

Celebrating the Clean Water Act's 40th Anniversary Profiles of People Who Made it Happen

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This is the perfect place to celebrate the 40th anniversary of the Clean Water Act. We're in the Muskie Archives, literally within arm's reach of Sen. Muskie's papers that describe his monumental efforts to secure passage of the Clean Water Act.

We're less than a mile from the Androscoggin River, which was one of the ten most polluted rivers in the nation in the 1960s – an insult that Sen. Muskie was determined to rectify.

And we're in Maine—a state with more than 50,000 miles of brooks, streams and rivers, and more than 6,000 lakes and ponds. Clean water, and the Clean Water Act, matter a lot to Mainers, to our economy, environment, and quality of life.

So here we are, in as fitting a place as one can imagine, to celebrate the Clean Water Act's 40 years of success. Although the job of protecting our waterways is far from being finished, as we'll discuss this evening, the Clean Water Act has done a great job so far – preventing billions of pounds of pollution from being dumped into the nation's rivers, and providing net economic benefits measured in the tens of billions of dollars annually. For that, we have a lot to be thankful.

I should point out that Bowdoin College also has taken steps this year to bring attention to the Clean Water Act, with an exhibit titled “A River Lost and Found: The Androscoggin River in Time and Place.”

What was particularly interesting for me in the Bowdoin exhibit was a set of oral history recordings from a dozen or so people describing how horrible, vile, toxic, and awful the Androscoggin was back in the day. Those were their words. It was a place to dump stuff. Not a place to even dip your toe in. Covered from shore to shore with piles of foam. Fumes that literally peeled paint and tarnished silverware.

A Bowdoin chemistry professor, Tom Settlemier, now retired, was interviewed, and described that he could hardly breathe when he took water samples from the river. People didn't want to live near the river; they couldn't enjoy the river; some of the least valuable properties were along the river. It was a mess, as were Maine's other industrial rivers.

The 1972 Clean Water Act helped change that with its ambitious goal of eliminating the discharge of pollution into the nation's navigable waters by 1985. The Act made it illegal to discharge any pollutant from a point source unless a permit was obtained under its provisions. Today, the pollution from more than 65,000 municipal and industrial facilities is regulated

through Clean Water Act discharge permits. The law established tough standards, required the use of new technologies, set stiff penalties, and even included a citizen suit provision that allows members of the public to take polluters or agencies to court to help keep our waters clean.

This is an amazing law. So how did it happen? That's what I would like to focus on in my remarks, and I'll do so through profiles of four people who played important roles in the process: a politician, a scientist, a journalist, and a citizen activist.

First, of course, there is the politician: Bates College alumnus, Sen. Muskie, who applied his skills of patience and persuasion to this nationally important task of requiring polluters to stop treating our water bodies like open sewers. Muskie grew up in Rumford, on the banks of the Androscoggin, so he knew firsthand that the river had become a disgrace, largely from untreated waste and chemicals dumped into the river by the paper mills – including the Oxford Paper Company in Rumford.

Much has been written on Muskie's role as the father of the Clean Water Act, but there's an interesting bit of political history that suggests it might never have happened. When Sen. Muskie arrived in Washington in 1963, he reportedly got cross-wise with Lyndon Johnson, then serving as the Democratic majority leader in the Senate. Johnson thought he would show the upstart Muskie a thing or two by assigning him to three “dead-end” committees – one of which was the Senate Public Works Committee.

But it was there that Muskie developed his leadership position on environmental legislation, as chair a new Subcommittee on Air and Water Pollution, that he requested be created. From that position, Muskie presided over 44 committee meetings on the Clean Water Act, before it was reported out of Committee and approved by the Senate.

Because much is known of Sen. Muskie's role, I would like to shift the focus to three others who – as individuals and as representatives of a class of people like themselves across the nation – were also extremely important in creating the context within which Sen. Muskie was able to build support for his landmark legislation.

So let me quickly introduce you a scientist, Walter Lawrence, whose papers also reside here in the Muskie Archives. Lawrence was a Bates College chemistry professor from 1921 until 1965, and he was an intrepid advocate for cleaning up the Androscoggin.

