



Chuck Fox:

My name is Chuck Fox. I'm currently the Executive Director of a group called Oceans 5, which is a funders collaborative focused on fisheries conservation throughout the world. I've been involved in Maryland and Chesapeake Bay cleanup activities since 1983, when I was fresh out of college.

Genevieve de Mahy:

What sparked your passion for environmental advocacy?

Chuck Fox:

I grew up in the Midwest and would spend as much time as I could putting a canoe on the roof of my car, and going up to the lakes of Wisconsin. And when I graduated college from the University of Wisconsin, I got in the car and came out to Washington, D.C., I wanted to work for an environmental group and save the world. And I remember looking at my first map of Maryland and I was really surprised that there were no lakes in Maryland, except for a few artificial lakes way out in the West. And then I realized I have to learn how to love the Chesapeake Bay and I found some friends, I learned how to sail and it has become my home ever since.

Genevieve de Mahy:

If you would go, I guess a little bit further into your role and life in environmental advocacy from that moment of driving to Washington, D.C. to now? This is a small question. You know?

Chuck Fox:

I've been very blessed in my career. I've had a chance to work for environmental organizations and for government, the federal level, at the State level. I've had lots of experiences that have been just fantastic for me and I've loved every minute of it. It all started in 1983 when I was working as an intern for a group in Washington called the Environmental Policy Institute. And Jennifer and Ted Stanley were on the board of that organization and funded my very first position as the head of the Chesapeake Bay project.

Chuck Fox:

I was at the time, maybe 24 years old, 25 years old, and I found myself thrown into Maryland to work as a national environmental group. Working with local environmental groups to help advance Maryland's environmental agenda. I was put in touch with and under the wing of a gentleman by the name of John Kevlar who used to run an organization called, Clean Water Action project.

Chuck Fox:

And John, really taught me the ways of environmental activism and I found myself in the Maryland general assembly as a lobbyist and an advocate in 1984. And I learned what's probably become one of the most important lessons of my life, which is that to succeed in environmental conservation, you need to have policy on your side. You need to have the law on your side. You need to have science on your side.



Chuck Fox:

But unless you figure out the politics, you never win. And the important lesson for me was that to on environmental conservation and making the Bay a better place for all of us, we would have to figure out how to engage much more effectively in politics. And so I've spent most of my career at that interface between science policy and politics. And it's been a great amount of fun.

Genevieve de Mahy:

So in that intersection, how do you see kind of those three folks convening and where do you see friction?

Chuck Fox:

So one of my very first projects I ever got involved with was the phosphate detergent ban. This was 1985. Governor Hughes had just finished a package of Chesapeake Bay initiatives, and several of us were thinking about what would be the next most important thing we could do to help save the Chesapeake. And we centered on this idea of a phosphate detergent ban. It had been kicked around in the State general assembly for many years. It had never successfully passed.

Chuck Fox:

And a woman by the name of Ann Swanson at the time, it was Ann Pesiri. She worked at the Chesapeake Bay Foundation. We decided that this was going to be a priority of ours. And it started a one year saga that I learned all about boat trading in the Maryland general assembly. There were some wonderful, funny stories. There were some very serious stories.

Chuck Fox:

But we ended up getting a phosphate detergent ban bill passed in Maryland. And that then became the wave that ultimately led to it being passed in Virginia, the district of Columbia, Pennsylvania. And it really ended up having more beneficial effects than we would have ever imagined at the time. But in that process I learned about the importance of politics and how you had to win votes to get a bill passed.

Chuck Fox:

And so in this case we had to get six votes out of the Senate environment committee. It had never been done before. The bill had always failed. And so Ann and I would think through, well, "How do we get these votes passed? How do we get organizations on board to help support the phosphate detergent ban? How do we manage the opposition?" And it was a really interesting lesson.

Chuck Fox:

I mean, for example, even the Chesapeake Bay Foundation at first and not support the phosphate detergent ban, and Ann and I worked initially, how do we get CBF to support the phosphate detergent ban? And then we went and tried to deal with some of these legislators. And I remember vividly one story or our chief bill sponsor, it was a guy by the name of State Senator Gerald Winegrad. A wonderful man about as passionate environment as you could imagine.



Chuck Fox:

And I had a situation where I could get a vote for his bill in committee, the phosphate detergent ban if he was willing to vote for a different way on another bill on the floor of the State Senate. Gerald threw me out of his office at the time. He says, "I do not do that kind of stuff, Chuck." And I learned a lot of important lessons in that I'm not the least of which is that you had to be a lot more subtle and creative with how you were going to move the political process internally within the Maryland General Assembly.

Genevieve de Mahy:

Could you elaborate a little bit on that, and the subtleties of navigating those politics?

Chuck Fox:

Another wonderful story from the phosphate detergent ban is once we secured the votes to get it out of committee, and we were now on the floor of the Senate. The Maryland Senate, for the first time in history. I learned about where the opposition was going to come from. At the time I was 25 years old, I probably looked like I was 17 years old. I remember having a picture book that had all the different senators pictures on it. I didn't know who these people were.

Chuck Fox:

And I remember, I learned through intelligence that there was a State Senator from Baltimore who was going to offer the opposition in a series of amendments to try and defeat the phosphate detergent ban. I did my homework and I realized that that very Senator also needed a bill dealing with a coal slurry pipeline. He was in that case representing the railroad industry. We environmentalist at the time and the railroad industry were aligned against the coal slurry pipeline.

Chuck Fox:

And I realized that the Senator needed environmentalist to help him kill the coal slurry pipeline bill. And I also knew at the time enough about the votes on that other committee that he was one vote short of actually getting enough votes to kill the coal slurry pipeline bill. So I went up to that Senator. He had never met me before and I said that I understood that he was offering amendments to the phosphate detergent ban, and that I would kindly ask him not to do that.

