ENVIRONMENTAL DATA & GOVERNANCE INITATIVE

ETM SBU 024

Transcript of an Interview

Conducted by

Katherine Kulik

(With Subsequent Corrections and Additions)

INTERVIEWEE: Geoffrey H. Grubbs

INTERVIEWER: Katherine Kulik

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ABOUT THIS TRANSCRIPT

The Environmental Data & Governance Initiative, is committed to enhancing research use of the interviews by preparing carefully edited transcripts of those recordings. The preparation of interview transcripts begin with the creation of a verbatim typescript of the recording and proceeds through review and editing by members of EDGI; Interviewees also review the typescript and can request additions, deletions, or that sections be redacted. We have established guidelines to help us maintain fidelity to the language and meaning of each recorded interview while making minor editorial adjustments for clarity and readability. Wherever possible, we supply the full names of people, organizations, or geographical locations mentioned during the interview. We add footnotes to the transcript to provide full citations for any publications that are discussed, to point to extant oral history interviews, and to clear up misstatements or provide context for ambiguous references in the transcript. We use brackets to indicate the addition of material that was not in the audio, and bracketed ellipses to indicate the deletion of recorded material. The transcript also includes time stamps at ten-minute intervals. We omit without noting most instances of verbal crutches and all instances of non-lexical utterances. We also make small grammatical corrections where necessary to communicate interview participants' meaning. With the availability of online full-text searching of our transcripts, the EDGI does not include an end index.

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<T: 10 min>

INTERVIEWER: So the first three questions go together, just what is your age, racial and ethnic identification, and gender?

INTERVIEWEE: I turned 66 yesterday – happy birthday to me –

INTERVIEWER: Happy birthday.

INTERVIEWEE: Gender, male. What's the other question? Ethnicity?

INTERVIEWER: How you identify.

INTERVIEWEE: White, Caucasian, however you wanna do that.

INTERVIEWER: All right, and just to start, again, getting your background – apologies if you put this in that summary –

INTERVIEWEE: It doesn't matter.

INTERVIEWER: But if you could tell us about your formal education?

INTERVIEWEE: Bachelor of science and engineering from Princeton University, 1972.

INTERVIEWER: And your profession at the moment?

INTERVIEWEE: Combination of retired and a consultant, I do a bunch of consulting.

INTERVIEWER: Great, so starting at the beginning, right out of college, what were some of your first jobs prior to coming to EPA?

INTERVIEWEE: I came straight here.

INTERVIEWER: You did come straight here?

INTERVIEWEE: Yeah, EPA was formed in 1970 and I graduated from a high-end university engineering degree in 1972. I had several job offers from EPA – well, the way to put it is when EPA was formed, I was in college and I knew what I wanted to do, and that was to go work for EPA.
So, I came to EPA – I should have brought it to show you but I have my badge, 'cause EPA has been created – It was agglomerated from different pieces of different bureaus and things and different agencies put together in different buildings around the Washington area.
And so I've had a job offer from a – one of the job offers I got from EPA was here in the D.C. area in air pollution enforcement. So I came straight here as a GS5 Step 1, and my badge number, which I'm very proud of, is 399.

INTERVIEWER: Wow.

INTERVIEWEE: Of all of them they ever issued, I still have it.

INTERVIEWER: So that means you were the 399th person –

INTERVIEWEE: That they gave a badge to, right.

INTERVIEWER: That's amazing.

INTERVIEWEE: Right. So, I would start from the very beginning, to hear it from the very beginning.

INTERVIEWER: And you said in college you had your eyes set on EPA right away?

INTERVIEWEE: Oh, yeah, it was created; I knew what I wanted to do.

INTERVIEWER: What made your interest piqued in that?

INTERVIEWEE: Well, I was – and engineering in the early '70s was all about aerospace, electrical, and especially emergence of computing as a potential line of inquiry, and other stuff which I was not interested in. So, between aerodynamics and electrical stuff, I didn't like either one of them. What I liked was law, and so I got really interested in legal issues and particularly the use of water rights and water use and pollution. I emerged in the early '70s of water as a real problem. I wrote my thesis on that and EPA was formed right in the middle. It was like, Eureka, bingo, hello.

INTERVIEWER: This is what I wanna do, yeah.

INTERVIEWEE: So, it was so clear.

INTERVIEWER: Wow.

INTERVIEWEE: So, I knew exactly what I wanted to do and I came here and that's what I did.

INTERVIEWER: Were a lot of people on campus actually looking towards that or was it more of a –

INTERVIEWEE: No, as far as I know I'm the only one.

INTERVIEWER: Wow, but for you that sounds like –

INTERVIEWEE: See, I was in the last class. You were Harvard, right?

INTERVIEWER: Yes, I was.

INTERVIEWEE: I was the last class at Princeton that was all male.

INTERVIEWER: Oh, wow.

INTERVIEWEE: And I was like –

INTERVIEWER: That's amazing too.

INTERVIEWEE: What was really amazing is I came from West Texas, a little small town, and I didn't even know it was all male. I got there and discovered there were no girls. And it was like, "I think I made a big mistake." But then it was while I was there coeducation started; same with Harvard, same with Yale.

INTERVIEWER: It amazes me actually how late Radcliffe was; I think it was 1991 that Radcliffe stopped giving out diplomas, the Harvard counterpart.

INTERVIEWEE: I thought Radcliffe still did give out diplomas?

INTERVIEWER: They finally changed it to all Harvard.

INTERVIEWEE: Oh, okay. I thought you could, just like Barnard, you could still do it if you want to.

INTERVIEWER: Maybe, at least right now they have the actual Harvard name on it. I know as of the 1990s.

INTERVIEWEE: Yeah, let's just say it's all the same time. But anyway, just in the middle of that, lots of change going on. Vietnam War, I was draft-eligible, draft age. There are other stories around that. But it was just so clear from the beginning. This is an area that needed work. I loved it and like I said, I wrote

my thesis on this without knowing what I was gonna do on water rights and water use.

INTERVIEWER: You actually got to continue – did you continue any work similar to your thesis at the EPA?

INTERVIEWEE: I ended up doing that, but I started off in air, doing air enforcement, copper smelters. This is the time – this particulate matter was just – the predecessor of the Clean Air act was state-driven, same with the Water Act. It was all state-driven, states had set their ambient air standards; they could do what they wanted to do and the imposition of a federal superstructure over it happened in 1970 for air, and then 1972 for water.

But I started with air, and so it was the first imposition of federal oversight on states and federal standardization, if that's the right word. It's just sort of setting minimums for the states that perform within them. And so I was working on enforcement and trying to make sure the rules that EPA did were enforceable.

And this is when Nixon was president, Bill Ruckleshouse was at EPA the first time, and it was a great time. I was a GS – I mean I was a 5 technically but it was like getting paid nothing. Literally, $100 a week was the take-home.

INTERVIEWER: But it was something you were interested in?

INTERVIEWEE: I loved it, I loved it. I loved my entire career there. Loved it, still do. Still love it […]

INTERVIEWER: There's a lot to talk about, this is great.

INTERVIEWEE: Oh, I could keep going for days.

INTERVIEWER: So, you mentioned this was the first time there was standardization of looking at water programs and air programs. What was the general sentiment at the time for people working in the EPA about that? You said you were excited but do you feel like—

INTERVIEWEE: Well, it's hard to answer that question precisely. I'm sorry, I didn't mean to look at your phone.

INTERVIEWER: No, I'm just gonna put it down so it doesn't buzz.

INTERVIEWEE: It's hard to say 'cause I was just a little schmuck. I was off in this little office in Rockville. Before this whole complex was created by Carol Browner, we were all down at Waterside Mall.

INTERVIEWER: I heard about that.

INTERVIEWEE: This was before that.

INTERVIEWER: Oh, wow.

INTERVIEWEE: This was while they were building Waterside Mall. Spiro Agnew's nephew was developing that thing and it was non-compliant with all kinds of code, it had all kinds of problems to it.[1] But we were literally in different buildings all around the area because there had never been an EPA. They had just

[1] Spiro Agnew, the Vice-President of the U.S. (1969-1973) in the Nixon administration before his resignation in 1973.

created it. They just took these, like, pesticides – there was an Ag. The air office where I was, was an office or kind of a bureau in HEW, but they were physically separated. So, I was actually up in Rockville. But to answer your question, I had no clue. I didn't even know where these other parts of EPA were.

INTERVIEWER: Because they were separate still?

INTERVIEWEE: Much less people who were more senior or anything. All I knew was it was a wide open field, people were more than willing to let you do what made sense. There was the law, the Clean Air act was in place. People were regs, regs had to get out. They all had deadlines. Managers were responsible.

It was a good time, it was fine. It was absolutely fine even though Nixon was president; he had vetoed the Clean Air act, vetoed the Clean Water act, vetoed the creation of EPA. And so he was not exactly a friend or anything, but he was also so remote that it made no difference.

INTERVIEWER: That's interesting. I think I'm just gonna jump into this before we get off the topic –

INTERVIEWEE: We should do it 'cause I can rattle on forever.

INTERVIEWER: I can tell, I love it.

INTERVIEWEE: I'm sorry.

INTERVIEWER: But you mentioned all these offices were segmented; can you tell me about then what it was like when they all came to I guess it would have been Waterside?

INTERVIEWEE: To Waterside Mall?

INTERVIEWER: Yeah, how that changed your feeling of working there.

INTERVIEWEE: It didn't, I would say. There was a better sense – I mean Waterside Mall, you've been down there, right? You've been to National's Park and –

INTERVIEWER: I've seen it, yeah.

INTERVIEWEE: Just from the outside now it's all split down four streets. Well, it used to have this – it all used to be one building. It was a really crappy space, but it was still a feeling of cohesion, I guess is the best word to use. There was a general feeling of being able to connect better to other parts of the agency, for example the planning office, budget, stuff like that that you had to deal with all the time. 'Cause to do a reg. you're a GS5 sitting off in your corner, you type this stuff, you do these things, and you'd think the process would go forward.

<T: 20 min>

But to physically be around the people that had to pass the – for example, General Counsel's probably the best example. To have General Counsel in the same place, where your lawyers would be there. You could just walk down the hall and say, "Are you out of your mind? What did you just do to

this reg.?" And they say, oh, and you go, "Oh, well, actually it makes sense." So to have a discussion with people'—

INTERVIEWER: Because you see them in the same place?

INTERVIEWEE: If what you're fishing for are as bad as possible—

INTERVIEWER: I'm just curious, honestly.

INTERVIEWEE: —possible ways in which it didn't work or there were problems with it, I just wouldn't say that. It was – somebody's going somewhere. But it was a way, it was a constructive time, just you felt like a little mole in a maze and […]

INTERVIEWER: Well, and an exciting maze it sounds like?

INTERVIEWEE: It was pretty cool, we had a lot of power. Honestly as a GS probably 7 at this point, I wrote the asbestos demolition reg.

INTERVIEWER: Wow.

INTERVIEWEE: I wrote it. I didn't know anything about this, but it had to have a – it had to be done by a certain day, so I wrote it.

INTERVIEWER: Wow, that is a lot of power, that's amazing.

INTERVIEWEE: Yeah, it's a lot of power. It felt great, I loved it.

INTERVIEWER: That's really good. Jumping back towards these, so you talked a little bit about when you first joined the agency you were excited about that, what—I guess this is more for just when we—if we talk about you—

INTERVIEWEE: Yeah, it's your research; you can do whatever you need to.

INTERVIEWER: What was the name of the first group that you were working with? Just the […]

INTERVIEWEE: It was the Division of Stationary Source Enforcement and I'm gonna send to you now – the resume has some of the stuff way back in distant past. I don't have –

INTERVIEWER: I'm sure it's a lengthy resume at this point.

INTERVIEWEE: Well, it's just the ancient history stuff I've done. But at the time it was the Office – it was the Division of Stationary Source Enforcement in the Office of General Counsel and Enforcement. That was the assistant administrator. They had Enforcement and General Counsel all together, all the lawyers, both in Enforcement and General Counsel were all together. And this was on the enforcement side.

INTERVIEWER: And how big was that group?

INTERVIEWEE: Heck if I know.

INTERVIEWER: That's fine. Or people that you worked with maybe?

INTERVIEWEE: I guess 30 people, 30 people maybe? By group, that was the division I was in. Probably 30 people in the division that handled all the enforcement issues for all enforcement stationary sources, factories, power-plants, steel mills, all that kinda stuff. What I'm doing is just sending you – no, I'm not, it's not going.

INTERVIEWER: That's fine, I can also check later.

INTERVIEWEE: Yeah, I just wanted to do it before I forget it.

INTERVIEWER: If we have these written down, I can stress that less and focus more just on your actual experiences. But just to make sure to have the context would be useful, thank you.

INTERVIEWEE: Well, I can't work my phone. I'll send it to you. Okay.

INTERVIEWER: So, just to get at this point one more time before moving on to latter jobs after the Nixon administration, during that first time when you first started at the EPA, again, how did you see your individual role as part of the greater context of the organization? And you touched on parts of this, so sorry if I'm repeating it but just to—

INTERVIEWEE: Well, sort of. A role within an organization depends so much on your personality and the people around you, and I'm extroverted to begin with – I'll talk to anybody about anything. So, I was out going talking to people, really engaged, really excited about this stuff, smart enough to keep track of all this stuff. I read the law, I got it, and so I stood out honestly.

And the people around me were far more experienced at senior levels. They had come from HEW and they had been working in air pollution for a while.[2] They understood what needed to be done and they were able to use me in a really constructive way. Honestly, I give them the credit.