In the early 1940s, Professor Lawrence was hired as a consultant by the State of Maine following the first of several lawsuits brought by the state against the three major paper mills on the Androscoggin; namely, International Paper in Jay; Oxford Paper in Rumford, and the Brown Company in New Hampshire. The State argued that these mills were destroying aquatic life in the Androscoggin and creating a public nuisance for communities along the river. The three mills were dumping six thousand tons of sulfite effluent into the river every week – causing odors, foam, discoloration, algal blooms, oxygen depletion, fish kills – a whole litany of problems.

In 1947, the Maine Supreme Court appointed Professor Lawrence as the Rivermaster of the Androscoggin River, with the power to restrict paper mill wastes. He formed and led a

committee called the Androscoggin River Technical Committee, that produced an annual report on the condition of the river based on water samples taken daily from hundreds of sampling stations. Not surprisingly, Bates students did much of the water sampling. There's a great photo in the Muskie Archives of Professor Lawrence in his lab with two Bates students, surrounded by beakers, microscopes, and titration glassware.

Through Lawrence's science-based advocacy, the mills began a shift away from the highly-polluting sulfite process of papermaking to the so-called Kraft method – a German process that allowed some of the wastes to be burned at the mill. This change reduced, but by no means eliminated, discharges into the river – so problems still needed attention.

For decades, the paper mills had claimed that they weren't causing a problem, but Professor Lawrence and his Bates assistants showed that 90% of the pollution in Maine's rivers was coming from the paper mills. A situation that had to change.

Let me now shift to John Cole – a journalist and naturalist who wrote for the Brunswick Record and then the Maine Times, which he founded with Peter Cox in 1967. At each of these posts, John Cole was a fearless and relentless reporter on the insults and injuries being done to Maine's once-majestic rivers by the paper industry.

I had the good fortune of interviewing John Cole in 2004, before he passed away, from which I learned the following. John moved to Brunswick in 1958 and bought a house on Merrymeeting Bay for \$12,000. A flock of Teal swooped by as he visited the property, which was so captivating that he told the realtor that he didn't need to look in the house before purchasing it. He was sold on the place.

But after moving in, he quickly learned that Merrymeeting Bay was covered with scum – so he started researching what it was, and writing about it.

John attended meetings of the League of Women Voters and the Natural Resources Council. He met with the head of the Water Improvement Commission, the predecessor to the Maine DEP, where he learned about the water classification system by which the state's rivers were classified as: A, B, C, or D – with D being the worst. A “D” river meant that it was “primarily for use in transportation of wastes without creation of a nuisance.”

All the waters surrounding John Cole at the time were classified as D. Merrymeeting Bay was D. The Androscoggin was D. The Kennebec was D. The lower Presumpscot was D. And it enraged him, because it was killing just about everything in the river. It was beyond the nuisance level; John thought it should be illegal.

So he dug into it with news stories every week, documenting where the pollution was coming from, the harm it was causing to the river, and any progress being made.

During the interview, John said: “I couldn't believe it. What's wrong with these people? They're killing the river and getting away with it.” He also told me that his reporting got the attention of Sen. Muskie, who called him and said that he was going to do something about it.

John also told me that the paper mills tried to get him fired, through pressure on the owners of the Brunswick Times Record, but it didn't work. They couldn't fire him because circulation for the paper had soared 30-40%. The environmental movement was beginning. The public was engaged. And John Cole was doing investigative reporting that made the problem come alive. And he never let up.

And now for the final hero in this story: Bill Townsend, a crusader for Maine's environment, and especially its rivers, who is still a rabble-rouser today. At age 85, Bill remains active with NRCM, Maine Rivers, and a host of other organizations involved in river advocacy.

But I want to take us back to 1965. On January 6 of that year, Sen. Muskie introduced "The Clean Water Act of 1965" – which started the ball rolling toward the Clean Water Act of 1971.

On March 20th, Sen. Muskie was the featured speaker at the Natural Resources Council's Annual Meeting at the Eastland Motor Hotel in Portland. The theme of the meeting was "What Price Clean Water," and Sen. Muskie described the growing political and public support for his clean water bill.

