

## US EPA Turns 50

In commemoration of the 50-year anniversary of the U.S. Environmental Protection Agency, TCWN is reprinting this brief history from Paul Davis, environmental consultant and activist, and former Director of Water Pollution Control for Tennessee Department of Environment and Conservation.

### The Challenges, Vision, and Leadership That Launched EPA 50 Years Ago

By Paul Davis, P.E. *(Reprinted with permission.)*

EPA celebrates its 50th birthday on December 2, 2020. In this article we look back 50 years to see how the agency got its start.

#### *The 60s Awakening*

A half-century ago, our nation was in the grips of an unpopular war in Vietnam, trying to navigate new social norms and struggling to fulfill the historic promises of the Civil Rights Act. No less momentous was the growing awareness that our nation's lands, air, and water were in sad condition.

Rachel Carson's epic *Silent Spring* warned that as we poison nature with pesticides, she poisons us back. Off the coast of Santa Barbara, a blow-out in Union Oil's well field produced what was at that time the largest release of oil to waters in the nation's history. Color video of oil-coated seabirds streamed into living rooms across the country. In Ohio, floating oil and woody debris on the Cuyahoga River were ignited by sparks from a nearby railroad. Time Magazine launched its new Environment section with file photos of the river and the wry caption, "If you fall in, you don't drown—you decay."

Exactly ten months after the Cuyahoga caught fire, on April 22, 1970, the first Earth Day was celebrated. An estimated 20 million people—one-tenth of the country's population at the time—took part.

#### *The Ash Council*

Just a week after Earth Day, and in his second year in office, President Richard M. Nixon submitted to Congress a list of recommendations for organizing environmental and other functions within the



executive branch. His authority to do so came from something called the Reorganization Act. (That authority expired in 1984.)

Originally known as the Economy Act (it was created during the Great Depression), the Reorganization Act allowed the president to assess efficiencies and economies within the executive branch and recommend changes for Congressional approval. These changes would automatically take effect in 60 days, barring resolutions of disapproval from both chambers.

Nixon had appointed the President's Advisory Council on Executive Organization (PACEO) on April 15, 1969. Commonly known as the Ash Council for its chairman, industrialist Roy Ash, the council included former Texas Governor John Connally, who was riding in the car with President Kennedy when he was assassinated; Frederick Kappel, chairman of AT&T; George Baker, dean of the Harvard Business School; Richard Paget, who helped reorganize the U.S. Navy; and Walter Thayer, a New York lawyer, investment official and president of the International Herald Tribune, a globally distributed newspaper later acquired by the New York Times.

#### *The Ash Memo*

The council's work product was delivered to President Nixon in 14 installments. The eighth of these, dated April 29, 1970, was titled "Federal Organization for Environmental Protection."

Often called the Ash Memo, the document began with this simple but groundbreaking summary: "The President's Advisory Council on Executive Organization recommends that key anti-pollution programs be merged into an Environmental Protection Administration, a new independent agency of the Executive Branch."

Addressing the president directly, the memo continued: "In your February 10 Environmental Message, you pledged yourself to '... repair the damage already done, and to establish new criteria to guide us in the future.' The Environmental Protection Administration will be the principal instrument for the fulfillment of that pledge."

And in a paragraph headed "Inadequacy of Present Organization," the council offered this blunt assessment: "Our National Government is neither structured nor oriented to sustain a well-articulated attack on the practices which debase the air we breathe, the water we drink and the land that grows our food. Indeed, the present departmental structure for dealing with environmental protection defies effective and concerted action."

#### *Nixon Recommends EPA*

On July 9, 1970, having reviewed the recommendations contained in the Ash Memo, President Nixon transmitted to Congress his final proposal (formalized as "Reorganization Plan Number 3 of 1970") along with a sort of extended cover letter titled "Special Message from the President to the Congress About Reorganization Plans to Establish the Environmental Protection Agency and the National Oceanic and Atmospheric Administration." (For practical reasons, plans for NOAA were included in the same reorganization document.)

