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JOHN R. QUARLES

Industry Representative

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EPA Interviewer: This is an interview with John Quarles, partner in Morgan, Lewis and Bockius, in Washington, DC. We're conducting the interview on August 17, 2005, for an oral history project in conjunction with the 25th anniversary of the Superfund program.



Welcome, John, and thank you for agreeing to be interviewed today. John, you have had a distinguished career both inside and outside of government. During the period prior to the enactment of Superfund, you served in several key positions at EPA. Thinking back to your days at EPA, can you give me some brief background on how you came to join the Agency and what roles you played at EPA in the time prior to the Superfund statute's enactment in 1980?

Quarles: Well, I'd love to, because that was an exciting and wonderful part of my life. I had been a Boston lawyer and had been in practice up there for six or seven years when the 1968 election was held. Richard Nixon was elected President, and somehow I got the idea of applying for a position in the new Administration. I didn't really care what the department's role and responsibilities were. I just wanted something that would give me an immediate opportunity to be involved in government at as high and interesting level as possible, and after a great deal of casting around, I got a job at the Department of Interior working for the Undersecretary of Interior, a man named Russell Train, who later, of course, became the second Administrator of EPA. I was at Interior for a year and a half, worked for Wally Hickel, and during that period of time we had the first Earth Day and EPA was created, and I worked on the creation of EPA. Interestingly, there was another person named Doug Costle who became Administrator of EPA after Russell Train. But I met Bill Ruckelshaus, who was the first EPA Administrator, almost immediately after he was selected by President Nixon to be the first Administrator of EPA in the fall of 1970. Bill, soon after that, invited me to come over and be the first general counsel of EPA, and to be General Counsel and Assistant Administrator for Enforcement. So I had two roles there, but my mission really was to establish the National Water Pollution Permit Program. It later became to be known as NPDES, National Pollution Elimination Program¹, and I worked on that for the major part of my time after EPA began.

Then when Bill Ruckleshaus left in the spring of 1973, I was elevated to be the Acting Deputy Administrator, following which the President picked Russ Train to move in as the new Administrator, so I stayed on, once again working for Russ for the next four years.

¹ National Pollutant Discharge Elimination System
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EPA Interviewer: In your EPA work as General Counsel and AA [Assistant Administrator] for Enforcement and Deputy Administrator in the years prior to Superfund statute, did you encounter any of the issues that ultimately brought abandoned hazardous waste sites to public attention? Are there any particular sites that come to mind from that time period that are noteworthy to you?

Quarles: I think really the answer to that is “no.” And it is an interesting part of the history of the Agency, and the program and the environmental protection movement that this part of the waste cycle was almost totally ignored through the early years of EPA, and part of that was the heritage that preceded EPA’s formation, because water pollution had been a major concern in this country with federal legislation and state programs for about 25 years. Air pollution likewise had been a major concern, with episodes going back into the ’20s and lots of expertise in various agencies, but the question of what happens to the molecules after you extract them from the gas or the water discharges was just never addressed. I remember one of the people at EPA, I don’t remember who this was, saying to me at some point in the mid-1970s, “You know, John, it’s really kind of ironic that we’re making all these companies spend all this money and do all this work to take the substances out of the waste streams, but then for the most part they’re just taking them over and dumping them in some swamp, and we’re going to have to have address this problem all over again.”

EPA Interviewer: So, these sites were not, except maybe for this one person, or maybe a couple of other folks....

Quarles: Well, the category of sites was generally anticipated, but identification of the sites just hadn’t happened at all, and it was not until about 1977, I’m going to guess, when Love Canal was discovered and Valley of the Drums and a handful of sites around the country suddenly were explored or examined by environmental groups or local officials, and they were horrified by what they saw in terms of leaking drums and direct human exposure to the wastes. So there was a sudden, enormous focus of attention on these, leading to Congress passing the Superfund statute in December of 1980, a lame duck session, and with very little of the normal thought and analysis preceding it that, for example, went into the Clean Water Act, the Clean Air Act, or other parts of environmental framework.

EPA Interviewer: What was the prevailing Agency perception about the scope of the problem in those pre-statute years? Was there any sense that it was a big problem or a small problem or...