Chuck Fox:

And that it was really important for us to not only pass the phosphate detergent ban, but to get him that last vote that he needed on the coal slurry pipeline bill. He looked at me and he couldn't believe that this young kid was asking him all these things. I remember at the time, he says, "I don't know what you're talking about. I'm not going to offer any amendments on the phosphate detergent ban."

Chuck Fox:

And at that point, another Senator came up and said, "Hey, Tommy I hear you're offering amendments on that soap bill." At which point I looked at the Senator really firmly in the eye and I said, "Senator, this is really important. I need you to support us on the phosphate detergent ban." And he said, "I'll get back

to you tomorrow." And he called me the next day. He withdrew the amendments to the phosphate detergent ban. We sailed through the Senate.

Chuck Fox:

We ended up killing the coal slurry pipeline bill and it was a victory of both sides. And I remember vividly the lead lobbyist for the other side representing the soap and detergent association called me up and said, "Nice job young man."

Genevieve de Mahy:

So the soap and detergent association I assume was against this transition. How much interaction did you have with them during this back and forth of trying to get this passed?

Chuck Fox:

So the bill passes the Senate for the first time, the soap and detergent association had one lobbyist who had been following this bill for years. Now, the national soap and detergent industry realizes for the first time since the 1970s, they are now facing phosphate detergent bans throughout the Atlantic. And so all of a sudden, literally they hired 13 lobbyists to try and kill this bill in the house. They brought in lobbyists from Proctor & Gamble, Lever Brothers.

Chuck Fox:

They all were starting to line up against this. And I remember vividly it came out of the house committee and there were a whole bunch of amendments on it that I thought were going to kill the bill. I mean, I remember being in tears in the lobby. I remember it vividly. It was things like they were going to exempt any veterinary and use of detergents with phosphates. They were going to exempt anyone who was on a septic system.

Chuck Fox:

They offered all these amendments that made it unworkable. And I was convinced that this was the end of the line for our bill. We had at that point built a really close relationship with the governor's office. And I remember going, as the bill was coming to the floor, the chairman of the committee was no fan of this bill, but it passed the committee and he was going to let it happen. So he put his vice chairman in charge of the bill on the floor.

Chuck Fox:

The only challenge was the vice chairman didn't know anything about the phosphate detergent ban. And I'm not sure he really cared much about it at that point. And so what we did is we arranged a system with the phones and all the desks. I was up along with a colleague of mine. We were up in the governor's legislative office. We could hear the voices coming through the loudspeaker. We had a phone directory to know where the different legislators, what their phones were.

Chuck Fox:



And we would be talking with somebody who was sitting right next to the bills, to the lead advocate for us telling him the answers to the questions. And we'd be giving these through the telephones to these other legislators, helping them go through this process as the bill came through the floor. In the end, we peeled off some of the amendments there on the floor. We got to conference committee, we peeled off all the rest of them about amendments.

Chuck Fox:

There was some amazing leadership that happened from several different legislators. And in the final analysis, the bill became law and it was a great story. One of the things that really worked to our advantage was, my colleague at the Chesapeake Bay Foundation, Ann Pesiri. Ann was going to her local giant in Bay Ridge. And there was this group that had a table out called the CLEAN, it was Consumers League for Environmental Action Now. And they were trying to get people to sign a petition against the phosphate detergent ban.

Chuck Fox:

And we realized at that point that this was a petition drive that was set up by the industry, as a way of masking the real issues that were going on and trying to create an alternative base of support against the phosphate detergent ban. But in fact, the industry had completely overplayed their hand. We understood that this was going on. We infiltrated these groups, we took pictures of it, we disclosed it to the media, and it ended up becoming quite the story, that the phosphate industry had actually set up these fake organizations.

Chuck Fox:

And it was a wonderful lesson for me in political campaigning and how you needed to really work in the media with the science and with the politics on the floor to get a bill done. And to this day, I will never forget these lessons that I learned.

Genevieve de Mahy:

There seems to be an interesting tension between working within politics with integrity where talking to a legislator and finding where you have a shared interest and collaborating that way. And then also on the flip side of it, entities working without integrity. Could you talk a little bit more about that throughout your career? If there were other times where you encountered that kind of politics?

Chuck Fox:

What I can tell you is that in my observations, and I've been fortunate to work at all levels of government, my observations is that environment generally doesn't rise to a very significant level. And most elected officials minds it is just not something that is essential to their elections. It's not something that's essential to the economic issues that might drive them, the jobs related issues that might drive them.

Chuck Fox:

And what I found over the years is that to win in an environment, you have to find a way that makes these issues relevant to these legislators, sometimes you can make a factual argument and that works,



sometimes you can work with constituents in their districts that might be really important to them. And then sometimes you just have to work out with them, understand what is important to them and see if there's anything you can do to help them on that.

Chuck Fox:

I always had a general rule when I was doing this and I haven't done low trading in several decades, but it was always that the environment had to win at both sides of the trade. I do remember a couple of others that I was involved in, where you could arrange it so that you could kill a coal plant at the same time, get somebody's vote on something else and you would really structure these deals so that it would work for the elected official and at the same time work for the environment.

Chuck Fox:

And that's what I always brought to the work that I did. I will say in my career as I got new opportunities, I ended up going into government at the federal level. I went into government at the State level. I served for a while as the secretary of the Department of Natural Resources in Maryland. I served for a while as an assistant secretary at the Maryland Department of Environment.

Chuck Fox:

And then I served even for a little while as the assistant administrator for water at the US Environmental Protection Agency. And what I learned in these roles is their integrity is what it's all about. And you have to make your decisions based on what the law is, based on what the science says, and then do your best to defend these, in the court of public opinion or in the legislature. And as an executive branch official, you find that it's oftentimes very, very difficult to succeed in the legislative branch.

