

US EPA ARCHIVE DOCUMENT

ALAN SIMPSON

Former U.S. Senator for the State of Wyoming

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EPA Interviewer: We are doing an interview with Senator Alan Simpson for the 25th anniversary of Superfund here on October the 11th in Cody, Wyoming. Senator Simpson, what is your involvement with the Superfund program? If you'd like to tell us how you got into this.

Simpson: Well, I was elected to the Senate in 1978, and I was in the minority. The Democrats were in control of the Senate and the House. I was placed on the Environment and Public Works Committee and the Judiciary Committee and the Veterans' Affairs Committee, and the ranking Republican on the Environment and Public Works Committee was Senator Bob Stafford.

Now, is he still living? I think so. I hope so, because he has a real institutional memory. He and his staff were remarkable people.

Anyway, there was discussion of Superfund. I wasn't paying any attention at all, because I was the Ranking Member of the Nuclear Regulation Subcommittee, so in March of the year I got here was Three Mile Island. So here I am, I've been in the Senate six or eight weeks—the Chairman of that subcommittee was [Senator] Gary Hart. Gary called and said, "We're on our way to Harrisburg and Three Mile Island about an accident." So we went up on a chopper, and that was a busy time. And then for the next weeks it was the hearings and all the rest...Harold Denton and all the rest. It was amazing. Enough of that.

Then I was the Ranking Member [of Congress] on the Subcommittee on Immigration and Refugee Policy. [Senator] Ted Kennedy was the Chairman of that. Then I was Ranking Member of the Veterans Affairs [Committee], and [Senator] Al Cranston was the Chairman of that. So suddenly in 1980, bang—Republicans took over the Senate in November. I noticed the date of the signature circle [of the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA]—it was December 11, 1980. So there was a lot of stuff going on in 1979, and that's when we used to talk, but we weren't in the majority. But Stafford and Chairman Jennings Randolph—Jennings is gone—kept us in line and in a bipartisan effort. And then in 1980, of course, all three of those Chairmen became Ranking Members, and I was then the Chairman of Veterans, Chairman of Immigration, Chairman of Nuclear, and my three Ranking Members were all running for President: Ted Kennedy, Al Cranston, and Gary Hart! So I told each of them, "You run for President. I'll run the committee. I won't embarrass you, and I don't want you to use the committee for a bunch of crap, and I won't fool you." I had a wonderful relationship with all three.

Anyway, on Superfund we just met day after day. And again, I was there, but my concentration was on getting out the report on Three Mile Island—that was my responsibility as the Ranking Member. Yet Superfund was also about Love Canal—I can't remember the dates of Love Canal.

EPA Interviewer: 1978 to 1979, I believe.

Simpson: Well, there you are. And of course the emotion on all that, and then Times Beach, where the good old USA bought up a whole town. Is it still there?

EPA Interviewer: Yes. They've done a lot of dioxin cleanup and made part of it a park. Do you remember [Representative] James Florio? He was in the House working on this same thing, probably in concert with you. Do you remember any interaction that you might have had with him or that group?

Simpson: I remember Jim. Even went before his class once after I got out of the Senate when I was in New Jersey one day. He was a pretty flamboyant, passionate guy. I enjoyed him. I don't remember any particular times with him. We'd often be in Stafford's room, or [Representative] Mo Udall was on the edges of it always. [Representative] John Dingell, too.

EPA Interviewer: There's one that's still around.

Simpson: Oh yeah, you want to get him, that's for sure. Anyway, the whole thing was based on emotion. Every time you brought up something practical about it, like "Will this work?," somebody'd get up and pull the guitar string and say, "Oh, don't forget the poor people in Love Canal, and don't forget the people in Times Beach." Anytime you're dealing with an issue like that—and God knows that's all I ever dealt with were issues that were filled with emotion, fear, guilt, or racism.

EPA Interviewer: That's a tough job to deal with.

Simpson: And so those issues were immigration, nuclear, veterans. I'm a veteran. If I hadn't been a veteran, they'd have torn the epaulets off me. I said, "What's some jerk who's served six months and never left Camp Beetle Bailey getting all the benefits that a combat veteran gets?"

And they'd say, "Well, that's the way it works."

And I'd say, "BS, it's not the way I'm gonna work." And I changed the law to make them have to serve at least a year, wherever they were. But anyway, enough of that crap. Back to Superfund.