Quarles: Nobody had any sense of how pervasive a problem it would prove to be. There was a recognition that there were a significant number of sites that had been discovered, like maybe a dozen, or two dozen, or five dozen, and with the passage of time perhaps moving into a few hundred, but when the statute was passed, and beyond that, when the early efforts were being made to implement the statute, people thought we were dealing with a universe of a few hundred sites and never dreamed of a day that would come when people would talk in terms of hundreds of thousands of sites as we now do, for example, under the Brownfields program or other parts of the Superfund cleanup.

EPA Interviewer: In working with the pre-Superfund statutory regulatory framework, prior to the statute, what challenges did you or the Agency face in addressing contaminated land under the available legal authorities such as [Section] 311 of the Clean Water Act? Can you tell me a

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little bit about what your role would have been with regard to enforcement during that timeframe?

Quarles: With regard to the enforcement program, as such, I really had left the Agency, because I resigned. As I have often said, when Jimmy Carter came in, I was on the outgoing tide. But to answer the question in terms of what was the Agency's authority to deal with these issues, it did not have very much authority. There was some authority that was thought to be relevant and probably was relevant under the Resource Conservation and Recovery Act [RCRA] that had been enacted by Congress in 1976. So some of the early lawsuits, Love Canal being one, began as lawsuits under the RCRA provisions, and only in later years was the Superfund authority added to it. When Superfund was enacted, it immediately grabbed the center of the stage, and everybody started functioning under that.

There's one other part of the answer I'd like to give you as to the circumstances, and how the program was carried out in the late 1970s and was carried over into the early 1980s which has, in my view, always been neglected by people analyzing the program or describing the program. And that is the lack of resources at the start, and again, I would go back to the clean water, clean air and other regulatory programs, the pesticides program [that had] been going since 1947. Most of the programs, when the problem was discovered and the authority was established by Congress, there was something to draw upon, there was a database of information. There were a lot of people with expertise. There were state or local ordinances or state laws, so you were not starting from scratch. In the case of Superfund, it was different. We were starting from scratch. And many of the problems that occurred, particularly in the early 1980s, were largely attributable in my mind to the fact that nobody really knew what they were doing when they began, and it wasn't their fault.

EPA Interviewer: Let's move now to the time when you came over to Morgan, Lewis and Bockius in 1977, and Superfund was enacted in 1980. After you left EPA and began leading the environmental practice group, sites like Love Canal began to draw attention, and ultimately the law was enacted. Can you tell me a little bit about what your law practice was like back then? What types of clients did you represent, and what types of cases?

Quarles: Well, speaking for myself and also for dozens of, probably hundreds of lawyers, Superfund rapidly evolved to be a lawyer's occupational relief act, because it required individual case determinations in a framework that hadn't really been established, and nobody really had a clear picture of how it ought to be carried out, and that meant that every issue went in to the cauldron of litigation, and that led to discovery and briefs and court arguments. The courts, in many cases, ended up having to make decisions that nowadays are made by technical experts at EPA or other governmental agencies. So it was a scramble. It often meant that you had dozens of lawyers in a proceeding. At the Conservation Chemical case that I was involved in out in Kansas City, there typically were in the range of 200 people who would show up for a court proceeding, and the court proceedings were held in the amphitheaters and auditoriums of high schools, and it was just a bedlam, and that led to a lot of inefficiency, and it also led to a lot hard feelings and ultimately to controversy that greatly hobbled the program for years thereafter.

EPA Interviewer: That's fascinating. Can you tell me a little about what role you played, if any, in the legislative discourse that ultimately led to the statute's enactment?

Quarles: I played no role. I was generally aware there was a problem and things were going on, but at that point I was very actively involved in regulatory issues presented by the Resource Conservation and Recovery Act, and a variety of other legal and regulatory matters that I was handling, but Superfund had not, it hadn't yet gotten on the stage.

EPA Interviewer: When about or when in the process of Superfund's legislative history did you become aware that there was the prospect of joint and several liability, and what was your reaction when you first heard that?