In June 1965, Muskie's Subcommittee on Air and Water Pollution began 13 days of field hearings on federal water quality programs – and they selected Portland as the location for their first hearing.

And at the invitation of Sen. Muskie, President Johnson's Clean Water Advisory Board also held its first meeting in Portland, and Bill Townsend was there to share a piece of his mind about how bad the situation was in Maine's Rivers.

Bill was one of NRCM's first board members and in 1965 he was our Board President. I found his testimony in NRCM's archives, which said, in part:

"This Advisory Board meeting is timely, as during the past week thousands of fish have been found dead along the shores of the Kennebec River above Merrymeeting Bay. Blue back herring, sturgeon, perch and even eels have been identified... A check with the state Water Improvement Commission gives the information that the dissolved oxygen content from tests taken during the past few days in Augusta, Gardiner and Dresden is at zero. Possibly a fish kill like this and the steadily growing concern of the people of Maine for its natural resources will create enough public sentiment so that some action will be taken."

Bill was an attorney in Skowhegan. He's been an avid sportsman all his life, and he knows a thing or two about fish, including that they need oxygen to survive and that the pollution in the rivers was depleting all the oxygen. Something needed to be done about it, because it was destroying a natural resource that he was literally passionate about.

Several years ago Bill wrote a piece titled "Kennebec Memories" for Maine Audubon's journal *Habitat*. The article described his multi-decade "love affair" with the Kennebec, from the headwaters to the sea, and the following passage really caught my attention:

“I witnessed the Kennebec nearly die, for men can murder rivers, and there are those who still wish to do so... Yet even when the Kennebec was near death, there were men and women who saw the spark of life still in its waters and who spent long and weary years nursing it back, in legislative halls, in administrative hearings, by writing letters, supporting political candidates, and in a dozen other ways.”

Bill is one of those who have spent long and weary years nursing Maine’s rivers back to life in dozens, if not hundreds, of ways.

So these are the profiles of courage of three people that I wanted to share with you – people who helped Sen. Muskie do what needed to be done. A chemist who gathered thousands of samples of one of the nation’s most polluted rivers. A gutsy reporter determined to shine a light on Maine’s polluted waters, and its polluters. And a citizen activist and Board President of Maine’s leading environmental advocacy group, who demanded action.

These individuals – and people like them across the country – created the information and the political momentum that allowed Sen. Muskie to do his magic. And magic it was.

On October 4, 1972, Congress approved a final version of the bill and sent it to President Nixon for his signature. But Nixon vetoed it, on October 17th, complaining about the bill’s high cost for cleaning up municipal treatment facilities. But the next day, the U.S. Senate and the House both debated and voted to override the veto, by 52-12 in the Senate –with 17 Republicans voting to override. And 247-23 in the House, with 96 Republicans voting against their President.

To me, this outcome demonstrated that people like Walter Lawrence, John Cole, Bill Townsend, and groups like NRCM, all across the country, had done their work in making a vote for the Clean Water Act a politically safe and necessary step for the good of the country.

And with that, the Clean Water Act became the law of the land, and Maine is all the better for it.

This is not to say that the job is finished; it’s not. Nearly 40% of the nation’s waters remain impaired—including portions of the Androscoggin. All of Maine’s inland waters suffer from elevated mercury pollution. Non-point source pollution is damaging many rivers and lakes, as evidenced by a massive fish kill caused by algal blooms in Lake Auburn three weeks ago. And we face emerging threats, in the form of a possible tar sands pipeline in Southern Maine and open-pit mineral mines in Aroostook County and elsewhere.

But many of Maine’s lost rivers have now been at least partially found. As water quality has improved, towns have rediscovered rivers that they, literally, had turned their backs on for decades. And they have been rediscovered by millions of sea-run fish that are returning to our rivers, boosting the health of entire watersheds.

Our rivers are healthier, and the quality of life of Maine people has been immeasurably improved, as the Clean Water Act – now 40 years old – continues to do its work, toward its marvelous goal – Maine Senator Ed Muskie’s goal – of eliminating pollution to the nation’s waters. And that’s worth celebrating.