It was just a continual talking, and Stafford was the guiding light. He had a good staff—I don't even remember them all. I was working with a new staff. I was getting people—Brad Erickson was a wonderful staff person. You know, Bob would call us in and he'd say, "Here's where we are now. We think this is realistic," and so we would approve that. Or, "Go back to the House and tell them to do something else." There were lots of discussions. For me it was puzzling because I was new. I had practiced law in Cody. I wasn't an expert on things. But

my background was having been a Wyoming legislator, where, while I was there for 13 years, we passed a Clean Air Act, a Clean Water Act, plant siting legislation, and mine land reclamation. So these things weren't unknown to me, and were things that I was interested in, and so I participated. Then I was involved in the amendment process and all the rest, but.... You better be specific here or I'll ramble on.

EPA Interviewer: It's all right. I'm enjoying this, personally. In that first stage, the first phase of Superfund, the one like we were talking about with Love Canal and Valley of the Drums and Times Beach. That's when James Florio—seemed like since he was from New Jersey, they always had the toxic dumps up there—he was taking a strong role in that as far as from the House goes, and I was looking at some of your history there. I guess you had a good quote that you thought it was sort of like a bag of trash, the original Superfund, and it needed to be refined more. You might talk about the difference between the East and the West, if you remember any of that part of it.

Simpson: Well, not just Superfund but anything environmental. Here I represented the largest coal-producing state in the United States, and so they would come up with these marvelous proposals on acid rain—an emotional thing—on sulfur emissions, and that's very important. But they would pass things in the Senate Committee that had to do with the environment, especially with pollution or coal or even Superfund, and all I knew is that as long as [Senator] Robert Byrd was the majority leader—one of the most respected of people in the body, and still is the most amazing man, and the most amazing intellect I've known in life with 74 years—I never saw anybody like him—but I knew that he wasn't going to do anything to hurt the West Virginia coal interests. So I finally got very clever—it was brilliant, actually. I voted for all these marvelous things that were restrictive of coal—not restrictive where I would hurt my state. We're all provincial like that. I didn't enjoy having some anonymous jerk in the committee room call the *Casper Star Tribune* [Wyoming's largest daily paper] after I'd voted and 10 minutes later I was described as a soot-covered SOB. I really thought I can be cleverer than that. Instead of wanting to be one of the dirty dozen and a soot-covered slob, I'll just vote right along with these marvelous extremist folks, which really irritated them. They'd say, "But he's not one of us."

I'd say, "Well, look then. As soon as you sober up and get a bill together that can pass Robert Byrd, I'll play your game. But I'm not gonna sit here and cremate myself so you can get your fundraising letters out and raise a lot of bucks when my friend Robert Byrd isn't going to have any part of this kind of legislation. So sober up." And they did. And we then got, of course, the Clean Air Act later, which was critical, and which was a very good bipartisan effort. Well, anyway, back to Superfund. Well, go ahead, ask any questions.

EPA Interviewer: I've got this thing [background information prepared for interviews] which said that you complained the bill went far from the issue of cleanup, and created new legal weapons against polluters and increased the number of people and companies that would come under its provision. It said you thought the enormous cost of the bill would drive out the people who produced the chemical products. Your main provision that you thought needed to be dropped from the House bill was a program to provide compensation for victims of hazardous waste. This was in 1984 in the—what did we call it—the Son of Superfund? That's when you seemed to take a more active role in the legislation.

Simpson: Yeah, I did take a more active role then, because it seemed to me that all I saw was a bunch of guys wandering around in white suits and politicians and others selecting the sites. You could become very popular if you said, "Well, we've now discovered 5,082 sites." And then only eight or 10 of them were ever addressed. To me, it was the most stupefying... I never could figure out who was to blame, but all I know is that the sites—you can tell me—site after site, hundreds and hundreds of sites, and people pounding their breasts and saying, "We now have found this many sites," but doing not a damn thing to clean them up. Maybe I have missed something.

EPA Interviewer: Well, that's the removal versus the remedial process. The remedial was the long-term study on these "bigger" sites. Do you remember any of those issues? I think that's what you're alluding to here if you remember that.

