

Revolving door at Texas environmental agency?

Some worry that many top officials leave to go to work with companies they once regulated.

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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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