



**2003 Survey of EPA Office of Criminal Enforcement,
Forensics and Training Employees:
*Essay Responses***

This PEER survey consisted of questions developed by employees in the Office of Criminal Enforcement, Forensics and Training (OCEFT) of the Environmental Protection Agency (EPA). The purpose of the survey was to allow the professionals within the Criminal Investigation Division (CID) and OCEFT to express their views concerning the direction of the nation's principal program for criminal enforcement of environmental laws. The following comments are a sample of those that were provided in response to an "essay" question on the survey that asked respondents to describe how the EPA's criminal enforcement program could best be improved. Responses are organized according to the nine topic areas in which responses fell; respondents were not asked to specifically address these topic areas, however the overlap in response topics was considerable.

How could EPA's criminal enforcement program best be improved?

I. Reversing the new emphasis on Homeland Security (sample of 22 total responses)

"The criminal enforcement program is now focused so heavily on homeland security that we possibly are failing in our mission to protect the air, land, and water. Without downplaying the threat of outside terrorist acts, CID's limited resources are still needed to find the homegrown criminals that intentionally attempt to harm the environment, either for malicious intent or for profit margin. The U.S. government has a newly established Department of Homeland Security. The department should take the weight of homeland security issues. One could argue that as federal agents, homeland security should be within their scope of duty. However, the U.S. EPA has a defined mission to protect the environment and we, as an important part of the agency, are deviating from that mission in a most significant way. If resources are as limited as they currently are, the mission should be management's primary concern."

"EPA homeland security is a joke. [It is] nothing more than a retirement oasis for GS 14-15 secret service agents who have zero interest in environmental enforcement."

"Cease...the escort service provided to Whitman and use those resources to perform our mission of environmental enforcement."

"Before Homeland Security issues came to the forefront of U.S. Government concern, EPA OCEFT marginally had enough employees to perform its mission of protecting human health and the environment. Since that time important resources have been diverted to Homeland Security and the EPA OCEFT mission has been de-emphasized."

“We do not need to have the current number of criminal resources currently allocated to homeland security. There is a need for our assistance, but not to this degree.”

“Stop diverting funds to homeland security. They have a whole new department to address that; keep our agents on environmental crimes where they need to be! Remove CID agents from all JTFF Task Forces, the FBI can handle that. Focus on our mission, and not on everyone else’s.”

“Stop...protective detail.”

A Contrary View:

“With the complete exception of the Administrator’s “security detail”, the homeland security tasks are indeed a meaningful contribution. EPA does have particularized abilities directly relevant to the threat(s) that currently plague the U.S. CID has full Federal law enforcement powers in addition to having access to EPA’s various resources. I have no problem with EPA CID’s involvement with these programs and actually think that’s the right thing to do. HOWEVER: membership in EPA CID’s NCERT teams was another exercise in favoritism; only the favored few were invited to participate.”

“It appears that this PEER survey was brought about by persons who are wholly ignorant of the role OCEFT has within the realm of homeland security. From the perspective of a loyal OCEFT employee who put their personal safety at risk during the anthrax investigations in 2001, I am offended to the core by the tenor of questions within the survey that make light of those actions undertaken by OCEFT employees to date in homeland security endeavors. It serves only to diminish the overall importance of this crucial mission.”

“I believe strongly that the answers to this biased survey will be used to the detriment of the agency...OCEFT’s HSP serves to strengthen our organization with the benefit of additional resources and equipment that are only now available because of that role...The EPA has had lead responsibility for two key aspects of our nation’s infrastructure: the water and wastewater industries and the chemical industries, since 1995...Investigative resources have been utilized for years to protect those very resources, long before “homeland security” became our watchwords after September 11, 2001...Investigation of environmental crimes supports homeland security; the two are not mutually exclusive.”

“...Please note that OCEFT criminal enforcement was also nonexistent under the Clinton administration watch. Prior to September 11, I thought we were headed in the right direction. [The] number of agents was constant, as well as the number of open cases. Then September 11 hit and the mission of OCEFT changed. This is not wrong. EPA/OCEFT needs to play a role in this mission. But that role has never been defined by management, nor explained to the field. Hence, confusion, mistrust, etc.”

II. Increasing the Emphasis on Environmental Enforcement (sample of 20 total responses)

“Concentrate on the ‘E’ in EPA.”

“In the past two years the emphasis on investigating serious environmental crimes has declined...primarily due to lack of resources, redirection of resources to Homeland Security efforts, and OCEFT management emphasizing many other tasks that are peripheral to our primary mission. At times it appears that OCEFT and CID management emphasize these peripheral tasks due to the fact that they better understand them as opposed to our complex environmental duties.”