There was a guy in particular named Dick Wilson, who became a deputy assistant administrator for Air. He left probably in—I think when Carol was here, when Carol Browner was here. Great, great, great man—he's still around somewhere. But he just found talent where it was, that's how he even learned about management.

INTERVIEWER: Oh, wow.

INTERVIEWEE: Just as I'm the schmuck, I'm trying to do stuff, make stuff out of asbestos rule and smelters, tall stacks. The whole thing at the time was, well, we don't need to put in pollution control, we'll just build a taller stack 'cause it's for ambient air. So if you build a taller stack and it goes out, you don't have to put any pollution control. And it wasn't what the law said and yadda yadda ya. So I was really involved in the rules in that, and so people around me nurtured me in a really good way to understand what needed to be done, what success was.

And this guy Dick Wilson, who was division director at the time and then rose up through the ranks to be a DAA for quite a long time for Air, they helped me find my place in a way which I was able to contribute, I was rewarded with raises on time and promotions and all that sort of stuff, and more challenging jobs. I loved it, it was great.

INTERVIEWER: So, really good mentorship from them?

INTERVIEWEE: Fantastic.

INTERVIEWER: So, from somebody starting out from college, like you said, what did they envision for you or help you pursue in those first couple years that you were there?

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[2] HEW is the U.S. Department of Health, Education, and Welfare.

INTERVIEWEE: Well, it was sink or swim, absolutely. It was like, we gotta get this rule out—

INTERVIEWER: Otherwise what would happen?

INTERVIEWEE: There was no otherwise, it had to go out. I don't even know what otherwise would have been.

INTERVIEWER: Who were the people from above who were telling you to pursue that?

INTERVIEWEE: Well, I'm a flunkie. There are these couple levels of lower management in between and then Dick was the division director of 30 to 40 people maybe, directing all enforcement for all stationary sources. But stuff had to get done and they used a deadline and said rule's going out, and it is going out and it's gotta be finished. So it's late nights, early mornings, working on talking to people at General Counsel, getting the lawyers involved so they can sign off on it before it went out the door and so forth. But I never – there was no failure. You had to do it and I did.

INTERVIEWER: That is interesting to me just in terms of these deadlines of when the law has to be put out.

INTERVIEWEE: Big time, big time.

INTERVIEWER: Do you think—and it's fine if you don't know the answer to this—but who at the very top level of that chain was pushing for these deadlines?

INTERVIEWEE: I do not know.

INTERVIEWER: That's probably further up.

INTERVIEWEE: I assume it was just—I mean 'cause the way both the Water act and the Air act are structured, and not so much any of the others, but the rule-driven statutes passed in the early '70s all had statutory deadlines and they were mandatory duties. The administrator shall—the administrator shall, shall, shall, shall—by a certain date. And the liability was quite clear, that if it was not done by that date, then the agency could be sued—

INTERVIEWER: Wow, this was at EPA?

INTERVIEWEE: —to compel the rule. And the politics of that are bad. 'Cause Nixon had vetoed all kinds of stuff coming up to that time; he hadn't resigned yet but he was still trying to position things right. And they needed those rules out, he just needed 'em out. They were not gonna subject the administrator to a court order for failure to perform.

INTERVIEWER: So, the administrator actually could have been sued?

INTERVIEWEE: Yeah, and of course was many times. Later on in the Water Act under the Water office I was responsible for all the water rules and most of them by that time were under court order, where the agency had previously failed to get 'em out. So we had court orders out of our ears on that stuff. So, there was a lot of pressure to get stuff done with the rules.

INTERVIEWER: I'll probably get to this, but when the court order that you didn't get out, what were the things precipitating that? What happened after that?

INTERVIEWEE: Where am I? Am I in the '70s? Am I there or later?

INTERVIEWER: Let's actually get to that later I think […]—

INTERVIEWEE: I think that's more later, 'cause you were asking what the motivation was and what happened if you didn't—

INTERVIEWER: I'll get to that.

INTERVIEWEE: But that is less of an issue now, there's still some of it. If we want to jump—really fast forward with the current administration, my successor here is in charge of the Water act and I talk to her all the time. I talked to her this afternoon. They've got court deadlines and they are sweating buckets about what the current budget pass back and the rest means in terms of the court orders.

And so but that simply is the way the Water Act and the Air Act especially are set up, the others not so much. TSCA, CERCLA, FIFRA, the other major environmental acts not so much.[3] But Water and Air are really deadline-driven and that was a big deal in the beginning, so we may be spending more time on this than we need to but that's what it was about at the time, it's just getting the damn things out. They had to be done, they just had to be.

INTERVIEWER: So, if we can move forward a little bit? So, you started, you said, in Water in this division in 1972 when you graduated?

<T: 30 min>

INTERVIEWER: Sorry, I apologize, Air when you graduated, even though your thesis had to do with water.

INTERVIEWEE: Right, so it was Air for four years, and I think in '76 I moved to Water.

INTERVIEWER: And what happened with that move? Why did you make that move?

INTERVIEWEE: It was me, that was 100 percent me because I had already gotten to the point where I understood Air. I didn't like it. Air I thought was unnecessarily complicated.

INTERVIEWER: What was complicated about it?

INTERVIEWEE: Oh, it wasn't – how well do you know the statute, the Clean Air act?

INTERVIEWER: I know the basics.

INTERVIEWEE: Well, it wasn't just the state of limitation plans for achieving the ambient air quality standards and it wasn't just performance standards, which I'd worked on for smelters and things like that. It was also unbelievable trivia on air quality maintenance areas and maintaining things after you got there. And the level of trivia that began to descend, particularly from the state implementation plans, got to the point where I just thought it was stupid.

INTERVIEWER: Too detailed almost? Too detailed?

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[3] Toxic Substances Control Act (TSCA), Comprehensive Environmental Response, Compensation, and Liability Act, known also as Superfund (CERCLA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

INTERVIEWEE: Yeah, yeah, it was a lot of—it was very, very fussy, would be the best way to put it—

INTERVIEWER: That's interesting.

INTERVIEWEE: It still is. It's extremely—mean the anti-degradation, so once you achieve something, you have to have entire plans for not only maintaining it but then making sure in addition that you don't have degradation.

INTERVIEWER: That's complicated.

INTERVIEWEE: And they all have their own thing and they have their own structures and so forth, and that just wasn't where my mindset was. I'm just sort of a doer.

INTERVIEWER: So you moved into Water?

INTERVIEWEE: So I moved into Water, where they were working at that time on a whole set of whole set of rafter rules called Effluent Guidelines, you ever heard of those?

INTERVIEWER: Yeah.

INTERVIEWEE: We tried the performance standards for all the major industrial categories, and I liked metals. I liked steel and I liked copper smelt, I like primary secondary, all the smelting stuff. I liked metal. Really basic, it was primal almost to me. But I got really involved in some of those things from the Air side and then was recruited and accepted a job over in the Water Office to get out their rules on smelters and on steel. So, did all the steel rules, did all the primary copper rules and all that stuff.

INTERVIEWER: And what division was that with Water?

INTERVIEWEE: Effluent Guidelines was the division they called it at the time. It's now called – and I was […] I mean I was responsible for all this stuff – I cannot – not AED, what did we call it? Yeah, that's right, AED. Analysis and Engineering Division is what it's now called.

INTERVIEWER: AED, and so when you first started your work with Water, you said Effluent Guidelines you were working with smelting in factories, was that what your major project was surrounding?

INTERVIEWEE: Yeah.

INTERVIEWER: So actually putting out regulations.

INTERVIEWEE: Putting out the rules. I love the rules. It was great. It was great, you get to—I mean it's hard to explain.

INTERVIEWER: It matters, it's something that you—

INTERVIEWEE: Well, it matters in the first instance but just the physical part of this to me was just really, really fun. 'Cause you get to go into all these factories.

INTERVIEWER: Oh, wow, and actually see where the things are—

INTERVIEWEE: Unbelievable, unbelievable. I just wish I'd had a GoPro camera for all those years 'cause for example, copper smelters—and there's only one left in the country. Now they've all gone out of business, now, not because of environmental rules but because of Brazil—not Brazil but South America, really Chilean copper prices. It's just there a quarter of the price of the copper commands here and all the – but anyway what they used to be were

these buildings. And I'm just estimating how tall that building is right there. I would say that they were as tall. They were six stories or so, six or seven stories tall, and maybe a football field long. And they would house, like, six copper converters, and these copper converters were 15 feet in diameter—

INTERVIEWER: That's huge.

INTERVIEWEE: 15 feet in diameter, 30 to 40 feet long, and they were these big drums with a big outlet on top, and literally they'd rotate around these gigantic cogs. And they would rotate up and they would—immense amounts of ore and about—it had been concentrated so it was about 20 percent ore would go in there. And copper was the primary thing, and then all kinds of flux and all kinds of additional kinds of stuff they'd throw in there. Then the hood would come down on it, an immense hood, bigger than four or five of these offices, would come down over it.

INTERVIEWER: That's the scale of that?

INTERVIEWEE: The scale was just unbelievable and we're talking that kind of building which has six of 'em in it, all on the bias, all on the bias. And they'd fire it for, like, 12, 13 hours or so, and then it was all slagged and molten stuff in there. Then the whole entire—the hood would come up, the whole entire thing would rotate out, they'd pour it off into these giant crucibles, which would then fly up into the air. It was—

INTERVIEWER: So, seeing that…

INTERVIEWEE: No kidding, that's what I mean. It was really fun.

INTERVIEWER: I would have wanted to see that.

INTERVIEWEE: No kidding, just once-in-a-lifetime kind of stuff so I loved it, still do.

INTERVIEWER: And so the job involved actually getting to go to these factories?

INTERVIEWEE: Oh, yeah, you were physically there, physically there. You were talking to people. I did public hearings. I'd go to the public hearings where people were worrying about losing good jobs because of the EPA. And we're talking rural Arizona, right at the border of Mexico, really small towns, being led and all kinds of stuff. And school grounds and all kinds of other problems around, just from the air pollution.

INTERVIEWER: And why were they worried about losing their jobs?

INTERVIEWEE: They were afraid of it.

INTERVIEWER: They were afraid of the smelters?

INTERVIEWEE: Of the federal EPA coming in.

INTERVIEWER: Oh, okay, okay, that's interesting.

INTERVIEWEE: We're gonna do these rules, they're gonna lose their jobs. Who cares about the damn smoke? It goes into Mexico anyway. The prevailing winds are north to south, and we're on the Mexican border. Literally, this is at Douglas, this is Phelps Dodge Douglas. The winds would be prevailing to the south and so the argument was, "We don't care. We live here. Cows don't eat this. We need our jobs."

INTERVIEWER: So, what do you say to that?

INTERVIEWEE: Hmm?

INTERVIEWER: What would you say at these hearings—

INTERVIEWEE: You have to listen, you have to listen, because you hadn't made up your mind, you didn't know. And I'm just a schmuck, I'm just the engineer on the job. I'm not actually the guy that makes the decision. I'm part of the process. But I'm listening.

INTERVIEWER: A very well educated schmuck, though?

INTERVIEWEE: Well, I'm listening. I can't say, "Oh, sure, you're right, I'll stop this." The law's the law; the law's gotta get done; there's gotta be a way here. And so then it ends up being sort of a balancing thing at the end about, well, you have choices on what you can put into the reg., ranging from do nothing and leave it just like it is, to in the case of water, zero discharge, which is shut it down, and the steps you can do in between. And then the money, the benefits, all that kind of stuff has to be balanced in between so you listen and you talk to people. So as an education, it was wonderful, I loved it.

INTERVIEWER: Did you do a lot of these public hearings?

INTERVIEWEE: Yeah, all of them.

INTERVIEWER: All of them? In what general locations?

INTERVIEWEE: For copper smelters.

INTERVIEWER: In the locations for smelters.

INTERVIEWEE: But they're mostly the West, they're almost all in the West. There are just a couple in the East.

INTERVIEWER: So, you were travelling quite a bit too at this time?

INTERVIEWEE: Yeah.

INTERVIEWER: This job was still based in Washington D.C.?

INTERVIEWEE: Yeah.

INTERVIEWER: Okay, so you had to go to the sites and see these hearings?

INTERVIEWEE: Yeah.

INTERVIEWER: This is actually interesting to me, though, as well—

INTERVIEWEE: It was fun.

INTERVIEWER: —with people worried about, I mean even now, the EPA coming in and having regulations that would lose their jobs—

INTERVIEWEE: It hasn't changed, it hasn't changed, and they're right.

INTERVIEWER: Do you think that the answer is any different then versus now, for how people would address that?

INTERVIEWEE: Well, I don't know to be honest because then, there were other forces in play that don't exist now, especially the market. Maybe it exists in coal, coal is probably the closest you can get. Where the jobs have been lost in coal country and from mountaintop mining or anything like that, those jobs people blame the EPA for it but those jobs left not because of EPA but because of the market. It's cheaper to buy gas and so they do. It's market forces. And

guess what? They don't buy your coal, and so EPA was a small part of that in coal and the same is true for the copper rules I did. We were not the reason those smelters closed. It was a drop in price; far cheaper imports came in. The difference probably is we avoided the blame. We were not blamed. People understood it more for what it was and—

INTERVIEWER: In the '70s?

INTERVIEWEE: Mm-hmm, and '80s by this time.

INTERVIEWER: I guess this is a very broad question so it's fine if you don't have an exact answer, but what was the general public sentiment towards the EPA as far as your job was concerned at that time? You said people didn't blame the EPA as much. Can you talk more about that?

INTERVIEWEE: Well, I can't generalize.

INTERVIEWER: Is it a generalization?

