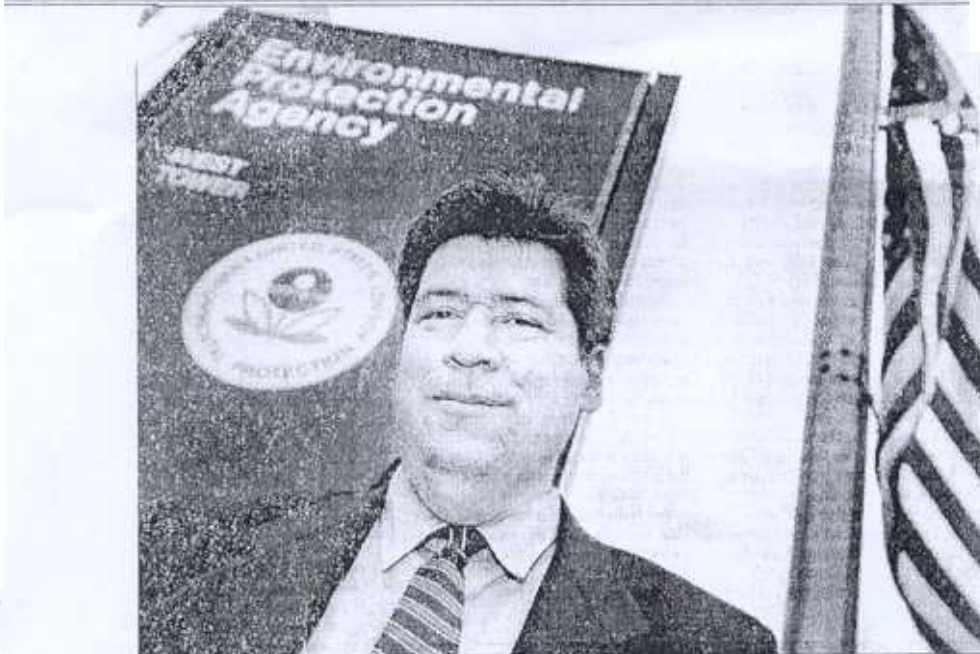


THE FEDERAL PAGE

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BY PETER MALLOY — THE WASHINGTON POST

Robert Martin traces his job's origin to Sweden, where the ombudsman relayed the people's problems to the king.

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EPA's Quiet Man in the Middle

Watchdog Group Honors Ombudsman for Being Public's Voice

By EDWARD WALSH
Washington Post Staff Writer

Robert J. Martin's office could be a monument to bureaucratic obscurity. Tucked in a corner amid the seemingly endless corridors of the Environmental Protection Agency, it is a narrow space with two rectangular windows and not much of a view. Martin has decorated the walls with photographs of his children's soccer teams that he has coached and a portrait of a Rocky Mountain stream he rescued from the trash collectors.

Martin is the ombudsman in EPA's Office of Solid Waste and Emergency Response. As such, he has become known to people around the country as he investigated their complaints about environmental hazards, a job that often put him in conflict with his own agency's regional offices.

But inside Washington, the 41-year-old lawyer remained virtually anonymous, even to government watchdog groups such as the Project on Government Oversight.

Until recently, "I didn't even know there was an EPA ombudsman," said Danielle Brian, executive director of the group, which today will honor Martin with its "Beyond the Headlines" award that is meant to recognize just such little-noticed work.

Brian learned about Martin from people such as Marie Flickinger, the owner of a community newspaper in an industrial area of Houston where the EPA identified a so-called Superfund hazardous waste site and ordered it cleaned up. "That man saved this community," Flickinger said.

At issue was an abandoned facility that was once used by Monsanto Co. and other companies to store and reprocess chemical waste. Under the Superfund law, the companies were responsible for the cleanup and after years of studies and negotiations, EPA's Dallas office approved a plan to dispose of the site's contaminated soil by incineration. In the early 1990s, the companies constructed a \$30 million incinerator to accomplish that task.

But Flickinger and other community activists, who had spent years arguing that the site was the source of an unusual number of birth defects and other health problems in a nearby subdivision, feared that digging up the soil and burning it would only spread the pollutants into the atmosphere and make the situation worse. They took their case to Martin, who launched his own investigation that in the end came down on their side.