Chuck Fox:

For example, I was intimately involved with the TMDL Program which you might have heard of. This stands for Total Maximum Daily Loads. It's essentially a pollution budget, that guides all the permitting decisions here in Maryland, but it also guides national level decisions. And I was involved in an effort, at the federal level to revise the TMDL regulations back in, President Clinton's second term. It was a very controversial, regulation that I was developing.

Chuck Fox:

With the full support for the record with the white house and the administrator, we methodically went through a process of taking public comment, developing this regulation, doing testimony up on Capitol Hill. Many of those hearings on Capitol Hill were very boisterous. I remember a couple of times, for example, a house agriculture committee where it would be completely filled and the farmers were not particularly enthused with the idea that EPA was going to be setting new pollution control regulations that they felt could affect their livelihoods.

Chuck Fox:

So this was a very, very, controversial regulation that we were doing, but it was one that we really felt would set in place the framework by which a nation could ultimately address pollution control. And by

the way, this was built on the very, very first Chesapeake Bay quantitative nutrient reduction goals, in 1987 Chesapeake Bay agreement, the governor's agreed for a 40% reduction in nutrients.

Chuck Fox:

That was essentially TMDL. It was that basic structure that we were trying to then get for the nation in the context of this TMDL Program. I remember vividly getting a call from the administrator VPA at 2:00 in the morning at my house. And she said, "Chuck, the Senate has added a rider to the appropriations bill that prevents us from finalizing the TMDL rule."

Chuck Fox:

We had about three months more to go after a long process that had been going on for two years, and the Senate had passed this rider, that said that none of the funds in this bill could be used to finalize the TMDL rule. The administrator called me and she says, "Well, I'm really sorry to tell you this Chuck, but the White House, the president's chief of staff, John Podesta would like us in his office the next day to talk about options as to what we could do. I need you to think about options, about what we can do about this."

Chuck Fox:

And so we came up with several options. We went to a meeting at the white house. It was with the secretary of agriculture was there, the head of OMB was there, the president's chief of staff was there, the secretary of the interior was there and we were all going to talk about, what were the next steps. I wasn't sitting at the table. The administrator and the secretaries were sitting at the table. And the administrator offered the three options.

Chuck Fox:

They ranged from, issue with signing statements saying that this is unacceptable, we'll try to fix it the next time, to starting a different rule-making, to the most ambitious of the ideas was an acknowledgement that the bill didn't become law until the president signed it. And then under the constitution, the president has 10 days to sign it. And the thought was that we could maybe just maybe finish the rule in 10 days, before it would become illegal to finish the rule.

Chuck Fox:

And essentially delay the president's signing of the bill to make it when it became law and that we would finish the rule before that happened. Well, John Podesta thought that was a neat idea and he asked us to do that. And so, we did that and all the staff at EPA, they came back from vacations. They didn't take some vacations. They worked literally around the clock. I remember taking the final rule with this pen that the administrator used to sign it and we put it in a cab with one of the staff members.

Chuck Fox:

We had to take it over to the government printing office because that's how you did things back in those days. And we got the rule done and then the white house signed the bill and the president and that bill became law, and we found a way to get that TMDL rule implemented. Now fast forward on this story,

and Al Gore lost the next election. George Bush won the next election, and George Bush came into office and undid a lot of the rules that we had done and this was one of them that he had undone.

Chuck Fox:

And so despite all that work for two years, that TMDL rule never became the rule of the land. Interestingly though, that TMDL rule and the basic structure of that TMDL rule in 2010, became the foundation of the current, the modern Chesapeake Bay Cleanup Program. And that TMDL rule and all of the different criteria, all of the different mechanisms that you used that we had proposed back then are now embodied in an EPA rule that governs how the Chesapeake Bay will be cleaned up beginning in 2010.

Genevieve de Mahy:

With this kind of work, where you spend so long advocating for something and it happens and then a new administration comes in and retracts it. How do you maintain the energy to keep going and to have the inspiration and hope to keep moving things forward?

Chuck Fox:

I look back on my career and there's definitely been some high points that give me the optimism and the energy to keep going. The 40% reduction goal that they adopted in the 1987 Chesapeake Bay agreement, I remember that one also like it was yesterday. We had a coalition of maybe a dozen groups. We had written comments on the draft agreement. We had asked that the new agreement become very specific in its goals for nitrogen and phosphorus. We asked that to be very specific in its goals for toxics.

Chuck Fox:

I remember we did an event at the National Press Club, this would have been 1986. We had Ted Danson at the time. It was one of Ted Danson's very first press conferences where he was doing it. And it was all in all a wonderful kickoff. We worked with many local environmental groups in this call to action for the governors. And then I remember getting a call from EPA about... From a source at EPA about two days before the governors were going to announce this new agreement and they said that it didn't have any specifics in it.

Chuck Fox:

And I remember this EPA source actually giving me a copy of the draft agreement that had no specifics in it. And this was the day before the governors were planning a big signing ceremony down in Norfolk, Virginia. The governor at the time was William Donald Schaefer, former mayor of Baltimore. It might've been even his first year as governor of Maryland. And we leaked it to the press and we leaked it to not just one press.

Chuck Fox:

We leaked it throughout the watershed and I think we had, I don't know, every single major newspaper in the Bay watershed the day they were supposed to be meeting, with headlines on page one, top of the fall that said, Draft Bay agreement lacks specifics. And at the time these issues were really important to

readers. They were important to newspapers. This was a time when newspapers actually had some power. Politicians were afraid of editorial boards.

