



EPA ombudsman fights for his job

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By **Kendall Beaudry**

The EPA ombudsman has one month to answer to citizens' environmental woes, expose contentious findings at Superfund sites across the country, and follow up with his latest investigation at Ground Zero in New York City before his protective restraining order comes up for trial, leaving him vulnerable to the higher echelon who seeks his dissolution.

Robert Martin is a friend to many citizens and environmentalists as much as he is a foe among EPA administrators — namely Christie Todd Whitman, who attempted to end his ombudsman's role and reassign Martin to inspector general on Nov. 27, 2001. By law, the EPA can modify or eliminate positions that it creates so as long as it reorganizes. But Martin claims that his transfer is a matter of retaliation, not reorganization. Saying the IG position would strip his independence, Martin sued Whitman to prevent the reassignment. A federal judge issued Martin a restraining order that protects him until April 5.



Courtesy EPA

Christie Todd Whitman

But the restraining order only went so far. Martin claimed "harassment" in late January after five EPA officials entered his office and attempted to remove his files. Martin alleges that Whitman was behind this event, violating the restraining order. His story garnered support from various senators from Idaho and Colorado who have introduced legislation in the past to establish autonomy for the ombudsman from the EPA.

Although Martin responds to citizens' needs across the country, his in-depth investigations have included toxic waste cleanups in Pennsylvania, Idaho, and Colorado. In these states he has disputed costs, investigated health issues, and exposed pork barrel politics, making him unpopular among EPA officials. As an independent investigator of the EPA who has had a fairly antagonistic relationship with the agency, he admitted, "A certain measure of tension is unavoidable." But since he became ombudsman in 1992, he said he has "seen nothing by the likes of Ms. Whitman."

Whitman has restructured government roles in the past. As New Jersey's governor, she abolished the role of the public advocate in 1994. The New Jersey public advocate formerly received private citizens' complaints on state agencies involved with the mentally ill, juvenile youth, and homeless. In January, under Gov. James McGreevey's leadership, the public advocate position was resurrected in New Jersey.

The biggest scuttlebutt is over a proposed cleanup cost of \$7.2 million in Denver that Martin says is shortchanging the site by \$100 million. The Colorado property is owned by Citigroup, an investment firm in which Whitman's husband John

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owns \$100,000 to \$250,000 in company shares. John Whitman worked 15 years for Citigroup and is now the managing partner of Venture Capital firm, an investment group with Citicorp, a Citigroup subsidiary. The *Washington Times* reported that Citigroup was listed in Ms. Whitman's financial disclosure statement.

Citigroup is involved in some of Martin's other job sites. The Marjol Battery site in Pennsylvania is owned by Gould Electronics, a partner with Citigroup in a \$1.5 billion business investment in Idaho.

Joe Martyak, an EPA spokesman, told the Associated Press that Whitman has abided by ethics rules that require her to avoid cases that could present a conflict of interest. "There have been occasions when [Martin's] overzealousness has not been founded on sound facts," said Martyak.

During the final days of the Clinton administration, the former EPA administrator, Carol Browner, planned to reassign Martin for what she perceived to be his unprofessional behavior. Hugh Kaufman said her aggravation stemmed from Martin investigations at an incinerator plant in East Liverpool, Ohio, that Al Gore had promised to shut down during his vice presidential election campaign in 1992. Gore never fulfilled his promise, and Martin's findings did not enhance Gore's reputation. Browner was an environmental legislative aid for Gore during his senate term and was appointed EPA administrator by Gore.

Whitman has followed Browner's pursuit to transfer Martin from ombudsman to inspector general — a position that Martin sees as impotent. In January, Martin launched an investigation to see if the EPA's inspector general's office ignored health risks stemming from toxic gases in homes around Superfund sites in Colorado. Among south Denver residents, Martin is a hero for forcing the EPA to reverse its decision to abandon radioactive waste at the Shattuck Superfund site in their neighborhood.

Inspector General Nikki Tinsley — an internal watchdog who addresses complaints about fraud, waste, and abuse in EPA programs — has not responded to Martin's investigation into why she dropped an audit on the EPA's handling of health risks from toxic gases near the Superfund site. "They can't do what I do," said Martin. "They don't have the legal authority."

Martin also has qualms about his ombudsman position. He claims that he was given no budget or authority in his office. Additionally, he only has one staff member, Hugh Kaufman. As Martin's chief investigator, Kaufman has also filed a grievance against Whitman for her actions.

In a memorandum sent to the U.S. Department of Justice, he said that Whitman provided false information to the public on air quality surrounding the World Trade Center. "We have on the record that insurance companies saved millions of dollars by relying on Whitman's false statements in sending residents of Lower Manhattan back into unsafe conditions," he said.

Citigroup is the parent company of Travelers Insurance. Kaufman and Martin have announced that the environmental hazards from Ground Zero are not safe for neighboring schools and residents to inhale. "These people have been abandoned," said Martin. "The air is contaminated with asbestos and fiberglass."

If Martin is transferred, watchdog groups say that the ombudsman's position would be eliminated entirely, and years' worth of research that exposes public health risks, fraud, mismanagement, and environmental impact statements would be shelved or shredded. Kaufman said the inspector general has a history

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of covering up ombudsman cases. "They're (IG) just the Gestapo for top management," said Kaufman.

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