Martin persuaded the EPA to approve an alternative plan to evacuate the subdivision and contain the pollutants by walling off the site. The incinerator was dismantled without ever being used.

"I think he is very good at what he does and I think he has a terrible job," said Patricia Kenworthy, who worked in Monsanto's Washington

Players

Robert J. Martin

■ **Title:** Ombudsman, Office of Solid Waste and Emergency Response, Environmental Protection Agency.

■ **Age:** 41.

■ **Education:** Bachelor's degree in political science, Gordon College, Wenham, Mass.; law degree, George Washington University.

■ **Family:** Married, three children.

■ **Previous jobs:** Director of federal relations, the Madison Group; chief executive, Nootka Environmental Systems.

■ **Hobbies:** Coaching and playing soccer, hiking in the mountains.

■ **On his authority as ombudsman:** "I have no power."



office during Martin's investigation and is now vice president for government affairs at the National Environmental Trust.

"He's in the middle a lot of time between the community around a Superfund site, the local and national environmental communities and the companies," Kenworthy said. "Everyone saw him siding with the other side, which probably means he was doing something right."

Marta Salinas also knew about Martin. She is the founder of Healing Our Mother Earth, a citizens group formed in the rural community of McFarland, Calif., where there had been a high incidence of cancer among children and other health problems. After years of battling with local and state health officials and an EPA regional office, she, too, turned to Martin for help in discovering the cause.

Salinas wept softly as she recalled Martin's first visit to McFarland. "I didn't trust government employees," she said. "When I met him I was kind of scared of this big guy. But something told me he wasn't just another government employee. As you went house to house with him, you could see the compassion. He hugged the children and said, 'I'm sorry.'"

An earlier study by state authorities had failed to find any cause for McFarland's unusual health problems, but after listening to Salinas and others, Martin persuaded EPA to launch its own independent, three-year investigation that is still going on.

"If it weren't for him coming, I don't think anything would have been done," said Salinas.

Martin, a soft-spoken man with thick, dark hair, is a civil servant who became the EPA office's second ombudsman in 1992, six years after the position was created by Congress. He defines the job in terms of its Swedish origins.

"In Sweden centuries ago, there was a person who stood between the king and the governed," Martin said. "Any person could go to the ombudsman with any grievance and ask the ombudsman to make a case to the king."

With a staff of only four others, Martin estimates that his office handles about 4,000 complaints a year. They can range from unauthorized dumping in someone's backyard to serious oil spills and continuing problems at Superfund sites. The bulk of the complaints are routine, but Martin also has conducted more than a dozen major investigations and has that many going on now. In some cases, his findings have led to ongoing criminal investigations by other EPA officials.

"Mediation can be a part of what you do, but I try to follow more the classical model" of the ombudsman, Martin said. "You investigate, you make recommendations. In Sweden, it was to the king; here it's the assistant administrator, the regional administrators. Sometimes you can work out problems through mediation and negotiations and sometimes you can't. You've got to figure out what it will take to bring about a just solution. Those are judgment calls."

Martin, a member of the Makah, an Indian tribe in Washington state that has recently attracted attention because of its attempts to resume traditional whale hunting in the Pacific Ocean, once owned his own firm that did environmental cleanup work on Indian lands. At EPA, he can initiate his own investigations, but that is about the extent of his authority.

"I have no power," he said in noting that he cannot compel other EPA officials to accept his findings and recommendations. Still, he said, "the track record on following my recommendations has been good."

The often contentious Houston case was Martin's first major investigation and it taught him some valuable lessons. "It taught me to value independence and fact-finding highly," he said. "It taught me to go to all the parties, to press for the information and to make the hard recommendations even when you've got an incinerator that cost \$30 million sitting there."

It also made him a hero to Flickinger, as he would later become to Salinas and others. According to Brian of the Project on Government Oversight, he is an unusual Washington phenomenon.

Said Brian: "It is so rare to find a civil servant who is actually popular outside the Beltway and totally unknown inside the Beltway."