Chuck Fox:

It was a really interesting time and sure enough they amended that agreement, and they put in the 40% reduction goal and that's what started the Bay Cleanup on the path that it's on today. And I will say, with a great amount of humility that we weren't sure it was the right thing to do at the time. That number, there were a lot of questions about whether that was the right number. How were we going to implement this number?

Genevieve de Mahy:

The right number, either being too high or too low.

Chuck Fox:

Right? Nobody knew. Is it too high, is it too low? There were early runs of the model back then. The model of course is grown in sophistication so much. And the funny thing again, you fast forward so many years and everybody pretty much says, "We thought it just about right." 40% was a pretty good number and it was the number that we used multiple different times going forward.

Chuck Fox:

The whole structure today is a little bit different than it was back then. But the basic idea of setting numerical targets that we then use to go upstream, and actually think about how much does this municipality or this County or this sub watershed need to do to contribute to the overall cleanup of the Bay. That basic structure is what we have today in the TMDL. At another point in my career. I remember, being involved with President Obama's transition.

Chuck Fox:

There was a small number of us working at EPA at the time. I was of course, in charge of the water bit. I remember at the time thinking that there were so many issues of climate and air pollution that water was never going to be a really key part of the Obama Administration's objectives. And I understood that completely. However, as a water guy and a Chesapeake Bay guy, we very much wanted to have these concepts, ground truth and tested so that maybe in a second Obama Administration or maybe at some future time, these water issues would then be much more resonant at a national level.

Chuck Fox:

And so we had a very deliberate strategy back then, of focusing on places like Chesapeake Bay. And in fact, when right after Obama was elected, I joined the then new EPA and was involved in what they called the Chesapeake Bay Zar. Technically my title was senior advisor to the administrator for the Chesapeake Bay. And our job was to formulate the TMDL for the Chesapeake Bay.

Chuck Fox:



This would have been throughout 2010. Mostly it was when it was really heavy. It was also a little bit of 2009, and at the end of it in December, 2010. The administrator signed the new TMDL. And that I actually, had left EPA after that and started this new job on doing ocean conservation. But that TMDL structure that was developed, is still standing today.

Chuck Fox:

It was the home builders suited, the farmer suited, it stood up the test of courts. It went all the way to the Supreme Court and it was upheld and it is still the structure that they're using today. And you can actually say, when you prepare the progress in the Chesapeake Bay to the rest of the world, over the last 35 years, since the very first 1983 Chesapeake Bay agreement, we've actually seen significant reductions despite growth in many sources of pollution.

Chuck Fox:

And you can't say the same for many parts of the world. And I think a lot of that goes to the integrity of the structures that were set up, integrity of the leadership of some of these governors over the years. And the fact that we have this very sophisticated management regime here in the Chesapeake that can be maddeningly bureaucratic sometimes, but at the same time it has set very clear, demonstrable, accountable goals for everything from buffer strips to nitrogen loads from sewage treatment plants. And it is really, something that I know is the envy of many others throughout the world.

Genevieve de Mahy:

Do you think there are things that occur in that network, in the Chesapeake Bay network that are transferable to other regions of the country or world that could be replicable in some way?

Chuck Fox:

No question. The Chesapeake Bay remains the model for nutrient pollution control in the United States and arguably in the world. There are a few other countries that have done impressive things. The Netherlands comes to mind for some of their work on nutrients. But if you look at the scale of what has been accomplished here in the Chesapeake, the size of the watershed, nobody can touch this in the United States.

Chuck Fox:

And it is absolutely a model for places like the Mississippi River, which drains half of the United States, which has its own dead zone problem, in the Gulf of Mexico. It's also going to become the model, I think for other watersheds that are facing similar but perhaps different pollutant problems.

Chuck Fox:

The nature of water pollution is that it is almost by definition very local. And the only way you can successfully combat water pollution, is by engaging local governments, by engaging state governments, by engaging communities and that's what the Chesapeake Bay has done so effectively over the last really 35 years going on almost 40 years.

Genevieve de Mahy:

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Earlier, you mentioned the environment not being at top of mind for legislators and probably the electorate as well. Why do you think that is?

Chuck Fox:

So I was also fortunate that at one point in my career, this was 1986 where I became the chairman of the Maryland League of Conservation Voters. This was an all volunteer group at the time. And we realized as an environmental community that we needed to make it much more engaged politically. And by politically here I mean in elections. That we needed to find a way that environmental voices, environmental money, environmental constituencies, were a part of the electoral process in Maryland.

Chuck Fox:

The League of Conservation Voters had published a voting chart that showed Marylanders who cared about it, where their legislators voted. It was the standard report card that you've seen over the years on many different issues. But the League of Conservation Voters didn't raise money. They didn't do advertising, they didn't do turnout in different races. So in 1986, we started trying to professionalize the Maryland League of Conservation Voters.

Chuck Fox:

I remember we received some financial contributions from, labor related constituencies. And this was because the labor unions realized that environmental messages and environmental activism actually was going to be very helpful to some of their candidates as well. And so we were able to run for the very first time ever in Maryland history, radio ads on behalf of some of these candidates, because we had finally raised enough money to do that.

Chuck Fox:

And we realized that radio was a relatively at the time, low cost effective way of targeting to certain audiences that might really listen to and resonate with an environmental message. You could imagine for example, hunters or fishermen who would care about the environment that might be considered a swing voter for a democratic candidate. And we had done enough analysis to suggest that, our environmental messages could actually be helpful in some of these races.

Chuck Fox:

We did learn that it was pretty hard to have influence in Statewide races. And so we ended up focusing a lot on some of the State legislative races, and some of the local races. And we ended up raising enough money to ultimately hire an executive director. And that organization has grown and prospered and it's just wonderful to see it today, where they have full-time professional staff. They're incredibly active. They've got an impressive board of directors.

