and regulations to protect the health of our people and the air, water and earth we all share. Those laws attest that the debate in this country over whether we are going to protect public health and our environment has long since passed.

"I completely share our nation's commitment to the values of public health and the environment. Since first coming to EPA in 1970, I have participated in the national dialogue about how to translate those values into achievable goals. I intend to continue to participate in that debate. . . ."

### **Keeping Trust:**

"I can say to you, Mr. President, and to the Congress which confirmed me that I appreciate your support and trust. As I pursue the public interest, which is often so elusive at EPA, your support will sustain me. And in that pursuit I pledge to you, to the Congress and to the American people, I will never break your trust."

### **Administering The Laws:**

"Mr. President, while we both think the basic laws of EPA can be made to work better, we recognize the final arbiter of the shape of the law in our country is the Congress.





Senate Majority Leader Howard Baker testifying in support of the Ruckelshaus nomination. In background is Sen. John Chafee, who also supported Ruckelshaus.



Senator Robert T. Stafford, chairman of the Senate Environment and Public Works Committee, presiding at the Ruckelshaus hearing.

"That body . . . makes the laws. It is my job to enforce them—as written.

"I have pledged to the Congress . . . that I will consult closely with them in seeking to administer and refine our statutory base.

"Hopefully, we at EPA can regain the trust of Congress and achieve the administrative flexibility I believe is essential if the public interest is to be served."

**White House Overruling:**

"They can't do that. The law is very clear. It gives me the responsibility to ultimately make most of the decisions as they affect EPA. And where that law is clear and where it has given me the responsibility it is up to me to carry it out. If I can't do that, there's no reason for me to try to function as the Administrator."

**Presidential Support:**

"Most important, Mr. President, you have pledged to me your total support in taking on this job. Without your support I cannot succeed and with it I will not fail."

**EPA Career Employees:**

"EPA's greatest resource today is the same as when we started—its people. If they are trusted, included in, and given clear guidance as to what is expected of them they will perform to a very high standard. I will work hard and they will work hard toward our common objective."

\* \* \* \*

". . . EPA has impressive professionals with a high dedication to their mission. Many of the able people of EPA were there when we started over 12 years ago. We have much to learn from their collective wisdom and with their help this country can continue to progress toward our environmental and health goals. . . . it is my sense that the people of EPA who have stayed with it from the beginning are there because of their belief in the fundamental importance of their mission."

\* \* \* \*

"The career people of EPA recognize, better than the rest of us, the necessity of harmonizing their mission with the essentials of life they are trying to preserve. They know the single-minded pursuit of any social goal to the exclusion of all others can cause severe societal distortions. They are willing, and uniquely able, to help our country avoid these distortions if so charged. You have so charged us today, Mr. President. You have told us to pursue our mission with wisdom and dispatch. We accept your direction."

\* \* \* \*

**First Priority:**

"I discussed the nature of the Administrator's job with the President and his immediate staff before he asked me to serve. We agree that people and resources to do the job were essential ingredients of success. My first priority will be to recruit the best people I can find to manage the Agency."

**EPA's Enforcement Policies:**

"Much has been said and written in criticism of EPA's enforcement policies. The questions seem to focus on three aspects of enforcement—will, capacity, and organization.

"As to will, let me disabuse anyone who believes EPA, while I am there, will not have the requisite determination to enforce the laws as written by Congress. The environmental laws of this country were passed by Congress and were meant to be taken seriously by the administering authorities. I do take the Congressional charge seriously and if I'm confirmed EPA will take that charge seriously. We will enforce the laws of this country. We will be firm and we will be fair. We must never forget that in a time of high emotion such as we now face where the public interest demands firmness in the enforcement of our laws, the public good, mirrored in the Bill of Rights, demands that due process not be abandoned. The EPA I head will adhere to both principles."

**Toxic Substances:**

"The whole issue of toxic substances is of much greater prominence than when I was first at EPA. The law to regulate pesticides

(FIFRA) was already enacted, but only since I left has EPA established the basic structure to control the manufacture, distribution, use and ultimate disposal of toxic substances. We have in place a complex set of laws and regulations to deal with the toxic substance problems. I have no preconception whether these laws or regulations or the resources we have committed to their implementation are adequate. I do know that the wise and aggressive implementation of these laws must be a very high priority of mine and it will be."

**Law Compliance:**

"The existing laws will be administered as written. I will continue to bring to this Committee's (Senate Committee on the Environment and Public Works) attention recommendations for change where I believe change is warranted but in the meantime (we) remain a nation of laws and not of men, and the laws will remain supreme.

