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**E.P.A. Chemist Who Warned of Ground Zero Dust Is
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E.P.A. Chemist Who Warned of Ground Zero Dust Is Reinstated

By LESLIE KAUFMAN
Published: May 8, 2012

A senior Environmental Protection Agency chemist who argued that she was removed from her job in retaliation for accusing the agency of underestimating the toxicity of dust at ground zero has been reinstated with back pay by an administrative board.

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The federal Merit Systems Protection Board ruled late last week in Washington that the agency violated the due process rights of the chemist, Cate Jenkins, when she was fired in 2010 because she was not informed of

all the charges against her.

The panel also found that an administrative judge who first heard the case did not give her an adequate opportunity to make her case that she was dismissed for acting as a whistleblower.

Dr. Jenkins sued under the federal Whistle-Blower Protection Act, saying she was being punished for charging that the agency had relied on data that it knew mismeasured the pH levels of the dust released by the World Trade Center collapse in 2001.

The E.P.A. has said that Dr. Jenkins was fired for charges related to threatening a supervisor.

Dr. Jenkins had a history of disagreeing with her superiors on scientific matters at the agency and in 2009 underwent a two-day suspension for "discourteous, unprofessional and bullying" conduct toward colleagues.

The board did not decide if the E.P.A. fired Dr. Jenkins for her accusations. Instead, it said she was not given a full opportunity for a defense because she was not informed of a third charge used to justify her removal.

But Paula Dinerstein, a lawyer for Dr. Jenkins, said Tuesday that the ruling vindicated her client indirectly. "I think it shows to us that the agency was trying to get rid of her and silence her by making this allegation, and to go to the length of even a constitutional violation to get her out of there," she said.

The E.P.A. is free to bring charges against the scientist again. It did not respond to requests for comment late Tuesday on how it planned to proceed.

Dr. Jenkins's reinstatement was reported by The Guardian on Friday.

Recent scientific studies have found that the particles released by the towers' collapse were more harmful to workers' lungs than experts had believed.

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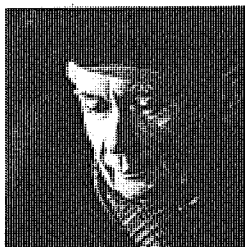
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