

# Bush's EPA hits polluters with fewer, smaller fines

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Knight Ridder Newspapers (KRT)

WASHINGTON — Polluters have paid 64 percent less in fines for breaking federal environmental rules under the Bush administration than they did in the final two years of the Clinton administration, according to federal records analyzed by Knight Ridder.

The Bush administration is forcing fewer polluters to pay fines, and the penalties are much smaller than they were under Clinton, according to records obtained by a former top environmental-enforcement official under President Bush.

"There's a tremendous problem with environmental policy in general and enforcement in particular in this administration," said Sylvia Lowrance, who was the Environmental Protection Agency's acting assistant administrator in charge of enforcement from January 20, 2001, to May 2002. A 28-year civil servant, she retired in August. "The data don't lie."

Lowrance's deputy, EPA civil-enforcement chief Eric Schaeffer, who resigned last February to protest what he charged was weak enforcement, compiled four years' worth of EPA non-Superfund civil-enforcement settlements through Oct. 1, all published in the Federal Register. A Knight Ridder analysis found that during the first 20 months of the Bush administration, civil penalties averaged \$3.8 million per month. During the last 28 months of the Clinton administration, civil penalties for the same types of violations averaged \$10.6 million a month.

In addition, Bush's EPA is requiring violators to pay much less for environmental projects, such as restoring wetlands, that they are ordered to undertake as part of their settlements. The value of such en-

tra projects plummeted 77 percent during the first 20 months of the Bush administration. Their value averaged \$2.6 million per month, versus \$11.6 million per month during the last 28 months of the Clinton administration.

During the Clinton administration the average civil penalty was \$1.36 million, versus \$605,455 under the Bush administration, a drop of nearly 56 percent.

The EPA says it does not have figures for 2002, but spokesman Joe Martyak said polluter penalties in fiscal 2001 totaled nearly twice as much as those paid in 2000 under Clinton. Schaeffer's accounting showed that three-quarters of the 2001 settlement fines were agreed upon before Bush took office, but Martyak said polluter penalties were rising under Bush.

The EPA's current enforcement chief, John Suarez, vows to be vigilant. "I feel the pressure is out there for us to go do good enforcement cases," Suarez said in an interview. "We will continue to enforce. We must continue to enforce."

Current EPA officials said it was unfair to compare the first months of an administration to Clinton's second-term EPA, which had many years of experience. Because Bush's first choice as EPA enforcement chief had to withdraw under pressure on Capitol Hill, Suarez did not take over until August. Before that he was New Jersey's gambling-enforcement chief.

During her confirmation hearings in January 2001, EPA Administrator Christie Whitman promised an EPA that collaborates more with business, but added: "We will work to promote effective compliance with environmental standards without weakening our vigorous enforce-

ment of tough laws and regulations."

Former EPA enforcer Schaeffer, now director of the Rockefeller Family Fund's Environmental Integrity Project, said, "They've obviously taken the pressure off (polluters), especially on the clean-air cases."

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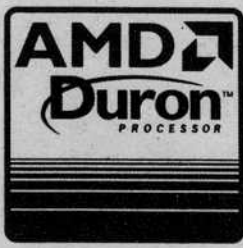
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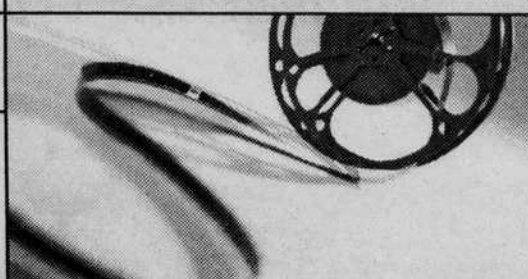
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