INTERVIEWEE: Because EPA's just such a big place and there's so many different things that affect people that I was not involved in and didn't have experience in. But for the areas I worked in, especially Water through the '70s, the attitude was not antagonistic. The environmental movement had awoken—

<T: 40 min>

and people were aware of things like cancer and connection to, and pollution to things that happened to bodies. A lot of people in this world have cancer and people have died from it, and so to say, well, this doesn't mean anything, that wasn't the narrative at all. It was more that pollution kills people and harms things. […]

INTERVIEWER: To things like cancer?

INTERVIEWEE: Hmm?

INTERVIEWER: That they were drawing the link between things like cancer and that?

INTERVIEWEE: Yeah, that's what I'm talking about. Yeah, absolutely, and so there was a more, I wouldn't say it was an informed link but it was more—you were asking about attitudes and the attitudes were more like, this is something that will help people and it's probably worth doing, even if it costs some people some jobs. But it just wasn't antagonistic, nothing like it is right now.

INTERVIEWER: You feel like now it is more antagonistic? I'm putting words in your mouth by saying that.

INTERVIEWEE: By far, by far.

INTERVIEWER: I am jumping ahead with this—

INTERVIEWEE: We can do that.

INTERVIEWER: But just we're talking about—

INTERVIEWEE: I've got time but you need to manage things so I'm leaving it to you.

INTERVIEWER: I just don't wanna keep you too late but we're good for now.

INTERVIEWEE: Oh, I could go on for a long time.

INTERVIEWER: With people, you said it is antagonistic now; in what ways have you felt that being manifested?

INTERVIEWEE: Well, why don't we do the in-between just a little bit?

INTERVIEWER: That makes sense.

INTERVIEWEE: 'Cause I had talked about moving onto the Water Office in the late '70s.

INTERVIEWER: 1976.

INTERVIEWEE: Right, and I actually had left the agency for a few years during the Reagan administration. During that transition I was working for UNEP, United Nations Environment Program.

INTERVIEWER: And what made you want to work for them during that time period? UNEP, what years was that?

INTERVIEWEE: 1982 to 1984. I did consulting with UNEP and also with UCEID, setting up their industrial pollution program in Indonesia.

INTERVIEWER: Oh, wow, and location-wise, where did that job bring you?

INTERVIEWEE: Jakarta.

INTERVIEWER: In Jakarta.

INTERVIEWEE: Yeah, and then I was based in Nairobi for UNEP.

INTERVIEWER: Wow.

INTERVIEWEE: It was pretty fun.

INTERVIEWER: This is just really interesting that you took that two years. What, do you feel like—I guess what brought you, wanted to bring you to that job?

INTERVIEWEE: To make the change?

INTERVIEWER: Yeah.

INTERVIEWEE: Well, are you asking what was great about what I did there or are you asking about why I made the change? Those are two different things.

INTERVIEWER: Why you made the change.

INTERVIEWEE: It was time for that, I think it was time for change. By that time, I had been at EPA about ten years and to the time of, is this really what I want to do? Meanwhile, Reagan came in and Anne Goresuch, and they were bent on destruction and did a lot of destruction. At that time, I was in charge of, it's called a special programs and policy staff, it was like a small staff office, answering to the assistant administrator for enforcement. Handled all the training, handled a lot of the penalty kinds of issues, a lot of the broad policy stuff the Enforcement Office did. When Anne came in, Anne Gorsuch, one of the first things she did was to demolish the Enforcement Office.

INTERVIEWER: Which you were working in at the time?

INTERVIEWEE: I was—and I'm not an attorney—but doing all the policy stuff. What they did was they stripped all the attorneys out and moved them to the various program offices, and then basically disaggregated the Office of Enforcement. What that did was two things. First, it stopped all enforcement. The enforcement cases just, there were no attorneys to work on,

everybody's confused, everybody's confused, didn't know what they were doing. Second thing it did is it left me alone basically as a career guy non-attorney working for political people in the middle of Gorsuch at a time when the Democrats had control of both houses of congress. We're doing all kinds of inquisitions and stuff on Anne. She was a pretty extremely—she was a very very unpleasant person and she would get extremely angry. I was physically assaulted by the—

INTERVIEWER: I'm sorry to hear that.

INTERVIEWEE: You didn't do it.

INTERVIEWER: Still.

INTERVIEWEE: No, the assistant administrator or the associate administrator for congressional affairs physically picked me up and threw me against a wall because he was frustrated that something was late. I was myself, without permission, without talking to people, literally physically picking up enforcement cases I could get in the regions and walking them down the street to DOJ, and moving them to Steve Ramsey's inbox over there cause Steve was in charge of all the environmental enforcement at DOJ, so it was just untenable. I hated it, I absolutely hated it. It was time to go.

INTERVIEWER: So that was two years under Reagan, or I guess a year or so under Reagan?

INTERVIEWEE: Right, right.

INTERVIEWER: And that year afterwards, you were saying try something new?

INTERVIEWEE: That's right. Yeah, I was gone three years really but, just under three years.

INTERVIEWER: And so during that time period you saw people around you, you said the attorneys were being sent different places across the United States; were other people very close to your division feeling I'm guessing in a similar way?

INTERVIEWEE: Yeah, it was awful, it was terrible. A lot of people left. They kept lists. There was a—and I don't know if this new administration's gonna do this or not, they might. But they had a—when Anne came in they had a whole bunch of Schedule-C appointees, they call them, which are not subject to congressional confirmation. They're just employees—do you know what Schedule C is?

INTERVIEWER: I've heard of it. If you are willing to elaborate?

INTERVIEWEE: Schedule C – wait, is it Schedule C?

INTERVIEWER: I feel like I have heard that term.

INTERVIEWEE: Wait, I've got this wrong. What is it? It is Schedule C.

INTERVIEWER: Like temporary people coming in?

INTERVIEWEE: They're temporary people serving at the pleasure of the president and every administration has them. They're all there.

INTERVIEWER: Head team, is it similar to what that would—

INTERVIEWEE: Staffers, secretaries, special assistants, gophers, person making your, maintain your calendar. Lots of people stuff. If you're an assistant administrator or you're the administrator, you need little support people around you to just make life workable. Make sure that the issues are properly teed up for you, the meetings are properly prepared before you have to have 'em, that kinda stuff.

But Anne Goresuch and her people had a lot of Schedule Cs and one of them in particular was appointed to find out who in the bureaucracy was not with the president. So, he went down to the list, down to the official files of all the employee files in the personnel office, put together a list of people who had ever anywhere in their record showed any evidence of working for an environmental organization, for having worked for a Democratic organization, having any leanings towards Democratic kinds of things. Any sort of thing that might indicate that they were not with the president, kept a list, and a Schedule A, which is attorneys, they also do not have lifetime tenure. They still don't. Attorneys can be dismissed at will. And during this reorganization process, they were stripped out. They were not invited to continue on and had to go find another job.

INTERVIEWER: So actually let go?

INTERVIEWEE: Yeah, yeah.

INTERVIEWER: Wow.

INTERVIEWEE: So, people have this idea that you're a federal person, while you've got lifetime tenure nobody can do anything about – forget about it.

INTERVIEWER: This even applied to career employees, though?

INTERVIEWEE: Exactly, these are career attorneys. It depends how you're done, and I personally as a manager have fired plenty of people, absolutely […]. In this case, for attorneys in Schedule A, they can be let go at will, okay, and they did. So, morale was unbelievable.

Now, there was a guy named Bob Perry who was the General Counsel appointed by Anne Gorsuch. He had literally a green-colored book; it was known as The Green Book. And he would keep notes on who he didn't like. And by this time, EPA was leaking like crazy. Again, a Democratic congress, a Democratic senate. John Dingell was in charge of a really important committee up there in the House, with subpoena power. People were leaking like crazy, sending all kinds of stuff out, so John Dingell sent a subpoena for that Green Book. All the stuff went to the Hill and Bob Perry resigned instantly. It was right in here that Anne Gorsuch resigned. Unbelievable party, unbelievable party, unbelievable.

INTERVIEWER: An actual party. So, at this time—

INTERVIEWEE: Oh, my goodness, it went all day long.

INTERVIEWER: —the House and the Senate actually were trying to save the EPA?

INTERVIEWEE: Yeah, they were very active because people were sending all this stuff out.

<T: 50 min>

Budget cuts on The Green Book, for example. It was very personal and it was very vindictive. This stands out as by far the worst transition I have ever heard of from any federal agency in my life. No matter what happens with this one, I promise you it's gonna be better.

INTERVIEWER: Well, there's no Green Book as far as we know.

INTERVIEWEE: Yeah, they're smarter, they're smarter.

INTERVIEWER: Wow.

INTERVIEWEE: But yeah, but anyway this is actually a question about how was morale? It was awful, it was really bad. Everybody knew. I got a call from Mike Wallace. We did the whole 60 minutes thing on this stuff; it was not good.

INTERVIEWER: Look for anybody who was not with Reagan, did that influence you as well?

INTERVIEWEE: No.

INTERVIEWER: 'Cause you hadn't worked for—

INTERVIEWEE: No, and honestly it didn't 'cause my attitude was and still is if you're working for somebody, you're working for 'em. If you're gonna take their paycheck, you do work for him. I work for Ronald Reagan. I did, that's one reason I left. I didn't wanna do it anymore, but at the time I was taking this paycheck I worked for him.

INTERVIEWER: People don't think like that as much anymore.

INTERVIEWEE: Most people don't.

INTERVIEWER: Some people do.

INTERVIEWEE: That's not correct, I don't agree with that.

INTERVIEWER: You don't think so?

INTERVIEWEE: Not anybody I know.

INTERVIEWER: Maybe just the younger generation.

INTERVIEWEE: It pisses them off. No, I know lots of people.

INTERVIEWER: Who do work for the president?

INTERVIEWEE: Yeah.

INTERVIEWER: Okay, this is just me inserting my voice then, sorry.

INTERVIEWEE: It's how you'd feel but people—

INTERVIEWER: I'm saying that, I agree that it's good that you work for your boss.

INTERVIEWEE: Yeah, and if you don't want to, well, fine, leave.

INTERVIEWER: I think that's respectable. I'm saying—

INTERVIEWEE: Go work for somebody else.

INTERVIEWER: —that's a very good respectful thing.

INTERVIEWEE: Yeah, but your real question is how did that affect me? Not too much because I was not, even when Mike Wallace called, I wouldn't talk to him. I didn't talk to him about this. That, to me, his family stuff, I'd had all my apologies when this guy picked me up and threw me against the wall. It was truly mortifying. There were all kinds of witnesses, the General Counsel came to me, the Enforcement Counsel, all these political people, everybody

came. And the person that did it, that did the assault, they were abjectly apologetic. They knew they had screwed up.

That's why I had done—and then after all that Mike Wallace calls and wants a story, and I'm not gonna—I'm family at that point, I'm not gonna do that. So, people respected it, they trusted me.

INTERVIEWER: At that point you had forgiven the person who did that and didn't wanna keep talking about it?

INTERVIEWEE: Well, I'm not sure about the forgiven part but it was past, it was done. They had done what they had to do. So, it was wild. That's '80s.

INTERVIEWER: That sounds like a crazy ride.

INTERVIEWEE: That's '80s, and if what this is all about is transition, this marks the worst. It was terrible.

INTERVIEWER: And so that would have started '81, the transition to Reagan?

INTERVIEWEE: Yeah.

INTERVIEWER: So you did that for a year?

INTERVIEWEE: Right.

INTERVIEWER: You had said before that you were working with this smelting and water project. Had that job changed up until then or was it the same—

INTERVIEWEE: I think I was still doing it. No, wait, what did I do? Oh, I know what I did. I did that for two or three years in […] guidelines and then I took, this is before the Reagan election, I took nine months off just without pay, and went around the world by myself 'cause I wanted to.

INTERVIEWER: Where did you visit? That's really cool. Not about transition, sorry. I'm just really curious.

INTERVIEWEE: Where did I go? I spent six weeks in Alaska and spent three weeks in a kayak in Glacier Bay and—

INTERVIEWER: That sounds amazing.

INTERVIEWEE: Kodiak Island, lots of hiking in the interior. Thailand, a lot of hiking in Nepal. Spent a month in India, and Israel—and I'm not Jewish. I loved it, I just had the best time.

INTERVIEWER: Wow, that's amazing.

INTERVIEWEE: So, I just needed time, so I took time and did that.

INTERVIEWER: Nine months, and then I guess it would have been later you went to—

INTERVIEWEE: But then I came back to a job in enforcement, and then that's where I was when Reagan was elected.

INTERVIEWER: Okay, enforcement relating to water or just—

INTERVIEWEE: No, it was a little small policy office. It was called The Special Programs and Policy Staff, and it was a little policy office working for the assistant administrator for enforcement doing all the broad cross-cutting kinds of things dealing with enforcement. Because everything is partitioned because it's all these different statutes, you know, pesticides. Superfund hadn't been passed, or neither had – and RECRA for that matter but Clean Water, Clean

Air, Noise; they had a Noise act then. So everything's partitioned but I was doing all the integrating cross-cutting stuff. For example, penalties, how you assess penalties. On what basis do you decide what the charge should be for somebody that has been violating, such a pollutant with such a risk for such a length a time with such a degree of intention? How do you say this should be equitable? Whether it's pesticides or whether it's air or whether it's water. So, it was really the cross-cutting kind of stuff like that. It was pretty fun.

INTERVIEWER: And so you said a few of those factors, that was your group that then would take all these together and decide?

INTERVIEWEE: That's right, that's the one I was heading when Anne came in and ripped apart the Enforcement Office. And we were mostly not attorneys.

INTERVIEWER: Did that change, you said Anne came in, that sounds like it was a big point of change?

