

Environmental regulators find higher-paying jobs in industry

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In recent years, state **environmental** officials have regularly left for **higher-paying** work with companies they once regulated. The revolving door between the agency and lobby is legal but unseemly, critics of the agency say.

"It does create a situation where it's easy to worry that somebody's doing favors **in** the agency if when they leave they immediately jump to someone they regulated," said Rick Lowerre, an Austin **environmental** lawyer.

Former employees of the Texas Commission on **Environmental** Quality who now work as lobbyists for **industries** say the career changes result from the pay disparity between the public and private sector. And they point to state ethics rules that bar high-level former employees from communicating with the agency for two years and from working on particular matters they worked on at the agency.

But those rules apply mainly to the agency's three commissioners and executive director and not to all their subordinates. And it doesn't bar former **environmental** commission employees from immediately lobbying lawmakers, who can establish laws the agency must follow.

"We don't encourage anyone to jockey for other **jobs** while working here," H.S. Buddy Garcia, chairman of the commission, said. "While here, they need to be straightforward, honest, and handle things as they are required."

But at the very least, say critics, the career paths are emblematic of the general coziness between the **environmental** agency and the **industries** it is charged with regulating.

Four people have served **in** and left the executive director spot of the Texas Commission on **Environmental** Quality since 1994. All of them now work, one way or another, for **industries** they once regulated.

An engineer by training, Jeff Saitas rose through the ranks at the **environmental** office before getting appointed by the commissioners as executive director **in** 1998. But by 2002, at the age of 42, and with three young children, he decided to leave the office.

"The fundamental problem is, government doesn't pay competitively," Saitas said.

As executive director, Saitas was paid about \$132,000 **in** 2002.

In 2003 he was paid at least \$360,000 by consulting clients, according to records at the Texas Ethics Commission.

In 2008, according to records at the Ethics Commission, he was paid as much as \$50,000 by Waste Control Specialists as it successfully lobbied the **environmental** commission to approve a permit to bury radioactive waste at its Andrews facility - despite warnings from the **environmental** agency's staff that Waste Control Specialists' application was **incomplete**.

"There's no question that state agencies function as training grounds, whether it's computer experts or accountants or lawyers," said Steve Minick, who had served at the **environmental** agency for more than 24 years before leaving last year to work as a lobbyist with the Texas Association of Business. "From the lobbying standpoint, you just learn the issues."

The revolving door issue crops up **in** other state agencies and, most notably, at the Capitol itself, where lawmakers stepping out of office frequently become lobbyists.

The commissioners themselves, appointees by the governor, also often head to work for the regulated community after work at the Texas Commission on **Environmental** Quality.

When Gov. George W. Bush appointed Ralph Marquez as an agency commissioner **in** 1994, he had been retired about a year from agricultural giant Monsanto, where he had worked on plant operations. After his retirement as a commissioner **in** 2006, he registered as a lobbyist and **in** 2008 worked for the Texas Chemical Council, whose members routinely come before the **environmental** commission to ask for permits.

Marquez said companies need people who were trained at the **environmental** agency to improve the work they do.

"Who's going to be left to help them with **environmental** issues?" he said.

Some former agency staffers and attorneys join **environmental** groups, but they are far fewer **in** number.

"There's not that many **jobs**, and there's a lot more **industries** out there than **environmental** groups," said Jim Blackburn, a Houston-based **environmental** lawyer.

Saitas said state ethics rules keep dealings between former **environmental** officials and current ones on the up-and-up.

"They believe **in** their work and make sure that anybody who walks through the door gets treated fairly and professionally," Saitas said. "They're going to exercise regulatory responsibilities professionally. If they disagree with me, they say no."

But state Sen. Eliot Shapleigh, D-El Paso, who has hammered the **environmental** commission over its approval last year to reopen a controversial copper smelting operation **in** his district, said the relationships between the agency and **industry** groups have led to bad decisions.

"What the people of Texas need to know is that their clean air agency is run by polluters," Shapleigh said.

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(BOX)

Where are they now?

A sampling of some of the former higher-ups at the state's **environmental** office who work for the community they once regulated:

* Glenn Shankle, who stepped down as executive director of the state **environmental** office last summer, now lobbies the City of Austin for IESI, a company that operates a landfill **in** Southeast Austin.

* Dan Pearson, who served as executive director from 1994 to 1998, is now one of the power brokers at the Capitol and earned as much as \$490,000 last year from companies who come before Texas Commission on **Environmental** Quality.

* Margaret Hoffman, executive director from 2002 to 2004, is now a lawyer **in** California for Chevron.

* Chris McComb left the **environmental** agency **in** the mid-1990s, when he worked **in** the solid waste services division, to work for Waste Management.

* John L. Hall, chairman of the Texas Natural Resource Conservation Commission, a Texas Commission on **Environmental** Quality predecessor, started lobbying for Waste Management soon after he left the commission **in** 1995. **In** 2008 he earned as much as \$225,000 for his lobbying efforts from utilities, landfill companies and oil companies, according to data at the state Ethics Commission. He also earned \$771,235 over about the past 10 years as a consultant with the Pedernales Electric Cooperative.

* Former Commissioner Robert J. Huston was one of the founders of Espey Houston, which has lobbied to relax **environmental** rules.

* Kathleen Hartnett White, who served as chairwoman of the commission from 2003 to 2007, now directs the Center for Natural Resources at the Texas Public Policy Foundation, which advocates deregulation and receives some of its money from the companies the agency regulated.

* Terri Seales, once an executive assistant to Shankle, now works **in** former Executive Director Jeff Saitas' lobbying outfit.

* Claire Ahrenson, once at the Texas Commission on **Environmental** Quality's general counsel office, previously worked with Saitas.

* Wade Wheatley, who once headed the waste permits division at the **environmental** agency, now works for landfill company Texas Disposal Systems.

* Greg Merrell, after working as an attorney **in** the **environmental** commission's general counsel office and as a policy aide to a commissioner, took a **job in** 2007 as director of regulatory affairs at the Texas Chemical Council. He met 'with the people I had just been working with,' he said.