

## EPA to reinstate scientist who spoke out on fluoride

By H. JOSEF HEBERT

The Associated Press

WASHINGTON — A scientist is getting his job back at the Environmental Protection Agency after an investigation concluded he was fired because he raised health concerns about fluoride that were contrary to EPA policy.

The order by an administrative law judge, disclosed last week, reinstates William Marcus to his \$87,000-a-year job and requires the EPA to pay him compensatory damages of \$50,000 because of emotional stress brought on by his dismissal last May.

The 52-year-old toxicologist said in a telephone interview that he relishes returning to the agency where he had worked for 18 years.

The ruling "removed a cloud from my reputation that was unjustly put there through lies and manufactured evidence," he said.

Marcus' dismissal last May 13 came after a lengthy investigation that focused on the scientist's outside activities as an expert trial witness. The EPA accused him of improperly using agency information for private gain, being improperly absent from work and engaging in outside employment that appeared to pose a conflict of interest.

But Administrative Law Judge David Clarke Jr., concluded that

the EPA's charges were not supported by fact, were only "a pretext" and that Marcus actually was fired "because he publicly questioned and opposed EPA's fluoride policy."

The EPA had no immediate comment on the ruling. "Until we see the decision it would be premature for us to comment," said agency spokesman John Kasper.

Marcus' lawyer, Steve Kohn, who disclosed the ruling, called it "the most significant case to date for an environmental whistleblower involving the EPA."

The agency produced employee time cards allegedly showing Marcus had been involved in his private work as an expert trial witness when he should have been doing EPA work. Marcus argued that he used annual leave time on the days cited by EPA investigators and accused agency officials of falsifying time cards that showed him improperly absent because of illness.

Marcus maintained that his superiors at the EPA knew about his outside work and that his dismissal instead stemmed from the controversial internal memorandum he wrote in 1990 challenging the agency's position on the health effects of fluoride.