Simpson: Well, I knew the EPA Administrators through those years, Democrat and Republican, and enjoyed them all. There was one guy down in the bowels of the EPA who must have been frightened by a bolt of radon in his basement when he was two years old, because every time we tried to do anything on radon, here was this nameless bureaucrat who would... and he pissed everybody off. I remembered his name once, because he was infuriating to all of us. He'd rewrite stuff on his own, and he was a zealot. He was obsessed. And there were other people in the EPA like that or who were just like Senators—or even Alan Simpson—who can become a zealot.

Anyway, I just remember the frustration and the emotion, the headlines as...even as to Three Mile Island, where it said, "Toxic radiation plume headed for Washington." Well, the "plume" was from the opening of a valve at the top of the reactor, which probably issued a stream of... you know, a lot like a sparrow fart. And here the headlines were that this plume was headed for Washington, D.C. Gary [Hart] and I thought—this wasn't politics—Gary said, "This is nuts." So I mean, the stuff you had to go through, all of it...

Superfund was a classic. Every time you tried to do something realistic, you were known as an obstructionist, that you didn't care about people. And I never bought that label. I never had a history in 18 years of not caring. But, boy, Times Beach, to buy out a whole town because they laid some road oil, if I remember correctly, it had a tank of road oil that had some of this stuff in it.

EPA Interviewer: It's the dioxin you're referring to?

Simpson: Yeah. I mean, I'd been on the Veterans' Affairs Committee, where the Ranch Hand study had come up, where these were the guys who took Agent Orange up in the helicopters in Vietnam and dumped it in 55-gallon drums and had it all over each other at night, and go home, and take a shower. They did a study on the ranch hand personnel—those men—versus non-ranch hand, non-exposure people, and the level of all disease and ailments was exactly the same. But, boy, you didn't dare talk about that or you were an uncaring poop. I learned. I've probably made many outrageous statements. What's another one? I didn't call anyone a name though.

EPA Interviewer: Well, anyway, sir, in here it says that you and [Senator] Pete Domenici, I'm sure you remember him.

Simpson: Very well.

EPA Interviewer: You drafted these major amendments to the Superfund legislation; this is that Son of Superfund. It was the one to protect hazardous waste generators from third-party contribution suits, authorize EPA to pay the portion of the cleanup cost owed by bankrupt companies, and you established the *de minimis* generators should not be held liable for any of the cleanup costs. Do you remember any of that legislation, how that went?

Simpson: 1984?

EPA Interviewer: I think it says in August of 1985, you drafted these major amendments for the Son of...

Simpson: And I was a co-sponsor?

EPA Interviewer: Yes, with Senator Domenici.

Simpson: Well, now, let's see, at that point, here's what was happening to me. In 1984, I was elected Assistant Majority Leader of the U.S. Senate. Bob Dole was elected as Majority Leader, I was the Assistant Majority Leader, and that election took place in 1984. Then, if I recall, I didn't drop my membership in the committees, but I relinquished the Chairmanship of the Veterans' Affairs Committee soon thereafter. I didn't relinquish the Chairmanship of the Immigration and Refugee Policy with Kennedy as Ranking Member. Pete would just come in, say "Do not forget Wyoming and New Mexico." Our tight knot was that we [Wyoming and New Mexico] were both the largest uranium producers in the United States. So when Pete spoke—you know he had a good staff, and I did too. We helped each other. My job became much heavier when I became Assistant Majority Leader—so I pulled back from all of my committees, except Immigration. And so, I do remember Pete would come and he'd say, "This affects you just as much as it affects me," and I would look at it and find that to be the case. I remember those types of amendments. They were crafted to be sure Congress understood what we were doing out here, where we're digging for yellowcake.

EPA Interviewer: Those became some of the most important amendments, having set in on some of these cost recovery [concepts]. Those have become the most important assets of the Superfund and making sure everyone's treated fairly. I may be wrong, but it seems like that's what you were aiming for.

Simpson: Again, trying to avoid the emotion, which could become punitive, we were to say, "Wait a minute. Let's just get serious." Pete was highly respected by his peers, and they knew that he wasn't trying to fake anybody out. I do remember the series of things we did.

EPA Interviewer: And then September—this would be the month later in 1985—Senator Stafford said he expected much of the debate to center around the amendment package that you and Senator Domenici had drafted. So I don't know if you remember any of those debates. Whatever the debate was, it must have come out in yours and Senator Domenici's favor.

