

ENVIRONMENTAL DATA GOVERNANCE INITIATIVE

ETM SBU 015

Transcript of an Interview

Conducted by

Christopher Sellers

(With Subsequent Corrections and Additions)

INTERVIEWEE: George Wyeth

INTERVIEWER: Christopher Sellers

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INTERVIEWER: But the first set of the first set of questions is pertaining to just your basic background to give us a sense of just where we go with the rest of the questions.

INTERVIEWEE: Okay.

INTERVIEWER: Your age, your racio-ethnic identification, and gender.

INTERVIEWEE: Okay. I'm a 64-year-old white male.

INTERVIEWER: Okay. Tell me about your formal education and with some years about when you got degrees and that kind of thing.

INTERVIEWEE: Okay. Got a bachelor's degree in government in 1973, Lawrence University in Appleton, Wisconsin. A Master's degree in public policy in '75 at Berkeley and then I went back and worked at the State of Wisconsin for a few years; a law degree. And I decided to go to law school so I got my law degree in '82 at Yale. Worked in a private law firm in Minnesota from '82 to '89 and then came to EPA in 1989. I—

INTERVIEWER: So '89 is when you first came here?

INTERVIEWEE: '89 to now and '89 until last Tuesday.

INTERVIEWER: And your profession is a lawyer I assume. Is that how identify, or? Policies?

INTERVIEWEE: You know, it's how I've been classified throughout my time at EPA. Really since the late '90s I have not been doing – my work has been more policy or program oriented than strictly legal analysis. There's always – you're always doing some – there is always some legal connection or often some legal connection, but from '98 – so maybe I'll just break it down.

INTERVIEWER: Okay. That's good.

INTERVIEWEE: So '89 to '98 I worked in the General Counsel's office at EPA. In '98 I left the General Counsel's office, moved to another office that had been formed back in – and so the Clinton administration had this reinventing government initiative which was sort of attractive. It was like a way – okay, I don't have to stay inside the lines anymore and move over to this office where they're just trying to think about what's a better way to do this. That particular initiative ended, but I stayed in that and then successor offices until basically 2014. The name changed, but it was basically a series of offices with a mission of developing or discovering sort of innovative policy approaches and testing them and trying to see if they could be adopted at EPA.

INTERVIEWER: What was that office called?

INTERVIEWEE: Well, so the current name, the name was changed a few times, but basically the policy office.

INTERVIEWER: Office of Policy?

INTERVIEWEE: Office of Policy is the name of it and – yeah, the Office of Policy. Then I was within something that had multiple names, but I guess the one we had the longest was called the National Center for Environmental Innovation.

INTERVIEWER: That was a center? A research center?

INTERVIEWEE: No. Well, I mean the center was the name. It's within the EPA bureaucratic structure so we have the Office of Policy then you have underneath it sort of what we call offices also, but ours happened to be called a center because that sounded cooler. So we called ourselves the National Center for Environmental Innovation. So I guess I don't know why I said no, but I guess you said research and it was not really a research center. It was more – there was some research involved. We did some research, but it was more policy development and policy testing and trying to just promote ideas elsewhere in the agency; could you use this idea? Use this approach?

INTERVIEWER: So you were there basically in that realm of agency from '98, is that –

INTERVIEWEE: From '98 to 2014.

INTERVIEWER: 2014.

INTERVIEWEE: Yeah, so the bulk of my career was really in that office. And then in 2014 I moved over to the enforcement office. It was just like you've just been doing the same thing for a long time, I just want to do something different. So I moved over to the enforcement office, but I'm not – even there – so the last three years I've not been working on enforcement cases. I was working on basically an administration initiative to improve compliance through means in addition to traditional enforcement.

INTERVIEWER: So that was kind of – that was, in a way, an extension of what you've been doing in the policy office?

INTERVIEWEE: Yeah, it was.

INTERVIEWER: That's why you're—

INTERVIEWEE: Yeah, it was sort of an innovation initiative. Yeah, that's probably why I got picked for it anyway. Yeah.

INTERVIEWER: Okay. Great. So tell me – let's jump back to the time when you started at the agency.

INTERVIEWEE: Sure.

INTERVIEWER: Tell me about why you made that move and what you expected by making the move. What did you expect the job to be like? What did you expect to accomplish by becoming an EPA employee?

INTERVIEWEE: Okay. So I had a public policy degree. I had always been interested in working in government. I graduated from law school early in the Reagan administration and I actually interviewed for a summer job at EPA one summer and people were saying, "You might want to work somewhere else right now." I mean, it was that bad.

INTERVIEWER: Oh.

INTERVIEWEE: So I did go off and work somewhere else and we went out to Minnesota, closer to where I was from. So I was in a private firm for about seven years,

but I stayed in touch with people and friends who are here in DC and so it was even before Bush I.

You know, I guess sort of the information I was getting back was that EPA's a good place to work again. So I started expressing interest, in those days you mailed letters, to the general counsel's office saying, do you have any openings. So then it finally – the opportunity finally came along in the fall of '89.

Now at the time, I don't know that I thought I was going to EPA to stay for the rest of my career. I guess that was one possibility. I was also looking at it as it could be a credential, I could bring it back to the law firm, develop my own area of practice which I didn't really have. So I think my immediate, short mind idea at that time was it put me in a better position in the law firm to have more of a specialty and have the credentials of EPA would be a plus.

But as I stayed there for a while I realized, no, this is really the kind of work that I'm more interested in doing and other aspects of life; you just settle in and so it became long-term.

INTERVIEWER: So you didn't really – you weren't really a specialist up until you got there, in environmental law?

INTERVIEWEE: No, I really wasn't, in fact, it was a pretty narrow specialty, and it was just starting to take off in the late '80s in terms of a sizable number of lawyers actually doing it. Before that it was, like I said, was a pretty arcane specialty outside of DC.

[...]

INTERVIEWER: Okay. So we've gotten you at the agency and –

INTERVIEWEE: So – yeah.

INTERVIEWER: So tell me – could you just say a little more about your hopes for that job? Why did you sort of want to go there and –

INTERVIEWEE: Well –

INTERVIEWER: You know, when we talked about getting the qualifications, is there anything about the EPA in particular in its mission?

INTERVIEWEE: Yeah, well I think – I don't know. I can't point to a specific thing. As you said, I didn't have an environmental law focus before I came to the EPA, but I've always been interested, I guess, in the general environmental area. As I said, I interviewed for a summer job that when I was in law school. So I was interested in the EPA at that time.

<T: 10 min>

I had, when I was in graduate school, I had a summer job working for the – it was actually the Motor Vehicle Manufacturers Association, but I was doing policy analysis on environmental issues, environmental – proposed

environmental regulations then. So it had been an interest of mine and I guess it was a way of combining personal interest with the job of being a lawyer whereas being a lawyer, litigation attorney in private practice, whatever you get out of it is not, it's generally not— like fulfilling your personal needs and I think whatever it is drive people, I guess have a little more of an idealistic streak and it just wasn't – private practice just wasn't doing it.

INTERVIEWER: Sounds like it was kind of an evolution too and that you hadn't envisioned you would stay there, but then—

INTERVIEWEE: Yeah. No, there was an evolution I think it was fairly quickly that I realized – I remember walking down the hall sometimes like the first year after I got to EPA and thinking this is probably the only lawyer job in the world that I would really enjoy. You know, having been a lawyer in private practice know what that was like, this is the one I can be a lawyer, but it's really connecting with the things that get me.

I did go back. I did stay in touch with the law firm and I did talk every so often about going back, but I think I just found the nature of the work at EPA – probably because it's environmental and partly because I feel like the significance and the implications of it are just much, much greater. I got satisfaction out of that.

INTERVIEWER: Cool. So what were your – just in this early time at EPA, I guess we're talking – coming in at '89. What kind of responsibilities did you start with there? What kind of things were you doing?

INTERVIEWEE: Yeah, so I was in the General Counsel's office which at EPA, the lawyers are divided between general counsel and enforcement. That's not everybody, but those are the main chunks. So enforcement, I guess I'm different from other agencies where the General Counsel's office would bring cases. At EPA the General Counsel's office is either internal legal counseling on what basically advising clients, their client offices on what they can and can't do in implementing regulations or how to design things to minimize legal risk or advise them on the risks of an approach they're taking or defending agency rules or other agency actions, but not bringing cases. That would be done by the enforcement program.

So that's what I was doing and I was working mainly with the Superfund program which is a big cleanup program which at that time was very, very prominent for a whole lot of reasons. I think it's become less prominent now, but at that time the Superfund program really got a lot of attention and so I was basically advising them on writing the rules or advising them on the selection of – and so they have to rank – the EPA can't clean up every contaminated property in the world so they have a ranking system and you have to score over a certain level to qualify. For EPA to put you on their priority list for EPA to come in and organize a cleanup.

INTERVIEWER: Okay.

INTERVIEWEE: So for the first few years, a lot of my work was advising them on selecting sites for that priority list so you'd get – it's very fact specific. They had a formula that you use, but you are basically applying that formula to the facts

and as a lawyer you would come in and say, well, do you have a good case or not a good case for putting the site on the list. So I did a lot of that.

INTERVIEWER: Right. So the EPA [...]

INTERVIEWEE: Well, there's a lot of judgment, you know. Someone would go out and the brought back a sample and that seems to do this anyway.

INTERVIEWER: Yeah, okay.

INTERVIEWEE: Then you would have to – and so then you put them on the list and then the company doesn't want to be on the list so they sue and I would work with the Justice Department to defend the listing in court. Then I moved on from that to other aspects of the Superfund program advising on; actually well, okay. You're not going to do a cleanup. You've picked a site and now you're going to do a cleanup. What is it – and there's rules for how you do a cleanup too, but that's lots of judgment built into that and so you need a lot of legal advice on that.

So I was advising headquarters and then regional offices on those claims. So that is what I was doing a large part of that time and then I – it's interesting; a lot of people on the NOGC [National Office of General Counsel] they love – they get a specialty and that just be the world's expert on that and I was sort of the opposite. I was always looking for something new. So this reinvention stuff came along and it just kind of appealed to me and I was like – okay, the theory of the reinvention was we got these highly structured rules, but maybe there's another better way to do this. Can we find a better way to do this? That kind of appealed to me in terms of, well, let me work on that. So I worked on that from the General Counsel side for the last couple, three years.

