

# LOBBY WATCH



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Did Obama Jilt Simmons?

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## Waste Control's Lobby Focus Briefly Shifted to Washington

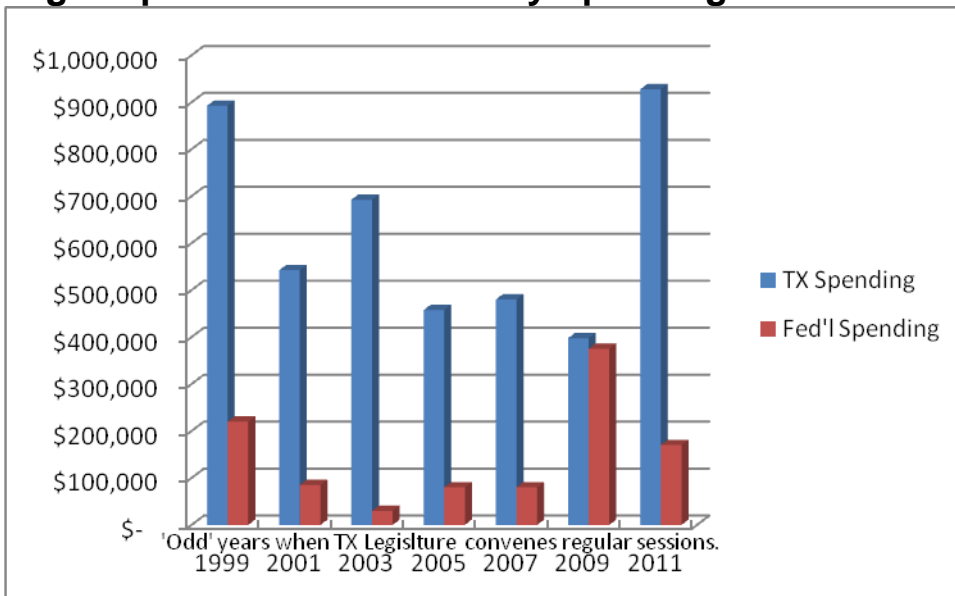
Combing the nation for more radioactive waste to dump on Texas.

**W**aste Control Specialists quietly shifted its lobby priorities from Texas to Washington before owner Harold Simmons made himself America's No. 1 donor to super PACs seeking regime change in the White House.

Waste Control lobbyists long focused on Austin, as the company sought to license, permit and open its

low-level radioactive waste dump in West Texas. The company then ramped up its *federal* lobby spending in 2009, pressing Washington to ship more nuclear waste to Texas. Waste Control's federal lobby spending even surpassed its Austin efforts in 2010 before reverting to the Texas-centric pattern in 2011. In 2011 Simmons also began to give \$15.4 million to anti-Obama super PACs.

**Waste Control's Federal Lobby Expenditures Caught Up With Its Texas Lobby Spending in 2009 & 2010**



Texas lobby spending averages "minimum" and "maximum" values reported by lobbyists. Federal lobby data from the Center for Responsive Politics.

Did Simmons retaliate against Obama because his administration wasn't receptive enough to the billionaire's solicitations to send more federal nuclear waste to Texas? Or does Simmons' costly super-PAC foray have nothing to do with his obsessive quest to turn a lonesome Texas dump into a gold mine?

The accompanying graph comparing state and federal lobbying shows odd-numbered years—when the Texas Legislature convenes

regular sessions (Congressional deliberations are perpetual). The data shown average the minimum and maximum contract values reported by Texas lobbyists (who report contract values in such ranges as “\$50,000 to \$99,999”).<sup>1</sup>

Waste Control got through most of the first decade of this millennium by retaining two GOP-leaning lobby firms to work Washington in any given year.<sup>2</sup> During its 2009 surge, Waste Control added a third firm to work Democrats in the Obama administration and Congress, hiring ex-Texas Lieutenant Governor Ben Barnes. By 2011, Waste Control again had no Democratic lobby in Washington. Waste Control’s latest GOP-leaning lobby force in Washington features Vikki Cooper & Associates and Hance Scarborough.

Hance Scarborough partner and ex-Congressman [Kent Hance](#) is on leave from the firm while serving as chancellor of Texas Tech University. A Texas lawmaker accused Hance and another Waste Control lobbyist of trying to buy his vote with campaign funds and a job offer in 1995 (the lobbyists denied it). Chancellor Hance’s latest state personal financial disclosure identifies him as vice chair of Waste Control Specialists and says he owns an interest in the company. Hance reported that he owned up to 10,000 shares of Simmons’ Titanium Metals Corp. and 4,999 shares of Waste Control parent Valhi, Inc.

### Waste Control’s Recent Federal Lobby

Firm	Total Paid	Years
<a href="#">Vikki Cooper &amp; Assoc.</a>	\$360,000	’09-’11
<a href="#">Hance Scarborough</a>	\$210,000	’09-’11
<a href="#">Ben Barnes Group</a>	\$315,000	’09-’10

Source: U.S. Senate Office of Public Records.