"I intend that EPA will operate forthrightly and honestly. We will attempt to communicate with everyone from the environmentalists to those we regulate and we will do so as openly as possible.

"I will seek the best advice I can get on how to deal with the terribly complex problems EPA must confront. I will seek help from scientists, environmentalists, economists, industrialists and the general public. I hope to engage former Administrators of EPA in a constant dialogue to take advantage of their collective wisdom.

"Lastly, I hope to engage this Committee (Senate Environment and Public Works), this Committee's staff, and other Committees of Congress and their staffs in a joint effort to improve our nation's ability to respond to the mix of health and environmental problems facing EPA. Recognizing the important oversight function Congress must play, I intend to make a better dialogue and increased trust between the legislating and administering authorities in this area a high priority."

"There will be no hit lists.  
There will be no big P political  
decisions and there will be no  
sweetheart deals."

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### Environmental Progress:

"But I have looked at some of those (economic and other) studies and I believe that the overall effort that we have made in the last 13 years . . . has resulted in appreciably better air and water quality over much of the country.

"We have made remarkable progress in the last decade and a half in cleaning up the environment. As a country we really ought to take hope from that. We really ought to be feeling pretty good about where we have come. That is not to suggest that we do not have more problems that . . . crop up every day. In this toxic area, they certainly have accelerated since I was here several years ago."

### Industry-Government Relations:

". . . if there is one question I have been asked more than any other, it is what does it feel like to have changed sides. . . . I never thought of myself as being on the other side when I was in government.

"My own belief as a lawyer and as a representative of a major American corporation is that my client's interests and corporation's interests were best served when it was possible to identify those interests with the public interest. When that is not possible, they are in trouble.

"I can cite examples where I have told people at Weyerhaeuser and others that . . . if the government were to move against Weyerhaeuser and it caused Weyerhaeuser to spend some money and the public interest was benefitted, that is too bad for Weyerhaeuser.

"In response to the question . . . whether there were expenditures made beyond where the benefits were accruing, if the government moved against a company like Weyerhaeuser, forcing Weyerhaeuser to spend some money, and there was no public benefit associated with it, in my view that is too bad for the country, not too bad for Weyerhaeuser, and that is a distinction which I think is sometimes lost.

\* \* \* \* \*

". . . I do not believe you can be effective in or out of government unless you are able to view the world from the other person's



The crowded Senate hearing room, with William D. Ruckelshaus at the witness table flanked by Senators Henry M. Jackson (left) and Slade Gorton.

perspective. Unless in this country we are capable of narrowing the gap that exists between government and the private sector, I believe very strongly that we are in trouble in the world. . . . Uniquely among the industrial nations of the world we have this chasm between the public and private sector. . . . We stand there and throw rocks at one another. There are chasms between other sections of our society . . . the general public, the environmentalists, management and labor. I just do not think we in this nation can any longer afford the endless, constant strife . . . that I think ultimately works to the detriment of much of what our nation stands for.

"To the extent I can help narrow that gap in coming to EPA, I think I will have performed a service.

### State Responsibilities:

"Mr. President, you have charged me with some specifics . . . help sort out the role of the Federal and State Governments so the people at both levels can stop second guessing one another and get on with their job."

### Relations with Congress:

". . . The final arbiter of the shape of the law in our country is the Congress. That body . . . makes the laws. It is my job to enforce them—as written. I have pledged to

the Congress . . . that I will consult closely with them in seeking to administer and refine our statutory base. Hopefully, we at EPA, can regain the trust of Congress and achieve the administrative flexibility I believe is essential if the public interest is to be served."

### Acid Rain:

"My understanding now is that there is no question that there is a problem of acid deposition that impacts on certain lakes in the northeastern part of this country and in Canada and that a major contributor to the cause of that is man-made. Now, how you would go about fashioning a program, a program for relief that would make sense for the country to reduce the impact of acid deposition, whether wet or dry, on these lakes with low buffering or areas with low buffering capacity, is where it is unclear, at least to me, as to exactly how you would do it."

### Clean Air Act:

"I will be working very closely with Congress to get some language, some reauthorizing sections in that law that everybody can agree with and get that law passed . . . as quickly as we can. Now, whether it is possible this year, I don't know and frankly neither does anyone else."