INTERVIEWER: Oh, okay. So you had already gotten into that and '96, '98.

INTERVIEWEE: Into that, yeah, '97. Yeah, '98.

INTERVIEWER: '97, '98.

INTERVIEWEE: So I was kind of working in it from the legal side because they were – I mean, that was I guess interesting because by definition, they were kind of pushing the bounds of what – By definition they were saying, the regulation say this, but if you got a better idea, we can try to do that. Well, then you have to figure out, can we do that or not or can we do that legally or not. So there was a lot of creativity I guess that way. Anyway, that was how I got – and the legal job per se, I guess at some point just felt kind of limiting. Ultimately –

INTERVIEWER: The legal was when you're in the counselor's office.

INTERVIEWEE: General Counsel's office, yeah. I mean, people think that lawyers write rules. In fact, the people in what we call the program offices write the rules and the lawyers advise them on – like when they might be running afoul of a legal issue. So being just in that sort of technical box of, I can tell you what the law requires, but you make the policy decisions was frustrating to me. So when I had the opportunity to move up to the reinvention office, which is a little bit more like a program, I took that opportunity.

INTERVIEWER: Okay. So let's stick with before you made that move.

INTERVIEWEE: Yeah. Sure.

INTERVIEWER: I have some questions about – that seems to be a period [...]

INTERVIEWEE: Right...

INTERVIEWER: In terms of the kinds of things we are asking about; ways that politics affected your work at the – the kind of things you are doing with the Superfund program. How would you describe any – if any influence of politics or political influence on what you were doing?

INTERVIEWEE: Okay. I don't know that I was intensely conscious of political factors early on, but it was definitely a factor. So the Superfund program had been, in the early part of the Reagan administration, probably the area of the greatest controversy where the people – where there was a lot of feeling that the Reagan administration had completely not done their – carried out their responsibilities. That was well before me so I don't know really enough about what went on there, but that they had not been aggressive enough. So when I came, even though it was five or six years after that, that was still hanging over the program very much.

So the Bush – I came in during the Bush I administration. They were still very much trying to establish – they were still trying to establish that they were tough, there were going to be tough on enforcement. They were going to be doing good cleanups and not superficial cleanups.

They were still being – sort of showing that they were aggressive in the cleanup program and there was clearly carryover because I remember kind of vividly like within the first month, I went over to watch someone from EPA testify at a hearing on the Hill. So this was a senior Republican official testifying before a Democratic committee on the Hill and he was just getting destroyed. They were brutalizing him because whatever EPA did under the Republican administration, Democrats were just going to view as this is – whatever it is, it's wrong and they weren't going to –

INTERVIEWER: Yeah.

INTERVIEWEE: So it was very clear that they were still sort of fighting that battle to establish and maintain their credibility as a – the swing back from the earlier Reagan era. So politics of that level was definitely driving a lot of what was going on.

<T: 20 min>

Now in the specific, like picking the site for the NPL [National Priorities List], no, politics didn't enter into that. That was the whole point. We had this objective formula and it would depend on where the site was and were sick people affected and that kind of thing. So that was very objective, but at that broader level of the general tone of the program, clearly there was a political overhang.

The Superfund program at that time was kind of the – maybe for that reason, but was kind of the Democrats, one of their whipping boys. Like whatever

the other administration did they cannot get it right. So yeah, you were aware of that political overhang even if it didn't affect me very much in my own –

INTERVIEWER: And that carried on. I mean, these are the first two or three years –

INTERVIEWEE: Yeah, three years, yeah.

INTERVIEWER: – while Bush I was still in office.

INTERVIEWEE: Right.

INTERVIEWER: Then did it change under Clinton?

INTERVIEWEE: Well, so yeah. So that was interesting. It wasn't – it didn't change I would say dramatically, but the Clinton administration was actually more; I don't know what you want to call it, but if there is a left to right spectrum and the Bush administration had been trying to show – you know, they were pretty green. If you got green to brown, they wanted to show they were pretty green.

The Clinton Administration was actually maybe more down the middle. They didn't have that – they didn't have to play defense so much and for whatever reason – although Carol Browner was a very – certainly viewed as a very aggressive environmental leader. That administration was actually shifting back more toward the middle addressing concerns that industry felt that the cost of these clean ups was just way out of proportion to the value and they were trying to address those kinds of concerns.

I was actually pretty involved in an effort 1994, '93-'94 to make changes to the Superfund statute that would give the agency more – so what happened was the original statute in 1980 enacted under Carter, abuses in the early Reagan administration, they adopted amendments in 1986 that were – tied everybody's hands because they didn't trust them. Clinton went back and tried to make changes that would give the agency more flexibility again so that you could be a little more cost-effective and address some of these cost issues. That was – well, it just didn't happen. It was – kind of Congress was getting kind of dysfunctional even at that point, in 1994.

So if you think about it, that was the election the Democrats were thrown out – Tom Foley lost his position; Gingrich comes in. So it was just leading up to that and what seemed like, well, this should be something everybody would agree on, it just got more and more complicated. I thought it kind of fell apart of its own weight. Anyway, it was – that was –

INTERVIEWER: That effort to reform the Superfund?

INTERVIEWEE: To reform the Superfund program statutorily, you just couldn't get agreement on what seemed like kind of down the middle, everyone ought to like this, and it just didn't pass. So certainly politics were in play there. I will say that – so maybe anticipating some of your questions.

The transition from Bush I to Clinton, and to some extent this is probably because of where I sat in the General Counsel's office hearings, a sort of professional, technical advisory role, but I didn't notice it that much. The General Counsel under Bush I left. The General Counsel came in under Bush – under Clinton.

It didn't have a sense of, well, we just went from one guys who's way over here to someone else who's way over here. The transition was not that noticeable. My job didn't change noticeably. I was still interpreting the same regulations using the same legal principles and so on.

INTERVIEWER: Right.

INTERVIEWEE: So in that sense the transition was almost not that noticeable to me. It was – later on in the administration you could see that there was little bit of a shift toward the middle, but even then, not traumatic.

INTERVIEWER: You're talking later on after '94?

INTERVIEWEE: Later, I meaning the '93-'94 era, as their policy differences.

INTERVIEWER: Right.

INTERVIEWEE: But the transition itself, you just didn't have a sense of one army has left and a new conquering army has come in. It just didn't feel that way and again, maybe it was because I was at a relatively junior level and doing more technical work. That was a pretty seamless transition it felt like to me.

INTERVIEWER: Okay. The one other terrain that I want to get into for that period is the question of science and science's role. I know you're in the sort of – General Counsel's office is a legal office, but it sounds like there are places where scientific information, scientists came into play. So if you just talk a little bit about the role of science and scientists within the work that you did in the office of General Counsel in this early period. But did that change also; change between Bush, and Clinton as well.

INTERVIEWEE: Clinton. You know, I actually – that was not something that I was that conscious of at that time. I wasn't working on sort of the big fundamental science questions. So like a big fundamental science question would be, what concentration of air pollutant do you use to set the national ambient air quality standard? That's a number and is supposed to be based on health considerations and that's a science driven decision. The decisions I was working on were engineering decisions.

INTERVIEWER: Oh, okay.

INTERVIEWEE: So if you're cleaning up the site, do you – I mean, the tip – sort of the classic choice is, do you take a bunch of contamination and dig a hole and bury it and try and cover it or do you remove the stuff and take it off site which is much more expensive, but of course leaves the site cleaner. The level – I mean, there were issues about the level of contamination in the soil and so on, but it was more of an engineering versus cost kind of decision that we were making at that point.

So I guess I just wasn't as, I wasn't confronting those science issues. I don't remember that being a huge issue in that transition. I don't remember people coming in and I don't remember that being a huge claim before or after that the science was being torqued one way or the other, but it may have been because I just wasn't involved in those parts of the program.

INTERVIEWER: Right. Okay. There's always a perspective issue too.

INTERVIEWEE: Yeah.

INTERVIEWER: And the support, you kind of implied this, but support sort of backing for what you guys – or decisions that you made in terms of both further up in the agency and then outside the agency; what kind of support did you feel you had? I mean, we're talking [...] a lighthouse, but other agencies. We'll start just within the administrative branch.

INTERVIEWEE: Well, that's one area where – and I again was not too directly affected, but in Bush 1 – and so Bill Reilly was the administrator. I think within the administration, with the agency, it felt like there was – you know, we were all on the same page. I think on the whole, there was a lot of support for environmental issues. There was the constant tension, there always is, between sort of the more pro-environmental or the more pro-industry version of a regulation, but it was kind of in the normal range of debate that we're used to.

In the Bush White House there was – the vice president had a Council. I don't remember what they were called. OMB [Office of Management and Budget], this is one thing I remember, although I can give you a good example, but I do remember the personality of OMB when it – so OMB, they mainly affect us when they're reviewing rules and so I wasn't making any rules, so I didn't do with them that much, but OMB did seem to have a marked personality change between Bush I and Clinton. Even though my feeling, at least in the Superfund program was – and that NOGC [National Office of General Counsel] was that that transition was not that great. I know that people working – who were taking rules to OMB, saw a significant change there so that the support – someone had given the direction when Clinton came in to OMB your job is not just to throw every round obstacle you can in the way of EPA regulations.

INTERVIEWER: So we're talking rulemaking.

INTERVIEWEE: Rulemaking for that, yeah.

INTERVIEWER: But you're not really involved in that?

INTERVIEWEE: I was not doing that very much, but I just remember having that impression. Then there was this other counsel that the vice president ran under Bush and then that just disappeared.

<T: 30 min>

So there was, at the White House level, there was a change in sort of the general level of support.

INTERVIEWER: Okay. Other agencies as well? Did you have any relation with other agencies in that?

INTERVIEWEE: Yeah, well another assignment that I had was the legal issues relating to enforcement of environmental laws against other federal agencies. I don't know, I can't really go into all of that, but it did mean that – so I was involved, to some extent, with the efforts to – and this could be Superfund, it could be Clean Water Act, it could be Clean Air Act, whatever it was; enforcement actions against federal agencies and then the special issues that that raised.