Chuck Fox:

They do annual events where legislators come all out to talk with them. And what it is, it's a manifestation of the environmental community organizing in elections, so that elected officials understand that their voices on environment really matter.

Genevieve de Mahy:

What are you most proud of in your work?

Chuck Fox:

On the Chesapeake Bay, I've had the pleasure of coming in and out of the Chesapeake many times in my career. I started in my career fresh out of college, working on Chesapeake Bay. I left for a while. I came back as a government official working for governor Glenn Dan in the State of Maryland. I left and came back again later, did some work at the Chesapeake Bay Foundation.

Chuck Fox:

I've really been fortunate to come in and out of the Chesapeake many times over the course of my almost 40 year career. Some of the things I'm most proud of would be the phosphate detergent ban. Getting those initial 40% nutrient reduction goals, that was really important. And I also think the... I was part of a team of a lot of people working on it, but my contribution to the TMDL in 2010 was also something that I was very proud of. These things, they're never about one person.

Chuck Fox:

It is all about how can you work with others to get something accomplished and build that team of people. And I think that's what's been really most satisfying for me. I've got a great group of friends to this day we'd go kayaking together sometimes in the Chesapeake. Many of us former government officials, former environmentalist that we still hang out together. We see each other periodically.

Chuck Fox:

I've got a sailboat now that I sail frequently here on the Chesapeake. It's an old you 1960s fiberglass vote, but I still have some old buddies that come out and race with us as much as we can. And these are some of the friendships that I've built over the years. And it's really a remarkable community and it's surprisingly small here.

Chuck Fox:

And it is worth saying that the town Creek foundation had a really important role in making a lot of these connections happen. Well, at the time was a big grant. It was \$25,000 to me in 1984 that started this whole project that had me working. The Tom Creek foundation always made really strategic investments in people who were doing work in various places throughout the Chesapeake. Ted when he was alive and Jennifer to this day has a spirit that she brings to everything she does, that's really remarkable.

Chuck Fox:

I remember Jenny once, paddling on one of these kayak trips with all of us. And here was this woman who was at the time in her late 70s, we were facing a current in a headwind and she was just plugging away better than any of the young folks in this kayak. And it's that determination that Jenny had and brought to the Bay that made Tom Creek so successful in what they did, and allowed people like me to do what we were doing.



Chuck Fox:

As a nonprofit person, you can't do what you do unless you have people like Tom Creek Foundation supporting what you're doing. Otherwise, your dream of doing good by the environment can't happen unless there's people like that. That are willing to support you and invest in you.

Genevieve de Mahy:

How do you think the conversation around the environment has changed from the beginning of your career until now?

Chuck Fox:

It's easy to say that the political debate these days is much more polarized than it is. It used to be that Congress would reauthorize the major environmental laws religiously, every four to six years. That hasn't happened in two decades. And it's because Congress is so much more polarized today that they can't get anything done, particularly on a comprehensive nature.

Chuck Fox:

That same can't be said for the state level, but it is definitely getting harder and harder at the state level. Maryland is blessed, I would say by generally a dominant party in the state. And you can, pros and cons of which party side you want to pick. But I will say that it has been generally a very functional government, even when you've had Republicans at the top of the particularly in the governor's office. Governor Ehrlich, for example, a Republican did the Flush Tax, which was a big strong boost of funding to sewage treatment plants and septic upgrades around the state.

Chuck Fox:

So I think in Maryland there has been this bipartisan spirit that hasn't quite gone away in the way it has in some other places. But I would say generally speaking, it is much harder these days to get new regulations through, which is unfortunately still something that's very necessary or to get new funding, which is also something that's very necessary. And I think in part there's a lot of reasons that go into this.

Chuck Fox:

The biggest challenge that we still have today, I would argue is that we still do not have enough controls, minimum standards, minimum expectations for agricultural sources of pollution in the Chesapeake Bay watershed. It's very different politically for a lot of reasons, but I would say that, we still as a society, don't treat farms like we treat other small businesses.

Chuck Fox:

They are treated differently and we don't necessarily set in place our own expectations for agriculture like we would do to other small businesses. And I think there's more that we could do here. I think we need to be respectful. We need to be very careful about it. We need to listen. But at the same time, we do need to establish some societal norms for how agriculture will manage itself in the Chesapeake Bay watershed because climate change is only going to make all of this much more difficult.



Chuck Fox:

The Bays dead zone is expected to get larger with a lot more water. The Bays runoff problems are expected to grow with higher storm events and more rainfall. All of these suggest that we're going to need to do a better job of controlling the few sources of pollution from agriculture and from urban areas. And I think that's going on suggest that we need to pay more attention to this going forward and perhaps be a little bit more aggressive in how we set expectations for the agriculture community in Maryland.

Genevieve de Mahy:

Do you think, with farming specifically, do you think farmers are treated differently because of the legacy of farming and subsidies that the government has for farmers as opposed to other small businesses? Or are there other factors that contribute to farmers being treated differently, like you said, than other small businesses?

Chuck Fox:

It's a very complex question. And I think there's a lot of factors that go into why agriculture is treated differently. These range from cultural, to political, to scientific. I remember, Dick Gephardt when he was the majority leader at the time of the House of Representatives. He thought that the passage of the Safe Drinking Water Act in President Clinton's first term, was what led among other things to Newt Gingrich becoming the speaker of the house.

Chuck Fox:

And the reason he thought that was because it gave rural Democrats and rural Republicans and environmental issue to run on. Why was this important? Because in the national scene, many of these agricultural districts are the very swing districts that make the difference between the House of Representatives being democratic or Republican. And that same basic geopolitical, geographical challenge plays itself out in states in Maryland, Pennsylvania, Virginia.