# New EPA Team Begins to Take Shape



Howard M. Messner



Lee M. Thomas



Samuel A. Schulhof



Ernesta Ballard Barnes

Two Assistant Administrators have been nominated, one Associate Administrator has been chosen and one Regional Administrator selected as the first of several new appointments expected at EPA.

Nominated by President Reagan as EPA Assistant Administrator for Administration is Howard M. Messner, a former EPA official.

Proposed by the President for the post of EPA Assistant Administrator for Solid Waste and Emergency Response is Lee M. Thomas.

Administrator William D. Ruckelshaus has appointed Samuel A. Schulhof as Associate Administrator for Regional Operations and Ernesta Ballard Barnes as Regional Administrator for the agency's Region 10, headquartered in Seattle.

Messner had been serving since March of this year as Controller of the Department of Energy. Previously he had been Assistant Director for Management Improvement and Evaluation of the Office of Management and Budget 1977-83. From 1975 to 1977 he served as Assistant Director for Management

Programs at the Congressional Budget Office.

Messner was Deputy Assistant Administrator for Administration at EPA 1971-75 and served as a management analyst in the Office of Management and Budget 1965-71. Messner received the William A. Jump Memorial Award for distinguished service in public administration in 1971.

Thomas, who has been acting head of the Solid Waste and Emergency Response office since February, also served for a brief period earlier this year as Acting Deputy Administrator of EPA.

He was an Associate Director of the Federal Emergency Management Agency before his nomination to a post at EPA. Thomas managed FEMA's disaster relief efforts and was chairman of the President's Task Force on Times Beach, Mo. He held a number of posts in the South Carolina state government before joining FEMA in 1981.

In the new post of Associate Administrator for Regional Operations, Schulhof will coordinate headquarters and regional activities and help in implementing Administrator Ruckelshaus' plan to give Regional Administrators greater autonomy.

He had previously served as EPA's Deputy Assistant Administrator for Administration. Before joining EPA in 1981 he was an assistant director of recruitment and communications at ACTION.

In her post as the new regional administrator for Region 10, Barnes will be responsible for administering and enforcing all EPA programs in the states of Washington, Oregon, Idaho and Alaska.

Barnes has worked in both the private and public sector. Before her EPA appointment she was a branch administrator with the Seattle Trust and Savings Bank where she was responsible for the management of retail banking activities.

From 1976 to 1978, she served as the director of public service for the Municipality of Metropolitan Seattle (METRO). She was the budget director for the University of Washington in Seattle from 1974 to 1976. In the mid-1970's, Barnes was an incorporator and founding board member of Sound Savings and Loan Association in Seattle, owned and organized by women.

# Sunlight Policy Guides EPA Officials

In a memorandum to all EPA employees and in other actions, EPA Administrator William D. Ruckelshaus has established basic principles to ensure that Agency activities are conducted in an open manner.

"When I recently appeared before the Senate Committee on Environment and Public Works, I promised that EPA would operate in a fishbowl," Ruckelshaus told Agency employees. "I said 'we will attempt to communicate with everyone from the environmentalists to those we regulate and we will do so as openly as possible.'"

In addition to providing guidance for all EPA employees, Ruckelshaus has also had his legal staff set up a system to avoid conflicts of interest, or the appearance of them, in EPA dealing with firms in which the Administrator had an interest or with public institutions with which he was associated.

At Ruckelshaus' direction, all Agency matters in which he recuses (excuses) himself from taking part to avoid conflict of interest under this system will be made public.

The following is the full text of the Administrator's memorandum to Agency employees on dealing in an open manner with the public:

"When I recently appeared before the Senate Committee on Environment and Public Works, I promised that EPA would operate 'in a fishbowl.' I said, 'We will attempt to communicate with everyone from the environmentalists to those we regulate and we will do so as openly as possible.' Therefore, I believe it is important to set out for the guidance of all EPA employees a set of basic principles to guide our communications with the public.

"In formulating these principles I considered more stringent restrictions on contacts with those outside the Agency than those described below. At my request, my staff met with staff members of the Administrative Conference of the United States to discuss these issues.

This organization is an independent agency that develops improvements to the legal procedures by which Federal agencies administer their programs. Based on the recommendations of the staff members of the Administrative Conference and those of the Office of General Counsel, I am convinced that restrictions beyond those set out below would unnecessarily inhibit the free flow of information and views. In adopting these flexible procedures I am relying on EPA employees to use their common sense and good judgment to conduct themselves with the openness and integrity which alone can ensure public trust in the Agency.