But honestly, I don't remember that changing very much. Everybody has their institutional interests so the Department of Defense's interest in not blowing its budget on Superfund cleanups when it's fighting a war in Iraq was more or less the same and that continued. So those were just institutional things and I don't think that changed from one administration to the next.

INTERVIEWER: But Congress, it sounds like from the story you've already told, the changes in Congress were influential.

INTERVIEWEE: Well, certainly. This is getting ahead, but yeah, so '94 –

INTERVIEWER: '94, yeah.

INTERVIEWEE: Certainly that switched in '95. That changed things dramatically.

INTERVIEWER: Okay. Well, let's see; how about let's move on now to the next transition. Well, you make a transition first of all in '98.

INTERVIEWEE: Right.

INTERVIEWER: What about – so there were a couple of years where you're doing this new job without having to worry about a political transition or a presidential transition.

INTERVIEWEE: Right.

INTERVIEWER: Tell me a little bit more about that job that you're starting in the Office of Policy.

INTERVIEWEE: So, and actually if I think that –

INTERVIEWER: With review to these other dimensions as well as you sort of see fit.

INTERVIEWEE: Yeah, so well, the reinvention, I don't know quite what drove it, but it was not just an EPA thing, is a federal government wide initiative of the Clinton-Gore administration. I think it actually maybe got more traction at EPA because from the time the first law was passed in 1970, people were saying these things are too prescriptive, there's better ways to do this, give industry more flexibility.

You don't have to – you know that sort of the idea behind reinvention was you have these incredibly difficult, complicated rules. The people who you're regulating actually know more about what they're doing and can we just give them more flexibility. Is there another way to do it? And some rules that have sort of perverse consequences and things like that. So that's what that effort was about in a variety of ways, was just to explore other things we can do.

So they had a program called Project Excel that I was somewhat involved in where a company would come in, a specific factory and they would say, well, instead of doing it the way the rules say, because the way our factories configured it would work better if we did it this other way. Then EPA would look at that and say we either bless it or we don't. So I worked on that to some extent. There were other things of just looking, well, we worked a lot on permitting.

The idea there was – so permits are like one of our main regulatory rules, but then you apply for an individual facility or a permit that spells out all these requirements. Well, can you write the permits the more flexible way,

and do more creative permitting? That was actually something – we started on that and that is actually something that continued for quite a long time. You know, anyway, it was trying to work on more flexible permitting. Things like that are what that reinvention office was trying to do was basically look at are there ways we could improve our regulatory system so that it's less prescriptive and more outcome focused without giving up – that's the trick – without giving up the environmental results.

INTERVIEWER: So there's a fine line I guess, in terms of how flexible you go.

INTERVIEWEE: Yeah, well and the theory would be it's not – you know, it's not like how fast you have to go, but it's how you get there – or how far you have to go, but it's how you get there. In theory they're two different things, but in practice they get very entangled.

INTERVIEWER: Yeah.

INTERVIEWEE: So it seemed like no matter what the company came in with and how common sense it seemed to be at first, an environmental group would look at it and say, well, that's just backsliding. That's terrible. So it was never that easy.

INTERVIEWER: Oh, okay.

INTERVIEWEE: The concept was easy.

INTERVIEWER: Well that's kind of the politic – I mean would you consider that to be politics? That give-and-take? Or how would you –

INTERVIEWEE: No, well it was policy.

INTERVIEWER: Policy.

INTERVIEWEE: There's a distinction between pure “P” politics, but policy that it's – we thought we were sort of avoiding the zero-sum game and kind of getting the mutual benefit, mutually beneficial result, and it was almost impossible to find a mutually beneficial result, but that was a policy. That was a policy issue.

INTERVIEWER: Okay. So you are doing this – and sort of in this new role, was there a different – you know, we talked a little bit about the various influences, interests I guess you could say and influences and sort of navigating that. Was there a change in terms of your contact with science or scientists at this stage or was it basically –

INTERVIEWEE: Again, I was not – I'm trying to think. I really don't remember. I was not working with scientists very much. It was much more program design; basically assuming the same goal.

INTERVIEWER: Right.

INTERVIEWEE: The science issue tends to come in when you are setting the goal.

INTERVIEWER: Oh, okay.

INTERVIEWEE: This is sort of, assuming the same goal, can we get there a different way? So was more policy design and maybe engineering in general.

INTERVIEWER: Engineering, that's what I was going to put out there.

INTERVIEWEE: It's also regulatory design which is sort of just like economics and

INTERVIEWER: Right. And that's more economics and law.

INTERVIEWEE: Yeah, exactly. Right.

INTERVIEWER: Okay. So you were there starting this work and about that time – and a couple of years into it, there was a new administration.

INTERVIEWEE: Right.

INTERVIEWER: So tell me about that transition and what you remember about –

INTERVIEWEE: Yeah, that was –

INTERVIEWER: In terms of the type of work you are doing and how things changed.

INTERVIEWEE: Yeah, that was definitely more noticeable and maybe it's because again, previously I had been in a sort of a professionally identified office and a general counsel is still a lawyer, whereas now I was an office that was policy driven and it wasn't an administration initiative. This clearly – actually, I think I was naïve. It had not occurred to me when I moved into the office at two years later – it's almost surprising Republicans just didn't get rid of the office because it was so strongly identified with the previous administration.

But certainly I – it may have been because of where I sat, but I also think it was a much bigger pendulum swing between Clinton and Bush II in terms of the policy. So the people that came in, they seemed to be, to me, much more of a kind of a distance between them and that's the just seemed much more distance between the incoming politicals in Bush II and the career staff that I remember before. I just don't remember that kind of distance existing when we went from Bush I to Clinton and I definitely felt that when we went from Clinton to Bush I. That Program Excel that I mentioned

INTERVIEWER: From Bush II?

INTERVIEWEE: Bush II. Yeah, from Clinton to Bush II. That Program Excel that I mentioned, that was just like summarily executed. The weird thing was we thought Republicans are going to love this, right this is like taking the EPA's regs and making them more business friendly.

INTERVIEWER: Right.

INTERVIEWEE: But they actually – all they cared about was, this was a Clinton thing. It's bad. End it. So we were kind of just at loose ends for quite a while because we weren't deregulatory. That wasn't our mission. Our mission was not to roll the regs back and yet they didn't seem that interested in something – trying to find the middle way or whatever it was that we were doing. So the office continued, but exactly what we were going to do became less clear and we had kind of a – we went through a kind of difficult period of we had to kind of fill it in ourselves and go out and look for policy ideas that seemed innovative and bring them in and try to –

<T: 40 min>

I guess we repositioned ourselves as a policy – we called ourselves policy research and development. Not scientific research and development, policy research and development.

INTERVIEWER: Policy?

INTERVIEWEE: Like, what's a new idea? What's an idea out here that somehow EPA could adopt and would be good for the agency? I would say they tolerated that.

INTERVIEWER: Okay.

INTERVIEWEE: They didn't really have much interest in it because they come in, the mainly wanted to roll things back, but they tolerated it.

INTERVIEWER: They tolerated you all to taking initiatives like this.

INTERVIEWEE: Yeah, but we couldn't change anything in some other program. So like we – so if the state had tried some innovative enforcement approach and we thought, well, that's kind of a creative way working with smaller – you know, it's always tough enforcing it in small businesses. So they had developed this thing, but we couldn't make the enforcement program adopt that.

INTERVIEWER: What did you do? Did you do a study on it and sort of suggest a document suggesting –

INTERVIEWEE: No, we were more implementation oriented unless there was some – I mean, you did have to document what you're doing. It's funny, I worked on that for years, and what did we do. You know, we would write up stuff describing what the states were doing. We would then – like hold meetings with states to pitch the idea to other states – do you want to try this? These are all things that could be done within the existing regulations and within the discretion the state had. Trying to sell the states on these ideas.

Eventually we were given a small amount of money; just a laughable amount of money like \$500,000.00 – amount of money that we could use for small grants to states to entice them to do this. We did that, and a few states were interested enough, that getting a \$200,000.00 grant was enough for them to try this out.

You try to coax and wheedle and promote the idea and actually, at one point we had 13 or 14 states trying this out in different – because small businesses are a recurring problem. We didn't have any ongoing funding. We could get like a grant for two or three years, but we didn't have any permanent funding and they generally died after that. Yeah, so working from the bottom up in a bureaucracy is a hard, frustrating thing.

INTERVIEWER: It's probably – you talked about distance. I guess what you're describing...

INTERVIEWEE: Distance from the political to what we are doing, yeah.

INTERVIEWER: The political to the career people, right. So how –

INTERVIEWEE: Whereas so –

INTERVIEWER: Just give me a more – flesh that out if you would. Did they just not show up or they were sort of indifferent?

INTERVIEWEE: So I was probably getting the secondhand through sort of the top level career people. But whereas the political level and the top level career person at the end of the Clinton administration worked very closely and we worked very closely with the political because of that. The Bush people came in and there was this clearly – they talked among themselves. The top career

people got sort of the formal meeting, but there wasn't – it wasn't a close thing at all.

You never know how much of it was the administration, how much it was the personality of the political that we got, but he just was – if you went into brief him it just felt much more formal and, okay to me what you – okay, I'll think about it and he'll go away. They just didn't have that level of engagement when you actually went in and met with the political.

INTERVIEWER: Oh, okay. He had some questions and sounded interested and then sort of well, maybe we could try this out.

INTERVIEWEE: Yeah, exactly. He didn't – clearly this idea of, well, here's a new approach that no one has tried at EPA. It did not grab him to say, "Oh, great. I have a cool idea I'm going to sell to my colleagues across the agency." That had no appeal for him at all.

INTERVIEWER: Oh, okay.

INTERVIEWEE: In fact, he made a remark, he came off the Hill so he was a Republican Hill staff. Very green. He worked for Chafee so he was not a – he was not like a hard right type, but Hill staff look at anything the agency does that isn't what they were told to do with great suspicion and I think he carried that over. You know, like, is this what the statute told you to do? If not, why are you doing it? No, we didn't –

Anyway, so he had a little bit of that, but I think they just weren't looking for it. I will say he did invest effort in some other innovation initiatives that I wasn't part of so maybe I'm being a little bit unfair. But at least from where I sat and the guy that I dealt with most, was clearly – not exactly persona non grata, but maybe he had gotten too close to the previous administration. I don't know if he was viewed that way, but he was no longer right in there, side-by-side.