Chuck Fox:

It is these congressional districts, state legislative districts that have both urban, suburban, and agricultural centers where a lot of the tension and the political battles take place. And it's an area where elected officials are very nervous about upsetting that balance, and about doing anything that would potentially alienate the rural voters in those districts.

Chuck Fox:

And so at one level, there is some political calculations for why agricultural and rural districts are dealt with differently. But I think there's a lot of other factors here too. I think there's a social and cultural ones. I think there's a romance we all have for farmers working the land, just like we have for fishermen working in the water. These are people that are up early. They're out there on the land. they work late and they bring food for our tables and we can't ignore that.

Chuck Fox:

And I think there's a romance that goes with that as well, that suggests they're different than other small businesses. And I think there's also some real scientific challenges here. When you look at the average farm field, you're going to have a wide variety of factors even within one acre field. It might be that certain soils on that are wet and have different leaching rates than other soils that are dry with differently leaching rates.

Chuck Fox:

And so I think there's all of these complexities that play out that suggest that easy answers, single bullet answers to dealing with agriculture are not there. It's not like as a nation when we decided we wanted clean air and we mandated catalytic converters and we watched air pollution levels be reduced sharply over a very short period of time at virtually no cost to the government.

Chuck Fox:

Sure we all paid more for our cars, because there was now a catalytic converter that we had to pay for, but we were able to get clean air relatively quickly by a single stroke of a pen of the EPA administrator at the time. We were able to improve sewage treatment plants in this country with the National Municipal Policy in 1972. It was a stroke of the pen that mandated secondary treatment standards throughout the entire country.

Chuck Fox:

And that happened, it generated trillions of dollars of investment over a very short period of time. We haven't been able to do that with agriculture nor should we. It will take time. But that doesn't mean there aren't things that can be done. And it doesn't mean there aren't ways of biting off pieces of this problem. And I think that's going to be the challenge for our future leaders.

Genevieve de Mahy:

Do you think that the environment has always been a partisan issue and now that parties are reaching more extremes and there's more of a gap in the middle of that's what's cutting tension or do you think it hasn't been as much of a partisan issue as it is now?

Chuck Fox:

Being somewhat old and watching these things develop over time I can say unquestionably, it is much more partisan today than it has ever been. The 1969 National Environmental Policy Act was signed by President Nixon. We had a band of Republicans from new England as well as the Pacific Northwest who were many times to leaders on environmental legislation. When I was confirmed in the United States Senate by a guy named John Chafee. A Republican from Rhode Island who was the author of virtually every major environmental statute we have on the books today.

Chuck Fox:

There was no question we had bi-partisan leadership from Republicans and Democrats throughout, really, I would say until it started, the erosion started with Newt Gingrich and his contract with America. And there were several anti-environmental things in that contract that started the process of it becoming more polarized. Now, I'm not for a minute blaming Newt Gingrich for this polarization.

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Chuck Fox:

This were a lot of trends that were happening at the time. But this was the start of it. I remember, in fact, I was staffing at the time. President Clinton and then vice president Al Gore. They did an event up in Havre de Grace at the mouth of the Chesapeake Bay. And this was right after Newt Gingrich had done his work on his contract with America. And it was the first time that President Clinton understood that the environment was good politics for Democrats.

Chuck Fox:

President Clinton had impressive leadership on environment, but I don't think it was core to his values. That's not who he was. He hired some great people. They did some really impressive things, but it really became something important to President Clinton when he understood that the politics also worked out well for the environment. And so for the very first earth day that I'm aware of, back then we had Al Gore and the vice president and the president of the United States at an earth day event in Havre de Grace talking about the need for clean water and the need for a healthy Chesapeake Bay.

Chuck Fox:

There's no question in my mind that wouldn't have happened or not for the reality that the political environment had changed at that point. And that the Democrats realized that environment was a good issue for them and that this was something that they were going to attack the Republicans on as well. And I think that was the beginning of the politicization of the environment was around that time period. There were several other things that were going on. I remember, the New York times did a piece on the so-called dirty water bill.

Chuck Fox:

They found an amendment that had been written by the industry into a bill that was going on the floor with the Republicans. And it was a chance to show that the Republicans were in bed with the industry. And this was all part of the narrative that was building around that time. I do have one funny story. I remember from that earth day event. There was a Maryland woman at the time by the name of Mary Roswell. I was asked by the white house to come up with what they would call real people, they would use to amplify the story of the day that they wanted out.

Chuck Fox:

And in this case, this was a woman who was going to introduce the president and the vice president at this event at Havre de Grace. And Mary was somebody that I'd worked with and I had met in 1984 actually with John Cabler. And Mary was what we would call a dumpsite organizer from Northern Anne Arundel County. Mary did an amazing job fighting landfills that were leaking into her drinking water, in her community, activating against and then creating some of the first Superfund sites in the country, in the State of Maryland.

Chuck Fox:

And it was Mary's activism at the community level that led to many of these laws. And landfill closures that happened in Maryland at the time. And Mary seemed to be the perfect person to introduce the president and the vice president. And I remember Mary, I remember her beaming with smiles. She he



had the president under one arm and she had the vice president under another arm as she was walking out, this platform at the decoy museum Havre de Grace. And she introduced the president of United States. Was quite a day.

Genevieve de Mahy:

Do you have hope for the future?

Chuck Fox:

In 2010, I left EPA, the TMDL was done and I took a job as a grant maker doing work on ocean conservation at various points in my career. I have focused my work more internationally as opposed to domestically in the United States for several reasons. Not the least of which is, it's a lot easier to get things done internationally than it is domestically. For the last 10 years I've been working in 17 different Pacific Island countries, in four or five countries in Southeast Asia and multiple European countries.