## *General Principles*

"EPA will provide, in all its programs, for the fullest possible public participation in decision-making. This requires not only that EPA employees remain open and accessible to those representing all points of view, but also that EPA employees responsible for decisions take affirmative steps to seek out the views of those who will be affected by the decisions. EPA will not accord privileged status to any special interest group, nor will it accept any recommendation without careful critical examination.

## *Appointment Calendars*

"In order to make the public fully aware of my contacts with interested persons, I have directed that a copy of my appointment calendar for each week be placed in the Office of Public Affairs and made available to the public at the end of the week. The Deputy Administrator, and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors shall make their appointment calendars available in a similar manner.

## *Litigation and Formal Adjudication*

"EPA is engaged in a wide range of litigation, both enforcement and defensive in nature. All communication with parties in litigation must be through the attorneys assigned to the case. Program personnel

who receive inquiries from parties in matters under litigation should immediately notify the assigned attorney, and should refer the caller to that attorney.

"Formal adjudications, such as pesticide cancellation proceedings, are governed by specific requirements concerning *ex parte* communications, which appear in the various EPA rules governing those proceedings. These rules are collected and available in the Office of General Counsel, Room 545, West Tower. I will conduct myself in accordance with these rules, and I expect all EPA employees to do the same.

## *Rulemaking Proceedings*

"In either formal or informal rulemaking proceedings under the Administrative Procedure Act, EPA employees must ensure that the basis for the Agency's decision appears in the record. Therefore, be certain (1) that all written comments received from persons outside the Agency (whether during or after the comment period) are entered in the rulemaking docket, and (2) that a memorandum summarizing any significant new factual information or argument likely to affect the final decision received during a meeting or other conversations is placed in the rulemaking docket.

"You are encouraged to reach out as broadly as possible for views to assist you in arriving at final rules. However, you should do so in a manner that ensures, as far as practicable, that final decisions are not taken on the basis of information or arguments which have not been disclosed to members of the public in a timely manner. This does not mean that you may not meet with one special interest group without inviting all other interest groups to the same meeting, although all such groups should have an equal opportunity to meet with EPA. It does mean, however, that any oral communication regarding significant new factual information or argument affecting a rule, including a meeting with an interest group, should be summarized in writing and placed in the rulemaking docket for the information of all members of the public."





# Eagles, Other Birds Thrive After EPA's 1972 DDT Ban

Visitors to many of the U.S. Fish and Wildlife national refuges this summer will find that populations of such relatively rare birds as the bald eagle, the brown pelican, the osprey and the peregrine falcon are now increasing. A major reason for their comeback is the ban on most uses of the pesticide DDT, put into effect in 1972 by William D. Ruckelshaus during his first service as EPA Administrator. U.S. Fish and Wildlife Service researchers proved that DDE, a breakdown product of DDT, was responsible for the eggshell thinning which caused sharp population declines among certain bird species. The research showed that the species most seriously affected by DDT were those that preyed on fish and other small animals that had been exposed to DDT.



*Peregrine falcon released*



*Brown pelicans in waters off Fisherman's Warf at San Pedro, Calif.*



*An osprey soaring over Maryland's eastern shore.*



*Bald eagle screams from a tree branch.*

# Changes Help Speed Hazardous Waste Program

EPA is carrying out a series of sweeping policy and administrative changes to accelerate the cleanup of hazardous waste sites in the United States.

Lee M. Thomas, Assistant Administrator for Solid Waste and Emergency Response, said the changes are being made to respond to Administrator William D. Ruckelshaus' goal to "develop momentum in these programs."

He explained that the new policies are being set in place to accelerate site cleanups under EPA's Superfund program and to improve hazardous waste regulatory controls under the Resource Conservation and Recovery Act.

Superfund changes include the following:

- Transfer of greater decision-making authority to the field staff, thereby allowing decisions on certain immediate Superfund cleanup actions to be made in regional offices rather than just the Agency headquarters;
- Evaluation of all 419 Superfund priority sites, which are candidates for long-term cleanup actions, to determine which may be made less hazardous through limited "removal" action while options for longer range solutions are developed. "Removal" can be initiated more quickly and does not require EPA to wait for matching state funds;
- Elimination of the requirements for states to pay 10 percent of the cost of studies and designs to develop cleanup options for priority sites, thus allowing the investigation and assessment of sites even in states suffering financial difficulties;
- Efforts to accelerate the investigation of possible additional Superfund sites by states using funds specially appropriated by Congress for that purpose;
- Emphasis on recovering costs from responsible parties after government has taken cleanup action, thereby avoiding delays in inducing private parties to perform cleanup in these cases;
- Delegation of authority to regional administrators to initiate and approve hazardous waste enforcement cases which was formerly held only by the Assistant



Technicians wearing respirator masks and rubber gloves move barrels of toxic wastes.