INTERVIEWER: What about the administrator? [...]

INTERVIEWEE: Christie. Yeah, so Christie Whitman.

INTERVIEWER: Yeah. Did you have much interchange with her as opposed to – I mean, how did that relationship from your perspective go?

INTERVIEWEE: Yeah. Well, I didn't have much interchange at the administrator level.

INTERVIEWER: Or from Browner?

INTERVIEWEE: Yeah, from Browner. I mean, a handful of meetings were just by some fluke I happened to be in the room with Browner. I think I was in one briefing with Whitman and I can't remember what it was about. I just don't remember much. She was – Republican administrator – and she was much more in the Bill Reilly mold obviously, then what we might be facing now, but I just didn't have much interaction with her. It just felt more of an us/them kind of thing. I'm jumping ahead, but I have to say, when Obama came in, I felt an us/them as well.

INTERVIEWER: Okay.

INTERVIEWEE: Yeah. Yeah, this is going on a bit.

INTERVIEWER: Yeah. Well let's go on to the Obama administration then.

INTERVIEWEE: Okay.

INTERVIEWER: Yeah, so what are your recollections about that in terms of [...

INTERVIEWEE: Yeah, so between 2001 to 2009.

INTERVIEWER: Right. What were you doing?

INTERVIEWEE: Yeah, well it changed substantively. We worked on different types of innovations. You know, I mentioned permitting and we continued to work on mainly permitting and we continue to work on mainly permitting in the air program sort of advocating in the agency process for approaches to permitting that would give more flexibility to – so that – the business issue with air permits is lots – at least the concern that we heard most often was businesses, especially in the '90s and 2000s needed to make more and more rapid changes to their business. Products were changing. Processes were changing.

Every time they get to a certain point they would have to change their air permit and then they become a huge problem for them. It would be a long delay and basically the idea was, well, can we write a permit this is, here's your limit. Stay under your limit.

You can change everything inside. It's a black box. You can change anything inside the black box supposed to stay inside the black box that's kind of an exaggeration, but that was the general concept and we were advocating for that. We had some allies in the air program and so we were sort of advocating for that. We worked on other more kind of pollution prevention-oriented innovations. Again, sort of trying to – we would identify a new approach and then you would try to see if you can get adopted in the pollution prevention program or the hazardous waste program or something like that.

So what we were doing, although content changed over time, was more or less the same. It was basically finding new ideas that are out there and trying to – we did a – the closest thing we did to pure research was we did a pretty extensive study of permitting in the UK where they have a much more unified – I forget they call it, the – integrative permit.

INTERVIEWER: Okay.

INTERVIEWEE: Like instead of a facility here will have a water permit, multiple air permits, maybe hazardous waste permit. In the EU, the UK, they have a single integrated permit and we wanted to – we did a study of that. So the substance changed, but the function was more or less the same. You know, there are so many different pieces. We did some other sort of cross agency functions like there was a growing number in the Bush administration, a growing number of voluntary programs because they didn't like to do regulations.

INTERVIEWER: Okay.

INTERVIEWEE: There was a sense that, well, somebody's got to coordinate these, maybe set some criteria and standards that they would be held too. So we took on that function. We had some other things like that. This is sounding kind of random, but that is kind of what it was like.

INTERVIEWER: Oh, okay.

INTERVIEWEE: We didn't have a single clear – we were not a single, clear program that you do X, these 10 people all work on doing X. There was a lot of – which was fine. You know, intellectually fun to be working on different things.

INTERVIEWER: So you would try a lot of things.

INTERVIEWEE: Try lots of things and change over time, yeah.

<T: 50 min>

INTERVIEWER: Did you – I mean, in terms of support from the White House or that kind – was this a part of the agency that got that support? Was there project personnel or anything?

INTERVIEWEE: I never felt that we did. I never felt that we got much more than tolerated.

INTERVIEWER: Okay.

INTERVIEWEE: It was – I think they just – I guess the lesson for me, like there's a whole different kind of public administration aspect to this which is trying to drive innovation from the bottom up just does not work in a bureaucracy. Bureaucracies work from the top down. So I guess part of my work brought me into contact with management practices in the private sector.

Private sector, ultimately you're trying to satisfy the needs of external customers and so you have an incentive to innovate because maybe you get to that – satisfy that need better than the other guy or because you got to keep up or whatever it is. There is an external driver for innovation and in the government, it just doesn't work that way. That's all, like I said, that's a whole other book.

INTERVIEWER: Right.

INTERVIEWEE: You don't have that clear measure of, well, this did – this satisfied the customer better than this did. So in your real measure, you have one customer. Is the person at the top of the organization and Congress and those people. So we were sort of this bottom – an innovate from the bottom-up group.

INTERVIEWER: Right.

INTERVIEWEE: You would think that it can't be that all of our ideas were that bad. They really couldn't be.

INTERVIEWER: That's like honestly put.

INTERVIEWEE: But they never – it just never resonated. You go in and you'd pitch this, you'd would pitch this, you'd would pitch this and it just never quite clicked and it was probably because yeah, but the administrator gave our lead for things and that's the four things that were on his list and if it wasn't one of those things like, that's nice. Whatever you guys do, go off and do it. But they really just – So we managed. We got by and our budget sort of gradually – it was always kind of gradually declining, but there was never like – I almost

would've welcomed like, will someone pay enough attention to make it – well, actually, that's getting ahead. Make a decision.

INTERVIEWER: Okay.

INTERVIEWEE: Yeah, so that's what was going on in that time period.

INTERVIEWER: All right. So now let's get to the Obama years.

INTERVIEWEE: Yeah, okay.

INTERVIEWER: Tell me a little bit about that transition and how it played out in terms of where you were within the agency, what you were doing.

INTERVIEWEE: Right. So the Obama administration, I think needless to say, although no one ever says it, virtually everybody in our office had voted for Obama I'm sure.

Just like virtually everybody in EPA voted for Clinton, but you really didn't – I don't know if that's – this is well known, but that really is not something you speak about. You're not supposed to talk about. It's like it's a not done thing.

I say that because when the Obama administration came in, unfortunately for us, the things that we were associated with, this innovation streak, although in our view it had not seemed to have been endorsed that heavily; was viewed as part of the Bush sort of softening or backsliding agenda. So if we were – if we had been assigned to coordinate and strengthen the partner, the voluntary programs, they can with the idea that voluntary programs only existed because the Bush administration didn't want to do it right. They basically just hated voluntary programs.

So even though I think we saw our job as making sure that volunteer programs were actually run pretty well, we were guilt by association. So they didn't want that function continued anymore. They didn't want anyone coordinating the voluntary programs. I remember hearing secondhand – so we had this title National Center for Environmental Innovation. Lisa Jackson came in. She made some disparaging remark about, well, who said these people are so much smarter than anybody else? It's like we never said we were smarter. We were trying to be the fount of ideas for other people to use. We had –

So here are all these liberals who are voting for Obama, but the new administration comes in, really views us with a lot of suspicion. We went through a reorganization. They ended a number of the projects that we were working on. They allowed some others to continue.

Then once again, they didn't seem to be able to tell us what they didn't want us to do so we were kind of back off defending for ourselves. We kind of went – just took some other directions focusing more on sustainability.

INTERVIEWER: So what did that – okay. So how did this work in terms of the pressures that they then – who was making those decisions about this project, that project?

INTERVIEWEE: Yeah, so Lisa Jackson came in. The policy office – I think in general, Democrats think the policy office is right wing, but –

INTERVIEWER: In the EPA?

INTERVIEWEE: In the EPA. And some parts of it are. Well, first she put someone in temporarily to head it who was –

it was a longtime career person that Lisa Jackson knew and respected who was given the assignment of, you look at the policy office. Figure out what is worth doing and what is not worth doing and report back to me. I think that process was still going on. There was a sort of palace intrigue or something and someone who been a senior advisor to Jackson got moved over like overnight. Like one Monday we came in and the person heading the policy office had been moved and Lisa Heinzerling was made the new head of the office of policy.

I think what – so Lisa Heinzerling, she teaches at Georgetown Law. She had been a senior advisor on climate to Lisa Jackson. So this is barely more than a rumor, but it all happened so fast I think it had to have been. So I think Gina McCarthy came in. So Gina McCarthy at that time was head of the air program under Jackson.

INTERVIEWER: Right.

INTERVIEWEE: So you have Gina running the air program. Lisa Heinzerling up here thinking she's the climate guru and there's not room for two of them and Gina won that I think was the upshot.

INTERVIEWER: Okay.

INTERVIEWEE: So Lisa got moved out of the climate role attached to Jackson and was put in – made charge of the policy office.

INTERVIEWER: Okay. I hadn't heard that story.

INTERVIEWEE: Pardon.

INTERVIEWER: I hadn't heard that story.

INTERVIEWEE: Yeah, and I don't know that's true, but it sure looked like it.

INTERVIEWER: Okay.

INTERVIEWEE: You know, because it all happened so fast. It look like clearly something had happened very quickly. They had to put Lisa Heinzerling someplace respectable and so all of a sudden from Friday to Monday, we had a new political appointee. Anyway, Lisa Heinzerling, blindingly brilliant, a very smart person, sort of continued this assignment of, look at what the policy office does. Figure out what it does. Figure out what we want to continue and what we don't. So that was a conscious analytic effort at that point to reassess.

As I said, the more kind of innovation, reinvention, oriented things were viewed more critically. There was one program that I was not part of that was completely eliminated as being – it is viewed as just too much of a sort of feel-good program for business. They didn't have so much of a visceral reaction to what we did, but they didn't – she just decided some of the projects and I wasn't quite sure why she picked the ones she did and didn't pick the others, but anyway, so we were told not to do this. Don't do this. You can still do this and come back to me with some more ideas.

