

## ***MUSTARD SEEDS***

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When you can't count on the Ohio Environmental Protection Agency, this may be the next best thing: Create a shadow for it.

Ohio Rep. Jim McGregor seems to be doing just that. His House Bill 586 would encourage local cops and prosecutors to bust environmental villains and scofflaws, and then return the fines to those law enforcers.

The Ohio EPA has long gotten a statewide knock for being unresponsive to citizen concerns; the Industrial Excess Landfill and American Landfill are prominent local examples. Unfortunately, the Ohio EPA usually is the only game in town (unless its similarly befuddling and besmirched big brother, the federal EPA, enters the equation), and absent an alternative, not much stands between citizens and environmental hazard.

That was McGregor's take on the issue, anyway. The former Republican mayor of Gahana cut his public service teeth with the Ohio Department of Natural Resources as a naturalist, law enforcer and educator. His own frustrations, years in the making, have convinced him the EPA just doesn't have the wherewithal or gumption to do the job itself, and that financially enticed law enforcers might be necessary.

McGregor said his proposal has been kicking around for some time in his central Ohio community, which has been unhappy with EPA's performance in river, trash dump and land reclamation cases. If the EPA won't take up a cause, a community might be out of luck, McGregor reasons, as local law enforcers deem the cost of investigation and prosecution prohibitive.

"You have a police detective on one of these cases, and he could take a full day sorting through garbage to tie the dumping to an individual," said McGregor. "It's too expensive for local police to investigate."

So, taking a lesson from national drug interdiction efforts that return fines to prosecuting agencies, McGregor fashioned an environmental bill that aims to at least restore the cost of an investigation to those pursuing a case.

Commendable as it is for its creativity and potential, and sad as it is for the frustration that spawned it, McGregor's legislation begs a question: Why create a new program when EPA already is responsible for such work?

EPA's problem is not going to be solved soon, McGregor ventures. He doesn't find fault with the individuals who have run the agency. Rather, "I believe the enabling legislation of the Ohio EPA is fundamentally flawed," he said, calling the agency's slow or insufficient reaction to local problems "unfortunately routine."

"We need to rethink the EPA, and reinvent it," said McGregor.

That's a big job. It's one that needs attention, but careful attention, and not expediency. Meanwhile, as polluters — from people who dump their trash into creeks and fields to companies that change their corporate identities to shroud their environmental sins — continue to do their dirty work, McGregor's plan might be an effective interim step to stem some problems.

But only an interim step. The legislative rebirth of the EPA should be the real goal, the sooner undertaken the better.

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