Simpson: Well, it did, and it became very... Well, I don't want to give too much history away, but Bob Stafford, you know, was from Vermont. I'd say, "Bob, Vermont and Wyoming are

alike only in two ways: we're the lowest in population, and we're the only two states with only one four-year university, the University of Vermont and the University of Wyoming." Bob was very fair, tried very hard, but he'd come in and give us a package which was pretty much what had come out of the House, and we weren't buying it. I remember it was a very tense time where we overrode Bob. A group of us Republicans on the committee just said, "Bob, we can't go on that."

And he'd say, "Oh, well, it wouldn't be good if we didn't have unanimity."

And we said, "Well, there's no unanimity here, and you have to understand that we have problems in New Mexico and Wyoming that your staff cannot comprehend." I remember doing the unheard of—which was just outvoting the Chairman. That was very tense, very controversial. And Bob would go to the floor and argue against those amendments, if I recall. Anyway, drag up something else out of that great vat you have there.

EPA Interviewer: It said that you, in October of 1986, went to the President. President [Reagan] wanted to veto, and you somehow convinced him that it was a good bill—I guess because of the amendments that you and Senator Domenici had gotten in—and it would be a bad mistake to veto this. People have wondered, what did you tell him that got him to change his mind?

Simpson: Well, there were several times I did that with the President, because he was a tremendous ally. I was honored to be at his services and share the family times. I did the same thing on immigration in 1986 where there was thought of vetoing it. But I think what I told him was that there will never be one that can get as close. This is not what you want or what I want, but we'll never get this close again to our position, especially if there's a change in leadership or a change in the majority status—not that it was Democrats versus Republicans, but it was West versus East. I always said about acid rain, well, you know it would be good for Vermont to go check up on Canada, because they didn't have any restrictions whatsoever on SO₂, and we did. And then it's, "So, you're going to punish America while acid rain with the drift pattern is really coming from Canada?" Well, that pissed a lot of people off too. I was always doing that. It was fun, actually. Anyway, I do remember that.

EPA Interviewer: So, did you have to argue long and hard with the President?

Simpson: No, because he was such a realistic guy. He said, "I don't like this bill." He said, "I think it's restrictive."

Don't you remember he had made some statements in his campaign where the "greenies" just tore him to bits about trees and pollution and so on. But he was an environmentalist because he had a beautiful ranch of his own, and he came from a beautiful state, California. I just said to him, "I've been a legislator for 13 years in Wyoming, and I've learned some of my craft there, and this is the best you're gonna get." And next time, if we get caught up in the emotion of it, it could be worse. So I said, "If you veto it, you're just going to get all those groups smoked up again, and they'll go out and do some more fundraising and tell more horror stories."

I think Pete was also very effective with him. He said, "Mr. President, we have worked like dogs. We think Superfund is important." That's what we kept saying. I didn't have to be involved with it at all. I could have just said, "What the hell do I care about Superfund?" but I did care because of the things I had done in the Wyoming legislature. Anyway, we said, "This is it. This is the best we can get, and we hope you'll sign it." And he did. I can't remember who his EPA Administrator was at that point.

EPA Interviewer: You had [William] Ruckelshaus in there for a while. Remember they brought him back when Anne Gorsuch was forced out.

Simpson: Oh, yes.

EPA Interviewer: I'm sure that could come back to you. She was controversial.

Simpson: She was controversial enough. And everything we would do, they unfairly thought she was the Wicked Witch of the West. And then came Ruckelshaus, and he calmed them down after that. And he was wonderful.

EPA Interviewer: He had been in before. I think there was a comment in here that you really liked him. You thought he was a great Administrator.

Simpson: Yes, and then Thomas.

EPA Interviewer: Lee Thomas.

Simpson: Lee. I enjoyed working with him, too.

EPA Interviewer: I believe he's with Georgia Pacific now, in the top row. They'll be interviewing him.

Simpson: Anyway, yes, they often say, "It's a government of laws and not men and women," but unfortunately that's not correct. It's a government of men and women, and if "they" don't like a person, then a whole policy can go down. And Anne Gorsuch was a trigger for that. And Jim Watt, sadly enough, an old friend of many years. They became figures bigger than the law. Anyway, what else did I say then?