But there was a – and Lisa Heinzerling I guess to her credit, did have a formal process. It felt more like going in front of a judge than collaboration. But at least you got to – and she – you submitted something, that described what you did, you made the case for. You came in, you had a half an hour and then she took this on her advisement and then issued her ruling that says I'm chopping off this head and I'm – not literal people, but I'm ending this program and keeping this program. It felt a little – when I said there's still an us/them, it was still – we didn't sit through and talk it out. She didn't really talk it through.

INTERVIEWER: You guys had to apply formally and she'd say?

INTERVIEWEE: You apply. You got half an hour to sit – every manager got a half an hour. You would sit down with her and then the ruling came out.

INTERVIEWER: So she – you feel – us/them – did she really get behind some of the programs?

INTERVIEWEE: She was – she got behind – she was a law professor so she got behind or she was intellectually really interested in the economics of cost-benefit analysis.

<T: 60 min>

INTERVIEWER: Oh.

INTERVIEWEE: So she really dived into working with the office that does that.

INTERVIEWER: Within the EPA?

INTERVIEWEE: Within the – that was part of the policy office.

INTERVIEWER: Right. Okay.

INTERVIEWEE: There was an economics group that does that so she spent lots of time trying – I mean, it's a really good thing to do. Trying, I think, to make benefit cost analysis work so it's not – I think it's always – people are always suspicious that it's an excuse for not doing the greenest thing.

INTERVIEWER: Right.

INTERVIEWEE: She was trying to say, okay. She didn't really like cost benefit analysis, but it's here. Let's make it work properly. So that's what she really sank her time into because that's what she was really personally interested in. She didn't dislike and we would come back and it was still very familiar. We brought up new ideas, but it was like, well, that's sort of mildly interesting. Keep going. You can go off and do that.

INTERVIEWER: She didn't put her own imprint?

INTERVIEWEE: She didn't put her on – yeah, her own imprint on it very much. I think that's – it's fairly typical because – so someone like Lisa Heinzerling comes in and she's got a limited time period. She is going to want to – especially with climate stuff coming through. She really wants to play on those big

regulatory decisions and that's not what we were doing. So her way of playing was to get into the cost-benefit analysis and use that to become a player on those big regulatory decisions.

INTERVIEWER: Like for climate and [...]

INTERVIEWEE: Yeah, for climate and other –

INTERVIEWER: Climate has become a more of a – certainly more of an emphasis than before in the Obama administration.

INTERVIEWEE: Oh, yeah, absolutely. Absolutely.

INTERVIEWER: Were you a part of that?

INTERVIEWEE: No, climate was actually just not something I have ever – has ever been a big focus of my work.

INTERVIEWER: So what were your –

INTERVIEWEE: Well, so we came in and after she did some sorting, what we ended – up doing, it was kind of an outgrowth of some other work we've been doing, but at this point there was so much talk about or – and a whole had happened in the private sector on sustainability.

INTERVIEWER: Yeah, you're saying sustainability.

INTERVIEWEE: Sustainability, right. So I think we, historically EPA thinks we are the – we drive the environmental goals. Industry is off doing something else and so whatever has to happen environmentally, we are forcing it to happen. Well, by 2008, 2009 lots of – I mean, this was a big deal in the corporate world; was sustainability as part of your business plan. So we sank a lot of time into understanding those private-sector institutions and how businesses – just how businesses manage sustainability. What does corporate sustainability effort look like? What was driving it?

What are some of the other institutions like investment driven systems that would become – put levers on businesses to promote sustainability? Or things like the Global Reporting Initiative and the impact of reporting which is like – other than PRI [Principles for Responsible Investing], EPA reporting was pretty much foreign to EPA. We just – so the GRI, Global Reporting Initiative, basically emerged and has its own reporting – whole reporting structure. It's like to have their own regulatory system out there.

INTERVIEWER: For sort of monitoring and being transparent about their – what's going on?

INTERVIEWEE: Yeah, with regard to, well, it sustainability so it's the environment, social, and economics.

INTERVIEWER: Yes.

INTERVIEWEE: Of course, they have always reported economics, but reporting corporate transparency on both the social side, tends to be labor, and environmental side.

INTERVIEWER: Right.

INTERVIEWEE: So you had really sort of an independent quasi governance structure emerging out here both either within companies or outside of it like GRI.

INTERVIEWER: Right. NGO; that's an NGO?

INTERVIEWEE: Well, it was an NGO, but as much more – it's not an environmental group per se.

INTERVIEWER: Right, because –

INTERVIEWEE: It's clients are corporate.

INTERVIEWER: Okay.

INTERVIEWEE: So that I thought was pretty fascinating and we thought, well, EPA needs to kind of get its hands around the fact that while were out doing our thing, there's this whole other system that's emerged out there and we somehow have to figure out how do we relate to that.

INTERVIEWER: Okay.

INTERVIEWEE: So that was what we spent the next couple of years, the next several years interviewing companies, trying to figure out where does EPA play in this. If companies are just doing it, maybe we don't need to play, but it just seems weird for it to be going on and it's just like not on the EPA radar screen.

INTERVIEWER: Right.

INTERVIEWEE: We got – so we got EPA to comment. It's kind of weird. So normally we put our rules and private-sector comments on them. GRI puts out rules for how companies have to report. Well, EPA for the first time, we got EPA to comment on those rules from an EPA perspective. What would we want to see in those reports that might not otherwise be in there? So it was kind of getting EPA to engage with the fact that there was this external, corporate sustainability world out there.

INTERVIEWER: Right.

INTERVIEWEE: So that was really what we – and that was – tended to be more research and analysis because that was what we could do is we did a good bit of work on just understanding what corporations were doing. What were their drivers? How did – we had some people look at 10 or 15 sustainability reports and just kind of like here's – an EPA guy looking at a report; the purely private-sector report, how does it look to us, and kind of critiquing that and then getting engaged in some of the dialogue around that outside the agency. So it was pretty intellectually interesting. Heinzerling was interested in the disclosure stuff.

INTERVIEWER: Disclosure stuff?

INTERVIEWEE: In things like GRI.

INTERVIEWER: Okay.

INTERVIEWEE: Like in the transparency.

INTERVIEWER: So in the reporting and transparency [...]

INTERVIEWEE: Yeah, the reporting and all that. Ultimately, we – I thought it was pretty interesting intellectually. The upshot of it, I think obviously, environment politics at that point had gotten very – so this is the Obama administration.

INTERVIEWER: Right.

INTERVIEWEE: Everything had gotten extremely polarized. There was some effort right towards the end of Jackson's tenure to see if they could kind of bridge that,

reach out to the corporate world, but they never got really far with it. I think there was just not... Anyway, I think they had just gotten into the spot where now we have to kind of do what we have the legal tools to do and started trying to be creative about how we could influence in a collaborative way with business was just not going to [...]

INTERVIEWER: So that whole thing about reaching out to the corporate community and sort of learning what they're doing.

INTERVIEWEE: Corporate world, yeah. Right.

INTERVIEWER: And then trying to get some kind of intervention there.

INTERVIEWEE: Yeah trying to figure out how does a government agency play in that.

INTERVIEWER: How, yes. That was something that you guys were trying within the agency.

INTERVIEWEE: Right.

INTERVIEWER: So what was the barrier with not much support by your political person, but other barriers, it sounds like Congress you're also mentioning, White House?

INTERVIEWEE: Well, no I think Congress just in the sense of they had gotten to the point where anything they did was going to be viewed very – I mean, basically, they had a hostile Congress on their [...]. So something that might be, seemed like a good idea, but the first thing that went through their mind is, how am I going to get in trouble for this.

INTERVIEWER: Get in trouble?

INTERVIEWEE: So if EPA – well, no. Yeah, with – yeah like I'm going to be thrown on the defensive. [...] Some company somewhere, some congressman somewhere, Republican Congressman. And sustainability is not popular on the right.

INTERVIEWER: Right.

INTERVIEWEE: They view it as – like we might view it as this is EPA meeting the corporations halfway. I think they are so ideological it's like anytime the government shows up it's a bad thing. So I think they viewed if EPA were in a more formal, official way to reach out to business and try to engage in the business, some congressman is going to call a hearing and say what the hell are you guys doing? Where does your statute say you can do this? And they would just be put on the defensive.

INTERVIEWER: So that's – you're talking about a Republican Congressman.

INTERVIEWEE: Yeah. So we're talking – this is Obama and you figure that from 1990, '91 on, anything you were trying to do – I mean, not '91, 2009, 2011, anytime from there on, anything you did that – you can try to be creative. We would see it as creative and sort of trying to go halfway. They would just view it as likely to lead to one more thing that they – because Republicans are only going to look for ways to find fault.

INTERVIEWER: When it's Obama's EPA?

INTERVIEWEE: Yeah, with Obama's EPA.

INTERVIEWER: Well, it seems like though, that with these kinds of initiatives there is a kind of a little bit of a wild card in terms of the corporations themselves who are doing these kinds of things.

<T: 70 min>

I don't know. What – you guys had to reach out to them in order to get this information and start to do this research and maybe to begin to suggest ways that EPA could intervene. How much sort of interaction do you have with the – I'm trying to understand what is your – given that you had this sort of a relationship that you've established during the course of the project with the companies, how are they looking at the policy? Are they deciding, okay, we're not going to talk with EPA people because we can [...]?

INTERVIEWEE: No. And of course, I guess start by definition. We are talking to the companies that have a story they want to tell. So we're talking to sustainability leaders.

INTERVIEWER: So they are already committed to this.

INTERVIEWEE: Yeah. Oh, yeah. I don't know how much you know about this, but like –

INTERVIEWER: I don't know anything about it.

INTERVIEWEE: It's a sizable chunk to varying degrees, but they've got their own sustainability initiative for the own reason and they're not shy or embarrassed about that. So they did not – they were happy to come and talk to us. They weren't – they didn't view us as a threat, but a purely politically motivated person – and so in other words, they are seeing sustainability as something they need to do for business purposes and if EPA can do something to help them technically or in some other way, or if by working with EPA they can get at the table on an issue that's important to them, something like that, that's a plus for them. I think there – for a highly ideological person from the right, that just doesn't compute. Anytime the government shows up it's bad news. They just don't want to do that. And anyway –

INTERVIEWER: So there is a pretty stark divide.