Quarles: I don't personally recall when the issue of the scope of the liability of the provisions of Superfund was first identified and raised, but it was very quickly after enactment of the statute. Because almost immediately EPA brought litigation in a large number of cases, and those cases immediately raised the issue of what's the standard of liability and then what will be the standard of cleanup and lots of other subsidiary questions of how much investigation would be needed and who was going to have to pay. But at the very outset, EPA took the position that anyone who had sent any waste to the site was liable, and that position was upheld by the courts. And that led to litigation over the constitutionality of the whole provision, but the basic liability provisions of Superfund that called for strict liability, joint and several liability, and retroactive liability, made that liability system more far reaching than almost any other regulatory framework that EPA administers, or that I know of under other federal programs, and that was what people said is unconstitutional. But the courts held that it was constitutional, and it led to lots of feelings of anger, on the side of industry especially.

EPA Interviewer: What was the reaction among clients, after the constitutionality of these provisions was upheld? It must have been very interesting. I would imagine that as this liability scheme became more well known and then ultimately litigated in the courts and upheld, clients must have had an immediate reaction, and it must have been very interesting to be a part of that. Can you tell us a little bit about it?

Quarles: Yeah, you ask how the people in companies who were being imposed with this liability upon them reacted. They couldn't believe what they were seeing, and I'll go back again to the Conservation Chemical case in Kansas City which had these extended procedures where the magistrate had been appointed and might be 200 people in the room, and they'd be debating some issue and everybody would be sitting there paying their individual lawyers, and at one point, one of my partners and I prepared a letter to the judge saying, "Stop this madness." They were going to have discovery on eight tracts that would go on for a couple of months before a hearing on some issue I have now forgotten. We said in our letter that the legal expense that would be borne by the various companies just participating in that discovery exercise would far exceed the cost of the issue that we were going to be deciding, and so what corporate executives were experiencing was that they were being told they were going to be held liable for something that happened decades in the past, or years, certainly years in the past. They were told that they would be held to that liability, whether or not there was any fault in what they had done.

Whether or not even the government might have directed the disposal at the location where it was disposed of, and then, on top of that approach to liability, which seems very extreme and unfair to the corporate executives, they observed this process going forward which was chaotic, time-consuming, wasteful, and just generating more noise and irritation

than producing any real progress, so particularly on speaking now to the period of time in the 1980s, the early '80s, there was just widespread horror about this program.

EPA Interviewer: As you and your clients started living through this whole scenario, obviously there were things about this statute and the way it was being implemented that you knew that you needed to address and start to try to change, what were your expectations about the possibility of any of those changes actually taking place? Or what the timeline might be for getting things up and running in a different way?

Quarles: I think that we probably were very unsure, when we began, as to how long it would take to get improvements in the program. It was clear that the Superfund program had immediately become the most hated of all the EPA programs, which was unusual, because there are other programs that were imposing much heavier costs and heavier compliance burdens on companies than did Superfund, but the way in which Superfund was being carried out and the statutory provisions, and all this going back to the fact that we really didn't know what we were dealing with when we began the program. I'm speaking, we, as a country, and so Congress didn't really appreciate what was involved when the original legislation was passed, so it was just a very confused and antagonistic period of the program.

EPA Interviewer: Could you tell me what impressions you had, if any, of the changes that were made to the statute by the Superfund Amendments and Reauthorization Act [SARA] of 1986. Did SARA affect things for your clients? Did it have any lasting effects?

Quarles: When the amendments were passed in 1986, they made a number of changes that were significant, and they endeavored to encourage settlements, but they also carried a flavor of tightening the cleanup requirements to a purist's standard. There were a number of other aspects in which the criticism of the program that had taken place exposed it, and Congress came down with a heavy hand and imposed additional requirements that, in many respects, made a bad program even worse. I mean, I think that it was a mixed picture. There were improvements from some points of view and in some features of the program, but there also were additional requirements that were imposed that were not beneficial.

EPA Interviewer: Were there particular strategies that evolved for you over time in managing these Superfund cases in a way for your clients that made sense financially and legally?