EPA Interviewer: A little thing here might perk you up. This was in 1994. You remember, they started in the late 1980s to rewrite Superfund and again in the early 1990s, and it's never been reauthorized again¹. We're still operating off the old one. It said you opposed the consensus Superfund bill proposed by the Clinton Administration. You did not like the provision that imposed retroactive liability on polluters for environmental damage caused before the law was enacted in 1980, even when their dumping was not illegal when it occurred. You remember any of that?

¹ Most of CERCLA's provisions do not expire. Additionally, the law has been amended several times, including a 1999 amendment pertaining to recyclers' liability and in 2002, the Small Business Liability Relief and Brownfields Revitalization Act.

Simpson: I remember very well because there were places all over the State of Wyoming, especially in rural areas, where there were these little signs that were getting bleached out because they'd been there so long, saying, "Bring your waste oil and stuff here for disposal." And it would be right out back in a dirt pit. And the old rancher just dumped 55 gallons of waste oil in the hole, and it would leak down, and I thought, "Well, there was nothing wrong with that at the time." I mean, I know that sounds terribly stupid now—but there was no law about that. So I figured now, to go back and wipe out some guy who had one of those—I don't know what they call them—disposal pits or something, or...

EPA Interviewer: Waste oil disposal.

Simpson: Yes, thinking it was just a big drum in the earth, that it wasn't anything. It was just...throw it in there along with old lye and just everything else. Disgusting, to say the least, but...yeah, I remember that. Retroactive, too. And then the guy who bought the property and never knew what use it had had before. You know, to buy the property, spend the money, and then be told, "Hey, pal, the guy that sold you that forgot to tell you that 40 years ago, this is what they were doing there. And about those tanks under there? They're there, and they've never been cleaned out." I just thought, "I just think that's not right."

EPA Interviewer: Have you been involved in any of the brownfields, where they're putting these places back into use?

Simpson: No, but I knew about that. There was a question here regarding this stuff. *[Silence]* I think the question was that the 2002 policy provided relief to certain parties, and I am not familiar with those changes. I left the Senate in 1997. But Brownfields I watched with interest. I was at Harvard teaching then. And I thought, "I think this makes sense." And the essence of it is that they could go in and prepare the—that's your game, isn't it? To prepare it or mitigate it?

EPA Interviewer: Yeah, it's already been mitigated, and the Agency provides a release of liability so that... Part of the Superfund law is you find something else again, you're liable. The Brownfields law, in essence, releases you from that liability, and EPA says go and build again instead of opening up new land, rebuild. It's a boom for the inner city-type areas, I believe.

Simpson: Yeah. We talked of it, but I don't remember being involved in it. But it seemed like a common sense approach to things, I thought.

EPA Interviewer: I was just checking through some of these questions. We sort of addressed them. Any other thoughts you have?

Simpson: Well, I just made a few notes. I practiced law for 18 years in real life. I had done everything from murder trials to helping a guy get his mule back or representing a guy who chewed the ear off the guy at Cassie's because he thought it was a steer-wrestling contest. I mean, I did it all. And then to get back there and then be faced with the fact that we determined that the property had to be cleaner than dirt. Now do you remember that phrase, "cleaner than dirt"?

EPA Interviewer: Not exactly, but I got the impression.

Simpson: Which I thought was BS of the first order. And my mind snapped, and I said, "Well, what is this?" I mean, there are things like dirt with manure and alkali and iron in it and all sorts of crap, and how do you ever get something cleaner than dirt? I don't know who brought that up—but that one really strained my gourd. I couldn't quite follow that, and so then I'd get in trouble.

The other one was a magnificent balderdash. It was called the bright line theory of exposure. It was that if a guy stood with his shirt off in this area in the bright sunlight, five hours a day for 19 and a half months or some such number, that there'd be three more cancer deaths per million. I said, "I don't have to listen to this BS. This is outlandish." So the things that I saw that hurt EPA and what it tried to do were such phrases and reaching a perfection which is not to be in human life. And then when we came to statistics, where it took more resources (money) to clean up the last five percent than it took to clean up the 95 that had already been done, and I said, "Somebody's lost their way. I think you ought to get realistic." And maybe you've got some real dreamers there, especially the bright line theory of exposure, and so many cancer deaths more per million. I'm about sorry I brought it up.

