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***[Virginia Prescott] I'm Virginia Prescott and this is Civics 101, the podcast refresher course on the basics of how our democracy works. Today we're digging into the Environmental Protection Agency or EPA a federal agency created in 1970 when lakes, rivers, and skies across America were clogged with pollution and industrial waste.***

***Guiding us through the brief but eventful history of the EPA is Stan Meiburg, who has seen much of it firsthand. He started working for the EPA in 1977 and worked his way up to acting deputy administrator under the Obama administration. Stan, thank you for speaking with us.***

[Stan Meiburg] Thank you very much Virginia. It's a pleasure to be with you.

***[VP] So as I'm reading about the EPA--It performs a lot of functions. Could you kind of umbrella break them down for us and give us a sense of the scope of what the agency does?***

[SM] Yes I'd be happy to. And part of the reason you read a lot about it is because the scope of EPA functions is really quite broad. You can break them down any number of ways but just to give one structure, EPA has various regulatory responsibilities based on our statutory authorities from laws like the Clean Air Act and Clean Water Act, where you have to interpret these laws and set up rules basically for everyone to follow. EPA also has the ability to enforce these laws together with states.

Most of the responsibilities that EPA has, many of them are carried out by states. But EPA retains independent authority to enforce the law and generally gets involved in big cases like the recent Volkswagen case that got a lot of attention.

EPA also does science and research, different types of work all the way from health work and ecology to the transport and fate of pollutants, different types of control technology usually tied in some way to some kind of anticipated action by the agency for example setting new standards for air quality. It's a modest research budget. This isn't the National Institutes of Health or the CDC but it still is an important one.

EPA also engages in cleanup of abandoned hazardous waste sites usually known as Superfund sites as well as emergency response activities related to EPA authorities under those laws.

You can make a distinction between thing between things that EPA does in the short term like short term removal actions and long term cleanups. The emergency response function itself got a higher profile for EPA after the 9/11 events and after the events of Hurricane Katrina and the Deepwater Horizon spill where those capabilities were called on at great length.

***[VP] That's a lot so far. Are you going to keep going?***

[SM] Well there actually is more stuff. Believe it or not that in addition to these formal functions EPA does a lot of collaboration work with stakeholders like states and communities industries and non-governmental organizations and EPA historically had an international role as well that we have been respected in internationally for work that the United States has done to advance pollution control.

And then finally a role that EPA has that’s really important and sometimes gets overlooked these days is that historically EPA was a trusted spokesperson on behalf of the national interest in Environment and Public Health. Beyond just our formal regulatory role the agency was one who brought attention to the public of what it was to be thinking about a clean environment for ourselves and our children.

***[VP]*** ***So that's huge. I mean that's a lot of stuff that you just went through. What do you think makes the EPA different from other agencies of the federal government?***

[SM] EPA is somewhat different for a variety of reasons. First of all and we've already alluded to this that it's simply the scope of our responsibilities that EPA is the largest federal regulatory agency and it affects you every day from the moment you get up to the moment you go to bed and while you're asleep. Everything from the water you drink the chemicals under your sink the car you drive the air you breathe. You name it. The EPA is just with you all the time. So it's a tremendous scope.

Another reason EPA is somewhat different is that EPA is an independent regulatory agency and that's not an accident that at the time EPA was created in the Nixon administration several different options for the agency were considered and there was a conscious decision not to make EPA a part of another department like the Interior Department because there was concern by the Nixon administration and the ash council that came up with the basic structure of EPA that to do that would create conflicts of interest with other responsibilities.

Third reason EPA is unique is because of its structure that EPA has a single administrator. It's not a commission like the Nuclear Regulatory Commission or the Federal Energy Regulatory Commission. It has one administrator who is responsible for decisions.

Another way it's different is that it is a decentralized agency, that about half of the staff of EPA is located in regional offices which makes it unusual compared to other agencies. It is federal in its design and operation that much of the EPA authority is delegated to states which is unlike federal natural resource agencies like the Forest Service or the Park Service or the Bureau of Land Management. In those cases we have federal employees in uniforms out in the field. Most of those responsibilities day to day are exercised by states with EPA oversight.

And then the last way EPA is different is that you have a series of detailed and very prescriptive statutes that govern the agency's actions and these statutes mostly were established between 1970 and 1990. They were born in an era of mistrust between the executive and legislative branches. But they were done in collaboration among leaders in Congress of both parties who collaborated to design and pass the statutes and there was a lot of concern in those days about the potential for a regulatory agency like EPA to be captured by the entities that it regulates. In other words to become basically a servant of the industries instead of a servant of the public interest and the statutes were designed with that concern in mind.

***[VP] Bring us back to that time when it was formed and those questions were being asked. It is a relatively young agency, less than 50 years old. So why was it created back in 1970?***

[SM] EPA was created back in the 1970s because there was an overwhelming concern with very visible problems with the environment. You had killer smogs in Pennsylvania and New York City, Los Angeles, and you also had tremendous water pollution problems. The most famous of which was when the Cuyahoga River in Cleveland caught fire in 1969. And so those very visible problems promoted a wave of concern about the environment and that got the attention of both the Congress and the executive branch.

President Nixon who formed the EPA did so not because he himself was a particular environmentalist but he saw that there was an electoral risk as he was looking to re-election in 1972 about being perceived as not acting on these concerns that were very widespread and because his potential Democratic challenger Senator Edmund Muskie had made a reputation as Mr. pollution control in the Senate and so in some ways the creation of EPA was both a response to Earth Day and all the events of that time and the response to a political concern that the administration had what you wanted to get out in front of. So those were the reasons behind the creation of EPA.