Quarles: When you asked whether there were opportunities for lawyers to propose arrangements that would be more efficient and more successful, of course there were, but it was difficult to make any change, because the government held all the power and there was a harsh light of public scrutiny occurring, and the general public feeling that the program wasn't moving forward, and people in EPA, not knowing really how to make a change, and that process went on for several years. I would say, basically, from 1980 through about 1986 was a period of floundering around. Then I think from the viewpoint of companies what they began to deal with first and primarily was this process of huge numbers of people being brought into the litigation and no leadership. Everybody sort of looking out for themselves, and how could you get it better organized?

And that was the period of time when I was involved in the establishment of the Superfund Settlements Project [SSP], and then in due course the Information Network for Superfund Settlements. The way that happened was that Win Porter, who was the Assistant
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Administrator of EPA for the Superfund program at that time, asked me to organize a couple of meetings that he could have with representatives of industry to get their viewpoint. We had a couple of those meetings, and the industry representatives, there were about a dozen of them in total, concluded that they wanted to try and provide help to the EPA in managing the program and improving it. And so we thought about how could we organize things better, and one of the objectives that a number of companies came into an agreement on was the need for the PRPs [potentially responsible parties] to organize themselves. It was frequently said that EPA waits for the PRPs to get organized like a ship appearing out of the mist, and a number of companies, large national corporations whose names would be well known to you, realized that they were involved in dozens of different sites and that rather than just fighting each site individually, it was more important to get organized on a basis that they could deal with various sites on a more cooperative basis. And so that process began to move forward.

EPA Interviewer: One of the things that you're noted for, John, is revolutionizing the way that PRPs dealt with each other and with the government during litigation and negotiations over cleanup expenses. How was the idea first presented to your clients or to PRPs? Did it just emerge as a general consensus, or was it an idea that was brought to them with more meat on the bones?

Quarles: A little of all of those things was how that process got started, but I think that some parts of it emerged out of meetings of the Superfund Settlements Project. Because in that we had eight or 10 representatives of major corporations who had big stakes in this program, and they seemed to love coming to the so-called SSP meetings because at those meetings of the Superfund Settlements Project, we weren't fighting about an individual site. We were able to lift ourselves up, look at the whole process, and think, "How can this system be changed?" And we realized that at several sites, some of the PRPs had sat down and tried to hammer out an agreement on how they would function in response to the government in exploring what had to be done at a particular site, and that included establishing investigative committees that would do technical evaluations of the sites, trying to do a general plan of the site, and also beginning to approach a system for figuring out relative shares of liability. And what we did at the SSP was we took a variety of those drafts and undertook to put out a model that could be used in a lot of different sites, so we drew upon several existing drafts, and I remember personally dictating a large part of a book that was put out organizing PRPs. It was a handbook, and in it we had model documents and that just sort of jump-started the whole process to deal with these sites in a more organized way.

EPA Interviewer: Superfund Settlements Project has worked on numerous issues over the years and continues to do so. Are there any particular accomplishments or particular issues that you are particularly proud of, or your role, or the project's role, in resolving or working through those issues?

Quarles: I think those of us who worked with the Superfund Settlements Project had our ship come in when the EPA announced a group of administrative reforms in October of 1995. That really was a major change in the direction of the program. There had been some others, but in terms of EPA's overall approach, one of the things that was substantially changed was the focus on fairness. Previously it had been EPA's tendency to say, "Superfund doesn't involve fairness." And there was a famous quote from one of the judges that was often bandied about in that regard, but in the reforms of October 1995, EPA stated officially that fairness should be taken into consideration, and they proposed making certain changes in their program to

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provide more fairness. Also, at that same package there were changes on how much investigation would be required, and in the past it was quite commonly the case that efforts were made to collect all the information you could possibly ever want to have to deal with—all the issues that would come up in the cleanup. And we learned through experience that it was much more efficient to have a more interactive process of gathering a certain amount of information, then sifting that and figuring, “Okay, now. What are going to be the key issues? What data do we need to resolve those few issues?” And so changes were made in that direction.

Interestingly, when those reforms were announced, I went back to a memorandum that we had prepared in 1987 listing a lot of complaints about the program and what our main objectives were. The correlation between that set of problems and objectives on the one hand from 1987 and what was in the administrative reforms in 1995, eight years later, it was just, it wasn't a perfect match-up, but there was so much overlap that we really thought at that point that we had had a big impact.

