CHEMICAL HERITAGE FOUNDATION

THE TOXIC SUBSTANCES CONTROL ACT: FROM THE PERSPECTIVE OF VICTOR J. KIMM

Transcript of Interviews
Conducted by

Jody A. Roberts

at

Ropes & Gray, LLP
Washington, D.C.

on

3 February 2011

(With Subsequent Corrections and Additions)

CHEMICAL HERITAGE FOUNDATION
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Chemical Heritage Foundation
Oral History Program
315 Chestnut Street
Philadelphia, Pennsylvania 19106

VICTOR J. KIMM

1934 Born in New York City, New York, on 4 July

Education

1956 B.C.E., Civil Engineering, Manhattan College
1960 M.C.E., Civil Engineering, New York University

Professional Experience

Association for International Development and American Institute for Free Labor Development

1960-1966 Development work in Latin America—as a volunteer with the Association for International Development and then as the Chief of Technical Services for the American Institute for Free Labor Development

U.S. Department of Commerce, Washington, D.C.

1966-1969 Division Director, Economic Development Administration (anti-poverty program)

Princeton University, Princeton, New Jersey

1969-1970 Fellow, Woodrow Wilson School of Public and International Affairs

U.S. Environmental Protection Agency, Washington, D.C.

1971-1975 Deputy Director, Office of Policy, Planning, and Evaluation
1975-1985 Director, Office of Drinking Water
1985-1988 Deputy Assistant Administrator, Office of Pesticides and Toxic Substances
1988-1989 Acting Assistant Administrator, Office of Pesticides and Toxics
1989-1993 Deputy Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances
1993-1994 Acting Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances
1994-1995 Deputy Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances

University of Southern California, Graduate School of Public Administration in Washington, D.C.

1995-2001	Distinguished Practitioner in Residence

Honors

1969-1970	National Institute of Public Affairs Fellowship, at the Woodrow Wilson School of Princeton University, Princeton, New Jersey
1979-1995	For every year in the Senior Executive Service, received an Outstanding Performance Rating and Bonus and was promoted to the top ES6 ranking in 1988
1989	Presidential Award, Meritorious Senior Executive

ABSTRACT

Victor J. Kimm received bachelor's and master's degrees in civil (then sanitary) engineering. When President John F. Kennedy asked what Americans could do for their country, Kimm decided to volunteer in Latin America. After three years there he spent two years in Washington, D.C., working with labor unions. Then he went to work at the Economic Development Administration, receiving a one-year fellowship from Princeton University. Through a Princeton faculty member Kimm obtained a senior post at the Environmental Protection Agency's (EPA) Office of Policy, Planning, and Evaluation. He worked on the Safe Drinking Water Act and promoted the states' efforts to qualify for delegation of implementation responsibilities. He became Deputy Assistant Administrator in the Office of Pesticides and Toxic Substances (OPTS). There he oversaw chemical regulation, resulting in reregistration and the modernizing of outdated protocols. During his ten years as Deputy Assistant Administrator, OPTS was responsible for implementing the Toxic Substances Control Act (TSCA). The Office regarded asbestos as the most likely pollutant to establish standards for implementing TSCA Section 6, but it failed the "least burdensome" requirement, in subsequent judicial review. Kimm laments a lack of an appeal by the Department of Justice for the apparent gutting of EPA's authority to ban substances in products under section 6 of TSCA.

Kimm discusses risk assessment (hazard, risk, cost) and risk management ("how high can you jump") in TSCA and adds his own third aspect, risk communications. He praises OPPTS (Office of Pollution, Pesticides, and Toxic Substances, which replaced OPTS), its scientists, and its innovations like health advisories and Integrated Risk Information System (IRIS). He discusses the hobbling of regulation by poorly-designed laws like the Delaney Clause. He laments the complexity of regulation that leads to inconsistent standards for chemical tolerances and that results in an inability to foster the public interest. He believes that TSCA would be more effective if confidential business information (CBI) exemption were limited and if severer penalties could be levied for not informing the EPA of knowledge of possible harmful chemicals. He hopes for more resources from Congress and for greater emphasis on alternatives to dangerous substances.

INTERVIEWER

Jody A. Roberts is the 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.

TABLE OF CONTENTS

INDEX