

US EPA ARCHIVE DOCUMENT

**Statement of Robert Fabricant, Esq.,
Nominee to be General Counsel, Environmental Protection Agency
to the
United States Senate
Committee on Environment and Public Works
Washington, D.C.**

July 25, 2001

Mr. Chairman, Senator Smith, members of the Committee: Thank you for providing me with the opportunity to appear before you today. It is a great honor and privilege to be here as the President's nominee to be General Counsel of the Environmental Protection Agency. I want to express to you and your staff my appreciation for the many courtesies extended to me in the preparation for this hearing. I look forward to the opportunity, should I be confirmed, of working with all of you and your staffs.

When Governor Whitman asked me if I would consider serving as General Counsel of the EPA, it took me but a moment to say yes. I have spent virtually my entire professional career in the public sector, most recently as Governor Whitman's chief counsel in New Jersey. Prior to that, I served in several other positions in the Governor's Counsel's Office specializing in environmental matters. I have also served as a deputy attorney general in New Jersey, providing advice and counsel to New Jersey's Department of Environmental Protection. Since being admitted to the bar, the primary focus of my career has been environmental law.

Given my professional experience in this area, the opportunity to serve the Nation at the EPA is a truly humbling thing. I am grateful to Governor Whitman, to the President, and to you for this opportunity. Should you do me the honor of recommending my confirmation to the Senate, and should I be confirmed, I want you to know that I will devote all of my energy and effort to doing the kind of job that merits the confidence that has been placed in me for this very important position at the EPA.

When Governor Whitman appeared before this committee as the President's nominee for administrator, she spoke of the great goals to which the Bush Administration and the EPA are committed, goals that I believe the vast majority of the American people share. She spoke about making America's air cleaner, its water purer, and its land better protected. These are clear and simple concepts that are rarely matched by clear and simple solutions. No one knows that better than environmental attorneys.

During the years I had the honor to serve as a member of Governor Whitman's administration, I had the opportunity to work on many of the most vexing environmental legal issues facing the State of New Jersey. Someone once said that New Jersey is America writ small, and it's true – especially when it comes to environmental challenges. So I believe that my service in New Jersey has been good

preparation for the job to which I have been nominated.

That being said, however, I come to this position with no illusions. I know that the broad array of legal issues confronting the EPA are more than just complicated legal questions. They are, at their root, questions that speak to our government's stewardship of the nation's air, water, and land. Being true to our legal responsibilities requires that we be equally true to our moral responsibilities as environmental stewards.

I have often heard Governor Whitman say that every dollar the EPA spends on litigation is a dollar that can't be spent cleaning up the environment. While talk like that isn't necessarily music to a lawyer's ears, I do think it is an important touchstone for a potential general counsel to keep in mind. I am a strong supporter of the effort both the President and the Administrator are making to build new partnerships among all environmental stakeholders and across some longstanding traditional divides.

I believe the Office of General Counsel is well equipped to help the Administrator build those partnerships. I have found in my years as an attorney that some of the most constructive lawyering isn't done in a courtroom, it's done in a conference room, where smart, committed lawyers bring all parties together and avoid the need for litigation. Providing good, solid, legal advice and counsel to EPA's senior staff will, I hope, help my Agency colleagues do their jobs and meet their goals for America's environmental progress.

The EPA is most fortunate to have a very dedicated, extremely capable staff of lawyers in the Office of General Counsel. They not only work very hard, they care very much about what they are doing. They adhere to the highest ethical standards and embody the best of what the legal profession has to offer. They are results-oriented public servants, who not only know everything there is to know about environmental law, they also know the importance of keeping one's attention on the ultimate goal – and that's environmental progress.

Mr. Chairman and members of the committee: as the committee with primary jurisdiction for writing the laws that the EPA is charged with enforcing, I know that, should I be confirmed, I will have the opportunity to work very closely with you and your staff. That's an opportunity to which I eagerly look forward. But before I let that eagerness run away with itself, I would like to pause here to again thank you for welcoming me here today and to address any questions you may have for me.

Thank you, Mr. Chairman.