Waste Control’s federal lobbyists have reported lobbying Congress, the Department of Energy and the Nuclear Regulatory Commission on radioactive waste disposal, complex waste clean up and remediation of polluted federal facilities.

Bloomberg reported that Waste Control lobbyists are pressing the Nuclear Regulatory Commission to adopt rules that would allow Simmons’ dump to take a broader spectrum of radioactive waste, including depleted uranium waste.<sup>3</sup> Salon reported that, under

### Waste Control’s Texas & Federal Lobby Spending, 1999 - 2011

Year	AVG. Texas Spending	Federal Spending
1999	\$892,500	\$220,000
2000	\$445,000	\$40,000
2001	\$542,500	\$85,000
2002	\$225,000	\$40,000
2003	\$692,500	\$30,000
2004	\$250,000	\$90,000
2005	\$457,500	\$80,000
2006	\$320,000	\$80,000
2007	\$480,000	\$80,000
2008	\$310,000	\$100,000
<b>2009</b>	<b>\$397,500</b>	<b>\$375,000</b>
<b>2010</b>	<b>\$325,000</b>	<b>\$340,000</b>
2011	\$927,500	\$170,000
<b>TOTAL</b>	<b>\$6,327,500</b>	<b>\$2,045,000</b>

Source: TPJ & Center for Responsive Politics.

Obama, the commission has delayed issuing the depleted uranium rules that Waste Control covets.<sup>4</sup> Meanwhile, Waste Control invited a federal commission exploring how to dispose of high-level nuclear waste to visit its Texas dump. Simmons wants to send more radioactive junk to Texas.

Waste Control’s Austin lobby hardly dried up during the federal surge. The company paid 22 lobbyists from \$1.2 million to \$2.2 million for the three years ending in 2011. That spending peaked in 2011, when Waste Control paid lobbyists up to \$1.2 million to convince Texas lawmakers to increase the number of states that can send radioactive waste to Texas from just *two* states (Texas and Vermont) to *36* states.<sup>5</sup>

Top company lobbyists include the usual smattering of people cashing in on their previous positions as lawmakers, gubernatorial and legislative aides and employees of state environmental agencies.

Notable in the latter group is Glenn Shankle. Over objections of key staff, this former executive director of the Texas Commission on Environmental Quality recommended that the agency approve Simmons’ dump license. It did so in early 2009—weeks before Shankle officially became a Waste Control lobbyist.<sup>6</sup>

## Waste Control's Top Texas Lobbyists, 2009 Through 2011

Max. Value of Contracts	Lobbyist	Description
\$500,000	Pamela M. Giblin	Ex-Air Control Bd. attorney at Baker Botts.
\$300,000	<a href="#">'Cliff' Johnson Jr.</a>	Former legislator, gubernatorial aide & Water Commissioner.
\$225,000	*Reggie Bashur	Ex-gubernatorial aide; ran Kent Hance's 1990 governor's race.
\$160,000	Glenn Shankle	Backed Waste Control as Enviro. Quality Commission director.
\$150,000	James W. Mathis	Ex-gubernatorial aide.
\$100,000	Gavin L. Massingill	Ex-legislative aide.
\$100,000	<a href="#">Mike Toomey</a>	Ex-lawmaker and Gov. Perry's ex-chief of staff.
\$100,000	Robert A. Floyd	Ex-head of TX Motor Transpo. Assn. at Hance Scarborough.
\$75,000	Michael Woodward	Ex-Water Commission attorney at Hance Scarborough.
\$50,000	Tristan Castaneda Jr.	Ex-aide to San Antonio Mayor Cisneros at Baker Botts.
\$50,000	Bill Messer	Ex-lawmaker working with Toomey.
\$50,000	Derek R. McDonald	At Baker Botts.
\$50,000	Carlos Ricardo Romo	Ex-Supreme Court clerk at Baker Botts.
\$50,000	Lara Laneri Keel	Ex-legislative aide working with Toomey.

\*Died in February 2012.

### Notes

<sup>1</sup> Federal lobbyists report the actual values of contracts.

<sup>2</sup> The names of these firms fluctuated. For example, Waste Control retained Alcalde & Fay in 2008, when a controversial article suggested that firm lobbyist Vicki Iseman had an unusually close relationship with then-GOP presidential nominee John McCain. McCain and Iseman said the sexual innuendo driving the story was groundless. See "[For McCain, Self-Confidence on Ethics Poses Its Own Risk](#)," *New York Times*, February 21, 2008.

<sup>3</sup> "Republican Donor Simmons Seeks Rule to Fill Texas Dump," *Bloomberg News*, April 5, 2012.

<sup>4</sup> "The GOP's Nuke-Dump Donor," *Salon*, April 5, 2012.

<sup>5</sup> "[Simmons' Money Predicted Nuclear-Waste Import Votes](#)," TPJ's Lobby Watch, May 18, 2011.

<sup>6</sup> "Head of Environmental Agency Steps Down, Leaving a Spotted Legacy," *Austin American-Statesman*, April 3, 2008.