Administrator for Solid Waste and Emergency Response;

- Strengthened relations and communication with other federal agencies which have key roles in the success of the Superfund program: the Corps of Engineers with responsibility to manage contracts for cleanup; Centers for Disease Control, which perform health assessment work in evaluating site hazards; the Federal Emergency Management Administration, which administers relocation; and the Coast Guard, which is the lead response agency for spill response in certain parts of the country; and the Department of Justice, the federal government's trial lawyer in enforcement cases;
- Establishment of a target of 50 new enforcement cases at sites where Superfund monies are unlikely to be employed;
- Issuance of a community relations policy which recognizes the concerns of persons potentially exposed to hazardous sites, and their need for timely and accurate information on hazards, and opportunities for meaningful involvement of citizens as cleanup alternatives are being developed and implemented.

Improvements in the hazardous waste regulatory controls program include:

- Increasing the pace of granting permits to facilities which handle hazardous waste under the Resource Conservation and Recovery

Act. Permits—issued after public hearings—require adherence to design and operating standards more stringent than those which apply during "interim status."

- Using enforcement powers to require timely submission of technical information needed to make permit decisions. Facilities which cannot qualify for permits will be required to close in conformance with regulations designed to assure that hazards to health and the environment are averted.
- Strengthening the capabilities of states to attain "authorization" under RCRA, while at the same time developing contingency plans for EPA operation of the program when plans are not submitted or are inadequate. (By law states must demonstrate equivalency to the EPA program by January 1985 or lose their authority to operate programs.
- Recognizing in policy and guidance that Congress will hold EPA finally responsible for reasonable national uniformity of implementation, quality control, and comprehensive national information which can be used to make independent evaluations about the success of the program.

# How Many MPG? Let's Be Realistic

EPA will hold a public hearing July 26-27 in Ann Arbor, Mich., on proposed regulations designed to adjust EPA laboratory vehicle testing data to provide more realistic miles per gallon information for consumers.

The hearing will be conducted at the Ann Arbor-Huron High School in Ann Arbor, Mich., where EPA's vehicle testing laboratory is located.

The Agency's mileage estimates are based on testing under laboratory conditions for comparison purposes. The testing is also conducted to determine if the vehicles meet air emission standards.

Because of the many different conditions in which cars are operated, comparison data are not intended to predict actual in-use mileage. In September, 1980, EPA reported to Congress that, on the average, mileage figures on new car stickers were higher than the actual miles per gallon provided by cars on the road. This discrepancy has resulted in some consumer dissatisfaction.

Before the 1979 model year, EPA required new car stickers to show both highway and city mileage figures. When it became apparent that consumers were using EPA estimates as predictors of the actual mileage they would achieve, the agency ordered only the lower, city figure to be displayed as the EPA estimate.

The proposed regulations would restore the EPA highway mileage figure, but would adjust both figures to make them more realistic. The Agency would mathematically adjust the mileage figures obtained in the laboratory to match average figures expected on the road. The city test value would be multiplied by .90 and the highway test by .78.

These factors were derived by comparing reported in-use mileage figures for past model years with the EPA label figures for those years.

Charles L. Elkins, Acting EPA Assistant Administrator for Air, Noise and Radiation, explained:

"The public uses EPA mileage figures when it goes out to buy a new car. We are, therefore, proposing a formula so that the numbers we come up with are our best estimates of the actual fuel economy that motorists can expect.

"However, I must caution everyone that the calculations we make will still not predict the exact mileage that will be achieved by every individual driver and every individual car. Factors such as weather conditions, driving habits and road surfaces will still affect the mileage any particular motorist will get."

The proposed regulations would also require that the mileage numbers appearing on new car stickers be recalculated at the middle of the model year and at any time a design change is made that significantly affects fuel economy.

*Automobile emissions and gasoline usage are checked in EPA's Motor Vehicle Emissions Test Laboratory in Ann Arbor, Mich.*



# The Return of "An Extraordinary Public Servant"

"EPA was fortunate to have, as its first Administrator, an extraordinary public servant who gave direction and momentum to the fledgling environmental agency."

—President Reagan describing  
William D. Ruckelshaus, May 18, 1983.



