**EPA History (1970-1985)**

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**Background: Why EPA was Established**

When the U.S. Environmental Protection Agency formed some fifteen years ago, America had just awakened to the seriousness of its environmental pollution problem. Creation of EPA was part of the response to growing public concern and a grass roots movement to "do something" about the deteriorating conditions of water, air, and land.

For years, raw sewage, industrial and feedlot wastes had been discharged into rivers and lakes without regard for the cumulative effect that made our waters unfit for drinking, swimming, and boating. Smokestack omissions and automobile exhausts made air pollution so bad in certain communities that some people died and many were hospitalized. The land itself was being polluted by indiscriminate dumping of municipal and industrial wastes and some very toxic chemicals that would later come to the fore when their steel drum containers would rust and leak hazardous materials into soil and aquifers.

For decades Americans had assumed that air and water were free and plentiful and the industrial community gave little thought to pollution. Following World War II, however, several developments changed this picture. The U.S. experienced a vast increase in throw-away packaging: cans, bottles, plastics, and paper products--and the introduction into the marketplace of thousands of new synthetic organic chemicals. As a result of this deluge of waste land toxic materials, the earth's automatic, self-cleansing, life support systems became increasingly threatened.

By the 1960s it was obvious that decisive steps had to be taken to correct this imbalance and to prevent future reoccurrences. People from all walks of life and from every part of the political spectrum were expressing their anxieties. Books like Rachel Carson's "Silent Spring" became best sellers. Foundations, institutes, clubs, college curricula and corporate departments were formed to understand the problem and to arrive at solutions. Environmental agencies wore being created or given added responsibilities in most State governments.

It was in this atmosphere that the U.S. Environmental Protection Agency was created in 1970. EPA was not a carefully crafted well integrated organization in the beginning. President Nixon, by Executive Order "reorganized" the Executive Branch by transferring 15 units from existing organizations into a now independent agency, EPA. Four major Government agencies were involved.

It was not an easy birth. Air, Solid Waste, Radiological Health, Water Hygiene, and Pesticide Tolerance functions and personnel had been transferred from the Department of Health, Education, and Welfare; Water Quality and Pesticide Label Review came from the Interior Department; Radiation Protection Standards came from the Atomic Energy Commission and the Federal Radiation Council; Pesticide Registration came from the Department of Agriculture. Employees so transferred were accustomed to four varieties of policies, procedures, and administrative practices. It took several years under an able Administrator, William D. Ruckelshaus, to bring relative order out of the resulting chaos.

During this period a great many new environmental laws were passed and some old ones resurrected and refurbished as well as energy legislation that impacted on the environment. Other environmental type laws were enacted, such as:

* the Coastal Zone Management Act (1972),
* the Marine Protection Research and Sanctuaries Act (1972),
* the Endangered Species Act (1973),
* the Wild and Scenic Rivers Act (1976),
* the Marine Mammal Protection Act (1972),
* the Deepwater Ports and Waterways Safety Act (1974),
* the Fish and Wildlife Coordination Act (1974), the Water Resources Planning Act (1977),
* the Water Resources Research Act (1977),
* the Environmental Quality Improvement Act (1970),
* several amendments to the Food Drug and Cosmetics Act, and
* the Environmental Education Act.

There was renewed enforcement of the Rivers and Harbors Act of 1899.

The Rules and Regulations issued under these laws numbered into many thousands. In its early years EPA alone placed about 1500 rulemaking notices in the Federal Register annually.

**William D. Ruckelshaus
(December 4, 1970 to April 30, 1973)**

"An environmental ethic is needed," said the new Administrator, William D. Ruckelshaus, in his first speech to the National Press Club. "Each of us must begin to realize our own relationship to the environment. Each of us must begin to measure the impact of our own decisions and actions on the quality of air, water, and soil of this nation," he said.

A few weeks earlier, days after taking office, he made the charge to the nation's cities.

"In a surprise announcement," said the Wall Street Journal, Ruckelshaus warned the cities of Atlanta, Detroit, and Cleveland to halt alleged violations of water pollution standards within 180 days or face a possible Federal suit. Atlanta was cited for what he termed "the massive discharge of pollutants" into the Chattahoochee River. Detroit and Cleveland were cited for polluting the Lake Erie basin.

Ruckelshaus came to grips with pesticide issues just as quickly. DDT was the most popular and widely used insecticide in the world, recognized for its effectiveness, versatility, and persistence, and for its reasonable cost. The United Nations and the Agency for International Development used it for control of malaria.

