

Russell E. Train: Speaking Out at EPA

In September, Russell E. Train, then chairman of the Council on Environmental Quality (CEQ), was appointed by President Nixon to be administrator of the Environmental Protection Agency. Since then, the energy crisis has tended to eclipse environmental concerns, and, in some matters, to put EPA on the defensive. Train is supporting several proposed amendments to the Clean Air Act which he feels will allow for flexibility to accommodate energy needs. They will also stretch out some compliance deadlines which, quite apart from energy problems, he believes were not wholly realistic to begin with. Generally these amendments have originated within EPA itself. In the case of certain proposals advanced by the Federal Energy Office (FEO), however, Train has (in his words) dug in his heels in opposition. One such proposal would have exempted energy-related activities from the provisions of the National Environmental Policy Act (NEPA) that require environmental impact studies. Another would have required consideration of economic and social factors in establishing clean air standards.

What follows is the partial transcript (lightly edited) of an interview of 25 March in which Train was asked about some of the recent conflicts arising within government over environmental issues. Also discussed is Train's decision to allow emergency use of DDT in the Northwest—an action which some environmentalists deplore. As written here, some of the questions have been amplified for the reader's benefit.—L.J.C.

Q: What is your thinking in regard to the proposal made by FEO to exempt energy activities from the requirements of NEPA?

TRAIN: I strongly oppose any such exemptions. This is an area where we particularly need NEPA because we're talking about outer continental shelf development, shale oil development, matters such as this. Here we need the kind of comprehensive planning and decision-making that the act is really designed to produce, with full analysis of all alternatives. This is what the act is all about.

Aside from that, almost all of the major federal energy proposals, assuming they are undertaken, will be carried out within a time frame of 10 years or so. There is just no way to make any reasonable argument that, under those circumstances, we can't be making effective environmental analysis, or that the task of making the analysis would hold up the project. It just isn't so. . . . So far as I'm concerned, the NEPA exemption is a dead issue. There is no such proposal within the Administration now. I think we've succeeded in knocking it over the head. There may be continuing discussion of how to expedite the process [of environmental impact analysis and review] both in terms of the CEQ guidelines and agency compliance.

Q: The President recently withdrew his support from the pending national land use policy legislation. How do you feel about this legislation, and were you consulted before administration support was withdrawn?

TRAIN: CEQ, while I was chairman, took the lead in developing the Administration's position on land use and this led to the President's legislative proposals in 1971 and 1972. These proposals were integrated by the Senate Interior Committee with the Jackson bill and became the legislation that passed the Senate and is now under consideration in the House. . . . I have not been involved in the development of any new thinking in the Administration.

I have said frankly that if we lost

this legislation at this late date it would be a tragedy.

The primary thrust of the legislation is to encourage the states themselves to take a more effective role in regulating and controlling land use decisions that are of more than local significance. The bill does not represent a federal intrusion into state matters and it does not involve, as some would charge, confiscation of private property, or any failure of due process. It is, in my view, a very modest but very significant first step in moving this country in the direction of more effective and more rational regulation of major land use decisions.

Q: In your opinion, what is the relevance of the land use bill to energy conservation?

TRAIN: It is very relevant, in many respects. One of the early issues this year in the energy field has been the proposal within the Administration for federal preemption with respect to the siting of oil refineries, nuclear power plants, and other major energy facilities. I have publicly stated that I am opposed to this kind of preemption. But I also have been saying that it is very important that states get on with the job of developing their own effective land use laws because, in the absence of responsible state action, there is a real danger that in due course we might get federal preemption. I think it would be a great mistake.

Obviously, energy facilities of all kinds tend to have significant environmental impacts. They certainly have significant impacts on economic growth and development and the location of that development. For example, any outer continental shelf development, any deepwater port, that results in the bringing ashore at any given point on the Atlantic seaboard of substantial volumes of petroleum would tend to give rise at that point to major petrochemical development and other industrial development. I think the states really must undertake to build the institutional capability to deal with that kind of development effectively. Most of them don't have it now.



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On the demand side, it is very important that we as a society move aggressively, as a matter of national policy, to reduce the growth in energy demand. As you look for ways to do this, land use leading to or involving more compact ways of organizing urban patterns is a major way of saving energy. We all recognize that suburban society uses an extraordinarily greater amount of energy than a more compact urban society does. This is another very important way energy and land use relate to one another.

Q: Why did EPA withdraw its plans to use parking surcharge fees as one way of reducing automobile traffic and gasoline consumption in urban centers?

