**The Birth of EPA**

**by Jack Lewis**
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The official birthday of EPA is December 2, 1970. Like any other birth, EPA's needed progenitors, and a family tree stretching back for years. Surely no factor was more pivotal in the birth of EPA than decades of rampant and highly visible pollution. But pollution alone does not an agency make. Ideas are needed--better yet a whole world view--and many environmental ideas first crystallized in 1962.

That year saw the publication of Rachel Carson's *Silent Spring*, first in serial form in the *New Yorker* and then as a Houghton Mifflin best seller. This exhaustively researched, carefully reasoned, and beautifully written attack on the indiscriminate use of pesticides was not exactly light reading. Yet it attracted immediate attention and wound up causing a revolution in public opinion.

An inveterate bird-watcher, Carson derived her missionary zeal from her fear that fewer species of birds would be singing each spring unless pesticide poisoning was curtailed. The readers of her book, however, were less alarmed by the prospect of a "*Silent Spring*" than they were about people dying from any number of hidden poisons lurking in what had previously seemed a benign environment. It was not hard to wax hysterical after reading in Carson's book that "the common salad bowl may easily present a combination of organic phosphate insecticides" that could "interact" with lethal consequences to the unsuspecting salad muncher.

*Silent Spring* played in the history of environmentalism roughly the same role that *Uncle Tom's Cabin* played in the abolitionist movement. In fact, EPA today may be said without exaggeration to be the extended shadow of Rachel Carson. The influence of her book has brought together over 14,000 scientists, lawyers, managers, and other employees across the country to fight the good fight for "environmental protection."

Skeptics then and now have accused Carson of shallow science, but her literary genius carried all before it. Followers flocked to Carson's cause--rendered all the more sacred by her premature death in 1964. Suddenly, everywhere people looked, they saw evidence of nature's spoilation. Concern over air and water pollution spread in widening eddies from the often-forgotten core of the movement: a highly detailed and intellectually challenging book about commercial pesticides.

The disillusioning effect of the Vietnam war enhanced the popularity of *Silent Spring*. When people heard of the defoilation tactics used in the jungles of Indochina, they became more receptive to the "environmental" ideas advanced by Carson and her countless imitators. The cognoscenti even began using a more arcane term--"ecology"--in reference to a science of the environment, then still in its infancy.

The period 1962 to 1970 witnessed a slow erosion in the popularity of the word "conservation," as man himself replaced trees and wildlife as the endangered species, bar none. Overpopulation and industrialization had left mankind trapped in a deteriorating environment. The damage was not just esthetically displeasing but threatening to the very survival of man. Environmentalism gained strength as a movement dedicated to ending--and if possible--reversing this decline in the human environment.

Everywhere television programs, symposia, and "teach-ins" raised the burning question: "Can Man Survive?" In May 1969, U Thant of the United Nations gave the planet only ten years to avert environmental disaster; the following month, he blamed the bulk of planetary catastrophe on the United States. Under Secretary of the Interior Russell E. Train spoke skeptically at the April 1969 Centennial of the American Museum of Natural History: "If environmental deterioration is permitted to continue and increase at present rates, [man] wouldn't stand a snowball's chance in hell [of surviving]."

By late 1969, the subterranean rumblings heralding the impending explosion could already be heard. On August 31, Senator Ted Stevens of Alaska complained: "Suddenly out of the woodwork come thousands of people talking about ecology." On October 20, Robert Bendiner--in a signed New York *Times* editorial--had a startling prediction to make: "Call it conservation, the environment, ecological balance, or what you will, it is a cause more permanent, more far-reaching, than any issue of the era--Vietnam and Black Power included."

The Nixon Administration, although preoccupied with an unpopular war and a recession-ridden economy, took some stopgap action on the environmental front in 1969. In May, President Nixon had set up a Cabinet-level Environmental Quality Council as well as a Citizens' Advisory Committee on Environmental Quality. His critics charged that these were largely ceremonial bodies, with almost no real power.

Stung by these charges, President Nixon appointed a White House committee in December 1969 to consider whether there should be a separate environmental agency. The President had already asked Litton founder, Roy L. Ash, to take a sweeping look at organizational problems throughout the government.

It was at just this time that Congress sent to the President a remarkable bill known as the National Environmental Policy Act (NEPA). Senator Gaylord Nelson (D-Wis)--looking back at the "Environmental Decade" in 1980--called NEPA "the most important piece of environmental legislation in our history." It is easy to see why.