INTERVIEWEE: Absolutely.

INTERVIEWER: Did this all happen within a week or so of her nomination? Or was it—

INTERVIEWEE: Nah.

INTERVIEWER: —more of a slow-moving change?

INTERVIEWEE: Yeah.

INTERVIEWER: How fast did you feel it?

INTERVIEWEE: Eight months, that's standard issue. At least eight to ten months is what the transitions take.

INTERVIEWER: From when she was appointed to when you started—

INTERVIEWEE: Confirmed, yeah, and then she shows up. It's like now, Scott's here but how many people does he have working for him right now? And I talk to people all the time at senior career levels at EPA, and a lot of them are eligible for retirement. And they're all trying to figure out when can I go? When should I go? How is this gonna work for continuity? What about my people? When can I get fuckin' out of here? They're very stressed.

INTERVIEWER: Because they're worried about somebody taking over their job?

INTERVIEWEE: They just hate it and they know the budget stuff is coming. At a senior management level, your job is mostly budget. It's that direction, you manage the crises, you make sure the large objectives are set and done. But budget is a big thing 'cause nobody under you can do anything at all unless they exist, and you gotta have the position for them, you gotta have contractors to support all kinda stuff. So right now is extremely difficult for folks and it's like they all wanna know when can I go? And the answer to that, I tell everybody, is you will not be ready to go until this calendar year is done. It'll be October, November, at least until the new people are in and settled and the budget is all settled out and you've got some continuity so that you can go. You cannot go now, you just can't.

INTERVIEWER: And they don't wanna leave because there is no continuity because nobody will take over their projects or because of a different reason?

INTERVIEWEE: Their people; how would you feel? I don't know, you've been out of college, what, two or three years?

INTERVIEWER: Yeah.

INTERVIEWEE: So you are trying to make a career here, you're working really hard. You don't know what your future is or anything. You don't know where things are gonna go but you wanna contribute, how would you feel? You'd be very insecure, you don't know that your job's gonna exist, you don't know. I mean this good-for-nothing president we've got, his rhetoric is to break EPA into itty-bitty pieces and leave a few pieces maybe but get rid of most of them. What's gonna happen? Pesticides program, came from Ag, and could go back to Ag. EPA was created by an act of congress; it could be destroyed by an act of congress. It could, and so what do you feel? How are you? And you've got 150 people working for you and you're a manager. That's a lot of people. And you need to keep them motivated, you wanna keep them working. You cannot walk out on them, you just can't. You can't, during a transition.

INTERVIEWER: Hearing it from your perspective is interesting. With people being afraid to leave as well, do you think part of that is because they are afraid that if they leave their job then that job will no longer exist? Is that any of it?

INTERVIEWEE: No.

INTERVIEWER: You think just that the continuity won't be there.

INTERVIEWEE: Who are you talking about here? Are you talking about the senior folks or –

INTERVIEWER: Just in general. I guess mid-level to senior. This is just something I was curious about.

INTERVIEWEE: No, it's more they care about the mission. You're there in the first place, you're working to do this by choice. […]

INTERVIEWEE: It's like your job at the energy company, you do it by choice. You don't have to do this. Get another job if you don't want it. But they're there by choice because they care about it, and there is a mission, there's a job to be done. And there's a lot of fat that could be cut; nobody would say that EPA couldn't take a haircut. But demolish it, break it into itty-bitty pieces? Well, that's pretty extreme. What's it gonna really be? You don't know, and many of these people feel insecure.

But meanwhile, you're a manager, you wanna keep people working. The mission does matter. There's still the statutory deadlines I talked about before, where things have to be done by such-and-such a date. You've got court orders that have to be fulfilled.

INTERVIEWER: That's still up to today?

INTERVIEWEE: Yeah, absolutely, in the Air and Water acts especially.

<T: 60 min>

And other things like Superfund, that one is litigation-driven and so just the whole cycle of CERLA is driven more by the litigating marketplace. But

nonetheless, there's deadlines, this thing had to be done. Those cases exist, those sites are all in the MPL. They've been named. Active ingredients for pesticides, they've got to be registered. The agricultural structure of this country falls apart if it is not regulated for safety. You get the bad ones out of there, they get the new chemistries marketed. You get a brand new TSCA. TSCA just passed last year with all kinds of new requirements that are for EPA.

So, you're a manager at a senior level, these times are really, really hard because you don't know about the budget especially, you don't know who you're gonna be working with. Personalities matter hugely. And you've got responsibilities to people who you like, respect, and wanna motivate. So, that's just a tough spot for everybody. It's gonna be ten months, ten months at least, at least, into this calendar year before things settle.

INTERVIEWER: And that was how, jumping back to the Reagan position, do you think that was about the same time period?

INTERVIEWEE: Probably, probably.

INTERVIEWER: When things started—

INTERVIEWEE: Yeah, the better analog is during the transition from Clinton to Bush because by that time I was an office director. I was in charge of Office of Science and Technology over here, which had all the Effluent Guidelines, it had all the water quality standards, it had all the beach programs, all the fish advisories, it had all this other stuff. Probably water quality risk assessment for drinking water, all your drinking water numbers, everything like that. Streams, rivers, lakes. All what constitutes clean water for a long list of pollutants, we did all the risk assessments, analytical methods, everything. 150 people at that point, from Clinton into George W. Bush.

INTERVIEWER: 150 people involved in that process?

INTERVIEWEE: On that in my office, so at this point—

INTERVIEWER: So, you're managing that team?

INTERVIEWEE: Yeah, right, I'm a senior career at this point. And so that in the end, the fear at this part of the cycle, the fear 100 days in was equal to Reagan and equal to what it is now. Great fear because George W. Bush was no friend of the environment when he came in. He campaigned against EPA. His agenda was very conservative, anti-environmental, yadda yadda ya. You could go on and read anything you wanted into it, and other issues people cared about. But in the end when Governor Whitman came in and her deputy, Linda Fisher, as well as the assistant administrators, those people were just excellent people. They were thoughtful, they listened, they understood what had to be done, basics like statutory deadlines, legal liability, it takes "X" number of dollars in order to perform a job. We just totally lucked out.

INTERVIEWER: This was in the Bush administration?

INTERVIEWEE: Mm-hmm, into Bush 43.

INTERVIEWER: And this was one of the big differences between that and the Reagan years?

INTERVIEWEE: That's right, and I'm making the analog to Trump now because time of the transition is the time of the greatest fear. You don't know, you don't know

about the budget, you don't know about the people that are coming, you don't know about organizational issues or—

INTERVIEWER: Yeah, everything.

INTERVIEWEE: —or the vindictiveness, like the example I gave you of a guy, his name was Bob Crouch, who kept all the names of people, or Bob Perry, those guys, that did—that was so vindictive and so personal.

INTERVIEWER: Personalities.

INTERVIEWEE: Personalities matter, and right now, and during a transition for the first eight to ten months or so, you don't know the people. The only people know right now is Scott Pruitt sued EPA a bunch of times.

INTERVIEWER: And that's what they're basing it off of you think?

INTERVIEWEE: Yeah, mostly. They're very fearful of that.

INTERVIEWER: That is really interesting, though, with Reagan, for the transition into Reagan versus into Bush 43, you said the personalities made a huge difference?

INTERVIEWEE: So different, so different.

INTERVIEWER: Why do you think the, I guess you said the, I don't remember the name but with coming into Bush –

INTERVIEWEE: Governor Whitman?

INTERVIEWER: Whitman, yeah.

INTERVIEWEE: Yeah, that's Christine Todd Whitman.

INTERVIEWER: That was a lot better. Do you think that was just the luck of the draw or that—

INTERVIEWEE: Yeah, I do.

INTERVIEWER: —or that Bush knew what he was doing?

INTERVIEWEE: I do, it was luck of the draw. She was an up-and-coming, she was formally the governor of New Jersey and—

INTERVIEWER: Republican?

INTERVIEWEE: Republican, and spoke in one of the nominating speeches for Bush; real up-and-coming kind of Republican.

INTERVIEWER: I'm surprised I haven't heard of her more, I should have.

INTERVIEWEE: There's reasons for that, but she was very moderate, very moderate, and Bush had some political IOUs to do, and he talked her into doing the EPA job. Nobody wanted it.

INTERVIEWER: Really? Nobody wanted it?

INTERVIEWEE: Well, it's a penny-ante kinda, small potatoes kinda, you're asked to be attorney general or have this—

INTERVIEWER: Department of Justice or Defense or something—

INTERVIEWEE: Yeah, DOJ or Agriculture with, like, 400,000 employees and you do this penny-ante, but anyway she was very moderate, very progressive, and the right-wing part of the Republicans just hated her. She lasted two years before she was forced out.

INTERVIEWER: Really? So she was too moderate for them?

INTERVIEWEE: Oh, yeah, by far. So, it was luck of the draw would be what I would say. It was luck of the draw, and the people that were brought in to support her were just, but the fact is the people that came in were just, they were good listeners, they were thoughtful, smart. They would not go out and regulate everything any which way but they were lawyers, they'd do their homework, all of 'em. Very experienced managers in industry and elsewhere.

INTERVIEWER: And that was the team that she picked?

INTERVIEWEE: Mm-hmm.

INTERVIEWER: So she picked in your opinion a very good team?

INTERVIEWEE: Yeah, yeah, that's the lesson. It's like, who all these people are makes all the difference and that is still not known to Scott. To me, the jury's out with Scott.

INTERVIEWER: We don't know what's gonna happen yet?

INTERVIEWEE: No, and I'm fairly plugged into the rumor mill on who's in the running for which position but it doesn't matter.

INTERVIEWER: I guess you don't know until you know.

INTERVIEWEE: Well, it's not only that, it's whoever you think it was gonna be, it was not them. It's definitely not anybody you've ever heard of before. It's always somebody from left field. So, that's the suspended animation at the moment and that's the most difficult part of transitions in a lot of ways.

It isn't the politics. Will this president really demolish EPA to the point where it's just pieces left? But just he said that repeatedly on the campaign trail. No, he's not gonna do that. He'll never get that through congress. Will he bring in—

INTERVIEWER: Even a Republican congress?

INTERVIEWEE: No way.

INTERVIEWER: I actually am curious more about this with—

INTERVIEWEE: Yeah, even a Republican congress.

INTERVIEWER: You were talking before there were Democrat House, Democrat Senate.

INTERVIEWEE: And the Senate, right.

INTERVIEWER: Now, with a Republican House and Senate, how do you think that will play differently this time? And this is all—

INTERVIEWEE: Well, what it means is, well, that can be a whole long discussion itself. But there are, what it means first is that there's no easy platform for EPA people or advocates in EPA's favor to make their case against the president. Because the Democratic House, in the Senate and the Republican years, was a phenomenal platform for people that hated Reagan. The environmentalists and everybody else, to get their story out about the guy who kept The Green Book, have an investigation, da-da-da-da-da. They had investigations out the wazoo, and that's why Anne Gorsuch left, I think seven or eight people left, before it was done.

INTERVIEWER: She left after two years, you were saying, approximately?

INTERVIEWEE: Yeah, I think so. Yeah, maybe three>

INTERVIEWER: So, by the time you got back to the EPA after that she was already gone?

INTERVIEWEE: She was gone, she was gone. Yeah, I think seven people were forced to resign and one person went to prison, Rita Lavelle. But that was, it's like what we just went through a couple years ago with the Republican House and Senate on Benghazi and Clinton's e-mails, you know how they were just on it all the time because there was a political purpose to it? Well, it's the same thing just flipped.

INTERVIEWER: But flipped. Yeah.

INTERVIEWEE: See, so right now people who would like to make the case in favor of EPA do not have that platform. That's the main point I'm making here.

INTERVIEWER: That makes sense.

INTERVIEWEE: They're not going to have that, they just can't do it. They get the New York Times, yadda yadda ya; they get the story out. And then secondly, is do people actually care as much now as they did before? EPA's made, I think made a lot of missteps. It's gotten into land-use issues particularly in wetlands. Individual property rights kinds of problems have cropped up enough with EPA on the wrong side of things that—

<T: 70 min>

—with a lot of negative press of hurting people, negative press on costing coalminers their jobs, which EPA did not do a good job of.

INTERVIEWER: And we talked about some of the reasons behind this.

INTERVIEWEE: I know but the main point is that EPA did not counter it. That's still the public perception – EPA cost all those jobs. It didn't cost it but that's the perception. So, at this point the climate, the political climate, right now is not in favor of EPA. I think the upshot is EPA will take a substantial budget cut, I would think in the order of a third before it's done. Will they demolish it, break it into pieces, send it to someplace else so EPA no longer exists? No. Will it be functioning? Yeah, sure. Will it be really aggressive and really active? Probably not.

INTERVIEWER: And a lot of that has to do with probably funding, if you don't have the jobs to actually enforce things—

INTERVIEWEE: Funding, funding, funding, funding, budget, budget, budget, budget, budget, budget, budget, and people, people, people. That's it, that's the entire thing in the transitions.

INTERVIEWER: A separate part of this project is looking into budgets so I think that's pretty interesting.

INTERVIEWEE: Budgets really matter, they really matter, and the OMB pass-back that just happens, I think it was an 18 percent cut, that'll likely stand and get trimmed slightly. Because a lot of that was going to come from funds that go to states and for infrastructure. For example, the safe drinking water revolving loan fund or the clean water revolving loan funds, that basically finance the

construction of facilities for drinking water treatment and sewage treatment. Well, they took the big cut. Infrastructure, who gets the money, jobs? Yadda yadda ya. Some of that will be restored. What will not be restored are the cuts to the staff. That's what I think. So, you're going to be looking at a smaller, trimmer EPA. They won't get it all in one year. They will get it all in three or four years, especially if they keep the Senate two years from now. So, it's going to be tough times for these folks.

