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**NEWS SERVICE**

## Removal of EPA Investigator Called Political Revenge

By **Brian Hansen**

**WASHINGTON, DC**, December 18, 2000 (ENS) - A federal investigator whose revelations about the U.S. Environmental Protection Agency were damaging to Al Gore's unsuccessful bid for the White House was relieved of his duties last week by a political appointee of the outgoing Clinton administration.

Hugh Kaufman, a key player in the EPA's national hazardous waste ombudsman's office, was relieved of his investigatory duties last Thursday by Tim Fields, an assistant EPA administrator and Clinton administration appointee.

**Hugh Kaufman at an EPA ombudsman hearing in Denver, Colorado, earlier this year. Kaufman, an aggressive investigator, says he was ousted from his job because his findings were embarrassing for the EPA and failed presidential candidate Al Gore. (Photo by Mark Slupe, courtesy of the Colorado Daily)**

Fields' move to oust Kaufman from the ombudsman's office came just one day after Democrat Al Gore formally conceded the



extraordinary presidential election to Republican George W. Bush, the two term governor of Texas.

Kaufman, a 30 year EPA veteran who helped to craft many of the nation's major hazardous waste cleanup laws, called the move "politically motivated revenge."

"It's revenge of the EPA bureaucracy and revenge of the politicians who wanted Gore elected," Kaufman told ENS. "After Gore conceded, there was a confluence of revenge from the politicians and the entrenched bureaucracy to cripple to ombudsman's office."



**EPA Assistant Administrator Tim Fields, right, chats with EPA Administrator Carol Browner at a recent event in Washington. Fields and Browner are both political appointees of the outgoing Clinton Administration. (Photo courtesy EPA)**

The EPA ombudsman's office is responsible for investigating citizen and congressional complaints leveled against the agency's implementation of the Superfund cleanup program and other hazardous waste cleanup efforts. Headed up by ombudsman Robert Martin, the tiny watchdog office has been a major thorn in the side of the EPA, exposing a host of flawed cleanup plans and a rash of government/polluter collusion.

**EPA National Hazardous Waste Ombudsman Robert Martin, right, at a hearing earlier this year in Denver, Colorado. On the left is U.S. Senator Wayne Allard, a Republican from Colorado. (Photo by Mark Slupe, courtesy of the Colorado Daily)**



Three of the office's biggest and most widely publicized cases involving EPA wrongdoing came in the states of Ohio and Florida - both of which Gore narrowly lost in the recent presidential election.

Gore, the self styled environmental candidate in the presidential race, almost certainly lost credibility - and votes - because of his ties to those unsavory matters, Kaufman said.

"More importantly, the EPA bureaucracy and the politicians think those cases hurt [Gore] in those states," Kaufman said. "It's not what I think - it's what they think."

Kaufman denied that he was out to unfairly embarrass the EPA or Gore. He maintained that he abided by EPA regulations and all applicable state and federal laws in conducting his investigations, which he said were based on the principle that "the public's business ought to be done in public."

"Tim [Fields] told me that my actions undermined the credibility of the agency," Kaufman told ENS. "That's true - my actions do undermine the credibility of certain bureaucrats who are not doing their jobs."

Fields had not responded to repeated ENS queries about Kaufman's removal as of Monday afternoon. But in a story published Friday in the Idaho newspaper the "Coeur d'Alene Press," Fields said that he did not "plan to discuss why [Kaufman] was reassigned."

"I didn't make this decision based on timing," Fields told the newspaper. "I just felt like it would be inappropriate to leave this problem with a new assistant administrator."

That explanation is not good enough for a host of federal lawmakers who have called on the ombudsman's office to investigate EPA cleanup plans in their districts. Among the lawmakers outraged by the move to oust Kaufman is Congressman Michael Bilirakis, a Florida Republican who chairs a House subcommittee on public health and the environment.



**Congressman Mike Bilirakis, a Florida Republican, called on Kaufman and the ombudsman's office to investigate a controversial EPA Superfund site near in his district. (Photo courtesy of the Congressman's office)**

Earlier this year, Bilirakis requested that the ombudsman's office investigate a controversial EPA Superfund site in Tarpon Springs, Florida. On Friday, he drafted a letter to President-elect George W. Bush about Kaufman's abrupt removal. The letter, which Bilirakis circulated on the House floor, alerts Bush to what the lawmakers refer to as a "very serious situation that is occurring at the ... EPA in the waning days of the Clinton administration."

The letter says that Fields has "started the process of what appears to be a

retribution against the National Ombudsman and his staff in order to subvert them from doing their very important work." The letter calls on Bush to "restore and support the National Ombudsman and his staff," and adds that "we look to your administration to undo the damage that is being initiated by the Clinton appointees in the immediate wake after Vice President Al Gore's concession speech."

Senator Wayne Allard, a Republican from Colorado, said he was also deeply troubled by Kaufman's removal. Allard, who called on the ombudsman's office to uncover the truth about the Shattuck Superfund Site in Denver, called Kaufman's removal "vindictive."

"I've known some nasty things to come out of [the Clinton Administration], but this has got to be one of the worst," Allard told the "Denver Post."

**Senator Wayne Allard, a Republican from Colorado, enlisted the help of Kaufman and the ombudsman's office to uncover the truth about the Shattuck Chemical Superfund site in Denver. (Photo courtesy of the Senator's office)**



Allard's press secretary, Sean Conway, told ENS that the Senator does view the ouster of Kaufman as a "retaliatory action by EPA."

"The message is clear - the reassignment of Hugh Kaufman was intended to send a message to other EPA employees who might work within the ombudsman's office, or who might be thinking about doing the right thing," Conway said. "It sends a chilling message that these types of actions can take place, and that ... the EPA can torpedo investigations they don't like by reassigning people."