A tone of high-minded idealism pervades this statute. NEPA's stated purposes were:

* "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment."
* "To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man."
* "To enrich our understanding of the ecological systems and natural resources important to the Nation."

To further these ends, NEPA called for the formation of a Council on Environmental Quality (CEQ) to give the President expert advice on environmental matters. The CEQ was also charged with reviewing Environmental Impact Statements, which were now required of all federal agencies planning projects with major environmental ramifications.

In an era of bitter ideological disputes, public opinion was virtually unanimous on the need for the national environmental policy NEPA would generate. Turning his reluctant consent into a show of visionary statesmanship, President Nixon chose to sign NEPA on New Year's Day, 1970--thus making the signing his "first official act of the decade." He named future EPA Administrator Russell E. Train to be the first CEQ Chairman.

NEPA's New Year's Day signing did prove to have more than symbolic significance. Enactment of this law set the stage for a year of intense activity on the environmental front. Senator Gaylord Nelson recalls that right after the passage of NEPA, "the issue of the environment exploded on the country like Mount St. Helens." The authors of the first CEQ Annual Report on Environmental Quality had the same sense of an unprecedented watershed. In August 1970, they wrote: "Historians may one day call 1970 the year of the environment--a turning point, a year when the quality of life [became] more than a phrase..."

It was in this atmosphere of intense concern for environmental issues that President Nixon delivered his 1970 State of the Union Address. Speaking to both houses of Congress on January 22, the President proposed making "the 1970s a historic period when, by conscious choice, [we] transform our land into what we want it to become." He continued this activist theme on February 10, when he announced a 37-point environmental action program. The program gave special emphasis to strengthening federal programs for dealing with water and air pollution.

Two months later, on April 22, the first Earth Day celebration brought 20 million Americans out into the spring sunshine for peaceful demonstrations in favor of environmental reform. Senator Gaylord Nelson (D-Wis.) and Congressman Paul McCloskey (R-Calif.) gave bipartisan sponsorship to the event, but its popularity far surpassed their widest expectations. President Nixon was not caught by surprise. He had spokesmen deployed throughout the country to present the Administration's case at teach-ins.

The first Earth Day lives in popular memory to this day as a joyous and life-affirming moment in American history. The theatrical flair of some of the demonstrators had a great deal to do with its success. Oil-coated ducks were dumped on the doorstep of the Department of the Interior...A student disguised as the Grim Reaper stalked a General Electric Company stockholders' meeting...Demonstrators dragged a net filled with dead fish down Fifth Avenue, and shouted to passers-by, "This could be you!"

The phenomenal success of Earth Day gave greater priority than ever to environmental issues. In particular, it strengthened the impact of the report that Roy L. Ash of the President's Commission on Executive Reorganization had submitted on April 15. That report argued strongly than an independent agency was needed to coordinate all of the Administration's new environmental initiatives.

In sending Reorganization Plan No. 3 to Congress on July 9, the President admitted that he had first been reluctant to propose setting up a new independent agency. Eventually, however, he was convinced by all "the arguments against placing environmental protection activities under the jurisdiction of one or another of the existing departments and agencies."

These arguments were twofold: first, the primary mission of each existing department would bias any decisions it made on a government-wide basis concerning the environment; second, the same factors might raise questions about the objectivity of any existing department as a standard-setting body for other agencies and departments.

To avoid such pitfalls, President Nixon called for "a strong, independent agency." The mission of this "Environmental Protection Agency" would be to:

* Establish and enforce environmental protection standards.
* Conduct environmental research.
* Provide assistance to others combatting environmental pollution.
* Assist the CEQ in developing and recommending to the President new policies for environmental protection.

The components of the new agency were pieced together from various programs at other departments. From the Department of Health, Education and Welfare (HEW) came several functions: those of the National Air Pollution Control Administration, the bureaus of Water Hygiene and Solid Waste Management, and some functions of the Bureau of Radiological Health. The Food and Drug Administration of HEW gave up to EPA its control over tolerance levels for pesticides.

The Department of the Interior contributed the functions of the Federal Water Quality Administration and portions of its pesticide research responsibilities. EPA gained functions respecting pesticide registration from the Department of Agriculture. From the Atomic Energy Commission and the Federal Radiation Council, the new agency gained responsibility for radiation criteria and standards.