INTERVIEWER: Without speculating too much in the future, I think I'm going to come back to this actually at the end to pick into your mind a little bit more about what you think – where the EPA stands and where's it going. Before we get too far ahead with time, I'd love to jump back to your after Jakarta, Nairobi, you were saying you stopped working for I think enforcement you were saying you were doing at the time?

INTERVIEWEE: Mm-hmm.

INTERVIEWER: And then took your two years. Just so I can get the timeline before we come back to some of the more transition-type things.

INTERVIEWEE: Yeah, I should really send you this thing.

INTERVIEWER: The years after Jakarta, where did that bring you back to EPA? And you said that was—

INTERVIEWEE: I took a job at, it's a middle-management level called a branch chief. You had your staff grunts, which is a great job, you had what are called—

INTERVIEWER: You speak fondly of it.

INTERVIEWEE: Huh?

INTERVIEWER: You speak fondly of it.

INTERVIEWEE: Oh, I loved it. I do. What are you doing? You're a staff grunt?

INTERVIEWER: I'm an analyst.

INTERVIEWEE: You like your job?

INTERVIEWER: Love it.

INTERVIEWEE: Yeah, the end. So, it's like that. You got people like that that love their jobs and they had groups of, like, five to six or so called section chiefs at the time. And then two or three sections would make a branch, that would be like 18 people, 15 to 18 people, you'd be managing. I came in as a branch chief, 18 people to it, and the permits, handling all industrial permits for – how do I attach? I forget. Ah, add attachment. I'm going to take a second to send to you because it has a whole sequence there.

INTERVIEWER: Yeah, then I can focus more on your […] experiences.

INTERVIEWEE: That'd be better. You can also download it real quick. Okay, I just sent it to you.

INTERVIEWER: Thank you.

INTERVIEWEE: I think, unless I screwed up.

INTERVIEWER: So, then after that—

INTERVIEWEE: Anyway, but I came back in charge of all industrial water pollution permits, NPDS discharge permits, and—

INTERVIEWER: And that was without Gorsuch at this point?

INTERVIEWEE: Mm-hmm.

INTERVIEWER: And leaving from that climate—

INTERVIEWEE: Because Bill Ruckelshaus came back.

INTERVIEWER: Oh, yeah, I remember, yes.

INTERVIEWEE: After Anne was fired, wait, is that right? That's not right.

INTERVIEWER: He came back later I think.

INTERVIEWEE: He came back later because Reagan fired Ruckelshaus from Justice when he—part of the Saturday Night Massacre. It was really messy.

INTERVIEWER: I can check on it.

INTERVIEWEE: I think, oh, I know what, it was after the next election. It was '76, so Carter was in, Lee Thomas was there; Lee was great. That's what it was.

INTERVIEWER: And your experience then, it's still Reagan but with this new head of EPA, was it more positive? Was it different?

INTERVIEWEE: Lee Thomas.

INTERVIEWER: Lee Thomas?

INTERVIEWEE: Yeah.

INTERVIEWER: How do you feel that your mission then at that point was supported? Was it easier to get the resources you needed? Or in general, what were your feelings on it?

INTERVIEWEE: Pretty straightforward, yes, it was. This was the Carter administration and Lee Thomas, I forget where he came from, but he was a sound, very thoughtful manager. Carter had this chief of budget named Burt Lance, L-A-N-C-E. He had this whole theory on zero-based budgeting, where all budgets for a succeeding year would have to balance out to the same amount as in preceding years. And you could do that by literally a heavy big white magnetic board. You would take these tasks and these jobs, these budget areas, and you had to assign resources to it. You could move 'em around and you could have this line which was zero. And so you could have all the things below the line that were—

INTERVIEWER: Reallocating—

INTERVIEWEE: Yeah, to allocate your budgets according to all these different tasks that had to be done. And then you'd have certain things above the line, which would be extra if you could get more resources, but the idea was you just got cut off after the line, which is the same line as you had previously. You could move your tasks and jobs around. It's actually kinda nifty in its way.

INTERVIEWER: That is.

INTERVIEWEE: That was zero-based budgeting. It would end up being these complicated and really kind of funny kinds of meetings sometimes, where you'd have these managers together with these big magnetic boards and these little things you'd write things on. Because you could game it, there was gaming a little bit. Still, it was the idea, though, at its core, which is no more resources next year than you've got this year. And you want more resources then you

better have a damn good reason, and where's it going to come from? And that actually is not different from some of the Republican ideas now on zero growth of the federal government, it's zero-based.

INTERVIEWER: Yeah, same work. And that's not including inflation? It's just the same amount?

INTERVIEWEE: I don't remember.

INTERVIEWER: Either way, it's still the same idea.

INTERVIEWEE: I don't remember. I don't remember that part.

INTERVIEWER: Still the same idea.

INTERVIEWEE: The same idea but, yeah, you can play with it that way and, yeah, there's stuff around the edges like inflation. But in terms of how things operated, it was sensible, you could do this, you had discussions. Do I want to do this or do I want to do that? I don't have, I got 18 people now and I can do this amount of stuff, I can get you these rules, and I can get you these guidelines, and I can get you this document, and we can have these meetings and we can do this stuff. If I had 25 people, I could do this, and if you cut me to 15, then this is what you're gonna have to give up. And you could have, so you could have intelligent discussions about it.

So, again, in terms of climate, working, stuff like that, good quality people, just excellent people.

INTERVIEWER: And here you know you're having that set amount of funding, even if it's not more than you want, but you have it?

INTERVIEWEE: Right, and most you need to cut back to five percent, possibly ten percent. There'll be some shuffling around within the different accounts at EPA and so forth. But it was rational, and that's what was different from Anne Gorsuch, that was irrational.

INTERVIEWER: I guess your remaining, no more than that, you would have had longer, your remaining time with Reagan was pretty good in general? Do you feel like you got stuff done?

INTERVIEWEE: Reagan?

INTERVIEWER: Would this be Bush at this point already?

INTERVIEWEE: Where are we? We're at Lee Thomas.

INTERVIEWER: Oh, this is Lee Thomas.

INTERVIEWEE: Lee Thomas, yeah.

INTERVIEWER: Can you give me a year for that? Just approximately.

INTERVIEWEE: I think '84.

INTERVIEWER: Okay, so that would have still been—

INTERVIEWEE: Yeah, that's when Carter came in.

INTERVIEWER: That would have been Carter, okay.

INTERVIEWEE: Yeah, '84, right.

INTERVIEWER: Got it, so this is still earlier?

INTERVIEWEE: Right.

INTERVIEWER: Okay, sorry, I had jumped in my head.

INTERVIEWEE: That's okay, I started, I made a lot of transitions.

INTERVIEWER: No, it's true, you have, it's great. Great, so the Carter transition. If it is useful we could go through individual transitions but I want to focus on the most interesting ones to you.

INTERVIEWEE: Yeah, the big ones were absolutely Reagan, George W. Bush, and Trump.

INTERVIEWER: And I say I want to go through the most interesting ones but just stepping back, with the other transitions that you've experience that were not so notable in your mind, what do you think contributed to them being—

<T: 80 min>

INTERVIEWEE: Making them remarkable?

INTERVIEWER: More or less?

INTERVIEWEE: Well, let's do, see, after Carter it was Bush 41, and that was Russ Train. And what contributed to making him unremarkable, was that the word you used?

INTERVIEWER: Yeah, just more standard.

INTERVIEWEE: He came from World Wildlife Fund. He was a conservationist, he was born and died one. When he left EPA he went back to World Wildlife Fund. Wonderful, wonderful, soulful man. Very conservative, and I really hope I don't have my people mixed up, but I don't think I do. Russ Train, he was George H.W. Bush I think.

INTERVIEWER: We can fact-check too.

INTERVIEWEE: Yeah, we need to make sure 'cause these guys do kind of blur together, and I apologize for that. But Russ Train […]

INTERVIEWEE: But Russ Train, he was World Wildlife Fund, a conservationist, cared a lot about the eco side of things, which I care a lot about. Everything's human health, cancer, yadda yadda ya, toxicity as any pollutant affects you. But the eco stuff in a lot of ways is more interesting in terms of how you change the environment, what does it really do to ecological structures and so forth? Russ ate this stuff up, he was really good at it. And things like wetlands conservation, stuff like that, it was an easy sell. He got it. And the Bush 41 administration was not hostile to EPA. They just weren't hostile it. It wasn't political, it wasn't a football—

INTERVIEWER: That wasn't part of his agenda?

INTERVIEWEE: Yeah, it wasn't part of the narrative.

INTERVIEWER: Do you think that had to do with Bush's platform or just the general state of how people were thinking about EPA?

INTERVIEWEE: I don't know the answer to that. I don't know.

INTERVIEWER: That is a broad question.

INTERVIEWEE: At this point, we're mid- '80s, and I don't think the war in Kuwait had happened yet, but it just wasn't something that people were worked up about. It wasn't part of the narrative; he didn't get elected on a rip-EPA-apart kind of platform like Trump did. He wasn't a hostile person at all, and his people were good people.

And same when Clinton came in. When Clinton came in, it was like more of the same. It was like honestly not, you couldn't say, oh, boy, the Republicans are bad, Democrats are good, or vice versa. You couldn't say it depending on any point of view you might have. There was good continuity, people with good conservation credentials, good experience. Carol Browner, wow, I can't remember where Carol came from. That's so weird. I love her to death, she was just excellent.

INTERVIEWER: So that was actually a relatively smooth transition?

INTERVIEWEE: Carol I think came from CEQ, she had been at CEQ before, if my memory is right. Again, it doesn't matter but the main thing I'm saying, I want to say is that she's got—that there was continuity. These were experienced people; they were experienced managers.

Anne Gorsuch, for example, to go back to her, she had never managed anything. She was an attorney for a phone company in Denver. She managed five attorneys doing litigation in the Denver office of a local phone company. She came here to manage 15,000 people—

INTERVIEWER: That's a big difference.

INTERVIEWEE: —in the white hot […] lights of congress with a hostile Senate. She was totally over her head; she had no experience, she had no idea about managing people. These guys, they had a good value set, they understand about laying out missions, what we're all here for, trying to keep people motivated. All people just generally in the same railyard and the same set of tracks trying to work towards common destinations, and managing people at scale and dealing with politics. So, Carol, when she came in she was smooth as silk, just as easy as could be, and the quality of people she brought in are just superb, I still work with some of them, absolutely superb.

INTERVIEWER: Wow, that's great.

INTERVIEWEE: Again, all experienced people that understood how to operate organizations, would listen. If you pushed back on something, they'd give you a fair hearing. If they disagreed with ya', they would say, "I'm sorry, I can't do it and here's why," and a lot of the times they'd be right.

INTERVIEWER: That's really great, yeah.

INTERVIEWEE: It was fine, you got to talk to them.

INTERVIEWER: And that affected the quality of your work?

INTERVIEWEE: Absolutely.

INTERVIEWER: Positively?

INTERVIEWEE: Right, and especially as a manager, and this was jumping ahead a bit to Governor Whitman, there were a bunch of things. Because over here in the Office of Science and Technology, I had all the effluent guidelines, all of

them, and we had court orders like you wouldn't believe. They were just incredible because the previous manager just hadn't done it, it was as simple as that.

And these guys, George W. Bush, comes in bent to stop regulation, start drawing back on regulation. EPA was in the crosshairs for George W. Bush so there were a bunch of things that we needed to do, that we wanted to do, that we just couldn't for political reasons.

INTERVIEWER: Before he came in?

INTERVIEWEE: Hmm-?

INTERVIEWER: Before Bush II came in?

INTERVIEWEE: No, after Bush II came in. And we just couldn't after he came in because he was there and because there were political calls to say we really can't get this through, we really can't do it, and here's why. So, I'd be the guy as the senior career guy having to go back and explain to you as the division manager or something like that, "Look, this isn't gonna fly. I cannot get it done and here's why. I gave it the old college try."

But the nice thing about Governor Whitman and Russ Train and all his people and everybody like that before them, is that even when they didn't agree with you, they could explain to you the reasons why, and in many cases would come up with something that was second-best, but that you could do.

INTERVIEWER: And that's a big difference than moving into Bush, they would not give you a good reason for why they couldn't do something? How would that conversation be different?

INTERVIEWEE: They would, no, but they would in Bush.

INTERVIEWER: Oh, they would?

INTERVIEWEE: Yeah, Governor Whitman and her people were just excellent. Now, when they had to give you bad news, and they did give you bad news, there were a bunch of things we just couldn't do, wasn't gonna happen, it just was not gonna make it through the White House. The call had been made at the presidential level; it was not gonna happen. I'm thinking in particular of a $4 billion rule that needed to be moved for construction development. It was not going to happen.

INTERVIEWER: Because the funding wasn't there?

INTERVIEWEE: No, because it was politically unacceptable to the White House. We had a court order to propose a rule to deal with surface run-off of silts and sedimentation, just normal stuff, from construction development of big housing projects. And we wrote that rule, we had it all ready to go when they came in, and it was great, it was a good rule in a lot of ways. But there was this one little teeny-tiny problem and that is that the price-tag on it was $4 billion, with a "B." And that was going to interfere with people's use of land. It was. The EPA's coming in, it's gonna regulate. We had a court order, had all the right reasons for doing it, and the White House made the call to stop that rule. It did not go out, we ended up withdrawing it.

INTERVIEWER: And this is Whitman that had to tell you that it was not approved?

