CHEMICAL HERITAGE FOUNDATION

THE TOXIC SUBSTANCES CONTROL ACT: FROM THE PERSPECTIVE OF CHARLES L. ELKINS

Transcript of Interviews
Conducted by

Jody A. Roberts and Kavita D. Hardy

at

Washington, D.C.

on

9 April 2010

(With Subsequent Corrections and Additions)

CHEMICAL HERITAGE FOUNDATION Oral History Program FINAL RELEASE FORM

This document contains my understanding and agreement with the Chemical Heritage Foundation with respect to my participation in the audio- and/or video-recorded interview conducted by Jody Roberts and Kavita Hardy on 9 April 2010. I have read the transcript supplied by the Chemical Heritage Foundation.

- 1. The recordings, transcripts, photographs, research materials, and memorabilia (collectively called the "Work") will be maintained by the Chemical Heritage Foundation and made available in accordance with general policies for research and other scholarly purposes.
- 2. I hereby grant, assign, and transfer to the Chemical Heritage Foundation all right, title, and interest in the Work, including the literary rights and the copyright, except that I shall retain the right to copy, use, and publish the Work in part or in full until my death.
- 3. The manuscript may be read and the recording(s) heard/viewed by scholars approved by the Chemical Heritage Foundation subject to the restrictions listed below. The scholar pledges not to quote from, cite, or reproduce by any means this material except with the written permission of the Chemical Heritage Foundation. Regardless of the restrictions placed on the transcript of the interview, the Chemical Heritage Foundation retains the rights to all materials generated about my oral history interview, including the title page, abstract, table of contents, chronology, index, et cetera (collectively called the "Front Matter and Index"), all of which will be made available on the Chemical Heritage Foundation's website. Should the Chemical Heritage Foundation wish to post to the internet the content of the oral history interview, that is, direct quotations, audio clips, video clips, or other material from the oral history recordings or the transcription of the recordings, the Chemical heritage Foundation will be bound by the restrictions for use placed on the Work as detailed below.
- 4. I wish to place the conditions that I have checked below upon the use of this interview. I understand that the Chemical Heritage Foundation will enforce my wishes until the time of my death, when any restrictions will be removed.

Please check one:

a. _______ No restrictions for access. NOTE: Users citing this interview for purposes of publication are obliged under the terms of the Chemical Heritage Foundation Oral History Program to obtain permission from Chemical Heritage Foundation, Philadelphia, Pennsylvania. b. ______ Semi-restricted access. (May view the Work. My permission required to quote, cite, or reproduce.) c. ______ Restricted access. (My permission required to view the Work, quote, cite, or reproduce.) This constitutes my entire and complete understanding.

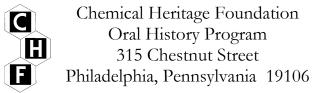
(Signature)

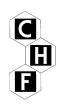
6/10/10

This interview has been designated as **Semi Restricted Access**.

One may view the oral history with the permission of CHF. However, the permission of the interviewee is required to quote from, cite, or reproduce the oral history.

Please contact CHF to request permission.





The Chemical Heritage Foundation (CHF) serves the community of the chemical and molecular sciences, and the wider public, by treasuring the past, educating the present, and inspiring the future. CHF maintains a world-class collection of materials that document the history and heritage of the chemical and molecular sciences, technologies, and industries; encourages research in CHF collections; and carries out a program of outreach and interpretation in order to advance an understanding of the role of the chemical and molecular sciences, technologies, and industries in shaping society.

CHARLES L. ELKINS

1940	Born in New York, New York on 14 April
	<u>Education</u>
1962 1967	B.A., Philosophy, Yale University J.D., Yale Law School
	Professional Experience
1967-1971	U.S. Office of Management and Budget, Washington, D.C. Budget Examiner for Environmental Programs
	U.S. Environmental Protection Agency, Washington, D.C.
1971-1972	Special Assistant to the Administrator
1972-1973	Principal Deputy to the Assistant Administrator, Office of Categorical Programs
1973-1974	Acting Assistant Administrator, Office of Categorical Programs
1974-1975	Director of Program and Management Operations, Office of Water and Hazardous Materials
1975-1981	Deputy Assistant Administrator for Noise Control Programs, Office of Air, Noise, and Radiation
1982-1983	Director, Office of Policy and Evaluation, Office of Air and Radiation
1983-1983	Acting Assistant Administrator, Office of Air and Radiation
1983-1985	Director, Office of Program Development, Office of Air and Radiation
1985-1986	Acting Assistant Administrator, Office of Air and Radiation
1986-1990	Director, Office of Toxic Substances
1990-1994	Associate General Counsel
	Jellinek, Schwartz & Connolly, Inc., Washington, D.C.
1995-1999	Vice President
1000 7	Chuck Elkins & Associates, Washington, D.C.
1999-Present	President

<u>Honors</u>

1972 Gold Medal for Exceptional Service, U.S. Environmental Protection Agency

ABSTRACT

Charles L. Elkins witnessed the centralization of federal environmental regulation in the early 1970s, first as an Office of Management and Budget examiner and then in the newly created Environmental Protection Agency (EPA). Within the new EPA, Elkins worked in the Office of Categorical Programs, where he was involved with the pre-Toxic Substances Control Act (TSCA) Office of Toxic Substances and the Noise Abatement Program. The categorical programs struggled from a lack of constituency and attention compared to the larger water and air pollution programs of the Office of Media Programs. Elkins became the director of the Office of Toxic Substances in 1986. While there were managerial challenges to running the office, the biggest challenge he faced was TSCA's lack of a coherent mandate; the program instead consisted of several distinct tasks, each beset with procedural impediments. The new chemicals program worked well, and the testing program was considered too unworkable, so he focused on revitalizing the existing chemicals program, primarily by taking action on asbestos. That rule was overturned by the courts.

