

## PEER's Letter to Senator Jeffords

---

July 23, 2001  
Hon. James Jeffords, Chairman  
Senate Committee on Environment & Public Works  
SD-410 Dirksen Senate Office Building  
Washington, DC 20510-6175

RE: Opposition to the Confirmation of Donald Schregardus as Assistant Administrator for Enforcement & Compliance Assurance (OECA), U.S. Environmental Protection Agency (EPA)

Dear Senator Jeffords:

On behalf of Public Employees for Environmental Responsibility (PEER), I am writing to alert you concerning significant information bearing negatively on the fitness of Mr. Donald Schregardus to serve in the post of Assistant Administrator for Enforcement & Compliance Assurance (OECA) within the U.S. Environmental Protection Agency (EPA).

In a recent federal whistleblower case, *Jayco v. Ohio Environmental Protection Agency* [DoL Case No. 1999-CAA-5], a U.S. Department of Labor administrative law judge made the following findings relative to the conduct of Mr. Schregardus during his tenure as Director of the Ohio Environmental Protection Agency (OEPA):

\* Mr. Schregardus personally worked to conceal the true extent and seriousness of public health dangers arising out of a public school built on a contaminated former Army chemical disposal site. Mr. Schregardus tried to limit investigations into the causes of health problems, despite an order from then-Governor George Voinovich to "leave no stone unturned" in finding an explanation for a leukemia cluster among residents of Marion, Ohio.

\* Mr. Schregardus personally engaged in illegal retaliation against OEPA staff for pursuing investigations at variance with Mr. Schregardus's "spin" that "there is no evidence linking the sites to leukemia." Mr. Schregardus ordered the removal of one employee, Mr. Paul Jayco, as site manager in reprisal for Mr. Jayco having raised concerns about the depth of testing and investigation required to settle questions about the Marion site. Last October, Mr. Jayco won an overwhelmingly favorable ruling from the U.S. Department of Labor in his environmental whistleblower claim. OEPA subsequently settled the case, restoring Mr. Jayco to his previous position and paying him approximately \$100,000 for emotional distress and damage to his professional reputation -- amounts based largely upon findings of the administrative law judge concerning the egregiousness of Mr. Schregardus's actions.

\* The administrative law judge found that Mr. Schregardus's sworn testimony concerning his own actions to be wholly implausible and part of an elaborate "pretext" to punish a subordinate who had, by Mr. Schregardus's admission, "embarrassed" him by reporting problems with testing at the site.

This information describing precisely how Mr. Schregardus discharged his environmental responsibilities while at OEPA is available on the public record and is supplemented by sworn testimony and an array of official documents. This case provides the Committee with a detailed view of how Mr. Schregardus could be expected to handle similar matters affecting public health and safety.

I submit that the conduct of Mr. Schregardus in the Jayco case is inconsistent with what should be expected of a nominee for the highest enforcement position within US EPA. I urge the Committee to conduct a full investigation of the Jayco case prior to making a decision on the fate of this nomination.

Sincerely,

Jeffrey Ruch Executive Director

Cc. Members, Senate Committee on Environment & Public Works