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EPA administrator could face charges

Whitman's agents ask questions at ombudsman's office

By *DAVID BOND*
 Press correspondent

Agents dispatched by Environmental Protection Agency Administrator Christine Todd Whitman again this week swooped down upon the agency's national ombudsman's office, this time asking questions about investigator Hugh Kaufman.

The latest move by Whitman to lean on Kaufman and Ombudsman Robert Martin brought howls of protest from Idaho -- where Martin and Kaufman are conducting an investigation into EPA's handling of its Superfund projects here -- and in Washington, D.C.

"When we get Whitman into court she'd better bring a toothbrush," Kaufman said Friday. He said he will meet with attorneys Monday to draft a contempt-of-court motion against Whitman for violating a federal judge's order restraining her from meddling with the ombudsman's office.

"God knows what those agents were doing here, but we'll find out," he said.

According to Martin's secretary, Louise Hall, the agents "were trying to use me to get information on Mr. Kaufman." They hadn't made an appointment or called ahead, Hall said. The ombudsman has "found evidence of potential criminal wrongdoing" by EPA Region X in the Silver Valley and the Coeur d'Alene/Spokane River Basin, according to a December preliminary report issued by Martin.

A different pair of Whitman agents in January tried to seize the ombudsman's files -- this occurring after U.S. District Judge Richard Roberts issued his Jan. 11 order telling her to leave Martin, Kaufman and their staff alone.

"The arrogance of the administrator of the EPA and her inspector general (for whom the two agents told Hall they worked) is breathtaking," Smeltonville City Attorney Jay Sturgell said Friday.

"I am just shocked by the extent of their disregard for the law. I don't know how they do business back East, but if someone tried this in Idaho they'd have another thing coming. It's difficult to find a more apparent disregard for a federal judge's order than what these people are demonstrating."

Sturgell represents Smeltonville in seeking to join Martin and Kaufman in their federal action against Whitman, which is now before Judge Roberts of the Washington, D.C., Circuit. They contend Whitman's Nov. 27 move to abolish the ombudsman's office is illegal.

Smeltonville in turn was joined this week by the cities of Pinehurst and Mullan. The new Bunker Hill Mining Co. also has asked the court to permanently block Whitman's actions -- all claiming they will be harmed if Martin and his staff are prevented from reviewing EPA Superfund projects in Kellogg and throughout the Coeur d'Alene/Spokane River Basin.

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Bunker Hill owner Bob Hopper said Friday he was not surprised by Whitman's action. "I'm not shocked. I see this as the epitome of intimidation in high places. You'd think that after her attempt in January to raid his office she would have backed off," Hopper said. "Obviously she has raised the bar and the stakes are now much higher. It's very unfortunate because somebody is going to lose."

Sen. Mike Crapo, R-Idaho -- who has sought unsuccessfully to meet with Whitman on the ombudsman matter and is sponsoring legislation with Idaho Sen. Larry Craig, Rep. C.L. "Butch" Otter and Rep. Mike Simpson to restore the ombudsman's office to independent status -- was traveling Friday and could not be reached for comment.

But earlier this week, Crapo told the North Idaho News Network that he could see little difference between Republican-appointed Whitman and her Clinton-appointed predecessor, Carol Browner, vis-a-vis Martin's office.

"I am very disappointed in EPA's handling of issues in the Basin, as well as the national EPA for backing Region X (and its basin cleanup plan), and I am disappointed in the handling of the ombudsman issue under both Carol Browner and Christine Todd Whitman," he said.

Crapo said he caught Whitman in a Senate hallway two weeks ago following a hearing on EPA budgetary matters and told her he wanted to discuss Martin's future.

She said she couldn't discuss the matter because it was in litigation.

"I am very concerned that EPA's general counsel has advised Whitman that she cannot meet with me to discuss matters with regard to the basin and the ombudsman," Crapo said.

"I don't believe an entire ban is justified by the litigation."

The senator said he would try to set up a meeting with Whitman's lawyer to determine what they could discuss.

"A lot of the issues I want to talk about relate to the ombudsman," he said.

Kaufman said he found it ironic that Whitman's agents would want to meet with him when Whitman won't meet with Crapo.

"She can't talk to Mike Crapo because of the litigation, but it's OK to send two agents over here to spy on me and badger Bob Martin's secretary," Kaufman said.

Whitman spokesman Joe Martyak said late Friday that he could not comment on the inspector general's agents' actions.

"If it's involving the inspector general, they are totally independent of the agency and I have no way to comment on it," Martyak said.

Kaufman scoffed at that.

"The inspector general will do whatever they're told to do by the administrator," he said.

"The proof is in their Nov. 27 memo abolishing the ombudsman's office."

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