However, a report of the President's Science Advisory Board in 1963, followed by Rachel Carson's "Silent Spring" in 1964 drew attention to side effects of the pesticide. During the succeeding six years the public's concern became thoroughly aroused. The U.S. Department of Agriculture canceled DDT registrations for uses affecting some food crops and livestock. By 1970, agitation by the Environmental Defense Fund, the Audubon Society, the National Wildlife Federation, the Izaak Walton League, and other environmental groups led to EPA's first major decision to ban a chemical substance.

Transfer of the pesticide registration function from the Agriculture Department to EPA in December 1970 enabled the Administrator one month later, to announce his intent to cancel all remaining Federal registrations for DDT (some 320products) primarily affecting cotton, citrus fruits, and certain vegetables. Seven months of hearings followed, with 8900 pages of expert testimony from 125 witnesses. They dealt with effects, of DDT on fish, wildlife, and humans and with the negative aspects of malaria control and economics. In June 1972 Mr. Ruckelshaus announced his decision to cancel all remaining crop uses. This decision was upheld in .

The term of EPA's first Administrator was marked by a plethora of environmental laws, rules and regulations:

* the 1970 amendments to the Clean Air Act;
* Environmental Impact Statements required by the National Environmental Policy Act (1970);
* the Resource Recovery Act (1970);
* guidelines for the limited control of radiation (1972);
* the Federal Environmental Pesticides Control Act (1972);
* Safety Standards for Farmworkers (1974);
* regulation of land use (1972); and
* totally revised water pollution legislation (1972), shifting the control mechanism from "water quality" to "effluent limitations" with a goal of "zero discharge."

There was legislation mandating cleanup and prevention of oil spills, acid mine drainage, and ocean dumping; and a Convention signed by 80 countries prohibiting ocean dumping of heavy metals, DDT, PCBs, persistent plastics and radioactive wastes, chemical and biological warfare agents, and requiring special permits for cyanides, fluorides, and medium and low level radioactive wastes. Congress appropriated $18 billion for sewage treatment grants. EPA argued that accelerating this activity would lead to approving projects that were neither environmentally effective nor cost effective. The President accused Congress of budget wrecking and impounded $9 billion of it.

The shortcomings of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (FIFRA), that is, the inability to control actual usage of pesticides led to passage of the Federal Environmental Pesticide Control Act of 1972 that contained several innovations. It provided for regulation of use, not just the label, for reregistration of all pesticides including those sold in intrastate commerce, for registration of manufacturing plants, and for national monitoring of pesticide residues.

In the fall of 1973, Russell E. Train succeeded Mr. Ruckelshaus, who had been called upon to head the FBI.

**Russell E. Train
(September 13, 1973 to January 20, 1977)**

Because of the OPEC-induced energy crisis in late 1973, low sulfur oils were in short supply; consequently, EPA and Congress were pressed to modify interpretation of the Clean Air Act to ease restrictions on sulfur dioxide emissions so that more coal could be substituted for oil, and to ease auto emission standards to secure greater fuel economy. Congress amended -the Clean Air Act, in 1974, giving EPA authority to suspend emission limitations temporarily and to extend deadlines for auto emissions standards.

In June 1973, a report by the National Commission on Materials policy recommended that EPA issue guidelines for environmentally sound solid waste management practices, including recovery. These guidelines were to be mandatory for Federal Agencies.

In April 1974 the Office of the Administrator for Air and Water Programs was reorganized, providing an Assistant Administrator for Air and an Assistant Administrator for Water. The latter subsequently headed the Office of Water and Waste Management.

The Safe Drinking Water Act was passed in December 1974, directing the Administrator to prescribe national drinking water standards, to control underground injection of wastewater to give technical assistance, and to aid the States in training of personnel.

During 1974, reports of the National Academy of Sciences, the General Accounting Office, the Senate Subcommittee on Environmental Pollution, the Water Pollution Control Federation and an EPA in-house committee, all criticized EPA's Office of Research and Development (ORD). It was said to have too many layers of management between the researchers and the Assistant Administrator, to have failed to establish long-range goals, and to have failed to coordinate its activities with the needs of the Agency. It was recognized that this was partly a reflection of fragmented Congressional oversight by diverse committee jurisdictions.

The bill authorizing funds for 1976 provided that no appropriation could be made to EPA for environmental research and development after FY 1976 unless previously authorized by legislation enacted by Congress. EPA instituted organization changes, and the Senate reorganized its committee structure, giving jurisdiction of R & D to the Environment and Public Works Committee.