EPA Interviewer: So looking back now on the administrative reforms which were almost 10 years ago, do you feel that they were largely successful? Have they made a difference in the way the statute is implemented now?

Quarles: You asked whether the reforms from 1995 really have changed the program, and I would have to answer that the program has undergone enormous change, and that change has occurred incrementally and over time. There were several periods of life within the Superfund program. There was the initial period from 1980 to 1986 when just lots of turmoil, floundering round, trying to get started. Then there was a period from '86, let's say, to about 1990, when the program was beginning to move forward, individual sites were being addressed, but there was a lot of criticism that it was very wasteful and that the various parts, there was a lot of debate about what the standards should be, and in particular, debate over whether cost should be a factor in the decision of what remedy is required. Around 1990, there was a shift in people's general attitudes toward cost in particular, and EPA moved more toward a policy of trying to be reasonable in what the costs would be. And then skipping ahead a bit, the reforms came out in 1995, they continued that momentum.

Then in the last several years we've had a very different debate about Superfund in terms of whether there's enough funding to do all the sites that ought to be cleaned up, particularly those where there are no private parties with liability and they need to be funded under the government programs, and there has not been adequate government funding. So there have been these several stages as the program has gone forward, and it is a far different program today from what it was in the early stages. It is, I would say, a much better program, a program that much more efficiently and successfully carries out the public interest in dealing with these sites, but also with reasonable procedures and fairness to the companies that are having liability imposed on them, which once again, I would say, we must remember is a liability for events that may have occurred decades before the statute was passed.

EPA Interviewer: Speaking about the liability system that's evolved over the years, can you share with me your thoughts on the various exemptions from liability that have emerged since the original statute came out? Has Superfund become more fair over the years or less fair over the years?

Quarles: Well, you asked whether the changes that have been made in providing some exemptions from liability have contributed to the fairness of the program, and fundamentally I would say no, it's really worked in the other way. Because what happened is that, particularly in the kind of fury over what some companies felt were very unreasonable procedures and exorbitant costs that they would be held liable for, in order to dramatize that point, they began going out and finding municipalities, individuals, mom and pop businesses, which had a thin basis of sending waste to the site, but who had sent waste to the site and under the literal terms of the statute were liable. So they were being brought into the litigation, and they squawked publicly and that was very powerfully heard by Congress. So Congress was basically letting a number of the sectors of contributors to the problem off the hook, and there were political reasons to do that. Maybe the amount of cost that was added to the burden of industry wasn't that significant, but in the ultimate equation of fairness, those exemptions were really moving in the other direction.

EPA Interviewer: In recent years, the issues of environment justice and the revitalization of brownfields have emerged. Did these issues pose particular challenges or opportunities for your clients, and what role do you see the Superfund program playing in the redevelopment of formerly contaminated properties in the future?

Quarles: I think in some respects, I should say, when you think about what role will it play in the future, that the role that Superfund has played in the past has been far greater than the role it will play in the future. What I'm really focusing on in that comment is the impact of the Superfund drastic liability provision upon the practices of industry, of local government and, in some respects, the general public, all sectors, in disposing of toxic substances and hazardous wastes. The fear of being subjected to a liability all out of proportion to the share of waste that you might have sent to a particular location, has had unquestionably a tremendous impact in causing America to clean up its act. So I think that it's unlikely that we'll see patterns of neglect and thoughtless and inappropriate disposal of wastes in the future. That said, the Superfund program will continue as an important element of the regulatory framework to require that good procedures are complied with, and to impose responsibility when they are not.

EPA Interviewer: You spoke earlier about the funding issues that the program will probably be facing in the future. Did you play any role in any discussions about the Superfund tax on chemical feedstock as a way to fund the program early on?

Quarles: I personally was not involved in the debate, which was really a Congressional debate over the chemical feedstock tax and how the requirements should be imposed on who should pay taxes in to create the Fund from the outset. It was a compromise that was worked out by Congress.

EPA Interviewer: Looking back now, do you feel that the tax was a good idea? Now that the tax has expired and EPA is continuing to focus on polluter pays, do you think there is any likelihood that the tax will be reinstated in the future?