In taking office again recently as EPA Administrator, William D. Ruckelshaus assumed the first position in the federal government that he has held since his celebrated resignation as Deputy Attorney General from the Justice Department back in the Watergate days.

The irony of returning to the EPA where he served as the first Administrator has been lost on no one, least of all himself: "I am a little older. I don't see quite as well as I once did. Hopefully, I'm a little wiser, although you would have to check with my wife on that," he told an enthusiastic audience of agency employees prior to his confirmation, "At any rate, here we go again."

Some things don't change. In his first interview, granted to the *Washington Post*, Ruckelshaus is quoted as saying, "One of the things that strikes me in coming back here again [to EPA] is how hard these decisions are, particularly the ones that get up here, and how difficult it is to decide how [to] strike this balance."

Other things do change, however, particularly when compared to the recent past. Morale among employees, for

*EPA employees reach to shake hands with Administrator William D. Ruckelshaus on his return to the Agency.*



instance, has steadily improved since the new Administrator's arrival. His appointment calendars are made public on a weekly basis. The agency again is endorsing full public participation in decision making. New appointees are slowly moving in, and some old ones are going.

One point that Ruckelshaus has made very clear is that he received the backing of President Reagan upon resuming the job of running the EPA. "The President has convinced me that he wants no abandonment of the goals of protection of the public health and of our natural environment," he has said.

Prior to returning to EPA, Ruckelshaus worked for Weyerhaeuser, a forest products company, in Tacoma, Washington, as senior vice-president for law and corporate affairs, responsible for policy setting and coordination of the company's key external relationships and its legal service functions.

Commenting on his return to EPA, Ruckelshaus said, "My job as EPA Administrator is the same today as it was when I held that job before and that is to represent the public interest to the best of my ability."

Ruckelshaus has been careful to excuse himself from any area of EPA that might create a conflict of interest with his prior activities. "Under the laws that have been passed in recent years," he said, "it's necessary for me to fill out more forms than EPA has paper. There are conflict of interest forms, financial forms, FBI checks. I ought to be able to pass that. When I left the FBI, I took my file with me," he joked. (Ruckelshaus served

as acting Director of the FBI when he first moved to the Department of Justice in 1973.)

President Reagan described Ruckelshaus as a man who "EPA was fortunate to have as its first Administrator, an extraordinary public servant who gave direction and momentum to the fledgling environmental agency. His assignment, not an easy one, was performed with dedication, integrity and a balanced understanding of the Nation's needs. He soon became known—and with good reason—as 'Mr. Clean.'"

Ruckelshaus was born in Indianapolis in 1932 and was graduated cum laude from Princeton University in 1957. His daughter Cathy—one of five children in his family—recently graduated from his Alma Mater. The new Administrator obtained his law degree from Harvard in 1960. Thereafter he practiced law and stayed active in politics back in Indiana until national politics beckoned.

The return of Ruckelshaus' wife Jill has generated almost as much ink in the Washington newspapers as his return. She is also a lawyer and remains politically active, serving on the U.S. Civil Rights Commission. She enjoys a reputation for being independent minded. When asked on a network morning news show about any possible differences of opinion between the

President and Jill, the EPA Administrator diplomatically responded that he wasn't going to be baited into that trap.

Old-time EPA hands have noted that Ruckelshaus looks trimmer and healthier than ever before. In fact, he has become an avid jogger. He also "gets away from it all" through bass fishing.

Surely a part of the reason Ruckelshaus elected to leave Seattle—a city to which he and Jill had become attached—was a genuine affection for EPA and its employees and a sense of pride in the agency's accomplishments. As he told the *New York Times* in an early interview, "There is no question that the air and water are appreciably cleaner than they were in 1970, and orders of magnitude cleaner than they would have been if there had been no laws."

Yet, he consistently has voiced a need for constructive regulatory reform: "Protecting human lives and our environment cannot be done in a vacuum," he's said. "Protection must be harmonized with other social goals, with goals involving our economy and the production of adequate energy . . . The issue today isn't whether we are going to clean up, but how."

In his speech to the employees, the new Administrator returned the warmth that had been bestowed by his overwhelming reception and gave yet another clue as to why he had given up so much to come back: "My real reason for asking you here today is to start to convince the American people what I know in my heart—there is no finer group of public servants in this country than the employees of the EPA. It was true at the beginning, and it's true now."

*Back Cover: A young osprey on its Chesapeake Bay nest stares intently at EPA photographer Steve Delaney.*

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