Two of these programs--HEW's National Air Pollution Control Administration (NAPCA) and Interior's Water Quality Administration (FWQA)--represented the core of the federal government's pollution-control apparatus prior to the birth of EPA. The air program was founded in 1955 in reaction to a wide range of alarming problems: the suffocating blanket of smog covering greater Los Angeles; the 1948 atmospheric inversion that temporarily raised the death rate in Donora, Pa., by 400 percent; a London "fog" in 1952 that killed 4,000 people over a four-day period. Equally severe water pollution problems--untreated sewage and industrial waste, dying rivers and lakes--led to the founding of the predecessor of the FWQA in 1948.

NAPCA began as a research body with no regulatory powers. The Clean Air Act of 1963 gave NAPCA enforcement authority to attack interstate air pollution problems. Two years later, the act was amended to permit NAPCA to set air pollution standards for new motor vehicles. In reality, however, little effective use was made of these powers in the 1960s, and they were further diluted by the Air Quality Act of 1967, which re-emphasized the principle of state and local control over air pollution.

The Federal Water Quality Administration (FWQA) began as a program in the Public Health Service of HEW but was transferred to Interior in 1966. The FWQA was authorized to give technical assistance to states and localities and to distribute construction grants for municipal waste treatment programs. Like NAPCA, the FWQA gained enforcement and standard-setting powers in the 1960s, but the actual exercise of these powers fell far short of expectations.

One of EPA's goals was to give real bite to the federal enforcement bark. But this would clearly be impossible unless EPA's first Administrator was able to fuse the air and water programs as well as those for pesticides and radiation into one effective working entity. Tribal boundaries separated all these programs, and their staff of 5,650 highly skilled and highly competitive people. The challenge of getting this many people to work in harmony would in itself have overwhelmed most managers.

But President Nixon made the task facing EPA's first Administrator even greater by insisting upon the importance of viewing "the environment as a whole." The President's charge to the first EPA Administrator was to treat "air pollution, water pollution and solid wastes as different forms of a single problem." The main purpose of the reorganization that gave birth to EPA was to introduce a "broad systems approach [that]...would give unique direction to our war on pollution."

This daunting assignment went to a 38-year-old Assistant Attorney General named William D. Ruckelshaus. President Nixon nominated Ruckelshaus on November 9. On December 1, at his Senate confirmation, Ruckelshaus received a magnanimous blessing from the Democratic Party's leading environmental activist, Senator Edmund Muskie (D-Maine): "I hope that you pre-empt the title that has been tossed about loosely in recent years. I hope that you become known as Mr. Clean."

That was, indeed, to become the favorite tag for EPA's first Administrator. It was not long before the media were portraying William Ruckelshaus as a knight in shining armor charging out to do battle with the wicked polluters of America. By adopting an aggressive stance toward a wide variety of environmental problems, EPA's new Administrator managed to gain headlines for his infant agency almost from the day of its birth.

EPA opened for business in a tiny suite of offices at 20th and L Streets in northwest Washington, D.C., December 2, 1970. A mere five days later, Administrator Ruckelshaus attracted wide media attention when he delivered the keynote address to the second International Clean Air Congress. Ruckelshaus said that he and EPA were starting with "no obligation to promote commerce or agriculture." By promising to enforce "reasonable standards of air quality," Ruckelshaus positioned himself as the governmental advocate of environmental progress, not merely a mediator between industry and the public. In fact, he seemed to envision for EPA a crucial role in the "development of an environmental ethic" among businessmen and citizens alike.

On December 11, Ruckelshaus went on the offensive against three cities with noteworthy water pollution problems: Cleveland (of "Burning Cuyahoga" infamy), Detroit, and Atlanta. EPA gave the mayors of these cities six months to come into compliance or face court action. Four days later, he spoke to a Governors' conference of the "imperative" need for unbiased state pollution control boards. (Fortunately, many of these were coming under the aegis of state "environmental protection agencies," a large number of which were founded during the Year of the Environment.)

Some of the first problems tackled by EPA were less sublime than the Administrator's rhetoric. A ruling on marine toilets was necessary, but hardly glamorous. A missing interceptor at Key Bridge brought a flood of untreated sewage into the Potomac...and a flood of irate reporters into EPA. Noise fanatics were deafening in their protests over the Supersonic Transport. Agency lawyers had to dredge up a dusty statute from 1899 before they could take any action against factories discharging scalding water into lakes and streams.

But the Year of the Environment came to an end on an extremely upbeat note with the signing of a major piece of environmental legislation. The Clean Air Act (CAA) of 1970 was the perfect bookend to balance the National Environmental Policy Act the President had signed with such a flourish on New Year's Day.