**The EPA entombed tons of radioactive waste in this concrete and fly ash monolith near downtown Denver. As a result of an ombudsman investigation, the agency was forced to abandon its remedy. The waste will now be removed from the neighborhood. (Photo courtesy the Sierra Club )**

Allard will be sending a letter to Fields, demanding an explanation for Kaufman's ouster and requesting that his investigatory authorities be reinstated, Conway said.

Allard has authored a bill that would reauthorize the statutory authority of the ombudsman's office, which expired in 1989. The bill is designed to give the office more independence from EPA management, which Allard and many observers feel is attempting to gut the powers of the internal watchdog agency.

By sacking Kaufman, the EPA may have guaranteed the passage of Senator Allard's bill, Conway said.

"Unwittingly, the last action of this administration may have been to insure passage of this bill, because there is now a perfect example of why the reauthorization of the ombudsman's office is so important," Conway said. "We've been hearing for months from the EPA that they're not going to try and compromise the independence . but we now have essentially, the proof of the pudding."

Other U.S. Senators and members of Congress are also drafting letters to President-elect Bush and Fields, demanding that Kaufman be allowed to return to his work in the ombudsman's office, sources tell ENS.

Citizens who live in the vicinity of Superfund sites investigated by the ombudsman's office were also angered by Kaufman's removal. Mary Mosley, a resident of Tarpon Springs, Florida, got to know Kaufman during his investigation of the Stauffer Superfund site.

**At the request of Congressman Bilirakis, the ombudsman's office launched an investigation of the EPA's plan to clean up the Stauffer Superfund site in Tarpon Springs, Florida. (Photo courtesy EPA)**



Mosley said that EPA put her community through a "nightmare" during the protracted cleanup, but she called Kaufman, Martin and Bilirakis "men of integrity."

"I believe with all my heart believe it was revenge," Mosley said of Kaufman's removal.

Mosley was present at the now infamous June meeting where Kaufman - who is not an attorney - read two EPA officials their Miranda rights prior to their testimony. The officials got up and walked out of the room, and Kaufman was later reprimanded for the move by top EPA managers.

"I believe Mr. Kaufman had good reason for doing it," said Mosley. "I think he was laying the record, at least, for a possible criminal prosecution."

That was precisely the reason for advising the EPA officials of their Miranda rights, said Kaufman, who noted that he informed Fields and other top EPA officials of his intent to do so prior to the hearing. It was not the inappropriateness of the Miranda warning that got him into trouble with EPA management - it was the fact that he had legally linked EPA officials to criminal acts, Kaufman said.

"They were read their rights and they lied and lied and lied," Kaufman said. "That's when the Miranda thing became an issue, after [the EPA's] position became totally untenable."

Kaufman said that by walking out of the meeting after only 10 minutes, the local EPA officials "spit right in the eye" of Congressman Bilirakis and the other elected officials present at the hearing.

At a Congressional hearing shortly before the November election, Bilirakis said, "Naturally, my constituents and I were outraged by this display of contempt - dare I say arrogance - on the part of EPA representatives."

Another Florida ombudsman's investigation that did not bode well for the

EPA or Al Gore was the Rivera Beach case in Palm Beach County, Kaufman said. In that case, Kaufman and his colleagues investigated the EPA's plan to clean up the drinking water supply of a poor African American community.

The town's drinking water had been polluted by two large companies.

"Up until we entered the fray, the community had been told by EPA that they'd have to pay for cleaning up the water themselves," Kaufman said. "They tried to stiff this poor black community. The regional office held a hearing in an exclusive white hotel, and all the people affected were poor black people. It was unbelievable. It was classic racism."

The ombudsman's investigation that most directly affected Gore was arguably at the site of the Waste Technologies Industries (WTI) hazardous waste incinerator in East Liverpool, Ohio. The WTI plant, which is permitted to burn more than 60,000 tons of hazardous wastes each year, is located 400 yards from an elementary school.



**The ombudsman's investigation of the WTI incinerator in East Liverpool, Ohio, was politically damaging for failed presidential candidate Al Gore. (Photo courtesy Greenpeace)**

The incinerator has been linked to Gore since 1992, when he pledged to prevent the facility from operating if voters elected him and Bill Clinton to office. At a campaign stop in July of that year, Gore said that it was "just unbelievable" that the incinerator was located in a flood plain next to the school, and he committed the Clinton administration to shutting the plant down until the "serious questions" regarding its environmental and public health impacts could be addressed.

But an ombudsman's investigation revealed that Gore passed on an opportunity to scuttle the incinerator's trial burn permit in the weeks between the 1992 election and the 1993 inauguration. In fact, Gore encouraged outgoing EPA Administrator William Reilly to approve the incinerator's trial burn permit before he and then President-elect Bill Clinton assumed power, the ombudsman's investigation found.

The ombudsman's office released that bombshell on November 2, five days before election day. Gore failed to capture Ohio's 21 electoral votes, which would have won him the White House.

Kaufman had recused himself from the WTI investigation, as he had

previously testified about the matter before Congress. But he defended the investigation's release date, saying it had been pushed back because EPA had failed to provide the ombudsman's office with the necessary resources to complete it earlier in the summer.

"If they had given the resources ... as they had promised, that case would have been done in July," Kaufman said. "They got hoisted by their own petard."

The General Accounting Office, the investigatory arm of Congress, is currently looking in to the EPA's alleged attempts to undermine its own ombudsman's office, several high placed sources tell ENS. These sources say that the EPA is planning on releasing a set of guidelines to govern the ombudsman's office before the new administration assumes power on January 20th.

These guidelines will essentially gut the investigatory powers of the office, making it impossible for it to function independently of top EPA management, sources say.

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