INTERVIEWEE: Yeah, if you talk about a 3M or Baxter Healthcare or even GE and some of the others; the corporate world is much more comfortable with that than the political world.

INTERVIEWER: We've got that.

INTERVIEWEE: Yeah.

INTERVIEWER: What about – just one further, final question on this. This is interesting and exactly kinds of things we are looking into. What about the – did this similar – did you find similar attitudes within higher-ups within the Obama administration who were saying that this is to suspect as possibly right-wing?

INTERVIEWEE: Yeah, I think there was –

INTERVIEWER: Is that what you're talking about. This was sort of the hands-off approach by your boss in the EPA, Lisa –

INTERVIEWEE: Heinzerling.

INTERVIEWER: Heinzerling.

INTERVIEWEE: Well, she stayed for two years and then another person came in. Yeah, I think there was, certainly at the – well, for the first couple of three years – no, again, it was a pendulum swing so when Lisa Jackson came in in 2009, they – their mission was to reestablish credibility of EPA as a strong environmental advocate and leader and enforcer and regulator. What we were doing wasn't exactly counter to that, but it wasn't with – it wasn't part of that.

INTERVIEWER: Okay. It was central to their –

INTERVIEWEE: So I think they knew this was going on, but in terms of what their priorities were, this wasn't going to be it. Now, towards the end of Jackson's tenure, there was [...]. Well, the National Science Foundation, the NSF, I think the NSF put out a report on sustainability of the EPA and it kind of got their attention that EPA ought to be thinking more in terms of sustainability, but they weren't sure what to do with it. So we started giving me a little bit more interest at that point, but that was at the very end of Lisa Jackson's tenure and maybe it was just a little too late or something. Anyway, yeah.

But you're right, there was – we were little bit caught between Democrats who didn't necessarily think it was right-wing, but it wasn't like they – it wasn't their top priority.

INTERVIEWER: Okay. All right. Okay. So let me just move to my sort of – I mean, I want to get to the current – you've been in the current transition too.

INTERVIEWEE: Yeah.

INTERVIEWER: So I guess you're actually the first person I've talked with who has actually been there while this is started to happen at least.

INTERVIEWEE: Yeah.

INTERVIEWER: So do you want to talk a little bit about what happened?

INTERVIEWEE: Well –

INTERVIEWER: What you've seen so far before you left last week, right?

INTERVIEWEE: Yeah. No, I just left last week. Yeah, well this is – so if there was a difference between Clinton and – Bush I to Clinton seemed relatively seamless than Clinton to Bush was more marked. Bush II to Obama was sort of like that and then this is like another order of magnitude different.

INTERVIEWER: Okay.

INTERVIEWEE: Well, but actually not that much as happened yet. It may not – it's – because when I talked, I've talked to a number of people and that's generally the reaction I get. I would say there is – this is unlike any – transition I've been through before in terms of having an administration come in that – well, first of all, it's unlike anything on so many different levels.

INTERVIEWER: Uh-huh.

INTERVIEWEE: Like do we have a president who really believes in democracy? We have not had to deal with that before.

INTERVIEWER: Right.

INTERVIEWEE: Then on another level down, he's had nothing to say about EPA other than bad. So you are starting off with a lot of – there's a lot of overt hostility which we've never had before. Obviously, by comparison the Bush 2 years were sweetness and light. So that, just having this situation is unprecedented in my experience. I guess it's – because I wasn't around for the early Reagan years, those were pretty bad too and I don't know, but – and Reagan – but – Reagan was still like within the realm of – he believed in government and he understood that we had a Constitution. I'm not sure that Trump does.

So there was an awful lot of apprehension and concern about what is likely to happen. At the same time, whenever I've talked to people, because – well, you referred me to the guy at the Guardian and I did talk to him.

INTERVIEWER: Right. [...]

INTERVIEWEE: I did talk to him and he said is there anyone else still at the agency who would like to talk. I said I'll make a few calls and most people I talked to said I would be willing to talk to him if anything happens, but nothing's happened yet.

INTERVIEWER: Nothing's happening.

INTERVIEWEE: And that's – I talked to someone just before I came over here and that was her feeling too was nothing – like there's a lot of apprehension, but so far we're just continuing to do what we do and the steps that they took, I don't know exactly which of those happen every time.

I know it's pretty routine that any rule that is still short of final gets put on hold. That always happens when there's a transition of party.

INTERVIEWER: Right.

INTERVIEWEE: So that's routine. I think that putting the press office on hold is probably pretty routine too because the press office is always the mouthpiece of the administration. That's the unfair way of saying this. The fair way I guess would be to say, press releases from the agency are always carefully crafted to convey the message that the current leadership of the agency wants to convey.

INTERVIEWER: Right.

INTERVIEWEE: Just the way it ought to be. Well, if you got a new leadership, and especially these are just still kind of interim leaders, not that outrageous that they would say, well, let's not do a lot of press releases yet until we know what our message is going to be. So those things by themselves, I think have not been as troublesome – for people as, I mean, what got out and you see it outside made it like, here's a crisis. I think people inside have not really seen it that way. You do worry about the context of it.

INTERVIEWER: Right.

INTERVIEWEE: Like, okay well, we'll kind of give them the benefit of the doubt and assume that they're just put a temporary hold on press releases. Maybe it becomes

like EPA never issues another press release. Or more important, when they start putting out press releases, see that's what's going to matter.

INTERVIEWER: Right.

INTERVIEWEE: When they start putting out press releases then what do they say.

INTERVIEWER: Right.

INTERVIEWEE: So far, I don't think they've talked about changing the websites and people have started making their own copies of the websites. I'm told that – I don't think much as changed on the website yet. That's not to say it won't happen.

INTERVIEWER: Right.

INTERVIEWEE: But anyway, the feeling right now is what's happened so far, let's not blow that out of proportion. We are waiting to see what does happen and of course, that could be really bad.

INTERVIEWER: So have you had any interchange with the transition team or with the other one? What do they call it? The landing –

INTERVIEWEE: Now, the beachhead.

INTERVIEWER: The beachhead team.

INTERVIEWEE: There is a transition team and the beachhead team.

INTERVIEWER: That's right.

INTERVIEWEE: I didn't personally. I actually had a little bit of an interaction with the transition team in '09. Okay. Well just talking about the transition teams. I mean this is like the Trump administration. They just are not prepared because of who they are. They are not people who have been planning for this all their lives and know exactly

<T: 80 min>

INTERVIEWER: Right.

INTERVIEWEE: In '09, the people who – there were people standing in line who are national experts on environmental issues standing in line to be on the Clinton, or the Obama transition team. Those people were on board and they were on site and they were interviewing people all over the agency, doing all kinds of work in that interim period, like the November, December, January period. The transition team this time, I did not have any direct contact, but our man, the senior career people in the enforcement program are very good about keeping people and – they would send an update and I don't think they were whitewashing stuff. Well, we had a meeting with – the transition team is coming. They're supposed to come next week. We finally had a meeting with them and we talked about the Volkswagen case. That's all we've talked about so far. We think they're coming back next week. They didn't seem to do much. It took them a long time to figure out who they were and then they didn't seem to do much when they were there. It was kind of amateurish.

INTERVIEWER: Very selective or, you know, just [...]

INTERVIEWEE: I think they were just – I think they were just –

INTERVIEWER: They were just talking about that and they were –

INTERVIEWEE: I think they were just amateurish. So the people that came in at the end of Obama were – like Lisa Jackson was on it. She'd been the former head of [the New Jersey Department of Environmental Protection] agency. She knows these programs inside and out.

INTERVIEWER: That's right.

INTERVIEWEE: Dan Esty at Yale, he's like a national expert in environmental policy. These people all – they knew the game.

These guys, I think were just there as mainly think tank types. I think they – so they've written sort of at this level, but they don't really know the agency that well. They probably didn't know what it was that they needed to do.

INTERVIEWER: Right.

INTERVIEWEE: So my impression was that they just didn't – I think they did focus some. They had some areas of focus, but mainly they kind of came and went. Now, this beachhead team, so the difference is, beachhead team – the transition team are not federal employees. They are just people [...] identify the administration as kind of their ambassadors to help with – help make that change.

The beachhead team, as my understanding, I'm pretty sure this is the case, they are actually like the first actual appointees to federal. They are drawing federal salary now. They actually work for the EPA in a political position of some kind. So they are more here for the long term I think. Or at least they think they are.

INTERVIEWER: So they would move into some of the political appointments presumably?

INTERVIEWEE: They would hope to.

INTERVIEWER: Yeah.

INTERVIEWEE: They may or they may not.

INTERVIEWER: Right.

INTERVIEWEE: Or that may become a special assistant. I mean, there are varying ages.

INTERVIEWER: Right.

INTERVIEWEE: There is one guy on the beachhead team who is like a third-year associate in a law firm.

INTERVIEWER: Whoa. Connections I guess. I don't know.

INTERVIEWEE: Yeah, he's got a PhD and he's got a law degree from Yale, so he's not slouch, but it's not because he's the deepest expert on environmental law.

INTERVIEWER: Right.

INTERVIEWEE: I assume he got it [...] through the Federalist Society or something. Yeah, but presumably there are people who expect – or probably intend to stay longer in one of those and they are probably angling for the high-level positions, but maybe end up as a deputy or special assistant or something.

INTERVIEWER: Do you know any of them?

INTERVIEWEE: No. Have you seen the list?

INTERVIEWER: Yeah, I have. I can call it up.

INTERVIEWEE: Yeah, I think I might've sent it to you or someone would've sent it to you.

INTERVIEWER: No, I have the list at the beachhead team [...]

INTERVIEWEE: Yeah, okay. I don't know how obvious it is to you; but that's a very different group of people than the kind of people I'm describing from '09.

INTERVIEWER: Yeah.

INTERVIEWEE: This group is mainly what I call outsiders.

INTERVIEWER: Right.

INTERVIEWEE: There is no one – there is no former state Commissioner. There are a couple of people – well, there's one guy I think has actually worked at EPA before. There's another guy that it says has 30 years of EPA experience, but I looked them up and I think what they mean is he worked for Republicans on the Hill on environmental issues and maybe he worked at EPA at sometime in the past, but he is not someone who spent 30 years at EPA.