The nation was confronted in 1975 with a shortage of architects and engineers qualified to design sewage treatment plants. Those available had sizable backlogs of projects they could not discharge for years. Further demand for their services merely inflated their fees. Nine billion dollars of the $18 billion appropriated had therefore been impounded by President Nixon. President Ford released $4 billion.

Then the Supreme Court ruled in *Train v. the City of New York* that impoundments of sewage treatment grant funds were illegal, so the full $18 billion became available for allotment. Administrator Train's warnings were to no avail. The subsequent Public Works Employment Act of 1976 incorporating the $18 billion was vetoed by President Ford but, Congress overrode his veto and the full State-by-State allotment of the $18 billion was authorized.

In 1975, EPA issued a policy statement concerning exposure to low-level ionizing radiation and issued regulations controlling man-made radioactivity in drinking water as well as environmental protection standards for nuclear fuel cycle operations.

In February 1975, EPA proposed noise rules for supersonic transports (SSTs) applying FAA's standards for subsonic jets to future SSTs. This would have effectively banned the Anglo-French Concorde, so in January 1976, EPA reversed its stand, exempting the Concorde. The Secretary of Transportation then decided to allow Concorde landings at Kennedy and Dulles Airports for a 16-month trial period. Numerous lawsuits ensued, but landings were ultimately approved.

Episodes of damage to health and environment, especially the Kepone pesticide tragedy at Hopewell, Va., contamination of the Hudson River and other waters by PCBs, and the threat of stratospheric ozone depletion from halocarbon emissions led to the passage of the Toxic Substances Control Act (TSCA). President Ford signed it into law in October 1976. TSCA sought to prevent pollution incidents by premarket testing, placed the burden of proof on the manufacturer and distributor, and gave EPA authority to control toxics not subject to previously existing laws.

The Resource Conservation and Recovery Act of 1976 (RCRA) addressed the most serious environmental and health concerns associated with solid waste and reaffirmed the goal of resource recovery. Congress envisioned the States' taking over Subtitle C programs, i.e., regulating hazardous wastes.

**Douglas M. Costle
(March 7, 1977 to January 20, 1981)**

In March 1977 following a change in Administration, Douglas M. Costle became the third Administrator of EPA. During his tenure the most critical and urgent problems were those related to contamination of land and aquifers by irresponsible hazardous waste disposal practices. At Love Canal in Niagara Falls, N.Y. and at a site south of Louisville, Ky. now known as the "Valley of the Drums," thousands of barrels of chemical wastes rusted through and leaked contaminants into soil and groundwater.

EPA's analysis of local soil and water identified some 200 different organic chemicals and 30 metals. Similar but less dramatic events occurred in Long Island, N.Y., in Iowa, and at dozens of other sites. Identifying responsible parties and assessing financial responsibilities were greatly complicated in many instances because of sales of land or the responsible company having gone out of business or having been acquired by another company. Who would pay for the cleanup?

It soon became obvious that the powers conferred by RCRA and the Clean Water Act were insufficient to address the problem. In previous years the word "Superfund," had been applied to oil spill cleanup legislation, and the term was now carried over to the hazardous substance cleanup proposal that was finally enacted in December 1980: the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

In 1977 Safe Drinking Water Act amendments gave EPA authority to require community water systems to monitor unregulated contaminants that threatened medically sensitive groups; provided training and technical assistance grants to States; and prohibited EPA from setting "unnecessarily disruptive" underground injection control requirements.

During the Costle administration, the Clean Air Act was amended (1977) to cope with nonattainment of mandated ambient air quality standards affecting both stationary and mobile sources. Other changes included establishment of a program to prevent deterioration of air quality, more stringent emission limitations for large new boilers, and requirements limiting the use of tall stacks as a control mechanism.

In 1976 EPA had instituted the "offset mechanism," to allow new sources to locate in nonattainment areas by offsetting improved emissions. This approach was sanctioned in the 1977 amendments. Noncompliance by mobile sources was addressed by authorizing extensions of the 1977 standards through 1979, after which they would be gradually tightened to attain statutory limits by 1981.

Solid Waste Disposal Act amendments extended EPA's control to rural communities, setting restrictions on open dumping and burning.

The Federal Pesticide Act of 1978 decreed that use of a pesticide must be consistent with its label.

In 1978 EPA's Science Advisory Board was established.