“Big business seems to be getting a pass lately. Big cases seem to be few and far between, and penalties are much smaller than they should be. Unfortunately, big business pays such relatively small fines that they are cheaper than compliance. EPA CID pushes for more case openings but the type of cases being opened are either minor violations (better dealt with by civil fines) or on small (read: not wealthy) business operators. This situation is a result of EPA CID management’s desire to pump up statistics...to get more funding and to show that CID is meeting its stated goals. Those numbers do lie...Environmental enforcement is hardly a priority any more.”

“Criminal enforcement has become a house of cards, built on self-serving embellishments intended to deceive EPA senior management and Congress.”

“A clear commitment by the current administration to support the criminal program (defined as the arm of USEPA whose primary mission is the investigation of environmental crime, not the protection of the Administrator or Homeland Security support to the FBI).”

“Focusing on EPA’s mission and not on helping other agencies achieve their mission.”

“Refocusing our original mission.”

“A clear commitment by the current administration to support the criminal program (defined as the arm of USEPA whose primary mission is the investigation of environmental crime, not the protection of the Administrator or Homeland Security support to the FBI).”

“There is little support for pursuing the core mission of investigation and prosecution of environmental crimes.”

A Contrary View:

“I feel that the CID program is moving forward and progressing. Expansion in mission is positive and rewarding. The expansion allows education of other law enforcement partners to enhance our core mission of the protection of human health and the environment. Preventing/preempting terrorist activities and weapons of mass destruction activities is paramount to our citizens. Preventing weapons of mass destruction resulting in saving EPA assets for response and remediation after weapons of mass destruction activity. Leadership of Dir. Swanstrom and Deputy Dir. Urquijo is commendable.”

III. Eliminating Cronyism (sample of 36 total responses)

“CID is an absolute hotbed of nepotism, favoritism, and mutual back scratching. It’s shocking and almost unbelievable what goes on. Experience, ability, and talent have nothing to do with promotions; it’s all about favors at CID. This problem starts at the Director’s level and goes all the way down to the agent level (check how many EPA CID agents are retired Secret Service agents and who are now double-dipping). Everyone at EPA CID knows that all high level promotions (down to the SAC level) are never based on merit. Such promotions are all insider deals and are 100% pre-selected. At EPA CID, the U.S. government personnel process is a farce.”

“[Someone] should examine past/present hiring practices with a focus on friends, nepotism and a so-called club, whereby former Secret Service managers and employees are hired and pushed to the top, not to mention critical management positions. These folks know nothing about environmental laws and I question whether they are truly interested in the same...These folks will get transferred to the posts of their choice with the government paying for all, while others (the rank and file) need to pay for their own moves to obtain such an assignment. September 11 has greatly heightened the hiring and filling of protection positions and what a surprise, guess where these folks are coming from...This is a USSS CLUB!”

“Headquarters agents have used their power to hire friends and family. Earl Devaney, our former director hired his son’s soccer coach, his son’s lacrosse coach, the EPA IG’s son, in addition to the sons and daughters of personal friends and influential people. Mike Catlett, former head of the EPA CID recruitment efforts, also hired his niece, cousin, personal friends...in addition to the sons and daughters of his personal friends. Leo D’Amico and Nick Swanstrom have carried on the tradition, making EPA CID a haven for retired Secret Service Agents who collect salary and retirement checks worth over \$180,000 per year each. Promotions have been handled in much the same manner. It is widely held and acknowledged that the majority of agents hired over the past eight years were “connected” in one way or another.”

“Cease the hiring and promotions that are currently based on friends, favors and personal relations, and hire/promote those who are truly qualified to do the job.”

“CID has abused its diversity program through its agents hiring practices, management promotion, and incentive or cash awards programs. Confirm this with the many agents who have filed EEO complaints against CID. In fact, agents are hired and promoted on a pre-selected basis in direct violation of OPM mandates. Records indicate that many OCEFT managers have been the recipients of lucrative cash bonuses for meeting or exceeding diversity expectations and goals. We actually maintain a manager who received a promotion subsequent to their lying under oath at a federal suppression hearing.”

“Years of cronyism and favoritism in hiring and promotions have taken a very negative toll. Agents have become increasingly preoccupied with grades in a CID where inexperienced agents rise to the GS 13 grade level faster than field agents in even the FBI, DEA or ATF.”