INTERVIEWER: So that is deceptive. I mean, we have the descriptions that they sent out I guess and I haven't really looked them up.

INTERVIEWEE: Yeah. You could. I may be wrong, but I looked at LinkedIn and I didn't see anywhere there that, "I worked at EPA for 30 years." I think he worked for Jim Inhofe

INTERVIEWER: Wow. Oh, God.

INTERVIEWEE: So anyway, there are some who've worked in government before. I think a lot of them it's not in the bios. A lot of them were state campaign chairs for Trump.

INTERVIEWER: Oh, McCabe, is that – that's the—

INTERVIEWEE: McCabe is the career – she is like the senior career person so she still the acting administrator until they get her politically appointed.

INTERVIEWER: Right.

INTERVIEWEE: But she's career.

INTERVIEWER: She's career.

INTERVIEWEE: Yeah.

INTERVIEWER: So she's not an appointed [...].

INTERVIEWEE: Yeah, she's been at EPA or originally was Department of Justice.

INTERVIEWER: So, she is not beachhead team.

INTERVIEWEE: Right. She's not the beachhead team.

INTERVIEWER: Okay.

INTERVIEWEE: She's – yeah, but she is the official acting administrator.

INTERVIEWER: Right. [...]

INTERVIEWEE: I forget the guy's name who seems to be the head of the beachhead team, but anyway, it's much more of an outsider – they are not people who most of

them have spent their careers even on the industry side of this. I think they're much more ideological. A lot of them are – again they just –

INTERVIEWER: Heritage Foundation [...]?

INTERVIEWEE: Yeah, there's a foundation guy and there was a state senator from the state of Washington and there's a Republican guy from the Hill, but they are – they're much more people coming in who don't know the EPA world in like a lot of detail, but they probably think it's a bad thing, but they don't know that much about it.

INTERVIEWER: Right. Well, that's the feeling.

INTERVIEWEE: The feedback that we're getting from the enforcement management was that the conversations that they've been having with, at least their person, have been pretty uniformly positive and he seems to generally want to recognize he's got a lot to learn and is trying to learn it.

INTERVIEWER: Okay.

INTERVIEWEE: So they don't seem to think they already have the answers, but it's just – it's consistent with the Trump – if you're a populist and you want to put people in you're not already invested in the system, these are the kind of people you would have.

INTERVIEWER: Yeah.

INTERVIEWEE: So in that sense it's a really markedly different transition from the previous ones. It is not just a Republican versus Democrat.

INTERVIEWER: Right.

INTERVIEWEE: This is a –

INTERVIEWER: In terms of just the background of the folks.

INTERVIEWEE: Yeah, the backgrounds are very, very different than what we've seen in the past.

INTERVIEWER: Any other comments about the – about what you saw in the last – well, I guess you were there I guess a couple of weeks.

INTERVIEWEE: Yeah, a couple of weeks past.

INTERVIEWER: Or heard?

INTERVIEWEE: Right. No, I think I told you. Having now grounded it with some other people, because I thought maybe I'm just trying to be Polly Anna here, because I know at the time I thought the stuff that was getting out, gag order and these things were sort of overstated. I actually think by talking to the people, I think that's generally how people feel is let's just – let's not declare a disaster yet.

INTERVIEWER: Right.

INTERVIEWEE: It may happen, but we don't know exactly what form it's going to take until we know what form it takes – and you just don't know what the go after. Maybe they go after climate and you know, in Bush II, the person who headed the air office was quite different than the person who headed the water office. So the experience of the air office was he was much more of a deregulator than the person who headed the water office. So it can depend on that. So I think people are just waiting to see.

INTERVIEWER: Yeah.

INTERVIEWEE: Which is a little bit surprising. I mean, yeah.

INTERVIEWER: Particularly given some of the public messages in the campaign and then this guy, the head of the transition team talking about cutting people.

INTERVIEWEE: Right [...].

INTERVIEWER: Yeah, cutting things by two thirds or something [...].

INTERVIEWEE: Well, which might happen, but – and so Ebell, again, the transition team just to me did not have – they didn't seem to do much and then they went away and we were like – I actually don't give him a lot of weight. In fact, if you have the message – it sounds like you have the message that lists all the different – do you have the other message from the head of the beachhead team?

INTERVIEWER: Yes, I have that. Right.

INTERVIEWEE: He sent a kind of a short one trying to reassure people.

INTERVIEWER: No decisions have been made.

INTERVIEWEE: No decisions have been made. Well, in there, he said something about, you may have read statements being made by people who are no longer part of the transition team.

INTERVIEWER: Yes. Yes, I thought exactly about that.

INTERVIEWEE: He's talking about Myron. He's taking a swipe at Myron Ebell. Now, I don't – I'm not taking a whole lot of comfort in that, but it's telling me – I don't know that Ebell is the one that I would focus on and [...].

INTERVIEWER: Right. There may be some dissension in the ranks too.

INTERVIEWEE: Yeah, and it's – I don't think these guys going to be just turned around a dime because they spent some time getting brought up to speed –

<T: 90 min>

but anytime you get little – get to know something a little bit better, you understand it a little bit better, you probably have a little more nuance to understanding it's not as easy to say will get rid of the whole schmeer, the whole [...]

INTERVIEWER: Right.

INTERVIEWEE: Yeah. Although, there are apparently some bills that have been introduced [...].

INTERVIEWER: Yeah, Friday there was a bill.

INTERVIEWEE: Yeah.

INTERVIEWER: Whatever. I haven't looked at that, but it's just how, is the question.

INTERVIEWEE: Yeah.

INTERVIEWER: Well, okay. So let me just – I want to start moving to conclusion.

INTERVIEWEE: Let me just – wait, one other thing that I didn't talk about before. I haven't thought through it all that closely, but I did watch parts of his confirmation hearing and this is sort of an interesting – one thing he talked about a lot was adhering to the rule of law. Now I think, and you can do a lot of things to undo what EPA does and still be adhering to the rule of law and he was actually using that against the Democrats because the Republicans feel like the Democrats overreached in some of the things they've done.

INTERVIEWER: Right.

INTERVIEWEE: They feel like the Clean Air Act does not – was not intended to regulate greenhouse gases. So to him the rule of law means let's rein in the EPA. The interesting thing to me was when Lisa Jackson came in, her two principals were rule of law and sound science. So in that funny kind of parallel universe way, they're both using the same language. So I just think that's –

INTERVIEWER: Well, he's not using the sound science, right? I mean [...]

INTERVIEWEE: He is. No, he has mentioned –

INTERVIEWER: I haven't really noticed that much. There's been a little bit of hint of that. Let's go back to the really sound science.

INTERVIEWEE: Yeah, he hasn't. I think science is not where he's going to weigh in, but again, what he means by rule is almost the opposite of what Lisa Jackson means, but he's at least – I guess if I'm looking for a few things to be hopeful about. As opposed to Trump, who I think would view – if there's some law I don't like, I'm just not going to carry that one out.

INTERVIEWER: [...]

INTERVIEWEE: Pruitt, being a lawyer, at least he seems to know law exists and if you have some statutory mandates you got – it says I – when EPA is required by law to do something, I will do that.

INTERVIEWER: Right.

INTERVIEWEE: So it was – that was an interesting parallel again. So anyway, so that's it.

INTERVIEWER: Interesting. Okay. So how important would you say are these transitions in terms of shaping the way the agency has pursued its mission?

INTERVIEWEE: Oh, they're very important. I mean, I guess, as you can see

INTERVIEWER: Qualify – how would you qualify that [...]?

INTERVIEWEE: As you can see, it depends on the situation.

INTERVIEWER: Right.

INTERVIEWEE: I would start – Bush I to Clinton was not that huge a swing. Clinton to Bush II was a pretty big swing in a similar – so I would say the last three transitions have been very significant.

INTERVIEWER: Yeah. So it depends and we seem to be in a period where those transitions are more significant.

INTERVIEWEE: Yeah, I only go back that far, but I think so. I think so.

INTERVIEWER: Yeah.

INTERVIEWEE: I suppose Carter to Reagan must have been a pretty big swing.

INTERVIEWER: Yeah. Well, what about your own achievements that – your corner that – well, you're part of the agency that you are involved in that you feel most proud of most sort of sense of accomplishment having [...]?

INTERVIEWEE: Oh, you mean in terms of just my own?

INTERVIEWER: Yeah, your own personal – we are interested in that because that's how people – we want to bring out your stories [...].

INTERVIEWEE: Yeah. Well, I think that time working in the innovation program, I'll call it the innovation program because the name changed, but working in that. Although, it was a little hard to say – you know, the first part was it was hard to make it stick, but at the same time, I felt like that's an important function. It's kind of counterintuitive in a bureaucracy. I'm glad that they sustained it as long as they did.

I think we did some benefit and some things are some of the things that we did work their way into the agency even if it wasn't like – you can't say I had – I did this and this program immediately did this as a result, but a lot of these ideas worked their way in. We know that either in the rules or in the practice, that it has taken hold. I think that was good work.

INTERVIEWER: What about, you mentioned frustrations. If there is sort of other frustrations that you would put up at the top the list in terms of the most frustrating aspect of your career there.

INTERVIEWEE: Well, one is; but this is just the inherent challenge that I said earlier of trying to innovate in a bureaucracy... Trying to innovate in a bureaucracy. It's not that EPA won't innovate, but if it innovates it's, because Congress directed it, came up with an innovation, or senior leadership came up with it – I mean, the Clean Power Plan is very innovative. That was decided at a very high level, but the, sort of the model of innovation, so springing up ideas, that's just been a frustration. I think that's just kind of inherent in how government works so it's a public administration problem.

I guess the other frustration that I have is, most political appointees, and I guess the exception would be the one that I was – just working for, but most political appointees have a pretty short time horizon. They often, they may even have some time restriction of how long they can stay on the job. Say they are a professor; they can't stay forever. In any case, they tend to turn over three, four years so they get focused on a small number of high-profile policy initiatives which is probably appropriate; it's right for them.

I think that trying to make longer-term change or just improve management; management is never on their radar screen. That's just – if you have to – you've got limited time and you want to have a maximum impact, you're not going to sink it into improving the management of the agencies. I think as you stay in the agency a long time, you see that, it shows up.