In preparing the Special Message, the president followed most of the Ash Council's recommendations, with two exceptions. One was fairly minor: Where Ash's group had proposed an "Environmental Protection Administration," Nixon chose the term "Agency."

The other difference, far more substantive, had to do with the role of the new EPA relative to the existing Council on Environmental Quality. (The CEQ had been established January 1, 1970, as part of the National Environmental Policy Act.) Ash and his team had proposed that the CEQ be absorbed into the new EPA, but Nixon decided otherwise. While EPA would assist the CEQ "in developing and recommending to the president new policies for the protection of the environment," the two organizations would remain separate.

As the president saw it, "the Council [on Environmental Quality] focuses on what our broad policies in the environmental field should be; the EPA would focus on setting and enforcing pollution control standards. The two are not competing, but complementary—and taken together, they should give us, for the first time, the means to mount an effectively coordinated campaign against environmental degradation in all of its many forms."

Richard Nixon was not, as a matter of principle, a fan of large federal bureaucracies. So it is all the more remarkable that, after considering the recommendations and rationales of the Ash Council, he felt that environmental quality warranted not just one but two independent agencies.

### ***An Effective First Administrator***

Though the recommendations had been finalized, EPA was not officially established until December 2, 1970. That was the day the agency's first administrator, 38-year-old William Ruckelshaus, was unanimously confirmed by the Senate following two days of hearings before its Public Works Committee, where he had also been unanimously endorsed.

A mild-mannered Indianapolis attorney with degrees from Princeton and Harvard, Ruckelshaus was a moderate Republican who had served as counsel to the Indiana Stream Pollution Control Board and helped draft the Indiana Air Pollution Control Act of 1961 before joining the U.S. Justice Department in 1969.

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## **Roles & Functions of US EPA as Proposed in Nixon's "Special Message" on July 9, 1970**

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- Establishment and enforcement of environmental protection standards consistent with national environmental goals.
- Conducting of research on the adverse effects of pollution and on methods and equipment for controlling it, the gathering of information on pollution, and the use of this information in strengthening environmental protection programs and recommending policy changes.
- Assisting others, through grants, technical assistance and other means, in arresting pollution of the environment.
- Assisting Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

His commitment to enforcement had drawn praise from legislators. Sen. Jennings Randolph (D-W.Va.), chairman of the Public Works Committee, said the nominee made an “excellent impression.” Sen. Edmund S. Muskie (D-Maine) told him, “I hope you become Mr. Clean.”

Committee members seemed “particularly impressed” when Ruckelshaus said he would lead an antipollution campaign “as forceful as the laws provide,” according to the New York Times. “[They] seemed pleased to hear Mr. Ruckelshaus say that he thought the states, which are often reluctant to crack down because they are competing for industry, would enforce the law more aggressively ‘if a strong Federal presence was behind them.’”

As the Times noted, Ruckelshaus had a big task before him. He would oversee the consolidation of “some 15 organizations ... with about 5,800 employees and budgets totaling \$81.4 billion.” The agency would take over “water pollution responsibilities from the Department of Interior; air pollution and solid waste responsibilities from the Department of Health, Education and Welfare; registration of pesticides from the Department of Agriculture; setting of environmental radiation levels from the Federal Radiation Council, and the enforcement of those levels from the Atomic Energy Commission.”

But Ruckelshaus seemed eager for the challenge. As he told a reporter a few days before hearings began, “I am optimistic that man can reverse what his stupidity has caused.” Otherwise, he said, “I wouldn’t have taken this job.”

And so, with the recommendation of the president, the endorsement of the Senate, the apparent good will of the press and public, and the optimism of a skilled and principled director, the new agency was off to a good start.

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We honor EPA and the thousands of men and women who have served with that agency over the past 50 years. They, along with countless federal, state and local government partners, have much to be proud of, and we, as citizens, have much to be grateful for.