

Poison Spring: The Secret History of Pollution and the EPA

E.G. Vallianatos, Ph.D., and McKay Jenkins, 2014, 272 pp.

The 1982 Nobel Prize in Economics was awarded to George Stigler, Ph.D. for his eye-opening work on “Regulatory Capture.” This is the process whereby all or a part of a regulatory agency such as the U.S. Environmental Protection Agency (EPA) essentially is run by the people it is supposed to be regulating. Dr. Stigler showed that a captured regulatory agency is often worse than no regulation at all, because it yields the authority of government to the regulated industry. The public, unaware of the capture, has a false sense of security that it is being protected when it is not.

E.G. Vallianatos, a longtime EPA policy analyst and toxics expert, has written a fine book, *Poison Spring*, which spells out how the pesticide industry has captured the pesticide policy and regulation offices of EPA. In a sense, regulatory capture was made easy in the case of EPA because it was created in 1970 from sections of many different federal agencies. For example, hazardous waste management was at the EPA Office of Solid Waste Management and was originally part of the Public Health Service, where its function was to help garbage collectors be more efficient and less polluting. Six years after it was transferred to EPA a new responsibility was added—hazardous waste management. Much of the staff, which came over from the Public Health Service, already viewed the garbage collectors and dump operators now “hazardous waste management firms” as their clients.

Regulated companies constantly deal with regulatory agencies through congressional committees, the courts, and meetings with top government officials. This is what the public sees. But it does not stop there; behind the scenes industry also interacts constantly with individual agency employees at every level, working directly with the field inspectors and permit writers responsible for making regulatory decisions.

When I was in charge of writing regulations at EPA I, like others, was the object of this courtship, showered with flattery, meals, trips, and hints of future employment. People who cooperated with industry found that its lobbyists would work for their advancement with EPA upper management. Those who didn’t cooperate found the lobbyists lobbying for their heads. I did not know Dr. Vallianatos

when I was at EPA; nevertheless, our experiences were very similar. Dr. Vallianatos points out that the regulatory capture was even more pronounced in EPA’s Office of Pesticide Programs, which came to EPA from the Department of Agriculture, where it had already been captured by agribusiness years before. He writes: “For the majority of politicians and executives in corporate America, effective environmental protection and the safeguarding of public health—the legal mission of the EPA—has rarely been a compelling priority. To understand this fact, one has only to look back at the EPA’s history during its first three decades. I was there, increasingly incredulous, watching that mission being betrayed.”

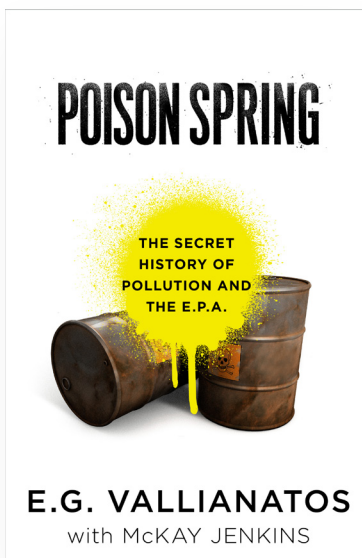
“The Office of Pesticide Programs, the largest organization of the EPA, within which I did most of my work, is essentially owned by the global chemical-pesticide industry, and this has been

true under both Democratic and Republican administrations. EPA became a place where honest science has been replaced by dishonest “risk assessments” and “cost-benefit analyses,” both of which serve as thin bureaucratic covers for putting the interests of industry ahead of the environment and public health.”

Dr. Vallianatos documents his claims in 14 detailed and well referenced chapters, which are easy to read and difficult to put down. The degree of industry penetration into EPA’s pesticide and other offices is startling.

Most people on reading this book might tend to think that the authors have “cherry picked” a few egregious examples of misconduct and exaggerated them for shock effect in order to sell books, while ignoring all the good work being done by the agency. That would have been my reaction were it not for the fact that one chapter deals with an issue with which I am intimately familiar: the chapter addressing EPA’s handling of the deadly poison dioxin.

An EPA scientist, Cate Jenkins, Ph.D., suspected that the Monsanto Company had manipulated data that the agency used to base its standards for the regulation of dioxin, and she asked the agency to investigate. Under the *Freedom of Information Act*, an internal EPA memo that I wrote was later disclosed which showed that the agency’s investigation was a fraud and, instead of investigating Monsanto, EPA investigated Dr. Jenkins and made her life a hell. Others outside of EPA showed the fraudulent nature of Monsanto’s stud-



ies. This incident was covered accurately in Dr. Vallianatos' book, without exaggeration or sensationalism.