INTERVIEWEE: Right, so Governor Whitman told me that he simply couldn't get it done. It was just way too much money, it was too much intrusion in people's lives, it simply wasn't going to happen. And we sat there and talked about how I was gonna explain that to my staff. And at the end, we decided to propose to simply not act. It had to do with some fine-print in the way the court order was written because EPA had to make a decision, it didn't say what that decision was, and our decision was to not act.

INTERVIEWER: Okay, so you didn't go against that?

INTERVIEWEE: Right, so we did not go back to court on that. We were then sued by the environmentalists for flagrantly violating the law. They actually won that suit. We were then compelled to write it anyway. But the tricky part, and I think what you were going at, is what was it like to work in it? And the thing is as a senior manager with all these people working for me, and they worked hard on this—

INTERVIEWER: Well, you have an interesting perspective of needing to share with them the news of what was passed on.

INTERVIEWEE: Yeah, right, and the thing about Governor Whitman and her people, particularly a woman named Linda Fisher, who was her deputy, they were just so helpful to me in figuring out how to explain it. I understood it; $4 billion bucks, this president wasn't going to do it.

INTERVIEWER: Yeah, what was the name of that act or of that rule?

INTERVIEWEE: Construction development. Effluent guideline, Construction Development. I can dig up more details for you if you want.

INTERVIEWER: I'm interested. That's really interesting, I mean just picturing how you could have a helpful higher-up to guide you through […]

INTERVIEWEE: That's the difference, so when I keep saying people, people, people, that's it. They understood my quandary.

INTERVIEWER: But I think I'm getting at what you're getting at.

INTERVIEWEE: No, I understand, but that is what it is. It's the people, they sat there and worked it through. They knew I had a problem.

<T: 90 min>

INTERVIEWER: Regardless of whether you agree with it passing or not passing—

INTERVIEWEE: Right.

INTERVIEWER: —how you actually present that. Are there other examples of cases like that, where maybe you did not have such an easy way to share with the rest of your team because you were just told no and not given a good reason? Or?

INTERVIEWEE: Nothing I can think of.

INTERVIEWER: Not in this case. Or even earlier in your career? I guess you were […]

INTERVIEWEE: No, the earlier stuff, probably the biggest one is simply the stoppage of enforcement during the Reagan years, where they simply decided they didn't want to have environmental enforcement. It was pissing too many

people off. That was their agenda. Jim Watt was over at the Interior, he was ripping that place apart. Reagan came in hell-bent for leather on shrinking the federal government and getting rid of all these idiot kind of bureaucrats who try to run people's lives for them. But the decision to not to enforcement was not reviewable. They simply took a lot of actions to stop enforcement, so at this point I simply, nobody explained anything to me, I just started physically walking the cases over to DOJ and gave them the case. And so they could develop them and then they could—

INTERVIEWER: Because it supported DOJ at that point, too?

INTERVIEWEE: Hmm?

INTERVIEWER: In that case you said you walked them over to DOJ because they would actually pursue them and be supportive?

INTERVIEWEE: Right, and just by way of background, EPA then and still doesn't prosecute in some cases. DOJ is the attorney for the government; very few exceptions to that. If you screw up and do something really bad and the federal government has to sue you, well, who's that? It's the DOJ files that files that.

EPA doesn't have independent power, with extreme exceptions to file in some cases. So, DOJ filed the cases. They weren't getting any cases from EPA. I walked 'em over, I took him. I got 'em into the regional offices and didn't tell a soul. I took 'em over.

INTERVIEWER: You don't have to say anything about that.

INTERVIEWEE: They were terrible cases. They were good cases but just terrible, terrible facts that needed to be, they really did need to be, brought.

INTERVIEWER: And so in those cases, it would be then the government defending against environmental groups? Or would it be the government defending, who would be—

INTERVIEWEE: This is offense, this is government offense. This is enforcement.

INTERVIEWER: Against who else?

INTERVIEWEE: Against whatever the violator might be. For example, I can't think of a case right now but there's many many many many. Criminal dumping of hazardous wastes down a drain.

INTERVIEWER: Got it, so it would go from the EPA—

INTERVIEWEE: To DOJ, which then brings the case, yeah, God, I can't believe I'm drawing a blank. There were just so many.

INTERVIEWER: That's fine, I'm sure you've seen—

INTERVIEWEE: But it's offense, it's where a company, or even in some cases an individual but mostly large companies, do something really bad that is illegal under the Clean Water act, they have a permit, they have a discharge permit that says, "Don't discharge more than 'X' pounds of this per day." They discharged 150X per day, and then on top of that, dump all kinds of stuff. Oh, I can think of one. There was one case in New Jersey, the company that made Agent Orange, where they would literally sweep out, they would submit all these discharge permits showing they were in compliance. And then at night they

would have people that would take these big piles of stuff and literally sweep them into the river. And they were filmed doing it. Well, that's—

INTERVIEWER: So, it didn't technically come out through the pipe or whatever but it came—

INTERVIEWEE: Right, right.

INTERVIEWER: Wow.

INTERVIEWEE: But it was criminal, it wasn't just civil kinds of problems where you just do something wrong.

INTERVIEWER: A wrong number?

INTERVIEWEE: Yeah, discharge too much and it should have been "X" and instead it was "Y." But then there was intentional stuff.

INTERVIEWER: Wow, so they knew they were in violation?

INTERVIEWEE: But that's offense, that's what enforcement is all about. When EPA is sued by someone else, and then you're in defense—

INTERVIEWER: That's usually from an environmental group or from—

INTERVIEWEE: Usually, a lot of times but not only. Scott Pruitt sued EPA 16 times.

INTERVIEWER: For having too strict regulations?

INTERVIEWEE: Yeah, they disagree with whatever rule it was. I got sued all the time. We did so many rules. We got sued all of them. We beat 'em all, too, we won 'em all.

INTERVIEWER: Congratulations, I guess?

INTERVIEWEE: We never lost one.

INTERVIEWER: Wow, that's actually impressive.

INTERVIEWEE: No, we did great on that stuff. But that's General Counsel. General Counsel would help with the construction of the rules in the first place so they could be defended, and then the DOJ and General Counsel of EPA will handle the defense when you're done. But I'm talking about offense here when I'm talking about enforcement. This is when a company does something bad and EPA is taking an action against them.

INTERVIEWER: And so a smaller EPA just by nature of not having as many people out to do offensive measures will probably be playing more defense?

INTERVIEWEE: I can't imagine, I cannot imagine, they'll keep up their enforcement numbers. I cannot imagine any scenario in which the enforcement of environmental statutes, air and water, hazardous wastes, pesticides, toxic substances, all of them. I cannot imagine any scenario in which the current level of enforcement is maintained I think, if budgets are cut at the level that they're talking about cutting them. There's no way.

INTERVIEWER: Moving just to get to present, and then I don't want to keep you too late but I also want to touch on the few last areas that we may have not gotten as far into, Bush II, moving through Bush II, you said had a pretty positive relationship with the highest-up administrator. Moving to Obama, how was that change for you?

INTERVIEWEE: I had gone by that time. Yeah, I left in 2005. I left in 2005.

INTERVIEWER: So, you've been following it but then—

INTERVIEWEE: Yeah, well, I set up my own consulting business. I've been doing stuff. And I left, by the way, this was just—

INTERVIEWER: Sorry, I didn't have your thing by the way, I apologize.

INTERVIEWEE: You don't need to apologize, you don't have to apologize. But this is more for you so you can do the time sequence here. No, it was right there – my kids were 12 and 15, and I had worked at EPA for long enough that I was eligible for early retirement at age 54.

INTERVIEWER: 'Cause you'd been there a long time at that point?

INTERVIEWEE: I started when I was 21.

INTERVIEWER: 40 years, 50?

INTERVIEWEE: Yeah, I mean I got out of college when I was 21 and I was just—

INTERVIEWER: It's like if I worked at my job for 40 years.

INTERVIEWEE: Right, right, so I had done all that and I was eligible, but our kids were 12 and 15, I was travelling all the time. I was extremely stressed all the time. It was very, very difficult at senior management jobs and I got into one of these conversations with myself on do I want to, will I spend the rest of my life being happy I worked more or being happy that I spent more time with my kids? So, I left to be with my kids and it was the best move I ever made.

INTERVIEWER: That's great.

INTERVIEWEE: But I loved the work and I had done it carefully, where I really had someone there to take over when I left; there was good succession. And started doing some consulting and do that about a quarter time maybe, and for a while I was on more than that, particularly when both kids were in college. But it was the best thing I ever did in my life, was to leave to be with my kids.

INTERVIEWER: That's really great.

INTERVIEWEE: Even though I didn't like that president very much, by that time Governor Whitman had gone and a guy named Steve Johnson was administrator. I know Steve, he was a career guy. Steve's a good man, but I left because I could, and if I put it off anymore I'd miss more of my daughter before she went off. And by the way, she ended up at Yale so—

INTERVIEWER: That's fine, they're cool too.

INTERVIEWEE: Huh?

INTERVIEWER: I said they're cool too.

INTERVIEWEE: Very, very, very, very.

INTERVIEWER: That's great.

INTERVIEWEE: Very, so it was a family thing.

INTERVIEWER: I feel like that's a great decision for you.

INTERVIEWEE: Exactly, it was just like you get into these kinds of things, what am I going to be sorry for, that I didn't work more or that I can't do that.

INTERVIEWER: My dad actually didn't stop but cut down on some hours too when we were in high school, which was really nice because he had been working 60 hours a week and that was—

INTERVIEWEE: It was like that. I was working enormous hours and I was getting up at 5:00 AM every day to get to the gym and work off the stress, and then I'd get home and 7:00 or 8:00 PM, and travelling all the time. And I loved my people, I loved my job, I loved the political people at that time. It was not adverse but it was like—

INTERVIEWER: Not a political move at that point?

INTERVIEWEE: I wanna be—

INTERVIEWER: And so this was—

INTERVIEWEE: Best thing I ever did.

INTERVIEWER: A decision probably made over a couple of years of just more personal than actually having to do with the climate?

INTERVIEWEE: Yeah, yeah, yeah.

INTERVIEWER: And you said you left your job in good hands, how did you follow that transition? Or I'm saying following that transition, follow the person who took over your position—

INTERVIEWEE: I didn't follow.

INTERVIEWER: —to make sure that basically your group was taken care of and that they would be successful once you left?

INTERVIEWEE: Well, a lot of coffees basically, a lot of coffees, a lot of lunch. A lot of lunches. Yeah, yeah, I was thinking about that actually just walking down here, because they're demolishing this office building up here now and there used to be a Starbucks at the bottom of that thing. And so I was actually thinking about that. I was just walking by and I was like, oh, geez, my history there in that building, ripping out that Starbucks, they're ripping down the whole building.

<T: 100 min>

But no, just a lot of coffees, a lot of lunch, and my successor is now gone. And his successor is a woman named Betsy Sutherland, who's worked for me. I hired her at least twice, moved her into the senior executive service. She kept getting hired away from me because she was so good. She's just outstanding, and now she's the office director running the whole show. And I had lunch with her last week and we're scheduled to have it again the first week in April.

INTERVIEWER: That's really nice.

INTERVIEWEE: And we talk all the time, we talk all the time.

INTERVIEWER: So you can stay in touch with her?

INTERVIEWEE: Well, they're just trying to find a way through too. It's hard. She wasn't there during Reagan, there's a lot of fear. This goes back to the fear. She doesn't

know who the people are. The budget stuff going on right now, unbelievable fire drills you have to go through. It's like you have to not just have your people aware of what's going on, and you want to share stuff. You do, you're open, you're talking. She's very, very open, but you need to do all these fire-drills of, they need to have it by "5:00 PM tonight and it's only 4:30 and ya ya ya. I need this. I need a two-page write-up and yadda yadda ya."

INTERVIEWER: Oh, no. […]

INTERVIEWER: So actually that still continues? I guess, an interesting question I just thought of, you have gone through multiple transitions or a few transitions before Reagan and you had to compare them to that for somebody that hadn't been at the EPA as long. How do you think they're thinking about that? Or how can you help—

INTERVIEWEE: At what level?

INTERVIEWER: As far as concern for their job or concern for if they're going to be able to continue to do their job.

INTERVIEWEE: Well, it depends. When I mean what level, it's like because I don't know of any senior manager that hasn't been through them, honestly. The senior managers are pretty experienced. The main place you're into that with people—

INTERVIEWER: Who do they turn to for advice?

INTERVIEWEE: You mean people who have been there, like, four or five years kinda thing?

INTERVIEWER: Yeah.

INTERVIEWEE: Yeah, I talk to them too. Yeah, I talk to them too. They reach out, they talk, how'd you find me? You talk to, I guess Chris talked to Louise Wise, and Louise and I had worked together quite a lot at one point and I think very highly, I have lunch with her every now and then. It's like the network begin and it's the same with anybody that's in EPA. You find your way around; you know people that have been around. You just ask 'em.

[…]

INTERVIEWER: One of the things I think we touched on a little bit but I know that we have marked as a question here, was the role of science in your agency and how throughout various jobs and various administrations—

INTERVIEWEE: Interesting question.

INTERVIEWER: —you felt that science has been looked at differently?

INTERVIEWEE: Interesting question.

INTERVIEWER: I think you would see why it's a little relevant today but just having your natural background—

INTERVIEWEE: Really interesting question. To start this, I should give you the name of the office that I've worked with at the end when I was senior career manager there. It was the Office of Science and Technology.

INTERVIEWER: I've heard of that one.

INTERVIEWEE: Yeah, I was the office manager for that.

INTERVIEWER: That's great.