The existence of radioactive materials in uranium processing mill tailings became a significant issue and resulted in the passage of the Uranium Mill Tailings Radiation Control Act of 1978. EPA was required to set standards to assure protection of health, safety, and the environment. Actual cleanup and disposal of tailings was assigned to the Nuclear Regulatory Commission.

Also in 1978 the Quiet Communities Act extended the Noise Control Act (1972) and set up a nationwide "Quiet Communities Program," tightened aircraft noise regulations, setting specific decibel limits for civil aircraft. This was followed by the Aviation Safety and Noise Abatement Act of 1979.

In 1979 EPA published final rules to control noise from compressors, trucks, and railroad engines and cars. Legislative mandate for noise control, however, expired in 1979.

In 1979, EPA established a "bubble policy" for controlling stationary sources of air pollution. This provided greater flexibility in meeting emission standards. Pollution could be increased at one point within a plant if offsetting reductions were achieved elsewhere in the plant.

In December 1980 FIFRA expired and was amended.

In 1980, EPA also issued regulations for State injection control programs to protect underground sources of drinking water.

RCRA was amended by the Used Oil Recycling Act of 1980 that provided for all lubricating oil containers to bear the inscription"Don't pollute--conserve resources. Return used oil to collection centers."

Solid Waste Disposal Act amendments of 1980 increased EPA's enforcement powers over illegal hazardous waste dumpers, the so called "midnight dumpers."

**Anne M. Gorsuch Burford
(May 20, 1981 to March 9, 1983)**

In May of 1981, Anne Gorsuch Burford became Administrator of EPA. By this time public and Congressional interests were well focused on the major problems of toxic chemicals and hazardous wastes.

In the absence of new authorization bills, the noise control program underwent a gradual phase-down during 1981-1982. The Reagan Administration did not object, as it believed noise control is more properly a matter to be regulated by State and local governments.

Congress finally rescinded $1.7 billion Clean Water Act (CWA) construction grants funds previously appropriated over President Nixon's and Russell Train's objections, but never obligated.

The CWA was amended to allow the EPA Administrator to modify rigid BOD and pH requirements for ocean dumping by certain industrial mills. (BOD, or biological oxygen demand, measures the potential of an effluent to degrade a stream, and pH measures the acidity or alkalinity of a material, either liquid or solid.) Although this provision had been in effect for municipal discharges, its application to industrial pollution reversed five years of previous litigation.

In response to criticism of the Industrial Cost Exclusion (ICE) in the Municipal Wastewater Treatment Construction Grants amendments of 1981, Congress repealed them because they would "create financial, environmental, and social problems and cause delay in achieving water quality goals"

In 1982, EPA proposed standards, and drafted an Environmental Impact Statement for licensing and operation of mill tailings repositories.

Also in 1982, EPA announced that under RCRA, 34 states and Puerto Rico had received interim authority to oversee generation, transportation, and manifest requirements; 5 states held interim authority to issue permits for storage tanks, containers, waste piles, and incinerators.

The Reagan Administration had been elected on a platform that called for checking and reversing the growth of centralized Government and for providing regulatory relief. Believing that EPA was grossly overstaffed, Ms. Burford submitted to the Office of Management and Budget, a budget reflecting this view and calling for reduction from $1,355 million to $975 million. OMB's counterproposal demanded even greater cuts to which the Administrator would not agree. After protests to the Director of OMB and appeals to the White House Budget Review Board and the President, Ms. Burford prevailed. The reorganization of EPA necessitated by the reduction resulted in 4,365 fewer employees (4,129 by attrition and 236 by reduction-in-force procedures.) The remaining staff were thoroughly demoralized.

Shortly after Ms. Burford came on duty, on July 10, 1981, a fire and explosion destroyed the General Disposal Company's hazardous waste dump in Santa Fe Springs, California. Debris showered a nearby residential area and contaminated water ran through the neighborhood and onto a beach. The spill killed fish and the beach was closed. Santa Fe Springs became a test of the recently passed "Superfund" law. EPA, having authority to pay for the emergency response and then to sue responsible parties to recover the costs, began the emergency cleanup. The Inmont Corporation, one of the responsible parties, was willing to complete the cleanup voluntarily if EPA would free them from further liability. The settlement gave Inmont a blanket exemption from future Federal action related to the dump. This exemption became the target of widespread criticism, as a poor precedent.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) had been written to overcome deficiencies in RCRA and the CWA which had made no provisions for emergency and remedial cleanup responses. CERCLA called for a Toxic Substances and Diseases Registry, assessment of liability and financial responsibility, and continuous monitoring after sites are closed down. After several redraftings, EPA finally issued a revised National Contingency Plan (NCP) mandated by the CWA, to reflect provisions of CERCLA, including a National Priorities List (NPL) in which were ranked the worst 418 abandoned hazardous waste sites, making them eligible for Superfund cleanup.

