

# Kroger faces tough job getting money for environmental-crimes prosecutor

By JEFF BARNARD  
The Associated Press

**GRANTS PASS** — Oregon's new attorney general campaigned on a promise to prosecute polluters and cruised to victory.

Getting the Legislature to give John Kroger the \$700,000 he wants to fund a new office to go after environmental crime is a much taller order with a budget tightly squeezed by recession.

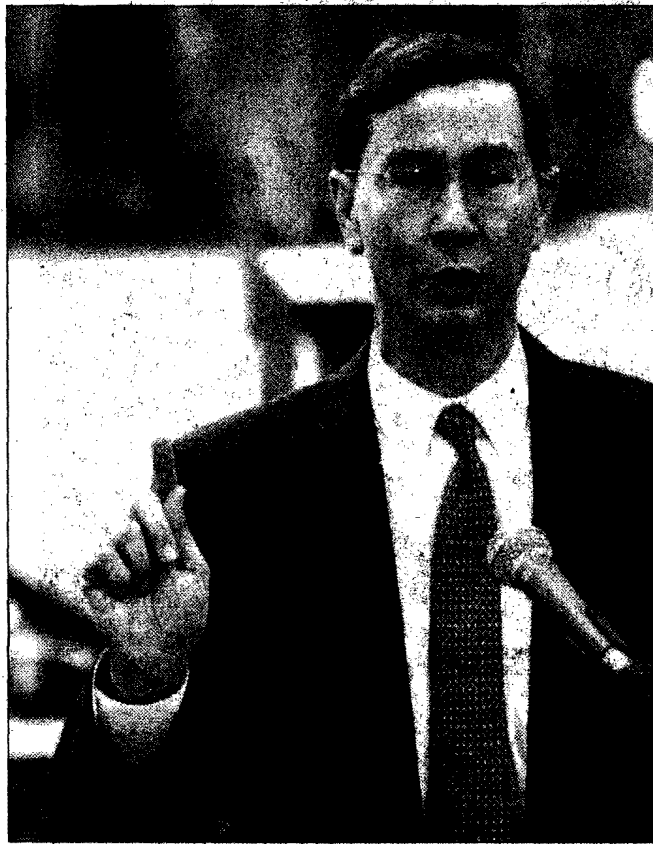
"The pressure is to take the money out of agencies generally and give it to schools," said John Ledger, vice president of Associated Oregon Industries, who lobbies the Legislature on environmental issues. "If he doesn't get it, it isn't going to be focused on him. It is going to be that nobody is getting any extra money."

Gov. Ted Kulongoski supports the idea, but would like to see Kroger find the money within his budget, a spokeswoman said.

Kroger has called the effort long overdue, and one of his top two priorities, next to fighting methamphetamine crime. "Oregon made serious polluting a crime back in the 1990s," he said. "Unfortunately, those statutes are rarely enforced.

"The reason for that is simple. In all of government, there is not a single full-time environmental-crimes prosecutor."

The state Department of Environmental Quality levies fines and collects them through civil proceedings — 214 penalties last year totaling \$1.8 million. But when pollution rises to the level of a criminal charge,



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John Kroger, Oregon's attorney general, may ask the Legislature for \$700,000 to fund a new office focused on prosecuting environmental crimes. "If he doesn't get it, it isn't going to be focused on him," said John Ledger of Associated Oregon Industries. "It is going to be that nobody is getting any extra money."

the agency has to go begging to county district attorneys, who have little expertise, interest or funding for prosecutions that often are lengthy, complicated and expensive. Even the U.S. Attorney's Office has only a part-timer for environmental cases.

"We are talking about seeking felony criminal convictions, which would certainly allow for fines recovering the

cost of cleanup, and in some circumstances could result in a jail sentence," Kroger said. "We understand that budgets are tight. That will give us the seed money we need to start a program, and show people it is successful. Once the economy is improved, hopefully we will be able to expand it."

Before teaching criminal law at Lewis and Clark

Law School, one of the top environmental law schools in the nation, Kroger was a federal prosecutor who went after organized crime in New York. He attributes his interest in environmental issues to his love of hiking and bicycling. He discovered Oregon at the end of a cross-country bike trip.

Kroger also argues getting tough on polluters will be good for business, leveling the playing field between cheaters and law-abiders — an idea Associated Oregon Industries won't argue with.

The Oregon Environmental Council also will back Kroger's effort. "It is not a huge ask, and I think it's a compelling case to make that if we are serious about the environmental laws on the books we need to be serious about enforcing them," said director Andrea Durbin.

Until now the job of environmental watchdog on pollution issues has fallen to environmental groups like the Northwest Environmental Defense Center and Columbia Riverkeeper, and Kroger is in close touch with them.

Kroger tapped Columbia Riverkeeper director Brent Foster as a special counsel on environmental issues, and talked extensively with Northwest Environmental Defense Center director Mark Riskedahl before deciding to run.

Citizens cannot initiate criminal prosecutions, but NEDC has been successful in bringing civil litigation that results in cleanups of feed lots, paper mills and other industrial polluters.