***[VP] What was the prevailing public understanding of environmental issues at that time?***

[SM] In some ways because the problems were so visible, I think the prevailing public understanding was that the federal government needed to do something about it. The previous actions that relied just on state or local actions were simply not enough and more active things needed to be done. Now I also think that at that time and EPA’s first administrator Bill Ruckelshaus famously observed this, that people thought that you could basically solve the problem just like you can solve the problem of putting a man on the moon—some extra money some new technology. We knew what to do. The problem will essentially go away.

Bill Ruckelshaus observe famously that he came in and after three months he began to question every single one of the assumptions that he brought with him into the job that in fact it's a complex area that systems interact. There's a lot we do not know and some of the solutions can be hard and expensive.

***[VP] Let’s look at one of the landmark pieces of legislation from that era when it was created, the Clean Air Act. Take us through the creation and the effects of that law. I know seeds of it were there earlier in American history.***

[SM] Yes, the Clean Air Act is a remarkable piece of legislation and 1970 really was a watershed. If you look back at the legislative history of the 1970 act what is most remarkable about it is that a strong piece of legislation came out of the House of Representatives and an even stronger piece of legislation came out of the Senate and the conference committee that adopted the Clean Air Act took the strongest pieces of both of those and put them together so that the end result was even stronger than either the ones that went in. It's hard to think of now. But the Clean Air Act passed the Senate by a vote of 73 to nothing in 1970. So there was great widespread support for action.

And the statute did some things that had never been done before. It set national ambient air quality standards and gave the administrator the responsibility for doing that. It established restrictions on automobile emissions and tight timelines to achieve those. But what happened was that the act had some difficulties. And so it was reviewed again in 1975 and 76 and eventually amendments passed in 1977 to give a little more time to automobile manufacturers to meet their standards and to provide some control for new and modified sources of air pollution that the 1970 act didn't completely do.

And then finally in 1990 there was a very comprehensive set of incentives to address new challenges. Acid rain being perhaps the most notable but also such things as chlorofluorocarbons and to establish new timelines for attaining the standards.

***[VP] You mentioned the Clean Air Act passing 73 to nothing. Richard Nixon was president then, and it's often pointed out that environmental issues and support for the EPA were not always partisan issues. When did that change?***

[SM] It's exactly right that there was a tremendous degree of bipartisan work together on these on these issues during the first 20 years of the agency's life. And that was not to say that there weren't disagreements but the disagreements varied and you had some very strong environmental Senate Republicans for example Senator Stafford of Vermont was a very strong environmental advocate and other Republican senators as well who were very committed to a clean environment. The watershed marks that changed really was in 1994 that the superfund law was up for reauthorization in that Congress and the reauthorization went all the way through.

And then the very end of the session that did not pass, because Senator Dole felt that the time that he would be better off by waiting for the results of the election and was able to keep it from passing through the floor of the Senate. And so that was kind of the end of the era of major changes to environmental statutes. And since then there have only been a handful of big statutory changes. So it is still possible to find ways to get bipartisan agreement but it is harder now and it doesn't happen in quite the same way that it did in the first 20 years of the agency's history.

***[VP] You said that EPA funds or does basic research, basic science, not like the NIH by any means. Any landmark findings that you want to point out? One I read about was the endangerment finding of 2009. Can you explain that in nonscientific terms for us?***

[SM] Yes. The endangerment finding is actually pretty simple. The Clean Air Act provides that if EPA finds that a pollutant or pollutants can endanger the public health and welfare that it needs to take regulatory action and the endangerment finding that is so much in discussion now was simply a finding by the agency that carbon pollution does in fact endanger public health or welfare. And EPA published a long set of reasons why it made that determination and that determination itself was upheld by the Supreme Court in 2010 in litigation over automobile standards that were set based on that finding.

So the endangerment finding is at the core of all the other pollutant regulations under the Clean Air Act.

***[VP] Stan, there is a perception that the EPA is anti-business. What would you say to that?***

[SM] Actually I don't think that's a fair assessment at all and that historically EPA has had positive value for business and business has had positive value for EPA, that for business, EPA can be a source of certainty. EPA can also be a source of credibility if a business could say we are meeting EPA standards. That's kind of a brand value that they add.

And most businesses comply voluntarily. EPA relies on businesses to do the right thing. When somebody doesn't do the right thing, business relies on EPA to hold them to account so that they are not being disadvantaged by unscrupulous neighbors.

***[VP] Today, the current administrator of the EPA, Scott Pruitt, vocal critic of the agency itself, has begun to weaken its role. So what kind of advice or context do you think that listeners should keep in mind to better understand the changing nature of this agency?***

[SM] That's a very good question and one that is a bit of a challenge because to a degree that has never occurred in the history of EPA. The current administrator seems to have a particular agenda for coming in and opposing things that the previous administration did, not necessarily on their merits but just because the previous administration did it. And that's different. Again to point back to Bill Ruckelshaus he recently commented on the fact, when asked what surprised him, was the apparent willingness to undo some of the structures of environmental protection that have been in place since the 1970s. And so that's a little different.

The thing I would encourage the public to do is simply to pay attention, to look at different actions that the administration proposes. See if they in fact meet basic standards of following the law fine, following the science.