INTERVIEWEE: That's part of the Water Office and it handles all the risk assessment, all the basically science-based questions around regulation of pollutants in water. To do that, you have to be connected, and we were, to not only research and development, which is where a lot of resources exist for scientific inquiries, but also other parts of the agency dealing with similar science questions. The administrator has a committee, and I'm going to have a senior moment here and I cannot remember the name of it. I'll send it to you later, but it's a coordinating committee that still exists where senior science managers from all of the different offices meet regularly on common issues of science. And it is basically so that EPA moves in roughly accord on questions on how to approach emerging science issues such as changes in the way for conducting risk assessments. How exactly do you deal with uncertainty? How do you deal with null data sets? How do you deal with outliers when you're forming a risk assessment?

And to have a decision made by the Water Office on something which is picked dioxin, which is a simple as you can get in this way. It's really complicated, but to pick dioxin to have a Water Office make a risk assessment decision based on a certain assumption of exposure, and then have the Air Office take the same data and then apply it in a different way for their regulation ends up with different decisions that could be used against each other when you go to court.

INTERVIEWER: Oh, that's interesting.

INTERVIEWEE: Okay, and again, it's like how do you deal with outliers? How do you deal with analytical methods? What do you call, what is a valid study?

INTERVIEWER: What's statistically significant?

INTERVIEWEE: Mm-hmm, there's many shades to this. Pesticides evaluation, pesticides is really relevant now, where how EPA only considers peer-reviewed studies. Well, what about academic studies that have not been peer-reviewed that show death? That show sex changes in frogs that can't be duplicated? Is that a canary in the mine? Just because someone peer-reviewed it, do you take it? Do you not? It's the stuff in the margins like that, that gets really tricky.

INTERVIEWER: How that's considered.

INTERVIEWEE: So, there's a committee that EPA has to try to make these decisions in common. Now, this is all just by way of preamble to say that there's actually a pretty well developed structure and the way in which EPA approaches its science, it's not haphazard at all. It is coordinated, it deals with this issues, everybody talks, okay.

Now, all that said, science has a funny way of being vulnerable to political manipulation. There's no doubt in my mind at all that during the Obama administration there were a series of political decisions that were made that pushed risk assessment especially to a much more conservative and

precautionary point of view than had been there before. Do you know what precautionary is? You do?

INTERVIEWER: Taking measures before it happens?

INTERVIEWEE: No, it means this is the point of view of if any pollutant enters your body.

INTERVIEWER: Oh, okay.

INTERVIEWEE: It's bad by definition, unless you can prove it's safe.

INTERVIEWER: Got it. Okay, so actually taking it—

INTERVIEWEE: That's different than saying that you as a person or an infant or an older man or anybody that has been exposed to data, based on mouse studies or anybody else or anything else, that things are safe at a certain level because we haven't detected any problem in any level below that.

INTERVIEWER: So, safe until proven otherwise versus dangerous until proven safe?

INTERVIEWEE: Versus anything is bad until is proven good.

INTERVIEWER: Interesting.

<T: 110 min>

INTERVIEWEE: Those things are really different.

INTERVIEWER: And Obama you said pushed those?

INTERVIEWEE: And basically, most of chemical regulation in Europe is built around the precautionary principle. Things are bad and should not be in the marketplace until first they're proven to be safe.

INTERVIEWER: I see.

INTERVIEWEE: That's precautionary. Keep it out of your body, keep it out of things. Basically because we don't know about it doesn't mean it's safe. Ask about people doing investigations at DDT in the 1950s, how did that go?

INTERVIEWER: We know the rest of the story […]

INTERVIEWEE: Right, right, as opposed to the way the statutes are set up, the Water act, the Air act, TSCA, FIFRA, which are set up around setting a level for a pollutant that is known to be protective. That's different.

INTERVIEWER: A little bit of carbon dioxide or methane or something is fine but—

INTERVIEWEE: Yeah, sure, right, and you've got perfluorocarbon compounds in your body. Every walking human right now has PFCs in their body.

INTERVIEWER: That's true.

INTERVIEWEE: Is that bad? Sounds bad.

INTERVIEWER: Not at the level it's at.

INTERVIEWEE: Right, but not at the level it's at. Same with mercury fillings; there's a lot of things like that.

INTERVIEWER: You can eat tuna, but not every single day.

INTERVIEWEE: Not albacore! Our office set those advisories. I did that.

INTERVIEWER: Wow, and what do you think, you were saying what did this do?

INTERVIEWEE: But what I was saying is that during the Obama administration, there were a series of political decisions, absolutely political, to push the way in which risk assessments is done much more towards the precautionary end of the scale. That any and every study needs to be considered as a potential canary in the mine. Okay. And nothing should go forward until it's proven that it's okay.

Now, statutes aren't worded that way, and particularly when doing cost and risk and benefit kind of calculations like you need to do under FIFRA, which is the pesticides rule, pesticides law, it gets, so there's a lot of opportunity for mischief. And so there were definitely in the Obama administration more than in any other one I've seen, pushing that risk assessment towards a conservative end, and an environmentally conservative end of the spectrum.

Now, I think what we are going to question is what about a new team that comes in that has a different science agenda? There's a lot of opportunities for them to say, "No, we don't wanna do that anymore. Our risk assessment's gonna be based on only peer-reviewed science. Our risk assessment would be based only upon studies that meet certain criteria, and here's what they are."

INTERVIEWER: And if that one study that says something is dangerous isn't qualifying?

INTERVIEWEE: Too bad. If it's not peer-reviewed, it's not real science. So—

INTERVIEWER: Do you think this is a push—

INTERVIEWEE: I'm not sure I—

INTERVIEWER: I mean a pushback on precautionary measures and Obama trying to bring it more—

INTERVIEWEE: Well, I would be more trustful of it if it wasn't for Trump himself, and his own predilection for making things up to fit a narrative he had in mind before. He is not evidence-based. If something's evidence-based, you can point to the evidence and talk about the weight of evidence, then I'm okay. If you start making up stories because you want to believe something, true or not, evidence or no, I'm not okay. And that's most of what our erstwhile president does. So, I'm not trustful of these new people because I don't trust the boss.

Now, what Scott's going to do, I don't know. But in terms of the exposure of the agency, if it does something that's not based on science, not only will they get sued, I'll help them get sued. I'll make sure they get sued, and that stuff, it needs to be based on the science.

INTERVIEWER: I think that's one of the issues that I'm cognizant of, and I think a lot of people care a lot about.

INTERVIEWEE: Yeah, absolutely.

INTERVIEWER: I hope.

INTERVIEWEE: You can't make up facts, guys.

INTERVIEWER: Yeah.

INTERVIEWEE: Hello? Just because Breitbart publishes something.

INTERVIEWER: On that note now, too, science, compared to when you first started, do you feel like it is potentially less respected or just that there's more sources and you choose which ones you want to pick?

INTERVIEWEE: I don't know how to answer that.

INTERVIEWER: Does that question make sense? I guess just—

INTERVIEWEE: No.

INTERVIEWER: Do you feel like when you first started, science was more of an absolute truth compared to today it's more political?

INTERVIEWEE: I don't think so.

INTERVIEWER: Has science been politicized or is it—

INTERVIEWEE: No, I'm not sure you can, I don't think you can really say. Because it's not politicized in – you're thinking probably global climate change I'd assume?

INTERVIEWER: That's just one idea.

INTERVIEWEE: But that's just a tiny piece of what the science is at EPA, that's a tiny piece. There's 15,000 active ingredients to pesticides; every one gets risk assessments. How many of those do you know about?

INTERVIEWER: Probably five.

INTERVIEWEE: It's like, zero. Right, or five.

INTERVIEWER: I was gonna say, like, one.

INTERVIEWEE: But in terms of the dimension of this the global climate change stuff has been politicized. The vast majority of things are not in that same way. The only way in which they've been affected has been what I was describing as the needle has been pushed in terms of methodologies.

It's the way in which all risk assessments get conducted to be a little tipped more towards the precautionary side of the scale than the evidence-based side of the scale. So, it's a methodology kind of thing.

And, yeah, that was political, it came from the political people that Obama brought in, in particular their acting AA for R&D did that, but not in the way of global climate change. And in terms of interference, it's hard for me to forecast. I have no idea.

INTERVIEWER: That's a really good perspective, though, to have. Thank you for sharing that.

INTERVIEWEE: Does that make sense?

INTERVIEWER: Yeah, I think especially your point about how methodologies have changed recently.

INTERVIEWEE: Yeah, it's the way in which you go about doing things, because there's a lot of these things, and 15,000 active ingredients, that's just pesticides. We haven't even got started on the new TSCA. The new TSCA, they have to review every single new chemical going forward. I don't know how many there are—lots. And water quality criteria, safe drinking water criteria, there's many many many many many. And so the methodologies on how this is done are what's important, and will that be politicized? I doubt it. Will it be

pushed towards a little less precautionary? I actually sort of hope so. I think it got pushed too far.

INTERVIEWER: Somewhere in the middle?

INTERVIEWEE: So, we'll see. Global climate change, just got to get off it guys.

INTERVIEWER: Yeah, apologies if I already did get at this, but just to give you one more chance to talk about politics in the workplace, I think what I was taking away is that people matter more than politics in a lot of cases. Politics, just talking on what side of the aisle, were there any other instances in practice where directly or indirectly it did affect your work, that we haven't discussed?

INTERVIEWEE: It being what?

INTERVIEWER: Politics, political agendas versus just the mission of the EPA and your part in that.

INTERVIEWEE: I would say no. I think I've really hit on just about everything that I can think of. The budgets big time, people big time. Overall direction is not really set so much by politicians as it is by the statutes. Again, pesticides, it's a licensing process. New chemicals are coming on the market all the time, new chemistries come up, industry wants them to get into market. EPA needs to review those. Industry wants to do, industry's plugged up in the Hill. It's like everybody's in favor of trying to get something done.

INTERVIEWER: How has the relationship been with industry in your job? How have you worked with the people that you're trying to regulate to get a measure passed in enforcement?

INTERVIEWEE: Well, enforcement is different. Enforcement to me is really ancient history; I haven't done enforcement since Reagan years. But the regulatory stuff that I've been doing and that I'm responsible for, I'd say, and I got a lot of friends in industry still, that I talk with and work with, and I think if they were sitting here they'd agree, that it was a constructive arms-length relationship. Because I had a job to do. I was not their best friend. I was going to write a rule and they had a court order for steam electric, for all kinds of stuff. And so we'd sit and talk, they would, I'd give them tons and tons and tons of time to talk through their issues.

CAFOs is a good example, which is Concentrated Animal Feeding Operations; these are big feed lots. We regulated those under Bush 41. Governor Whitman helped get those out, which is great, together with Ann Veneman. Ann Veneman was the Secretary of Agriculture at the time. Agriculture did not want to be regulated. So I personally handled all the public hearings; I chaired them, went to Ames, Iowa, had 650 or so really pissed off cattle-farmers for 10 hours. Lots and lots and lots and lots of time.

<T: 120 min>

INTERVIEWER: Must have been an exciting day.

INTERVIEWEE: Difficult, it was difficult, but it's really important to talk with people, and we did and they still do all the time. These public hearings are real events where

you sit and you talk to people and you listen to 'em. And at the end of the day, we usually got sued by everybody, both the enviros and industry.

Like I said before, we won, and during my tenure, we won every single case, never lost one. Because our record was complete, the data was complete. My line when I sit and talk when industry would come in and they would want to get out of something, I would be there.

I would be the senior career flunkie, or I don't know about flunkie, but senior career guy there. And they'd be all prepared, they had these overheads, they had all this stuff. They'd rehearsed, they'd do all the stuff, the lawyers there—

INTERVIEWER: The people under you, you mean, presenting?

INTERVIEWEE: No, no, from industry.

INTERVIEWER: Oh, from industry, got it.

INTERVIEWEE: From industry coming in, they'd have these presentations. They had rehearsed them, they had the lawyers that had all this stuff. And my line was just always the same, it was, "Trust in God but bring me data." You can say anything you want, you can be right in everything you say, but unless I got data, unless I've got data, unless I have hard facts to base this on, I can't use what you're saying. I need data. Give me data. Let's talk about data.

And they would always open up, and as a result the records we would create – and all these things were in appellate court, and all the rules were challenged, like I said, always but in appellate court it's all based on the record. So we just had these iron-clad records, we're talking—

INTERVIEWER: Whole room?

INTERVIEWEE: —wall to wall file cabinets filled with stuff to support each rule. It was just complete and thorough and it was rational, and we could explain it, it was well-written. People understood what we were doing. They didn't like it.

INTERVIEWER: The data speaks.

INTERVIEWEE: But the law in the first place ruled that what it was telling us what to do. And, so relationships are great, I still am friends with a bunch of people from industry and the consulting work I've done has been probably 95 percent industry stuff. It's great.

INTERVIEWER: And you said you weren't friends but you were respectable with each other?

INTERVIEWEE: Yeah, that's right. I'm not their best friend by a long shot, same with the enviros, yeah, same with the enviros. They usually have the upper hand because they had the court order in the first place for production of this document. But in terms of negotiating settlements, negotiating anything, it was highly, it was a lot of mutual respect. And a lot of that just came from just being open and talking to people. My successor, Betsy Sutherland, is the same way.

INTERVIEWER: So that's continued to today?

INTERVIEWEE: Yeah, that's just how people are in EPA. They'll talk to you.

INTERVIEWER: This is just from my perspective, I don't know enough about this yet, but today it feels like industries are some ways feelings antagonized. So I'm

wondering on a personal level if that's the case or not? I know this is just me picking up my senses but that they're feeling—

INTERVIEWEE: No, that's not strange, but it's hard to generalize, because you remember everybody right now is pushing for an advantage on what they want in a time of change. So, yeah, if I'm pissed off about something, back to pesticides, if I'm really pissed off with these incredibly conservative risk assessments EPA is doing, I am going to be screaming bloody murder right now. The best time of all to be screaming—

INTERVIEWER: Because you can be changed, things can change?

