

US EPA ARCHIVE DOCUMENT

**STATEMENT OF
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NOMINEE FOR ASSISTANT ADMINISTRATOR
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE
BEFORE THE US SENATE COMMITTEE on
ENVIRONMENT and PUBLIC WORKS
JULY 12, 2005**

Mr. Chairman, Senator Jeffords, and distinguished members of this committee; it is an honor and pleasure to appear before you this morning as the nominee to be EPA's Assistant Administrator for the Office of Enforcement and Compliance Assurance. I am honored that President Bush and Administrator Johnson have invited me to join the Administration to improve public health and the environment in this great nation. I am especially pleased to be joined today by my wife, Larrene.

EPA has an important responsibility to protect the land, air, and water of our nation. From the Agency's inception, compliance and enforcement has been an important cornerstone of EPA's programs to improve public health and the environment. Vigorous enforcement is a crucial tool that ensures the promise of our environmental statutes becomes an environmental reality.

Administrator Johnson has expressed his commitment to a strong federal enforcement program, and it is incumbent upon a nominee for this position to share that commitment.

Just as Americans must be able to trust and rely on EPA to protect the land, air, and water, the Agency is committed to obtaining the support of citizens in communities throughout our country in protecting the environment. If confirmed, it will be my goal to work collaboratively to ensure that citizens can both more easily assist EPA in identifying potential environmental enforcement issues and can more easily receive assistance in complying with environmental regulations. The

goal is to make a more “user-friendly” and efficient enforcement organization.

To this end, my prior experiences have provided me with some unique preparation for this position. The Assistant Administrator for Enforcement and Compliance Assurance must have an understanding of environmental law. I am currently a partner at Kirkland and Ellis LLP in the environmental and product safety practice area. I joined the firm in 1994 after attending law school in the evening and graduating as the valedictorian. The first case I worked on as an attorney was an environmental enforcement matter brought by EPA’s enforcement staff, and I have worked on similar matters ever since. Today, my practice includes advising clients on a daily basis regarding their responsibilities in complying with our nation’s numerous environmental statutes. Since 1998, I have also served as an Adjunct Professor of Law at the George Mason University School of Law where I currently teach Environmental Regulation. Practicing and teaching environmental law has provided an appreciation of the challenges of understanding, complying with, and enforcing these complex statutes.

Secondly, the nominee must be able to manage a large organization within the unique structure of the federal government. I started my career in the military, in the US Navy. After being selected by ADM Rickover and serving for 5 years as an officer in the Navy Nuclear Propulsion Program, I then served for 8 years as a civilian manager reporting to ADM Rickover’s successors. In that program, I oversaw the manufacture of the prototype reactor for the Seawolf submarine (SSN-21). Later, I was a manager with responsibility for welding, non-destructive testing, and quality assurance. During this formative period I observed first hand the high standards and dedication of the individuals who served in the Naval Nuclear Propulsion

Program, and the results that could be achieved by a group of highly motivated federal employees.

Lastly, I have found that technical training and the ability to process technical information can provide additional insights into the practice of environmental law. My educational background, including a Bachelor of Science and Master of Science degrees from MIT in Nuclear Engineering, combined with my prior experience as a practicing nuclear engineer has provided a strong technical background. In my experience, a first-hand understanding of the technology and science at issue in the environmental area inevitably leads to a deeper and more realistic appreciation of the problems and challenges faced by both regulators and the regulated community.

EPA is most fortunate to have a very dedicated, extremely capable staff in the enforcement and compliance assurance office. I have personally worked with many of them over the last decade and I have been uniformly impressed by their dedication and professionalism. They work extremely hard because they care about the environmental health of the nation. As enforcers of the environmental laws, they must also adhere to the highest ethical standards. It is a group that any environmental attorney or engineer would be proud to join.

If you should honor me by confirming my nomination, I look forward to working with the members and staff of this distinguished Committee, Administrator Johnson, and President Bush to make the environment better for all Americans. Thank you for the opportunity to appear before you today. I will be happy to answer any questions.