EPA Interviewer: You know they eventually came up with the risk assessment that said, "Here. You can stop here now."

Simpson: Yeah, I remember. That came when?

EPA Interviewer: It came in the late 1980s, when ATSDR [Agency for Toxic Substances and Disease Registry]—they were created out of CDC [Centers for Disease Control and Prevention]—certified chemical exposure². At first they were funded through EPA's Superfund. You know, up until that time, nobody really evaluated what chemical exposure did to you. CDC was all about medical issues. So now something had to be created to show how chemicals were affecting humans. So in the rewrite that you were part of in 1985 to 1986, that's when ATSDR was created, to try to meet these needs. Like you're talking about how clean is clean. EPA is an environmental agency, not a health agency. ATSDR would bring the health and the environment groups together so that you could predict, hopefully. But once again it's sort of a flawed thing, because you never can take the variables of some person's life for their whole 30 years or 40 years and then you throw in this site. You know what I'm saying? I'm not supposed to be doing the interview, but...

Simpson: No, no, no. That's helpful, because I don't remember. I had some notes on that. One of the questions: did my involvement change? Yes, it did because then I was in an oversight capacity. Once the law passed, then I was in oversight. And then I dropped Environment and Public Works [Committee] and went to the Finance Committee. I don't remember when that was. I got into another joyful thing, which was the Social Security Subcommittee. Funny, everything I touched, again, emotion, fear, guilt, or racism. But it was fun.

² ATSDR, as established in CERCLA, is an independent government agency. It is organizationally housed in CDC.

EPA Interviewer: Did you retire, or were you...?

Simpson: Oh, I retired. I just figured I didn't want to do it anymore. I would have liked to do two more years, but surely not six. So I retired. They asked me to come to Harvard and teach. Hell, I couldn't have got into Harvard if I'd picked the locks. So up there I went. We lived with the students, and I had a wonderful time for four spring semesters.

EPA Interviewer: Which program were you teaching in?

Simpson: In the Kennedy School of Government, teaching a course called "The Creating of Legislation: Congress and the Press." And it was good.

EPA Interviewer: Sounds like it would have been. We were talking about the difference between the East and the West, the western perspective on Superfund, the impact of Superfund on Wyoming because of the number of mining and oil sites in the state. I think you gave me your viewpoint on that one, don't you think?

Simpson: Well, yeah. And finally, I arranged to find the funding for a staff trip to Wyoming, thanks to [Senator] Jennings Randolph, who treated me like a son. He was the Democratic Chairman. And Stafford too, very courteous and kind to me. But I finally rustled up enough bucks. I said, "You know, you need to take the staff of this committee to Wyoming, to Gillette, Wyoming, where they're doing the Powder River Basin recovery of coal, and let them see what we do, because we're not digging into cliffs. It's not Pittsburgh, it's not West Virginia, and they're not ruining raptor habitat."

Well, they came out and they couldn't believe it—because you pull 60 feet of earth off the top of the ground, stack it in 37 different layers—or 15—and take out the 60 feet of coal and fill it in again in some way over these rolling hills, and you can't tell the difference—except the grass is greener in the recovered area. They couldn't believe that. I said, "Well, then you gotta go see it." And so that was somewhat helpful and realistic.

And then there were the monitors. They'd set up these monitors and not consider the fact that in Wyoming the wind sometimes blows 50 or 60 miles an hour right through the sagebrush and the sand. And they took no consideration for that. I said, "That's just BS. You've gotta realize that when the prevailing wind blows, it's gonna mess those monitors up completely."

They would say, "Well, we have a computer model that takes all that into effect."

I said, "No, you don't, because you don't have 50 mile [per hour] winds that blow for two days out here in Washington." So ours was continually just telling our story, and it was very frustrating. And yet it takes a long time to pass a major piece of legislation, because everybody has to get their say, and that's what makes America work. It takes about eight years, and it took that long for Superfund, Clean Air Act. That picture up there on my wall is the conference committee on Clean Air. [Senators] [Patrick] Moynihan, [George] Mitchell, Byrd, and [John] Chafee. And, you know, we were savaged from both sides. We finished it, and we got hell from the "greenies" and the "rip and ruin society" and the "rapers of the earth."