Chuck Fox:

And I can tell you pretty much everywhere in the world, politics is tough, but you can actually succeed in getting things done. And it's a whole lot harder these days to get things done here in the United States. And so I have personally found myself trying to... I still want to accomplish things for the environment, but I found it generally to do easier to do in countries other than ours. And I think that's in part because of the politics and the realities of our country. I think there's some other realities of that.

Chuck Fox:

I don't want to make it sound so simple. I think the United States by and large has done a pretty good job with a lot of the issues we struggle with every day. Chesapeake Bay today is better than it was in 1983. It's not saved, we still have our ways to go. But there are systems in place that are preventing it from getting worse. And there's reason to be optimistic that it will continue to get better.

Chuck Fox:

We don't have frameworks like that in many other countries. And so there is a sense that we can move the needle perhaps a little bit easier than other countries because that needle has so far to go, and that we can in fact make some basic progress in protecting human health, protecting the environment. And in my case these days, implementing basic fisheries management laws or doing some basic things to protect the ocean because I have found that we can have success in other parts of the world.

Genevieve de Mahy:

What tips or advice would you give to the next generation of advocates as they continue this work?

Chuck Fox:

When I came out of college, I started as an intern. I had student loans to pay. I remember my first department in Washington, D.C and how we found some newspapers and that was my bed. I had enough money to survive for maybe three months as an unpaid intern. And then I was really fortunate



to get a paying job. It is very hard these days to get paying jobs, coming out of school, doing work for environmental organizations and to work at a nonprofit organization.

Chuck Fox:

I talk to many young people where they would love nothing more than to work in environmental advocacy, but they find that they just can't get the jobs. And I think this is a huge challenge for us as a society, is trying to figure out how to harness this energy for conservation and find ways of allowing people to do this for a living. Groups like the Chesapeake Bay foundation. They're a wonderful organization. They've got the capacity to bring on interns. They've got an education program that is exposing tens of thousands of kids to the Bay and the opportunities of the Bay.

Chuck Fox:

But it is still really hard to give people good paying jobs in conservation. And I think that's a real challenge for us going forward. I am still very optimistic. The climate change movement that we have seen explode around the world is really heartwarming at some level. I mean, the challenge of climate change is scary. It is something that I think about every day and what we're leaving our children and there's no question we are leaving them a world that is very different than the one where we grew up in.

Chuck Fox:

But at the same time you see these movements of kids coming out on climate change and it gives you a lot of hope that something will change going forward. And we, right now in this country have a president and a partisan divide that is going to prevent meaningful climate change legislation for the near future. There's no question in my mind that that will change at some point soon. These problems are going to become so acute that nobody can hide from them anymore. And we will start seeing politicians in this country take this seriously.

Chuck Fox:

And this is, I don't know, three years away, five years away, certainly no more than 10 years away. And hopefully there will be all kinds of new opportunities then. Because this will be a truly a revolution in our society. We will be looking at new technologies for electric power generation. We will be looking at new technologies for how we move around the planet. Our cars are going to be different. How we get our light bulbs are going to be different. Everything is going to be different. Our communities are going to look different.

Chuck Fox:

When we start thinking about 30, 40, 50 year planning horizons and what Maryland looks like, suddenly counties like Dorchester County or Anne Arundel County, they're going to look different and all of these are opportunities for reshaping our communities. I think in reshaping the nature of our economy, and hopefully reshaping the kinds of jobs that will be available for young people if we get it right, and I'm optimistic that we have to get some of it right.

Genevieve de Mahy:

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For people who don't work in environmental advocacy, what are things that us ordinary people can do that can have impact or make a difference?

Chuck Fox:

We all like to do what we can to help. We often think that by recycling our newspapers or cans or bottles or making a contribution to a cleaner environment, that's all true. The most important thing we could probably do these days is start looking at our diet and moving away from meat products to the extent that we can, driving less, flying less. These are all important personal behaviors that we need to do. Having said that though, we are not going to see the kind of change that we need in our society unless and until our government leaders help us establish new societal norms for how we are going to manage our relationship with the environment.

Chuck Fox:

We have clean air in this country, not because we all made individual decisions. It's because our government made some decisions about what kind of paint we were going to buy, what kind of cars we were going to buy. Yes, the paint we buy today is more expensive than had the government not done that, but we have internalized the costs of clean air into the products we buy. We need government leaders who are willing to do that. I'm not envisioning a future of red tape and regulation that smothers the economy.

Chuck Fox:

What I'm envisioning is leadership from government that sets basic societal norms that are mindful of what the science tells us going forward. So what does this mean? Well, it might mean that we have to look at how do we fully incorporate the costs of plastics in our purchasing decisions about plastics. How do we fully incorporate the cost of climate in our purchasing decisions about meat? These are the kinds of choices that our government officials are going to have to make on our behalf. We all have these individual decisions we can make and we need to make them.

Chuck Fox:

And all of us would do better for all kinds of reasons of eating less meat. Don't get me wrong, but at the same time we will not see that substantial changes that we have to see without government I think stepping up a little bit more aggressively with the kinds of leadership that needs to be done. I'm confident that it can be done. It really isn't rocket science. There's all kinds of examples of this being done over history.

Chuck Fox:

I think we just really need to do it. I've got one really funny story, that I used a lot in various speeches that I gave over the years involving parking tickets, from the United Nations. And I hope I can get this story right, but it was a group of economists that wanted to evaluate social norms and corruptive behaviors. Specifically they wanted to see if corruptive behaviors were related to a culture or whether corruptive behaviors were related to the lack of laws and regulations governing those behaviors.

Chuck Fox:



They were trying to really explore how do we set an established societal norms in the world. And they realized to do this analysis, they needed to find a purely lawless place in this world, a lawless place where they could compare one culture against another culture. And so the idea that came up with was to look at parking tickets in New York, from ambassadors from the United Nations. Because if you were at the time affiliated with the United Nations, you had diplomatic immunity and basically you never worried about a parking ticket ever.