Quarles: Is there is any likelihood that the tax will be reinstated? I doubt that. I think it's highly unlikely, and part of that is just it's so hard to get Congress to do anything to reach agreement and get through the House, and get through the Senate, and get through a conference committee, so there has to be not only a fairly serious problem, but a broad basis of support and agreement on what the change should be for Congress to change anything. But in addition

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to that, there are many fundamental respects in which the tax is unfair, because it is imposed primarily on private sector corporations. The funds are not used for the sites where those companies have liability, because under the enforcement mechanisms, those sites are being cleaned up directly by the companies. The money that is being paid under the taxes goes into a separate fund to pay for additional sites where the government can't find a private party to pick up the tab. And so it's really kind of a double taxation and you know, you have a hard time in this city for persuading someone that big industry is paying too much, and yet really the logic of it does raise questions along that line.

EPA Interviewer: You've spoken earlier about Superfund's legacy and behavior of business that may have changed as a result of the Superfund cleanups cost, and there is a certain prevention aspect. Do you foresee a time when hazardous waste sites as we know them today will all be cleaned up and Superfund won't be the type of program as exists today—where it won't be needed?

Quarles: Do I foresee that there will be a time when all the sites have been cleaned up? No. I don't foresee that, and the reason gets back to the original failure to understand what the realities are of the situation on contaminated sites around the country. You go back to the beginning of the program in 1980, when people thought maybe there were a few hundred. At one point it was thought that the original appropriation of Congress, which I think was \$8 billion for a five-year period, and it was at least intimated by some of the Congressional leaders that that would be sufficient to solve the whole problem. The reality is that contaminants from waste disposal practices are in the rivers and the soils of our country on a very widespread basis, and it's not feasible in most cases to remove the small contamination levels that exist. It's much more cost-effective and ultimately more successful to make sure that you break the pathway of contact for someone to be exposed to the chemical compounds, which, in a lot of instances, is being done in brownfields cases now by paving over a parking area and thereby making sure that no children will be sitting there playing in the dirt. There are a variety of other steps that have been taken to establish safety, but to actually clean up the sites, it's just a huge job.

EPA Interviewer: What do you see as the greatest challenge facing the Superfund program today and in the future?

Quarles: I think the greatest challenge that EPA, as the agency that administers the Superfund program, needs to confront is to focus upon and develop an answer to the question of "What is EPA's role in the future, and more fundamentally, what should be the national approach to these remaining problems?" I think we've gone, I won't say as far as we can go, but we've made a lot of progress in having EPA have a hands-on involvement with individual sites, but that's still under 2,000 sites, and when you look at the hundreds of thousands of sites around the country, this is something that has to be dealt with in local communities by local officials and acting within state agency guidelines and state agency oversight. It's not something that can be carried out successfully as a federal program in terms of trying to clean up every site all over the country, and we need to develop mechanisms of evaluating the sites, tracking progress with regard to the sites, tracking whether there have been failures to follow through on commitments that are made to protect and maintain certain sites. There's a lot of activity that needs to continue to occur, but we also have to put this in the context of everything else that competes for money in the federal budget and everything else that competes for money either in the state or local budgets, and what is a reasonable amount of cost, as compared to

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other ways that money can be spent, that will provide direct health benefits or other benefits to society.

EPA Interviewer: You mentioned Superfund's health benefits. While Superfund is a construction program that cleans up contaminated properties, it is at heart a public health protection program. Do you think that Superfund has brought increased health protection for Americans?

Quarles: Certainly, in some situations, the cleanup that has occurred at sites has eliminated actual exposure risks, and in those contexts at those locations, Superfund, and the whole ensuing programs, including the state programs and voluntary efforts, those cleanup activities certainly have reduced some health risks. I think the criticism that is made on the other side, particularly related to contaminated groundwater, is that the program often has imposed very difficult and very costly and very enduring requirements for pumping and treating contaminated groundwater, which are not going to be successful to achieve the standards that have been imposed, and which in some cases you wonder whether they're really going to accomplish any benefit at all.

EPA Interviewer: John, in dealing with sites over the years and many clients and many different sites all over the country, was there any particular lesson that you learned over time about how to best work with communities and how to best represent your clients in situations where communities have different points of view about what cleanup levels should be or what their involvement should be in every decision that's made?