EPA Interviewer: I don't think anybody's ever really been happy yet on that law, have they? The air law?

Simpson: On Clean Air? No, because it was such a complex bit of give and take. Yet it's still on the books. The allowance trading, you know, is what saved it—when you could trade allowances.

EPA Interviewer: What about the Natural Resource Damage [NRD] issue? It indicates you might have been involved with some of that NRD stuff.

Simpson: Yeah. Another one was all of the airshed stuff out here. That wasn't Superfund, but... what part are you speaking of?

EPA Interviewer: I was just reading the notes. It's preceded by that you thought maybe the Superfund money wasn't spent wisely when the risks of the site are mostly ecological. It then follows that up with about the Natural Resource Damages that you might be...

Simpson: That I had seen?

EPA Interviewer: Damages. The Federal Government has a whole process for damages that are caused outside the site to what are natural resources.

Simpson: Like what? You mean...

EPA Interviewer: It could be anything. The terrain, you know, how it might have changed for some animal that lived away from the site, the site might have affected it, and so....

Simpson: Well, there were so many overlapping laws. The Endangered Species Act, the Federal Land Policy and Management Act [FLPMA]. And that was where we'd often get a decision from one agency and not from another one. That was frustrating. But what I always tried to impress upon was that Wyoming has done pretty well for America, because if you exclude Alaska, we've given America 44 percent of the nation's wilderness. It's almost like, "Hey pal, we gave at the office." And then they'd come back here again and say, "This too should be wilderness." And we'd say, "Wait just a minute!"

Now that figure, with Alaska in the United States, is much less. But here we've got Yellowstone National Park. You can't violate that. And yet every time something would come up, they'd show a picture of an oil rig on the side of the Grand Teton. And I'd say, "That is not where anybody drills. That's a national park. And then the park itself was established as a pleasuring ground for the enjoyment of the American people." Now, when I would tell people that, and they'd say, "Well, who said that?" I said, "It's in the enabling legislation of 1872. A pleasuring ground for the enjoyment of the American people." We're not about to rip in there. We passed a complex Wyoming wilderness bill, and we passed these other environmental laws in this state in the 1970s, long before Superfund. So it's paternalistic BS that we get from people who say, "You're not doing enough out here." And it drove me crazy during my time in the Senate. And I'd say, "Well, do you love Wyoming?"

“Oh, do we love Wyoming? Oh, I can’t tell you, we’re just so thrilled to come here. We ranch, we camp.”

“Looks pretty good, doesn’t it?”

“Well, it does, it does.”

“Well,” I said, “Why the hell do you think it looks good?”

“Well, I have no idea.”

I said, “Well, for one thing, six generations of my family have been here making it look good.” Two grandfathers in the Wyoming legislature or government, my dad a state legislator and Governor and U.S. Senator, a brother in the legislature, and I’m in the U.S. Senate. I have a son now in the Wyoming legislature. And what are we doing? Making Wyoming stay great so that people do love it. Because we love it more than they do. But then of course, you get into some of the oil and gas country, and then you’re in a different game, because some of those places are just out in the jackrabbit sage, and, boy, they’re punching a lot of holes, and the water issue is a serious one. And coal-bed methane. So we have work to do. We’ve got to get some stuff on the statute books to control that development. I’m talking like I did when I was a young legislator. We just weren’t gonna let that degradation happen.

EPA Interviewer: How many years did you actually serve in the Senate?

Simpson: It was 13 years in the Wyoming legislature, and then 18 in the U.S. Senate. After 31 years of playing the game, I became somewhat adept. But here’s how it all works. Here’s what...

EPA Interviewer: I’m gonna get the secret?

Simpson: This is it. It’s the definition of politics. “In politics, there are no right answers, only a continuing flow of compromises among groups, resulting in a changing, cloudy, and ambiguous series of public decisions—where appetite and ambition compete openly with knowledge and wisdom.”

EPA Interviewer: That’s a mouthful.

Simpson: Isn’t it? I do speaking around the country, and I just lay that one out and people say, “Give me another copy of that.” Because it’s really appetite and ambition competing with knowledge and wisdom. And it’ll never be right. It’ll be frustrating and drive people nuts. They’ll say, “What are these people doing? These legislators are idiots. The bureaucrats are idiots.” We’re all idiots. Except the guy who’s calling everyone an idiot, who is often an idiot himself.