INTERVIEWEE: Damn right, damn right, because somebody there is gonna hear me, and then later on when the case goes forward, I'll have a sympathetic audience. It's strategic in that way. Is it different than any other transition? I don't think so.

INTERVIEWER: So, it's more about having to do with a general time of change than industry—

INTERVIEWEE: Right, things tend to get really shrill, they get really shrill during this first year always.

INTERVIEWER: Okay, that makes sense. No, I was just thinking from the perspective of why are people critiquing the EPA from an industry perspective? But it has more to do with being heard—

INTERVIEWEE: All the dumb stuff EPA's done. In some cases, they've got a good case, some cases they don't including global climate change but—

INTERVIEWER: Interesting.

INTERVIEWEE: But it's also opportunistic. It's just a good opportunity to be doing that. Okay, I should probably be going. I could go on for hours, I'm sorry.

INTERVIEWER: That makes sense. I think I'll follow-up with just two short ending questions. This is two-part but just to summarize quickly, the one best achievement in your time at the agency, and then one of your frustrating experiences? Just thinking back, a high and a low. And you don't have to elaborate too much but to summarize that.

INTERVIEWEE: Maybe the high experience would be something that I led in the Clinton administration called the Clean Water Action Plan. And this was something that actually came up from Vice President Gore originally, but the idea was that all these federal agencies work on ecological objectives that are similar, but all these different agencies do it in different ways. And can't we find ways in which, particularly for land conservation, ecological conservation, that all the federal agencies work more in harmony? Sounds simple but it turns out to be a pretty interesting kind of thing.

For example, the Natural Resources and Conservation Service, which is a big part of USDA, deals with soil run-off. EPA has conservation of land where payments go to farmers, things like that. USDA does that. EPA has a whole series of programs dealing with what they call, what is called, non-point source pollution, which is land runoff that goes like, for example, some

construction that just goes into water and agriculture runoff, that's a big problem in the Chesapeake Bay, is non-point source runoff.

Well, natural conservation service over at USDA and EPA are both working the same objectives with different ways, but they don't talk with each other. So, this is a whole project to set up common frameworks for doing assessments.

And another example is Fish and Wildlife Service and NOAA for endangered species and species evaluation. EPA does the same species evaluation in its ecological assessments for water pollution criteria in the Water act. Well, so the way in which all these different agencies do their work together was put together as an overall strategic plan.

And it ended up being something that was used as a platform to generate $200 million more money for water runoff control, half of which to USDA, half of which went to EPA. But it was a whole harmonization effort among all the agencies. It was incredibly satisfying because it was like so common sense, just like nobody's got resources to do the same job three times at all these different agencies. Let's just have a common framework, we all do it once, this is how we all do our assessments. And that's still how it's done.

It felt great to do it. It was a really fun project, I got to meet lots of new people, like Bureau of Reclamation over at U.S., what is it? Forest Service, Forest Service operates, like, half the dams in this country. Bureau of Reclamation operates, like, a third of them and the remainder are just often private hands. So, even in assessment managing dams and assessing the water quality impact, well, EPA regulates dams and we do for water discharge permits. Well, wait a minute, this ought to be done right in the first place. So, that sort of conversation was just a really constructive conversation. I loved it. It's called The Clean Water Action Plan.

INTERVIEWER: That does actually just go into, I'm not going to pull this out as a full question because I know we're running out of time but in ways you could make the EPA be more highly-functioning or changes to the agency that could improve what it's supposed to do, I noticed the theme of bringing groups together that do similar projects.

INTERVIEWEE: Yeah, oh, absolutely, absolutely.

INTERVIEWER: Any other thoughts on if that would be one of the best ways to make the EPA perform at its absolute best?

INTERVIEWEE: It might be. There's a constant problem with working in siloes and a lot of that, and I understand it. A lot of it comes from the statutes, a lot of it comes from budgets, a lot of it comes from congressional oversight committees. There's a lot of reasons that people are breaking in these siloes but there is no real good basis for that. And it's inefficient at the end of the day. Back to pesticides again, I keep using that, but—

INTERVIEWER: No, it's a good example.

INTERVIEWEE: But pesticides does ecological evaluations as part of its risk-benefit analysis. It does so based on a set of protocols that uses two taxa, two biologic taxa, for making its ecological risk assessments. But Water has also responsibility

for doing water quality criteria and ambient water for appropriate safe levels of pesticides.

<T: 130 min>

It does its own assessments using eight taxa, not two. Okay, which is more conservative. It's okay, it's those reasons for it. But the resource to do the same job twice, each of these things then has to go to ESA review under the Endangered Species Act. And in terms of simple consumption of resources, it'd be far more efficient to have one assessment and we could do it for pesticides registration and we could do it for water quality criteria. You have the same number of agriculture, chemical companies, it's just like —

INTERVIEWER: Bringing that together?

INTERVIEWEE: Right. So, that's what I mean by siloes. People understand that. I've had the same, they get it—

INTERVIEWER: That makes sense. Different agencies that do different things.

INTERVIEWEE: —but the mechanics of it are tough because of history, because of statutes, yadda yadda yadda ya, congressional oversights. But your question is, are there opportunities? Oh, yeah, absolutely, there's one. There's lots, there's lots like that. In terms of the bad experience, it was absolutely getting thrown against the wall by the—

INTERVIEWER: I was gonna say, I feel like after I asked you that I—

INTERVIEWEE: No, it was being physically assaulted by political people in a room.

INTERVIEWER: Wow.

INTERVIEWEE: And I mean physically assaulted. I was sitting there crumbled into the floor, all these people coming over to make sure I'm all right.

INTERVIEWER: You can actually say that.

INTERVIEWEE: Huh?

INTERVIEWER: On the job, that's so scary. I'm glad. I mean, wow.

INTERVIEWEE: It was something.

INTERVIEWER: What a story.

INTERVIEWEE: It was something. So, that was the worst. Nobody will ever have to go through that again. I don't believe it.

INTERVIEWER: This is fine if you don't know this last answer, it can be quick too, going forward in the next couple months, do you feel like there are any areas of the EPA, or OSHA is another one we're looking at, that are particularly – ah, I can't speak, vulnerable, more vulnerable, to being called into question? And it's a deeper question, so sorry if it's at the end of the interview.

INTERVIEWEE: Well, I'm not sure what you're really after here. Because everything's always getting questioned.

INTERVIEWER: If any areas are more susceptible to maybe budget cuts or

INTERVIEWEE: Oh, that's a function of the politics at the moment more than anything. The new team that our erstwhile president's put together is not exactly keen on global climate change, and the cuts they're proposing are with NOAA make EPA's look easy. Those are heavily targeted towards fact-gathering on global climate change. It's entirely politically driven; it's just not the narrative they want.

So, in terms of what's politically driven, well, obviously EPA's got its own investment in the same areas. Political exposure, there's that. Wetlands is another one, where the political exposure is high. Is that right? No. Is it likely? Yeah. But the two, I'm thinking state grants, things like that. They're hard for me to measure, see, because EPA has a lot of its programs that are really executed by states, all the water permits, all the air permits, the state implementation plans. They're really done by states and EPA provides money to the states to do this and then some measure of oversight.

But they're talking about cutting the money to states and saying, "Well, let the states raise it. The federal government should not be giving money to states; that's not the federal government's job. Get it out of there." Now, is that going to be real when these states, including there are a lot of conservative states getting a lot of money from EPA. Are they going to say, "Oh, sure, take away our money"? They're not going to say that. I have no idea if it's real.

INTERVIEWER: That's interesting.

INTERVIEWEE: I have no idea if this is real.

INTERVIEWER: That is an interesting thing to consider. I hadn't looked at it like that before.

INTERVIEWEE: Like Texas, that's one of the biggest recipients of federal grants. Okay, they're going to say, "Okay, fine, we don't want your money anymore"? Texas is going to say that? I don't think so. "Oh, fine, we'll tax our own people for that." They're not going to say that.

INTERVIEWER: Yeah, that's not going to be—

INTERVIEWEE: No, what they're going to say is take away all the federal requirements, but keep sending us our money. But the budget cuts are, right?

INTERVIEWER: Right, yeah.

INTERVIEWEE: But where are the budget cuts aimed? They're aimed right now at state grants and infrastructure, so how does that infrastructure cut line up with the whole idea about greater investment in infrastructure to generate all these jobs that our president's talking about? It doesn't make sense to me.

INTERVIEWER: Moving around of money to come from somewhere else almost.

INTERVIEWEE: It doesn't make any sense to me.

INTERVIEWER: Well, that's an interesting thought. I'm glad that I asked you that question.

INTERVIEWEE: So, I'm not sure what's vulnerable. I think they're going to do some window-dressing stuff. I think they'll do some damage to the wetlands program, which may or may not, I'm not sure—

INTERVIEWER: The Water Ways of America.

INTERVIEWEE: Hmm?

INTERVIEWER: It's called The Water Ways of America.

INTERVIEWEE: No, the Waters of the U.S. I like that rule. I'm the only guy in the United States that likes that rule. They did a good job on that rule, they did a really good job on that rule, and I am the only person that thinks that […] that rule.

INTERVIEWER: Did you know people who worked on it?

INTERVIEWEE: Oh, yeah, of course.

INTERVIEWER: Because that's right up your alley.

INTERVIEWEE: Yeah, I was really involved in that one.

INTERVIEWER: Wow.

INTERVIEWEE: Now, that one gets tricky because it's been to the Supreme Court twice and the last one was Rapanos, which I think was 2006 or something, and it was a spot-on suit against a corps of engineers for, under the way this law works, under the Clean Water act, the Corps of Engineers actually issues the permits for wetlands filling and dredging.[4] And then they need the administration's concurrence to do that, and so the corps of engineers issues the permit that got sued. It wasn't even EPA. It went to Rapanos. Rapanos, they didn't like it. There was an enforcement angle to this that I don't remember. It was a stupid fact case for EPA.

But it went to the Supreme Court, but it was spot-on on what is the jurisdiction of the Clean Water act with respect to navigable waters? What constitutes a navigable water? When does a navigable water begin and when does it end? And the Supreme Court decided absolutely in favor of Rapanos, five to four. The trouble is there was no majority opinion. There were—

INTERVIEWER: Because the one in the middle was just a different view on it?

INTERVIEWEE: That was Kennedy's, that was Kennedy's. There was, like, three —

INTERVIEWER: He had a different idea.

INTERVIEWEE: —two, one, two, three. It was like—

INTERVIEWER: Everything would be looked at individually.

INTERVIEWEE: Mm-hmm, that was Kennedy's and so the whole theory around it, and that's why it's treated as a majority opinion with Kennedy, is as the dominating opinion among 'em. But what EPA did was it took Kennedy's opinion and did basically vote it into a rule, together with the Corps of Engineers. It's Kennedy's opinion.

INTERVIEWER: Everything was gonna be like that.

INTERVIEWEE: What's really interesting about it to me is the original rule, if you read the original rule, basically everything is in, everything is a law of the United States, period. Unless, unless, we declare you out, and here are the ways in which you can be declared out. But you're in unless. Under the new rule, it's

[4] Rapanos *v.* United States

flipped, which is really consistent with Kennedy. It's no, that's not right. Only certain things are waters to the United States. You're a water of the United States if you're near coastal, you're a water of the United States if you're a bay or […]. They go through this list of things that you definitely are and then you're also a water in the United States if there's a significant nexus to a navigable water.

And then he went on to talk about what a significant nexus is. EPA wrote that new rule, that's the rule. And the problem is, fundamentally the home-builders, a lot of ag, and other people, don't want to be regulated in the first place. So, they decided they don't like Kennedy's part of, they don't like Kennedy's opinion. They like the most conservative ones better. Maybe I should have done Kennedy's. I should have done these other ones. So, it's very, but I like the rule. I'm the only guy that likes that rule. We did a good job on it.

INTERVIEWER: I don't have an opinion. I can't speak too much to it yet.

INTERVIEWEE: But anyway, yeah, they'll redo the rule. Those poor guys, those poor guys, I know them all.

INTERVIEWER: Before I let you go, I realize it's been a long time and I'm sorry for that—

INTERVIEWEE: I told you I could go on.

INTERVIEWER: Is there anything I haven't asked you about that you think I should know before we call it?

INTERVIEWEE: Well, it depends where you're going with this and what you want to do.

INTERVIEWER: Just to give us anything that's on your mind that you feel like would be useful.

INTERVIEWEE: No, no, I touched most of the things that were relevant to transitions I think. I guess the bigger question is just one for you of this seems to be a bit of a project in the works. I'm not sure you've got everything totally thought out here yet in terms of what you're going to decide or do, so if there's anything more I can do to help as you're unfolding this, you want to explore some of these ideas some more, you have a sense in me, I'll go on.

INTERVIEWER: That would be great, thank you so much.

INTERVIEWEE: So, I volunteer if you'd like to dig into these areas some more, or if you find the research takes you, you thought you were going here but instead you're going there and you want to dig back into—

INTERVIEWER: Thank you so much for that and for being open to be connected with. I'm glad we have your e-mail and I can follow up as well with the current mission of what we're trying to do, with the answers to those questions you had asked at the beginning.

INTERVIEWEE: And you saw you got the resume I sent you? Why don't you check and make sure?

INTERVIEWER: Yeah, I didn't see it, but I will check right now again.

[…]

End of Interview