The Clean Air Act brought dramatic--and substantive--changes to the federal air quality program. The act required EPA to establish national air quality standards as well as national standards for significant new pollution sources and for all facilities emitting hazardous substances. The CAA took dead aim against America's leading source of pollution: the automobile. The law set statutory deadlines for reducing automobile emission levels: 90 percent reductions in hydrocarbon and carbon monoxide levels by 1975 and a 90 percent reduction in nitrogen oxides by 1976.

Among the less tangible but vital contributions of the CAA, according to former Deputy Administrator Alvin Alm, were the working arrangements forged while setting and enforcing its standards. These "set the pattern for federal-state relations for years to come."

At the outset, President Nixon promised the states a chance to make "a good faith effort" to implement CAA standards, but warned that federal enforcement action against violators would be swift and sure. Alluding to a popular Clint Eastwood picture of the day, the President said that William Ruckelshaus would be "The Enforcer" in cases of air pollution.

An early test of EPA's resolve in this matter led to a confrontation with Union Carbide. Under pre-existing air statutes, Union Carbide had been required to submit a timetable for bringing the Marietta, Ohio, plant into compliance with recommended federal standards by the end of 1970.

On January 9, 1971, William "The Enforcer" Ruckelshaus rejected Union Carbide's schedule for reducing sulfur oxide emissions from its Marietta plant. The company retaliated by threatening to lay off 625 workers. Eventually, EPA was able to forge a compromise that saved the workers' jobs. This was done without jeopardizing the environmental goal of securing from Union Carbide a workable emission reduction plan. The company's Marietta plant brought its sulfur oxide emissions down 70 percent by April 1972.

It is impressive that EPA was able to take the strong positions it did during its early days. Outward appearances did not always square with behind-the-scenes reality. In fact, a state of cheerful chaos prevailed during the first few months of the agency's operation. Program offices were scattered in seven or eight locations throughout Washington, D.C. Even tracking down a particular program team was sometimes an impossible task.

Not until March 1971 was the General Services Administration able to move all of EPA's Washington workers into an office complex big enough to house them: Waterside Mall in Southwest Washington--a location that long ago burst its once-ample seams. It was also at this time that semi-permanent space was found for the staff of EPA's embryonic offices in each of the ten federal regions. Getting the regional offices settled was important because of the activist role the new Administrator had in mind for them in his new regime.

To organize the EPA monolith, national and regional, Administrator Ruckelshaus tried to foster a "systems approach to pollution problems by grouping both air and water programs under a single Assistant Administrator for Media Programs. A separate Assistant Administrator for Categorical Programs was to monitor three "categories" of manmade pollutants: pesticides, radiation, and solid waste.

All five of these programs eventually popped out from under their "systems" groupings and became separate administrative units, with separate Assistant Administrators. A. James Barnes, then a Special Assistant to Administrator Ruckelshaus and now EPA's Deputy Administrator, commented recently that "we were not as true as we should have been to this notion of dealing with environmental problems as a whole."

Consolidating specific functions on an agencywide basis was an easier goal to accomplish. Research, enforcement, and management functions--once a part of each of the programs united to form EPA--were drawn together under individual Assistant Administrators responsible for forging unified agency programs in each area.

The problem of developing an overall Agency identity was more elusive. Ultimately, it depended a great deal on the leadership qualities of the new Administrator, and there is widespread agreement among those who went through that exciting time that Ruckelshaus' leadership was up to the challenge: "extraordinary"; "energetic"; "very upbeat"; "very free-wheeling"; "much less bound in red tape"; responsible for "fantastic esprit de corps"; "a very gung-ho attitude"; "a family feeling."

Ruckelshaus himself refuses to idealize the early 1970s. In fact, he blames the idealism of the Year of the Environment for many of EPA's subsequent problems: "We thought we had technologies that could control pollutants, keeping them below threshold levels at a reasonable cost, and that the only things missing in the equation were national standards and a strong enforcement effort. All of the nation's early environmental laws reflected these assumptions, and every one of these assumptions is wrong...The errors in our assumptions were not readily apparent in EPA's early days because the agency was tackling pollution in its most blatant form. The worst problems and the most direct ways to deal with them were apparent to everyone."

Other EPA old hands share Ruckelshaus' desire to de-mythologize the early days of the agency. "There was no 'Golden Age,'" says Howard Messner, who helped get EPA rolling in the early 1970s and then returned to the agency with Ruckelshaus in 1983. "It was dramatic to be here then, but the agency wasn't as productive in terms of substance or achievement as EPA is in 1985. EPA has developed into the most competent agency in the federal government, and morale is still very high among our extremely talented and dedicated staff. Today is the Golden Age."