EPA Interviewer: How old are you now? May I ask?

Simpson: 74. I left the Senate in 1996, the end of 1996. And I’m busier now than I think I was in the Senate.

EPA Interviewer: Do you miss the relationship being in D.C. and all of that? I guess you don't, since you retired, but sometimes, do you ever...

Simpson: No, I loved it too. Dale Bumpers and I—just a month ago—did a shtick in Washington. We talked to a convention about civility in the Senate, when we came—or when I came. He was there before I got there. And how it has changed. And how it looks to us now is very disappointing. The fight over these various issues in the harsh partisan way and the social issues, abortion and gay marriage. That's not what we should be doing. That's my view anyway.

EPA Interviewer: Can you think of any other Superfund comments you'd like to make?

Simpson: Well, you know, I lump them all together: Superfund, Clean Air, Endangered Species. They're all critical, and every one of them is tough to do because... Well, then there's one about the airsheds. I'm saying an airshed over Yellowstone, and that is that power plant in LA spewing into prevailing wind that drifts over Mesa Verde. That's tough to get a handle on that stuff. And yet to have a pure airshed.

But I remember there were so many definitions that came out, that when you asked, "What does this mean?" And then they would describe it, and you'd say, "But does that make any sense?" And then there was usually a long part of blather from the guy at the table, "Well, Senator, sir, what we're doing there, you see..." And finally, after about five minutes of that, you'd think, "I know, but what are you saying? What is it you're saying?" I used to enjoy that very much. Sometime they'd wonder what the hell I was saying, too, which is important, too.

EPA Interviewer: Well, we appreciate you letting us interview you.

Simpson: Well, it's been fun, and you're good at your work. I had those notes, and then a final one I wrote down. "Emotion will always triumph over reason, but reason will always persist." That's the only way I could stick with Superfund or Clean Air, because after the testimony, from the people who were giving it, was so filled with emotion. Or they would bring in a movie star. I'll never forget the woman who was in that farm movie, Jessica Lange or something. She testified about the wretched condition of American agriculture. She cried as she did it, which was important. And then they would bring in these other people who knew nothing, but they would just, you know, tear up. So I had a view that if somebody's going to tell me one side of some overpoweringly emotional issue, I would tell one on the other side, just as emotional, which used to just piss them off. But it was such fun. I'd say, "Now let us bring in this poor soul that lost his home because some guy in a pure white suit and a mask told him to get out..." I mean whatever. Well, mother never told me.

EPA Interviewer: It's always good that you enjoy your job, right?

Simpson: It was. As Ann—my wife of 51 years—said, "Al, you're a nice guy, except when you're not." And yes, I was ornery, opinionated, but basically fair. Some guy wrote a book—I could have written it myself—it's called *On BS* there on my coffee table, because I became a master of divining while I was hearing it. And that's a Wyoming trait—we've all been inoculated against BS.

EPA Interviewer: That's a good thing then.

Simpson: Anyway, you're good.

EPA Interviewer: All right, thank you.

Simpson: Good work.

[Tape stops, then tape resumes]

Simpson: The most amazing thing that I remember now is that industry once got together, the Business Roundtable, the other groups, and they crafted what they thought was the ideal Superfund bill, and they brought that in to me and to Pete Domenici, and other Republicans. I'll never forget, there must have been 20 of them in the room. And they said, "Here's a bill that we know is good for the world, good for America, good for the public, good for business, and the only way it can work is if you do not change a single word of it as you work it through the legislative process."

I said, "What?" I said, "They're gonna tear into that with gloves, pull it apart, pick it to bits. There's no way that you're gonna get a bill that's just satisfactory to business. In fact, I won't be any part of that either. But I'll sure stick with you when we try to strike a balance."

And they were very irritated. In fact, they didn't like it at all. They said, "We've supported you. You're a Republican, and pro-business."

And I said, "Sure, but I'm more pro-getting it fair." As they left, I said, "That bill will be amended 150 times, if once." And that came to pass, and then when they finally put the package together in 1985, they were furious. Then we said, "This is the best you're gonna get too." We told everybody, the "greenies," the rip-and-ruin guys, "This is the best you're gonna get, so both sides can go home and have braxia [bruxism] and grind your teeth at night," which is good for all of them.