Chuck Fox:

And you could compare, a culture like a Scandinavian culture that we think of as not corrupt versus say an African or an Asian culture that we might consider corrupt based on World Bank indices, and see if in fact there were a difference in the amount of parking tickets that representatives of these cultures got. Well, sure enough, there was a huge difference. And if you were from a Scandinavian country, you could count on one hand a number of parking tickets that you had. And if you came from some of these other cultures that were high on the World Bank corruption list, literally they would have thousands and thousands of parking tickets.

Chuck Fox:

And these researchers concluded that there were factors other than just laws and regulations that led to corruptive behaviors. Why do I tell this story? Because it was fascinating. In the middle of the time series for which they were collecting this data, there was a new law passed in the United States, by then Senator Hillary Clinton and then Senator Chuck Schumer. They got a rider on appropriations bill that said that, going forward, any country that has outstanding parking tickets, we are going to withhold foreign aid to the amount of those parking tickets unless they pay their parking tickets.

Chuck Fox:

And so all of a sudden in the middle of this data collection, they found that there was now a new law and new accountability mechanisms. Guess what? Parking tickets from the corrupt countries dropped by factors of exponentially overnight. And it was a lesson for me that societal factors and culture matters. The law matters more. And if we want to change behaviors in this country, in this watershed, for how we pollute our lands, if government sets in place these expectations, we can absolutely predict that society will change. And it's as simple as that. And this parking ticket study was just a fascinating lesson about how culture matters, but the law matters more.

Genevieve de Mahy:

In that sense, do you think there are voluntary efforts that have been successful?

Chuck Fox:

So when you look at the history of Maryland, some of the environmental programs, there are certainly programs that I would call voluntary that might have financial incentives to them that have worked. The highlights to me would be the Conservation Reserve Enhancement Program, so called CREP program, which provided cost share funds for landowners to install buffer strips around their properties.

Chuck Fox:



If their land was aligned with a stream or a creek, they could get money from the government to essentially put that into trees or shrubs of some kind. And when you look at the data from that program, it was hugely successful. Literally hundreds and hundreds of miles of buffers came as a result of that cost share program, voluntary program for landowners. Another one that is often touted.

Chuck Fox:

And I'd want to see the data today because it's been awhile, has been what we call the Cover Crop Program. This was again a relatively expensive, agricultural subsidy program that the State of Maryland with some federal sources would pay farmers, to install cover crops at certain times of years that would suck up nutrients that would otherwise run off. And the farmers would sometimes then get cash out of those cover crops as well. It was the proverbial win-win.

Chuck Fox:

It was a voluntary program again, financed and incentivized with significant amount of state or federal dollars. So voluntary programs can work, but then you have to ask yourself. Well, do they continue to work after I lose that subsidy? Or are they working enough to get to the point where I've now moved enough of the players and the actors in the watershed, to get that ultimate environmental end point that I want?

Chuck Fox:

And that's where you have to be, I think really rigorous in that analysis. My limited knowledge, and it's pretty old these days is that, we did by and large succeed on the Buffer Strip Program at the time. I don't know what it looks like today. So I can't say, I'm not sure that the Cover Crop Program actually delivered the kinds of results that we needed. I'm not saying that it didn't deliver results, but when you look at the amount of nitrogen and phosphorus that's coming off of these agricultural lands, it wasn't enough.

Chuck Fox:

And so here's where I think one would need to augment a voluntary program. I can give you lots of examples of voluntary programs that did nothing. At EPA, we talked about the Toxics Release Inventory and that was connected to a 30 by 30 program. Maybe I'm getting the acronyms mixed up, but essentially it was a voluntary program of industries started by President Bush the first, to try and get industries to reduce the amount of toxic discharges, and they were going to be measured against the Toxics Release Inventory.

Chuck Fox:

I'm sure there were some successes about that, but you're not going to see the same kind of success of a program like that as compared to setting new performance standards under the Clean Air Act for all steel mills or for all paper mills. The experience shows works, the experience shows it can be done in a cost effective manner. It takes smart regulators, but that's what they are. That's what they do.

Chuck Fox:

The basic structure of the Clean Water Act or the Clean Air Act or any of these laws is it sets in place the best economically achievable performance standards for these industries and sets them as a floor. And  
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it might set a new set of standards for new facilities, but it's really trying to move the country to a certain... Puts the expectation of performance. We don't have anything like that for agriculture. We're only starting to get that for urban storm water. And these are some of the things that I think we need to be much more systematic as we think about setting what I would call minimum accountability standards, for these various sectors going forward.

Genevieve de Mahy:

Is there anything you want to talk about that I haven't asked you about that you think would be valuable to have on this archive?

Chuck Fox:

Until I got this email, I hadn't really reflected on all the different people that have been involved in the Bay cleanup over the years. And I saw on the website some of the people that you interviewed. And I was remembering fondly times I spent with most of them, again, it's a small community. I know many of the people that you were interviewed there, and I think this project is potentially very valuable, and not from an ego sense of what is my role in history. But really documenting these different versions of history and all the pieces that went into these different parts of it.

Chuck Fox:

In our short interview today, I've said things that I've probably not really described before to other people, but trust me, there's a whole lot more that I've left out here on the cutting room floor. Not for any reason other than lack of time and space. And I know enough of the players and the people that you've talked with, and the others that you haven't talked with. That there's a lot of stories here.

Chuck Fox:

I don't know the best way to catalog them or categorize them to make it useful for somebody. But I will say that there's been a remarkable set of stories of people working together in various different ways, different high points and low points, or at least over my last almost 40 years of career here. That is really fascinating to me to try and capture, and that's where this project seems incredibly valuable to me.