“Some hiring that occurs is based on either personal or professional relationships outside of EPA. This is fine if the right persons are hired for the positions available regardless of their affiliation with OCEFT management making those decisions. In my opinion, too many personnel are being hired from other federal law enforcement agencies as well as from the “Scholar Program”, when in fact what is needed are personnel who have a great deal of environmental or technical expertise to enhance our ability to support the EPA mission. These other law enforcement personnel and scholars straight out of college do not provide a well-rounded work force.”

“The atmosphere of nepotism and incompetence that senior management has demonstrated has undermined people’s drive, and makes it difficult [for them] to do their work. [EPA CID is the] ex-Secret Service Agents’ new home, thanks to their buddies. [There is] no reward for people that have actually contributed to CID’s mission.”

“The CID Director doesn’t have a clue and has basically abdicated his decision making (which was never any good anyway) to a cabal of egotistical incompetents whose only interests are self-promotion. I find it hard to believe that the pond was so shallow that these appointments could have been made.”

“The main problem with agency centers is recent hires not based on merit. [This] needs to be corrected or [the] agency will suffer.”

“The ongoing personnel practices preclude young, motivated agents from securing a true career. All of us in the field know [our] chances of moving up the ladder are...limited, unless you happen to possess minority status or are formerly a Secret Service Agent. It is a sad situation and it has gone on far too long. We are losing competent investigators since the future here is dim.”

“Stop hiring cronies.”

“Getting rid of all the Secret Service Agents that can’t investigate anything. [We] also need to be much more selective about who we hire and why, getting rid of the cronyism and Good Old Boys and Girls.”

A Contrary View:

“The 90% of CID agents that are doing 100% of the work should be commended. The other 10% including a CID field and lazy, disgruntled CID field agents that feel the need to spend their work hours complaining about not getting promoted, that complain about being asked to do other duties as assigned (as described in their job description when they were hired), that get offended when they are actually taken to task about not performing their job, that spread rumors and weaken morale all around the country, that write cowardly anonymous letters to EPA officials and that “draft and edit” questionnaires from environmental activist groups should voluntarily resign and find someplace else to work.”

IV. Removing Incompetent Leadership (sample of 26 total responses)

“The OCEFT regime is the most incompetent bunch of people to ever gain control of a law enforcement agency. I’m personally aghast at how badly they manage what could be an effective tool for environmental enforcement. Make no mistake—any case that is successfully investigated/prosecuted is done in spite of (and not with the assistance of) OCEFT management.”

“Confidence in the senior leadership of our organization is at an all time low. Director D’Amico avoids travel to outlying offices and many of our employees have never met him. EPA OCEFT’s upper level management does not have institutional knowledge regarding EPA programs or the mission. They come from other federal law enforcement agencies including Secret Service, Naval Criminal Investigative Service, EPA Inspector General’s Office, and U.S. Customs Service.”

“The CID Director doesn’t have a clue and has basically abdicated his decision making (which was never any good anyway) to a cabal of egotistical incompetents whose only interests are self-promotion. I find it hard to believe that the pond was so shallow that these appointments could have been made. Most of the people at OCEFT’s top echelon have never investigated a meaningful environmental case so they don’t know what one looks like and/or what kind of resources are needed to conduct such an investigation. They [are] simply unfit to lead an agency like CID.”

“I believe that CID has been poorly managed. I believe management is out of touch with field staff, who do the real work of CID.”

“The EPA criminal program is not so much headed in the wrong direction as it is heading in too many directions with very little leadership from OCEFT and CID management.”

“Replacing current OCEFT director and CID director with persons who: 1) are knowledgeable about environmental criminal investigations; 2) make personnel decisions that will further EPA CID’s core mission, rather than as a reward to friends or as compensation for employment grievances produced by nepotism; and 3) make day-to-day decisions motivated by a desire to further the environmental crimes program rather than a desire for self-interest/advancement/preservation.”

“Sweeping out the entire SES management team and the new presidential appointments who have no experience in the management of environmental cases. It is obvious that they are in place to negate the effectiveness of the EPA in the making of cases against the most serious corporate polluters and violators. This program has been moved back ten years and will become ineffective with these clowns.”

V. Ending Waste and Mismanagement (sample of 27 total responses)

“In my opinion, EPA OCEFT resources are not being managed effectively. Much of this is the result of the management “style” being used by the OCEFT senior leadership. At times, management positions are being filled with individuals who do not have the basic management skills, institutional knowledge, or specialized knowledge to perform at that level and lead employees in our mission. Promotions are being used to solve personnel problems and actions and as a result we are not always getting the most qualified employees in these critical positions.”