Elkins laments the lack of involvement by environmental and public health advocates in the Office, limiting the pressure it could exert when negotiating with industry for more stringent voluntary measures. He mentions some voluntary initiatives the Office undertook with industry, and cooperative programs with other federal agencies. He is skeptical that Congressional oversight could have improved the Office's performance. While the Toxics Release Inventory was not a part of the TSCA program, he thinks it was influential in creating a constituency both within EPA and the public for increased data on toxics.

INTERVIEWERS

Jody A. Roberts is the Associate Director for the Center for Contemporary History and Policy and the Manager of the Environmental History and Policy Program at the Chemical Heritage Foundation. Roberts received his Ph.D. and M.S. in Science and Technology Studies from Virginia Tech and holds a B.S. in Chemistry from Saint Vincent College. His research focuses on the intersections of regulation, innovation, environmental issues, and emerging technologies within the chemical sciences.

Kavita D. Hardy is a research assistant in the Environmental History and Policy Program at the Chemical Heritage Foundation. She received a B.A. in Chemistry and Economics from Swarthmore College.

TABLE OF CONTENTS

INDEX

ACGIH. See American Conference of

Governmental Industrial Hygienists American Conference of Governmental Industrial Hygienists (ACGIH), 22 asbestos, 14, 15, 16, 17, 18, 20 Ash Council, 2

\mathbf{C}

A

Capitol Hill. *See* Congress
CBI. *See* Toxic Substances Control Act:
confidential business information
Clay, Don R., 13, 24

Clean Air Act, 8, 25

Clean Air Act Amendments, 13

Clean Water Act, 25

Congress, 2, 4, 6, 8, 10, 11, 12, 13, 18, 25, 26, 27

Senate Environment and Public Works Committee, 25

Corrosion Proof Fittings v. EPA, 16, 17 Costle, Douglas A., 2

D

DDT. *See* dichlorodiphenyltrichloroethane dichlorodiphenyltrichloroethane (DDT), 3 dioxin, 15

\mathbf{E}

Earth Day, 7, 9 EPA. *See* U.S. Environmental Protection Agency

F

FDA. *See* U.S. Food and Drug Administration Federal Register, 16, 20 Fisher, Linda J., 16, 17 formaldehyde, 15 Fraas, Arthur G., 16

\mathbf{M}

Moore, John A., 15, 16, 17 Muskie, Edmund S., 25

N

National Institute for Occupational Safety and Health (NIOSH), 22 National Resources Defense Council (NRDC), 24 NIOSH. See National Institute for Occupational Safety and Health Nixon, Richard M., 2 NRDC. See National Resources Defense Council

0

Occupational Safety and Health
Administration (OSHA), 22, 23
Office of Management and Budget (OMB),
1, 5, 15, 16, 17, 26
OMB. See Office of Management and
Budget
ONE Committee, 22
OSHA. See Occupational Safety and Health
Administration

P

polychlorinatedbiphenyl (PCB), 14, 18

R

Reagan, Ronald W., 5, 19 Responsible Care, 20, 21 Ruckelshaus, William D., 2

S

Safe Drinking Water Act, 2 SNUR. See Toxic Substances Control Act (TSCA): significant new use rule Superfund, 4

T Toxic Substances Control Act (TSCA), 1, 2, 3, 5, 11, 13, 14, 19, 21, 22, 24, 25, 26, 27 citizen petitions, 25 confidential business information, 23 existing chemicals, 11, 12, 14, 15, 17, 18, 27 new chemicals, 10, 12, 14, 17, 22, 27 risk assessment, 18, 19 Section 18, 25 Section 4, 21 Section 5, 21 Section 6, 17, 21 Section 8(e), 17 Section 9, 21, 23	 U.S. Department of Health and Human Services, 1 U.S. Department of Health, Education, and Welfare. See U.S. Department of Health and Human Services U.S. Department of Housing and Urban Development, 8 U.S. Department of Justice, 17 U.S. Department of the Interior, 6, 7, 9 U.S. Department of Transportation, 8 U.S. Environmental Protection Agency (EPA), 1, 2, 3, 5, 6, 8, 9, 11, 17, 20, 21, 22, 23, 25, 26, 27 Office of Categorical Programs, 2, 3, 4, 5, 6, 7 Office of Media Programs, 4, 7 Office of Noise Abatement and Control, 4, 5, 7 Office of Pesticide Programs, 1, 2, 3, 6 Office of Toxic Substances, 2, 6, 9, 11, 21, 22, 23, 27 U.S. Food and Drug Administration (FDA), 1, 3
TRI. See Toxics Release Inventory TSCA. See Toxic Substances Control Act TSCA Inventory. See TSCA, Section 8	W Washington, D.C., 2
${f U}$	Y
U.S. Department of Agriculture, 3	Yale University, 1