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Crisis Places Focus on Beleaguered Agency's Chief

By **GARDINER HARRIS**

WASHINGTON — She is the **oil spill's** invisible woman.

When the Deepwater Horizon rig exploded last month, S. Elizabeth Birnbaum, director of the federal agency charged with ensuring the safety and environmental security of offshore **oil** rigs, stayed in Washington while others in the **Interior Department** rushed to the Gulf of Mexico to assess the situation.

When **Ms. Birnbaum** testified in Congressional hearings last week, her boss, Interior Secretary **Ken Salazar**, lavished praise on others who testified while largely ignoring her. And a day later, when he announced a plan to revamp the agency, it was one that would eliminate her job.

Ms. Birnbaum, a Harvard-educated lawyer who has moved among staff jobs on Capitol Hill, the Interior Department and environmental organizations for 23 years, is described as smart, tenacious, persistent and tough by more than a dozen former colleagues and friends.

But even among those who describe themselves as her friends, there is uncertainty about whether she is up to the task of remaking the **Minerals Management Service**, an agency widely recognized as one of the most dysfunctional in government.

Agency scientists and other employees complained that since taking the post in July, Ms. Birnbaum has done almost nothing to fix problems that have plagued the minerals agency for over a decade. She rarely visited the agency's far-flung offices, so few staff members have ever seen her. The same agency managers who during the Bush administration ignored or

suppressed scientists' concerns about the safety and environmental risks of some off-shore drilling plans are still there doing the same things, they said.

How much of that was her fault? "The problems at M.M.S. didn't originate with **President Obama** or President Bush, but at some point when you're the administration you end up taking ownership of them," said Frederick Hill, a spokesman for Representative **Darrell E. Issa**, Republican of California, who has criticized the Obama administration's response to the **BP** spill.

Ms. Birnbaum declined to comment for this article.

At a hearing of the House Transportation and Infrastructure Committee last week, she sat at the witness table next to Jane Lubchenco, the administrator of the National Oceanic and Atmospheric Administration, who wore a canary yellow suit and her invariably sunny disposition. By contrast, Ms. Birnbaum wore a gray blouse and a grim demeanor and spoke in a low monotone.

In her testimony, Ms. Birnbaum expressed regrets about the loss of life and damage to the environment from the disaster.

"Many of M.M.S.'s employees have worked their entire careers in an effort to prevent this kind of thing from happening, and we will not rest until we determine the causes," she said. She said that the administration had "taken every step to improve ethics at M.M.S." and to end the cozy relationship between the industry and agency, "although I have to say that I believe that almost all of M.M.S.'s 1,700 employees are, in fact, ethical."

Ms. Birnbaum was largely spared the kind of tough questioning that committee members directed earlier against BP executives. Indeed, one congressman apologized for ignoring her. But Representative Gene Taylor, Democrat of Mississippi, asked her about reports of shoddy maintenance on the Deepwater rig. "Because it doesn't sound to me, if that is true, that you folks were doing your job," Mr. Taylor said.

She responded that she could not address those issues because they were the subject of an investigation. "There are a lot of rumors going on," said Ms. Birnbaum, who is scheduled to face Congressional questioners again Wednesday at a hearing of House Natural Resources

Committee.

Before she took the job at the minerals agency, Ms. Birnbaum, 52, had virtually no experience with the oil and gas industry, but that was seen as a plus, according to a top Interior Department official. She worked at the Interior Department in the last year two years of the Clinton administration on natural resource issues, leaving as an associate solicitor in 2001 to become a top lawyer and advocate for American Rivers, a conservation organization.

Ms. Birnbaum had never supervised more than a few dozen people, and the problems at the agency were daunting. A legal mistake that occurred during the Clinton administration and was ignored through much of the Bush administration may end up costing the federal government \$10 billion in lost royalties owed by oil and gas companies from leases in the Gulf of Mexico. Investigations found that some employees at the minerals service literally got into bed with oil industry representatives, accepted lavish gifts from them and allowed companies to fill out their own inspection reports.

Those who know Ms. Birnbaum said they were puzzled that she failed to make a public push to fix these problems.

"We sent her a couple of letters and basically got nonresponses," said Paula Dinerstein, senior counsel for the Public Employees for Environmental Responsibility, who knew Ms. Birnbaum before she was appointed. "We were disappointed that she wasn't going in and trying to right the wrongs of the past."

Agency employees have echoed this view, saying Ms. Birnbaum has done virtually nothing to address the problems.

Mr. Salazar has now announced a plan to split the minerals agency into three far-smaller parts. Whether Ms. Birnbaum would lead any of these three entities is still uncertain, but her role clearly will diminish. Even friends acknowledged that the BP spill has tarnished her reputation, saying that being connected with the spill in any way would look bad on anyone's résumé.

But Jamie Fleet, who succeeded Ms. Birnbaum as staff director at the House Administration Committee, said Ms. Birnbaum never worried about getting credit or deflecting blame.

During preparations for President Obama's inauguration, which the committee coordinated,

Ms. Birnbaum slept in her office for several nights to make sure that every detail was handled, Mr. Fleet recalled. "I guarantee you that she is working around the clock right now," he said. "This isn't a cocktail party bureaucrat. This is someone you want on your team when disaster strikes."