“The amount of money that OCEFT wastes is mind-boggling. The ability of front-line agents to adequately investigate violations is negatively impacted by: 1) SACs traveling all over the country for no good reason; 2) wasting millions on a doomed-from-the-start pipe dream like CID NET (our Director’s computer brainchild); and 3) moving and remodeling offices/buying fancy new furniture for the benefit of a favored few. This is only a partial list, mind you. Almost everywhere you choose to look will reveal more financial abuse at EPA CID.”

“In many ways we are engaged in a type of fraud against the Agency, Congress, the Administration and all good citizens of the United States, the very people we are sworn to protect. We do it to perpetuate ourselves, to grow our own kingdom, to get more agent positions, open more offices, get higher grades and in general to just feather our own nests. For EPA and CID to come forward and acknowledge the abundantly obvious fact that we have too many agents would result in a loss of agent positions, grades, power and influence. So we will continue to hype our cases, embellish facts and mislead our own Administrator and Congress.”

“As of this writing, EPA CID has approximately 220 Special Agents. Almost 25% are GS 14 and above, and almost all of the remaining agent population hold GS 13 grades. This ratio of GS 14–15 positions to GS 13 Special Agents is without equal in any other government agency (law enforcement). In the DEA, ATF and FBI, it is not unusual for a GS 15 Special Agent in Charge to have more than one hundred agents working for him/her. In EPA CID, few have more than 10 Special Agents assigned (of which one is usually a GS 14). This fact presents many problems. In part because of our grade structure, we are all invested in the status quo and will only speak the party line when questioned. Problems are routinely swept under the carpet. Managers compete against each other for the most cases in an effort to gain favor with Headquarters, and this only compounds the problem of poor case selection.”

“Start by making the executive leadership accountable. An oversight body is badly needed; there are too many instances of leadership (or lack thereof) abuses in allocation of resources, unfair (and most likely illegal) personnel practices, and pursuit of selfless personal agendas.”

“OCEFT would benefit by promoting more stability among personnel and management. A great deal of energy is expended on internal, political machinations that interfere with the focus on environmental enforcement.”

“The EPA CID division is in serious need of a GAO audit; somehow it has avoided the same.”

VI. Improving Training and Resources (sample of 18 total responses)

“Since its inception, this organization has been grossly neglected [with regard to] resources to effectively fulfill the primary mission of investigating environmental crimes...As a direct result of the limited investigative resources available within OCEFT, many investigative leads are discharged to other agencies on a regular basis. The facts are clear: there has been a shortage of agents in the field investigating environmental crimes since OCEFT embarked on its mission some 20 years ago. There will never be enough resources available until there is also a thorough understanding of how vital the Homeland Security Program resources are and how they are inexorably intertwined with OCEFT’s overall mission.”

“The problem is not so much that new security assignments are “diverting” resources away from enforcement of environmental crimes as much as there are not enough resources within OCEFT to do both. Of course Homeland Security must take precedence over basic environmental crimes investigations but it is important to remember that our primary mission—the protection of human health and the natural environment—is Homeland Security in its most basic form.”

“Special Agent CID training is a joke. At the Federal Law Enforcement Training Center EPA CID agents are consistently given training scenarios that result in shootouts. The training given to new agents and senior agents alike simply ignores what agents really deal with in the field. A fellow agent recently commented (upon his return from a week in the Training Center) to his co-workers that it should come as no surprise to anyone that we treat people we encounter in the field like they’re all the second coming of Al Capone and every search warrant like it’s another Waco. That’s the training we get from the EPA CID staff at the Training Center.”

“Agents have computers that don’t work properly, don’t have two-way radios in most of our cars (a safety issue), don’t have proper respirators (another safety issue), and (in this region) have no SCPAs. And this is post-9-11! What’s worse is that we have management that just doesn’t care about any of this—so long as they have what they want (fancy wireless-enabled computers, Blackberries, two-way pagers, cell phones, needles travel all over the region (and the rest of the country), new furniture, fancy government-owned SUVs, etc.”

“In addition to the 100 full time employees that have been requested in FY04 for civil enforcement, 100 full time employees for criminal enforcement [are also needed]. We need to refocus efforts back to criminal investigations, train Special Agents, and adequately staff the field offices with field agents.”

“Giving CID the budget and people to accomplish the changing demand for fighting environmental crime in the year 2003. The main problem CID faces is lack of resources, not lack of management oversight or vision. Protection for the EPA Administrator and participating in the FBI’s Joint Terrorism Task Forces around the country are now part of CID’s new responsibility and we should do these tasks with less complaining and more enthusiasm.”