INTERVIEWER: So things are not getting addressed that might have been if people had had a more long-term perspective?

INTERVIEWEE: Yeah, I think that's right. I think that's right. If you compare it to like a corporate executive, they may have turn over too but also – there is more kind of ownership of, they spend a lot more time thinking about how to make

the machine work as effectively as possible and someone else figures out what the products are going to be.

INTERVIEWER: Right.

INTERVIEWEE: Steve Jobs is the exception, but they really want to make sure that, are we getting the most out of our people or are we getting most efficient or whatever. Management tends to get second shrift so I think as you go on, the longer you spend in the agency, and you been through various – so when you come in you think oh, this latest policy swing is the most important thing in the world. After you've been through a bunch of policy swings, you start thinking, is the agency really being run as well as it could be to handle whatever the latest policy change is.

INTERVIEWER: Right.

INTERVIEWEE: I will say EPA, well, it's going to be a test, maybe more than other agencies, I've never worked in another agency, but there is a pretty strong sense of mission at the broad level, protecting of health and the environment. And a pretty strong sense of professionalism and I think that culture is pretty solid and I think that's a plus for the agency. I guess it would be interesting to see if those stand up to the pressures to do otherwise.

INTERVIEWER: Yeah. Well, I think you may have suggested what you might say to this next question, but what do you think some ideas from your experience that might make it a healthier, better functioning agency? I mean –

INTERVIEWEE: Well, first of all, I guess I – you asked me for a frustration. I've identified some frustrations.

INTERVIEWER: Right. So that –

INTERVIEWEE: It doesn't mean like on a scale of 1 to 10 I can tell you why it's not a 10 or 9 or an 8. I think it still like a six or seven at least.

INTERVIEWER: Right.

INTERVIEWEE: EPA is usually, on the ranking of places to work, its usually like in the top 10 or something. So to make it a – I don't know how. I think more – somehow making – and this is like you would have to get through the current craziness.

INTERVIEWER: Right.

INTERVIEWEE: If you somehow got through the current craziness –

INTERVIEWER: This is kind of assuming you do, where would you start?

INTERVIEWEE: Yeah, [...] back to normal, if you could get more sort of sustained attention to issues of management and just making systems work for the agency; I think maybe you just can't. A lot of the government is, like, prevent you from doing something wrong and that's just the way it's gotta be, but often it's like we end up –

<T: 100 min>

with the contract we got because we didn't – we were prevented from doing these 10 things so this is where we ended up. You know, that kind of thing. So I think somehow a more sustained approach to management, but it may be like that's just government. It just has its limits.

Otherwise, I actually think EPA is pretty decent. It's been on a starvation diet or at least a pretty severe diet, resource diet for a long time. So this sounds self-serving, but I think you got to sit down and decide, do you really want to do this or not, and if you're going to do it, you've got to provide the resources. I think it's under resourced. So that's something else I would say is I think it – unfortunately your competing with Medicare, Social Security, and things that we can't say no to.

INTERVIEWER: Yeah.

INTERVIEWEE: I think it's under resourced.

INTERVIEWER: Okay. What of the work – what are you most worried about of the work that's being done there now that might be vulnerable with the upcoming administration or [...]?

INTERVIEWEE: Yeah.

INTERVIEWER: Once they really, their work and their vision start to kick in, whatever it's going to be.

INTERVIEWEE: Right. Well, I don't think there is a specific policy or program. Obviously, in climate, but that's just kind of in a world of its own.

INTERVIEWER: Yeah.

INTERVIEWEE: Are they really just going to deny climate to the extent that they don't have a climate program? I don't know. That's obviously above and beyond anything else. I don't know.

INTERVIEWER: Right.

INTERVIEWEE: That would be – everything else –

INTERVIEWER: You don't know if that would be –

INTERVIEWEE: I don't. Well, I would just say that's my biggest fear, given the complete denial.

INTERVIEWER: Okay. Right.

INTERVIEWEE: It's hard to imagine. Would they really carry the denial through into saying we aren't going to even do these things? Maybe they rollback some regulations. I don't know. That's the biggest fear.

Then I guess my other fear is the easiest thing for them to do which I think would be just really go after agency budget. That's a – if you go after a policy there's always going to be advocates for policy who will defend it, but going after budget it's harder to defend and harder for the public to get up in arms about.

INTERVIEWER: Right.

INTERVIEWEE: I just saw something in the New York Times today which seemed pretty speculative, but well, maybe they will get rid of regional offices. Well, I guess at some like first grade level of, okay, the states can run their own

environmental programs. Why do you need regional offices? Well, it's not that simple. The federal government has to interact with states in the operation of these programs and if you're just going to have the interaction come out of Washington, you are not better off than if you have a regional office that knows it states and knows – and EPA carries out functions directly at the regional level, but that's – you're never going to get people to come out and march, save EPA's regional offices.

INTERVIEWER: Yeah.

INTERVIEWEE: But we – a lot of our enforcement, most of our enforcement is done out of our regional offices, but that gets – then you get down in the weeds. Well, why do you need federal enforcement? Then you have to explain federal EPA generally goes after sets of cases and state generally go after these cases and yeah, there's some overlap, but we're not duplicating efforts.

INTERVIEWER: Right.

INTERVIEWEE: That's a hard thing to sell. So I worry about those kinds of just very deep structural changes because that's hard to rebuild.

INTERVIEWER: Yeah.

INTERVIEWEE: So I worry about – I worry a lot about budget. Yeah.

INTERVIEWER: What about data or some kind of public dissemination tools of EPA that you think might also be you know, a collection of databases or that kind of thing or the sort of public interface and dissemination piece of what EPA now does. Do you think it might be –

INTERVIEWEE: Yeah, that's a risk also. We were told, because there were already rumors about the climate – data on the climate website being taken down. We were told that even if it was taken down, it would still be – Well, the law requires it to be retained and it would still be archived on the website and someone could find if they knew how to find it. You just wouldn't – if you went to the EPA website you wouldn't be led to it. So assuming that they adhere to the law, the data has to still exist somewhere, but yeah, they could – and that would be a fairly – there is no regulation to undo.

INTERVIEWER: Right.

INTERVIEWEE: They could just say, well no – so the enforcement program where I've been working has a pretty major public facing database called ECHO that has a lot of – like if you want to know what enforcement – if you look up a company and you want to know what enforcement cases have been brought– and they actually bring in a lot of other related information. It's kind of a one-stop shop for that kind of stuff.

I could see these guys saying, well, that just embarrasses companies needlessly or something. They could just take that website down and the data would still exist somewhere, but they could –

INTERVIEWER: [...] probably be like you could FOIA or something.

INTERVIEWEE: Something like that, yeah.

INTERVIEWER: Maybe.

INTERVIEWEE: But it wouldn't be like right now it's intended to be a tool –

INTERVIEWER: Driver.

INTERVIEWEE: Sort of an added driver for compliance because companies know this is going to be up on the web and people know about the database. Yeah, that would be a – you try to think – and so we have this complex system and how does a populist react to it if they are sort of hostile? I don't know. I don't know.

I keep trying to tell myself Trump supporters are not all the same as Trump and that someone who is a populist might actually be okay with data being shared with the public. He may not like the regulations that he thinks are killing his industry, but might believe that sharing data is good, but that's probably way too optimistic.

INTERVIEWER: Yeah, well, I think you have to hold on to hopeful thoughts anyway and we'll see.

INTERVIEWEE: Right. So, I mean, there is this level. So one level, like a more moderate level, would be we want to make sure that this data is fully vetted and thoroughly accurate so that we are not misrepresenting anything; companies are not having – and there have been some complaints sometimes that companies felt like they appear to look bad on the website when they weren't. You could do that.

INTERVIEWER: Make an argument that that's why we're taking it down. We're going to vet it and were going to go through it.

INTERVIEWEE: You could, and scale it back a bit. That, I guess, would be in the realm of the reasonable.

INTERVIEWER: Yeah.

INTERVIEWEE: But I don't think these guys are.

INTERVIEWER: Yeah.

INTERVIEWEE: But we'll see.

INTERVIEWER: Okay. Well how about anything else you think I should know about the kinds of things you've been talking about or other things that matter?

INTERVIEWEE: No, I don't think so. To me it's pretty scary what people are talking about. It's really hard to believe that ultimately – well, I guess the one thing that I will say and it sounds like this is like EPA advertising, but the polls, there was just one I was looking at before I came over here, but also there was – I guess maybe these – there was a graphic in the Post like a week ago were they got – they had picked from various polls, but they had taken Trump's various policy areas and which ones – they ranked them from which one seemed to have the broadest popular support and then down to the – from top to bottom. So clamping down on immigration actually had pretty wide popular support, like 60, 65 percent. I don't know. I'm making up the numbers, but it was pretty wide. It was not just hard-core Trump people.

INTERVIEWER: It was toward the top of the list.

INTERVIEWEE: Yeah, that was toward the top of the list. Rolling back environmental regulations was second from the bottom. That when you polled – and this was a recent Quinnipiac poll. They asked people about environmental

regulations and generally people did not support rolling back environmental regulations, even the Republicans didn't. On climate, a bare majority supported rolling back climate regulations, but that implies that a large minority were not in support of rolling back climate regulations.

So I kind of think just at some point there is a reality out there that if they really tried to gut EPA – now, the thing is I don't know if that's high enough on people's – on their priorities. This may be how they come out, but will they call their Congressman?

<T: 110 min>

INTERVIEWER: Right.

INTERVIEWEE: I guess that's a piece out there that I think is important is that people are really – think there is a need for environmental regulation.

INTERVIEWER: Right.

INTERVIEWEE: So just a complete – now, of course they can sell this, well, we we'll do it through the states, we're not going to do it at the EPA.

INTERVIEWER: Right.

INTERVIEWEE: But I think just at some level there is – that's going to be a harder sell. It's going to be more like Obama Care that you can make a lot of noise about it, but when the time comes –

INTERVIEWER: Right. Then what are they – what are people going to do?

INTERVIEWEE: Right. Right. What's the replacement going to be?

INTERVIEWER: What's the replacement?

INTERVIEWEE: Yeah, so that I guess is my hope.

[...]

[End of Audio]