The NCP was issued over a year late and the NPL was a year and a half overdue. Critics charged EPA with implementing the law much too slowly. Further, in several instances, settlements with companies liable for cleanup were said to have been made below cleanup cost. House subcommittees demanded to see the internal documents dealing with enforcement of CERCLA at 160 different sites. The White House considered this to be a "fishing expedition" and invoked the principle of "Executive Privilege," instructing Ms. Burford to decline to turn over the papers, calling them "enforcement-sensitive." The House promptly found Ms. Burford in contempt of Congress, but the Justice Department refused to prosecute and instead asked the District Court to bar Congress from taking further action. The Court dismissed the case. Ms. Burford resigned March 9, 1983 because, she said, she "had become an issue in the intense Congressional controversy about Administration policies."

**William D. Ruckelshaus
(May 18, 1983 to January 4, 1985)**

By 1983 when Mr. Ruckelshaus came back to replace Anne Burford, over 17,000 abandoned or inactive sites containing hazardous wastes were identified, and the spotlight had turned from the "traditional" sources of pollution to these sites, the establishment of the NPL and the administration of Superfund.

When a given site is discovered to be an imminent danger, immediate removal action is taken. Achievement of the actual cleanup often has been found to be slow and tedious. By 1983, preliminary assessment had been conducted at 7,300 of the 17,000 sites already identified and 546 were ranked in the NPL. It has been estimated that as many as 2,200 may eventually be so designated. The difficulty was (and is) that no amount of sudden spending can produce the quick results everyone would like to see. It soon became clear that it will take time and sustained effort to perform the various steps:

* preliminary assessment,
* site inspection,
* inclusion on the NPL,
* field sampling,
* decision on how to achieve permanent cleanup,
* engineering design, and
* actual cleanup.

Design and manufacture of specialized equipment and specialized training of personnel are also time consuming, and sites cleaned up need to be monitored for a period of years before they can be taken off the NPL. Where responsible parties can be found, EPA must pursue legal means to recover cleanup costs if Federal funds have been used. By the end of FY 1984 cost recovery totaled $6.1 million. Private party responses totaled about $146 million.

As he had done with DDT in his first administration, Mr. Ruckelshaus, acted with alacrity regarding another chemical, ethylene dibromide (EDB). EDB is believed to be one of the most potent carcinogens. It was used as an additive to leaded gasoline and as an important pesticide. It was also used to fumigate grain, for destroying the California Medfly and other fruitflies, and as a soil fumigant to kill nematodes, a type of parasitic worm. EDB can be breathed, eaten, or absorbed by the skin. Massive amounts of EDB were used for citrus fruit in California and in Florida where it penetrated the groundwater. Ruckelshaus issued an emergency suspension of EDB in October 1983. This is the strictest measure EPA can use against a pesticide.

EPA's partially restored budget in FY 1985 supported a Superfund increase of more than 50%, along with an increased investment in the RCRA program; a doubling of the acid rain research program; a revitalized enforcement program, up over 25%; a Chesapeake Bay initiative of $10 million; a new lab facility for the radiation program; and a steady commitment to State grants.

**Lee M. Thomas
(February 8, 1985 to present\*)**

The present Administrator, Lee M. Thomas came on duty in February 1985, announcing his intention of integrating all of EPA's environmental programs into a managed system with a multimedia perspective, to improve EPA's internal accountability system, to decentralize programs and delegate additional responsibilities to Regions and States, to improve community involvement and public education, to strengthen EPA's technical support and oversight roles, and to obtain measurable environmental results.

On December 2, 1985, EPA will be fifteen years old. Although it has suffered some childhood maladies and growing pains, it is a robust teenager whose responsibilities have expanded and whose resources have grown from $300 million and 7,000 personnel in 1970 to a hefty $2.3 billion and 12,000employees in 1985. Even allowing for inflation, this is an impressive increase. EPA's current responsibilities include protection of air and water resources, protection of drinking water supplies, and more recently, Superfund. It carries out these responsibilities through research, standards setting, permitting, monitoring and enforcement, information and technology transfer, and financial support of State/local governments.

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