TRAIN: Our transportation strategies, which we promulgated for some 38 cities and communities around the country, do represent significant energy savings. They were all directed toward more efficient transportation. Those plans, when fully effective, could involve a savings of about 140,000 barrels of oil a day. It is rather ironical, therefore, that in the energy emergency legislation the Congress approved provisions prohibiting EPA from imposing a parking surcharge as part of any of those plans and requiring the agency to defer for 1 year any parking management plan at all.

These provisions came into the bill on the floor of the House. They were accepted by the joint House-Senate conference committee, I believe without dissent. You have to recall that most of the original authors of the Clean Air Act, including Senator Muskie, Senator Baker, and Congressman Paul Rogers, were members of that conference committee. That conference report passed the Congress; then of course the bill was vetoed, for other reasons.

It was my feeling at that time, in view of the fact that the parking surcharges had proven very controversial around the country, and in view of the clear expression by Congress of its attitude, that it was silly to keep on trying to force the issue. Frankly, I think it is important for the agency to have broad support when moving into areas as untried as parking surcharges. Sometime later this spring we will give Congress a report on parking surcharges as a technique for reducing vehicle usage.

Q: Some environmentalists, although they may give you high marks generally, have felt that in certain of your decisions you have yielded to political pressures that should have been resisted. Your recent decision to allow the Forest Service to use DDT for control of the tussock moth in the Northwest this year has been cited as a case in point. What is your reply to such criticism?

TRAIN: I guess the decision in the tussock moth case was one of the toughest I've had to make, maybe the toughest. Certainly it was an unhappy decision—for anybody who has been in the environmental business as long as I have—to approve a major use of DDT, even though the approval carried strict conditions. I emphasized at the time the decision was made that it should in no way be taken as signaling any pullback from the agency's basic position that DDT is an environmental threat. The issue here is, first, whether there was an emergency, and, second, whether there was any alternative.

I found that there was an emergency. Admittedly, it's hard to determine whether an "emergency" exists because there are no criteria in the statute. There was very widespread destruction, as you know, of Douglas fir forests in the Northwest. There was hope on the part of EPA when

we turned down the application for use of DDT in 1973 that an alternative control mechanism, particularly other chemicals such as Zectran and the naturally occurring virus, would control the population. However, this did not happen.

Now, there is no question but what the public in the Northwest perceives this situation as an emergency. It is true everywhere you go out there. The members of Congress from the Northwest, including those who are very environmentally positive in their attitudes, have been very much for using DDT. So are the state governors involved, such as Tom McCall of Oregon. I don't like to put labels on people, but if you had to pick one governor in the country who is the most environmentally oriented, you'd probably say Tom McCall. He is very much in favor of using DDT in this case because there is no real alternative. Governor Evans of Washington also supported it, and so did Governor Andrus of Idaho, who was elected on an environmental plank. I don't think it was a matter, as some would say, of giving way to pressure. Public perceptions of problems such as this are very important in carrying out a regulatory program, particularly when you have mixed scientific evidence.

Q: You think there was no clear-cut preponderance of scientific opinion on one side or the other?

TRAIN: I would say not.

Q: It has been rumored that, during discussions within the Administration over certain of the proposals to amend NEPA and the Clean Air Act, you threatened to resign if those proposals were adopted by the White House. Were these reports true?

TRAIN: I never threatened to resign. What I said was that I couldn't support certain amendments if they became the Administration's position. From that point you can start speculating what happens as of the time the Administration takes positions you can't support. The fact is that none of those positions I dug in my heels against were adopted as administration proposals. We avoided that kind of confrontation.

Q: In the case of two FEO proposals to which you objected—the one to allow acceptance of so-called "intermittent" controls such as "tall stacks" for the dispersion of air pollutants (in lieu of scrubbers) and the one not to draw the line against any "significant deterioration" of air quality—no Administration position is being forwarded to Congress. Instead, Congress will consider both the FEO proposal and EPA's dissenting views, then make up its own mind. Is this right?

TRAIN: Yes. In all other cases, such as the NEPA exemption, the proposals have not gone forward at all. They've been dropped completely. In the two cases you mentioned, I have complete authority to state as strongly as I wish my own independent views. In a way this is a new departure, and I think it's a very important one. I think it is important for EPA, in serving the public interest, to be able to state forthrightly and clearly its position on important issues. This is something I really insisted on. Obviously, good judgment has to be exercised in matters of this sort. You can't have an administration where everybody is running off in different directions. There is such a thing as Presidential policy, and Congress expects the Executive branch to present a Presidential position. But there are times when I think it helps strengthen the credibility of government and public understanding of issues to have agency heads speak up and speak out. That's the way we're going to be.