

Ruckelshaus Sees Distrust Of Government Increasing

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WASHINGTON, Feb. 18 — William D. Ruckelshaus, administrator of the Environmental Protection Agency, told Senate Subcommittee on Air and Water Pollution today that the tragedy of the times was "that we live in a society in which institutions of government are distrusted."

Furthermore, he said that the three days of hearings by the subcommittee into the Administration's implementation of the 1970 Clean Air Act had "added to this distrust."

Mr. Ruckelshaus delivered these remarks after Senator Thomas F. Eagleton, Democrat of Missouri, who is subcommittee vice chairman, summed up his conclusions from the hearings.

Mr. Eagleton made plain that in two days in the witness chair Mr. Ruckelshaus had failed to convince him (1) that his agency had not changed its guidelines on state implementation of the Clean Air Act in response to industry pressure exerted through the White House Office of Management and Budget, and (2) that the final guidelines had not weakened enforcement of the act.

Cites 'Anaconda Case'

Senator Eagleton also said he was not satisfied with Mr. Ruckelshaus's account of the roles played by the environ-

mental agency and White House aides in what has become known as "the Anaconda case."

This was an effort by John B. M. Place, president of the Anaconda Company, to persuade the Montana Board of Health to substitute for its air quality standards on sulphur oxides the less stringent Federal standards issued by Mr. Ruckelshaus, and to abandon its requirement that copper smelter plants reduce their copper oxide emissions by 90 per cent.

The company's petition was heard by the board last Dec. 15, with Mr. Place speaking for the company. At the meeting, George W. Walsh, an E.P.A. engineer, testified (1) that the Federal air quality standards represented "minimum goals"; (2) that the 1970 act gave the states the right to set stricter standards than the Federal ones; (3) that the act recognizes that emission limitations were necessary to meet air quality standards; (4) that the Federal agency itself had stated that 90 per cent removal of sulphur oxides was "technically achievable," and (5) that the agency figured this control could be achieved at a

cost increase of 3 cent a pound.

On Dec. 20 Mr. Place wrote Mr. Ruckelshaus, asking for a meeting to determine whether Mr. Walsh spoke for him. On Dec. 28, Mr. Place and the president of the Kennecott Copper Corporation and the Phelps Dodge Corporation met at the White House with a Presidential assistant, Peter M. Flanigan, and his assistant, Richard Fairbanks.

On Jan. 6, Donald M. Mosiman, an aide to Mr. Ruckelshaus sent by teletype a draft letter to John A. Green, regional E. P. A. administrator in Denver, to be sent under Mr. Green's signature to Mrs. Rita Ann Sheehy, chairman of the Montana Board of Health.

As somewhat revised by Mr. Green, the letter said that, contrary to what Mr. Walsh had told the board, emission limitations were not "a uniform national requirement" of the 1970 law, although they were probably the most effective means of meeting the air standards. The letter also said that the agency had developed "no official position" on costs of reducing sulphur oxides by 90 per cent.

A copy of this letter to Mrs. Sheehy was sent by Mr. Mosiman to Mr. Place on Jan. 17.

Letter to Flanigan

Meanwhile, Mr. Place on Dec. 29 wrote a "Dear Peter" letter to Mr. Flanigan, thanking him for meeting with "those of us" for "any assistance you can offer in having E.P.A. acknowledge that it got overzealously involved in Montana's affairs will be appreciated."

All the letters and documents were placed in the record today by Mr. Eagleton.

In response to Senator Eagleton's questions, Mr. Ruckelshaus said he had not met with Mr. Place but that Mr. Mosiman's letter to Mrs. Sheehy was "at my direction."

Mr. Ruckelshaus said Mr. Fairbanks had called him about the complaints made by Mr. Place and that he had said he would look into the situation. He said he could not remember calling Mr. Fairbanks back, but "someone did."

Asked whether he had been reached by Mr. Flanigan, he said that "to the best of my knowledge, no," but added that "he may have called."

Mr. Ruckelshaus said, however, that "I assume Mr. Mosiman did talk to Mr. Flanigan."

Mr. Ruckelshaus said he had directed that the letter to Mrs. Sheehy be signed by Mr. Green because he wanted to keep regional administrators "on the track" in such matters.