But how does one reconcile the good work done by EPA with the portrait of unceasing corruption in this book? For example, as I write this, newspaper headlines shout, "Obama tightens air pollution limits" and industry screams. EPA has had many triumphs over the years. Bold new initiatives are announced by the president or the administrator followed by applause from environmentalists and denunciation from the affected industry and its allies.

I am loathe to tell an author what he should write about, but reconciling these two views of the agency is necessary. Without that reconciliation it would be difficult for an uninitiated reader to comprehend this excellent work. Some of the elements for doing just that already exist in the book, but have not been highlighted.

Take the case of DDT, the pesticide featured in Rachel Carson's groundbreaking book *Silent Spring*. This book is generally credited as the reason for the creation of EPA and the banning of DDT, one of EPA's earliest triumphs. But while EPA bathed in the praise heaped on it, Dr. Vallianatos writes: "Industry got the message, and they did not like it at all. It put up vociferous opposition to the abolition of DDT. It denounced the EPA in the same ways it had excoriated Rachel Carson when her book *Silent Spring* appeared in 1962. It sent its agents to the White House and Congress to undermine the EPA and henceforth take charge of dictating America's "environmental protection." The effects of this campaign filtered down to the bureaucracy and in time dramatically recast—and contaminated—the mission of the EPA."

DDT, banned in 1972, was quickly replaced by many other DDT-like pesticides, such as heptachlor. "By 1982, heptachlor was turning up in unexpected places, such as milk. Why? Because [Hawaiian] pineapple growers had chopped up the heptachlor-loaded leaves of the pineapple plant and fed them to the island's dairy cows."

Another substitute, synthetic pyrethroids, are in common use today, yet, as Wikipedia says: "Aside from the fact that they are also toxic to beneficial insects, such as bees and dragonflies, pyrethroids are toxic to fish and other aquatic organisms. At extremely small levels, such as 2 parts per trillion, pyrethroids are lethal to mayflies, gadflies, and invertebrates that constitute the base of many aquatic and terrestrial food webs." That may be why there are no longer Monarch butterflies in your garden.

There are many other examples in the book and my point is this: while the public sees the press ballyhoo of occasional EPA initiatives and triumphs, it hardly ever sees the constant, pernicious undercutting of these initiatives by the regulated industries. It is like termites gnawing away at a structure. Every now and then a well-publicized exterminator kills a few, but out of the spotlight, they go on gnawing and gnawing and gnawing. This book throws a spotlight on the gnawing and not the ballyhoo. (And by the way, President Obama's new air pollution initiative to curb global warming is, on close examination, too little and too late.)



Dr. Vallianatos at Beyond Pesticides' 32nd National Forum.

Although clearly a liberal, Dr. Vallianatos nevertheless recognizes that: "Both Democrats and Republicans, in Congress and the White House, have been responsible for this dangerous subversion. Taken in by the strategies and the financial clout of global industries, they have in turn facilitated the practical and moral breakdown at the agency." He asks: "How can we make the EPA a truly independent, Federal Reserve-like organization,

charged with (and actually capable of) defending nature and public health? How can we create a health and safety mechanism that neither the president nor members of Congress nor—critically—industry lobbyists would be able to compromise?"

"A great scientist or a distinguished citizen with a long record of defending public health and the environment ought to be selected for a ten-year post administering a politically neutral EPA. A vigorous and sustaining EPA would be a measure of a vigorous . . . democracy. Like the Fed chairman, this person—not the president ought to appoint agency deputies and ought to appropriate enough money to allow our scientists to rebuild the EPA's laboratories, research capabilities, and libraries. Contact between EPA and industry lobbyists should be off-limits, as should the influence of the White House. And senior EPA officials should not be allowed to work for industry for five years after their government work has been concluded." Dr. Vallianatos may be a bit naive for imagining that politics can be kept out of a government agency, but by and large I agree with him, and if you think he goes too far, I believe he does not go quite far enough.

View Dr. Vallianatos' talk on the Beyond Pesticides' YouTube channel <http://bit.ly/Vallianatos32NPF>.

William Sanjour worked for EPA for 30 years, where he was Branch Chief of the Hazardous Waste Management Division after which he became an outspoken EPA whistleblower.