VII. Protecting Whistleblowers; Improving Communication (sample of 21 total responses)

“I am not encouraged to express professional concerns by the OCEFT management. As a matter of fact, even constructive criticism presented in a professional manner can lead to some form of retribution depending on your “standing” with the Headquarters manager involved. A “360-degree” review should be done for all OCEFT management by EPA to officially identify significant problems and issues that exist within this organization.”

“As far as retaliation is concerned, you bet there’s a fear of that. If we could get info[rmation] to the proper authority anonymously, that would be done. Especially in this hard economy, [I] can’t take the chance of being transferred or fired. Who would feed my kids/make my house payment? The current EPA CID regime has a history of retaliation, but many people who have filed EEO-type complaints have been bought off with promotions. Check the list of SAC/ASAC promotions against a list of people complaining about discrimination.”

“OCEFT and CID managers encourage any employee to express issues and problems to Headquarters. The problem lies in the fact that OCEFT Headquarters encourages all field employees to call them directly with any and all problems, bypassing their management chain. This has led to much confusion, an ineffective and dangerous process for handling personnel issues and grievances, and bad relationships between first line supervisors and their direct reports...It is common for a field supervisor to find out for the first time that a problem exists with one of his or her employees when OCEFT or CID management calls to discuss the incident. It is also common for the Special Agent in Charge to be told not to return to their office because an internal investigation has begun.”

“Communication between field offices and CID and OCEFT Headquarters is poor. Conference calls between OCEFT Headquarters and CID field office Special Agents in Charge are held on a regular basis to inform field offices of Headquarters requirements and news. The problem is due to the fact that there is reluctance by field Special Agents in Charge to discuss problems or controversial issues with their superiors at OCEFT. The concept that “no news is good news” seems to be the attitude from OCEFT Headquarters.”

“Employee morale and job satisfaction have both declined over the past five years for a significant portion of OCEFT personnel. We now have special agents, management and field personnel leaving EPA CID for other agencies. Some are lured by better work [environments] and some are leaving because of dissatisfaction with their current positions.”

“Job morale is at an all-time low.”

“Increased whistleblowers’ protection and cash awards.”

“More support for senior OCEFT managers who are trying to hold agents and legal support in regions accountable for quality work, but are not supported by OECA or EPA managers. OCEFT management motives have improved 100% since Earl Devaney left, [and are] now based on quality, not cynicism and special deals.”

VIII. Other (Organizational Realignment; Increased Attention to Environmental Crimes by Department of Justice, etc.) (sample of 13 total responses)

“The situation is more than regrettable and there are no quick fixes. Poor management, loss of program integrity, low morale and a bunker mentality will all require a concerted effort to fix. But the question remains: where is the Congressional oversight we so desperately need?”

“Restructuring the entire criminal program so that: 1) it more closely resembles the organization as described in the Pollution Prosecution Act; 2) it works closely with the agency (EPA) in a cooperative manner to address serious environmental issues through criminal enforcement of the nation’s environmental laws; 3) the CID Area Offices are aligned with the EPA Regional offices and the SACs are given more responsibility to manage their offices.”

“Increase staff at DOJ and AVSA. Attorney caseloads are too high; they’re strapped for time and focus resources on the really big cases and decline too many good cases.”

“We can investigate crime all day long, but [what to do] if the U.S. Attorney’s office won’t prosecute?”

“I would create a new division for Homeland Security and the Protective Service Detail (combine the two).”

IX. Comments About the Survey (sample of 6 total responses)

“EPA CID management was quite disturbed by your survey. Guess the truth is a dangerous thing for the wicked... We agents think it’s great that someone actually cares about what has been going on in this agency. Just please do something with the info[rmation] you manage to gather. We’ll all be better off if you do it.”

“EPA’s criminal enforcement program could best be improved by conducting other polls or questionnaires like this one more frequently.”

“You folks are on the right track; however you are just brushing the surface.”

“I seriously question the validity and usefulness of any compilation efforts of this survey. Many of the questions are so strongly biased that they preclude answering with one of the five choices without providing narrative to justify the answer. A cursory summary of all of the “agrees” vs. “disagrees” provides no substantial information to our organization, or methods by which to make the needed changes that are presumably found in the answers to the questions. Space has been provided to augment the answers, but to what end?”

“Unless all narratives/essays are reviewed and given the full weight of the thought taken to prepare them, our organization misses an opportunity to truly “hear” what the field is saying, yet again. I hope the essays will be provided in their entirety for review by OCEFT management.”