Quarles: Yeah, I think absolutely experience has taught a lot about how companies ought to work with local communities and individual citizen leaders, and the basic message is be open, communicate, and be honest, look for cooperation and you'll probably find it. Companies in the early years were scared to death of working with local community leaders. And part of it was that the program was already so irrational and so fierce and demanding and unreasonable, at least in their eyes, and I think they were probably seeing it correctly in some instances, that the thought of adding more process and dealing with more people was just a nonstarter. On the other hand, what people discovered was that the citizens had a voice that was important, and if that voice was ignored in the early stages of a cleanup process, it could come back to hurt you at a later stage. Having an ignorant local citizenry was not an advantage, and also, and this I think really, people found hard to believe, but in many cases what happened was that in those cases where companies were conducting an active citizen communication program, they were finding support for reasonable approaches to the cleanup of a particular site. So it's really been an evolution of understanding.

I'll toss in a free comment here that this has been consistent with a pattern of EPA and the environmental movement from the outset, and in my earliest days in the government. I marveled at how often it happened that when you went to a site of environmental sensitivity, perhaps a wetlands, perhaps the Outer Banks, not just talking about industrial manufacturing sites, but including those as well, when you went to these different locations, where there was a big stake in the need for environmental protection, how frequently you saw there was one person who had been working on this issue for years, building the story, gathering the information, mobilizing support, and that one person produced a real different result in that particular community. So there's been a very

important participation by citizens in the environmental movement and in the Superfund program in particular.

EPA Interviewer: Is there any particular site or specific Superfund memory that sticks out in your mind as noteworthy, something that you will never forget about your involvement in Superfund?

Quarles: Well, there are several vignettes, I guess. I did a lot of work on the New Bedford site up in Massachusetts, which I got into for unrelated reasons, but I enjoyed it, because I grew up in Boston and I was familiar with the locality. I worked in that proceeding from the time when the lawsuit was filed in December of 1983. For many years, others took on the responsibilities; I rotated into other activities. I had been out of New Bedford for a decade at this point I guess, and yet it is still going on and that's par for the course. I think these sites and the cleanup activities, they're almost never ending in many instances. And I think frankly that's part of the place where change is needed in the future. I think that EPA's process, their standards, their approach tends to demand the Cadillac of remedial measures, which is okay in situations where there's a real risk and where the funding is available, and yet there just isn't enough to do that on a whole national basis. I'm reminded, years ago, somebody quipped that—was it the West Wing—the West Side project up in Manhattan was what God would have done if he had the money.

EPA Interviewer: I don't know if New Bedford is one of the sites that gets classified this way, but mega-sites. Do you have any thoughts on mega-sites, and what the Agency's philosophy should be about handling those in the future?

Quarles: I think that when you focus on mega-sites, it's really important to focus on practicality. And the concern that I have with mega-sites is that the approach to them tends to foster a costly approach and a high cost per acre for a huge expanse of acres, and it would be nice if we could clean up all the contamination that's out there, but I don't know that we can. Early in my years in the environmental movement, I will never forget reading about the amount of acid mine drainage that was occurring in Appalachia from situations where mining had taken place. The acid was just flowing into the streams, even from the streams into the rivers, killing the fish and terrible environmental consequences, and there was a lot of effort in Congress to get attention to this and get federal money into doing things. In the end, nothing ever happened. And I don't know what's happened to those sites. The challenge is to find something that's feasible, and if it's not feasible, it's not cost-effective, and particularly if the risk is not that clear and that strong, then it can just suck up a lot of resources that are needed elsewhere, and I don't think EPA has sorted that out, and it's a hard one to sort out, and I'm not sure I know what the right answer is.

EPA Interviewer: Well, John, this concludes the questions that I have. Do you want to make any concluding remarks or are there any other issues that you'd like to discuss that I haven't brought up?

Quarles: I think you were pretty comprehensive here.

EPA Interviewer: It's really been a pleasure interviewing you. It's nice to see you again after all these years. And I really appreciate you agreeing to this interview.

Quarles: Well, thank you.