

**STATEMENT OF
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ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
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Mr. Chairman, Senator Jeffords, members of the Committee. Thank you for providing me with the opportunity and the honor to appear before you today. At the outset, I respectfully would like to introduce my wife, Ann, my children Eva Angelina and Santino, and for the record would like to recognize our third child who is on the way and due in January, name and gender yet to be determined. I am also joined by my parents, small business owners who continue to run their Italian corner bakery after some 30 years.

Perhaps the best way to give you a sense of how humbled I am to be the President's nominee for the General Counsel of the Environmental Protection Agency is to share with you a short story from my senior year in college.

Late in my final semester at Cornell University, I decided to attend law school with the ultimate goal of working as an environmental attorney for the government. I remember very distinctly approaching a recruiter from one of the top environmental law schools, told her that my goal was to work at EPA, and asked whether the school placed students at the Agency. I can still hear her response as clear as the instant she said this to me: EPA is so selective in who they hire, and hires so few people, that you need to have other goals.

So, with that background in mind, I hope you can appreciate the extraordinary honor I feel at being asked by the President and the Administrator to lead EPA's attorneys in support of the Agency's mission to accelerate environmental protection, while maintaining economic competitiveness. For almost a year, as the Acting General Counsel and as the Principal Deputy General Counsel, I have had the good fortune to work shoulder to shoulder with this talented staff at what is, in effect, the nation's strongest environmental law practice. The work that our office performs every day raises important and cutting edge issues critical to the Agency's overriding mission. For example, in the past several months I have worked with our attorneys to defend key Agency positions on clean water before the Supreme Court, to assess the Agency's legal authorities in addressing the rapidly emerging field of nanotechnology, and to implement the Brownfields statute.

If confirmed as General Counsel, I would bring to the post my perspective as an environmentalist, my attorney skills developed as counsel to both the federal government and the private sector on complex environmental issues, and a unique breadth of perspective of how our federal decisions affect local governments.

First, I am a passionate advocate for the environment. As the father of a young and growing family, I think constantly about the ramifications of decisions on my children, their young friends, and all their future families and believe our decisions today must give equal time to protecting their legacy tomorrow. At the same time, I also wish a strong and viable economy for my children. Environmental decisions should not be made without regard to their economic and social consequences, and should be crafted to preserve our nation's economic competitiveness while protecting our environment. When I return home to my parent's bakery and to a now struggling industrial town built by entrepreneurial immigrants, I reflect on the impact of our decisions on American small businesses in particular. I feel strongly that good government demands that we avoid doing harm to this backbone of our nation's economy while at the same time promoting the health of our environment. I have no doubt these two goals can be mutually achievable.

Second, as an attorney I am a passionate advocate for my clients, in this case EPA. During my seven years at the Justice Department, I took pride in maintaining an unbroken record of successfully litigating all the cases I took to court, which largely defended important Agency decisions and regulations. In fact, senior managers created a special position for me -- Principal Counsel for Complex Litigation -- to make the most use of my skills in handling and supervising a docket of natural resource cases among the Environment Division's most complex. But I also am proud that, where feasible, I sought to resolve many cases in a way that not only resulted in a win for the government, but addressed the interests of all stakeholders to the dispute. Ironically, it frequently takes a lawyer to suggest to parties that litigation is not the best solution and to facilitate a negotiated compromise that supports the interests of all stakeholders to the fullest extent possible. My experience has taught me that solving a problem through consensus has the added benefit of strengthening long-term relationships and avoiding future disputes. At EPA, I have worked to expand the use of environmental conflict resolution tools to address complex environmental disputes across the nation.

Finally, as a citizen who during almost my entire career has played an active role in civic service at a local level, I appreciate first hand the importance of working together with local, state, and tribal governments as well as other stakeholders to achieve environmental results. My breadth of perspective includes public service to the Town of Warrenton and Fauquier County, beautiful and environmentally sound communities in the Virginia Piedmont. I am fortunate to have the opportunity to apply my skills at the local level, including as an elected member of the Warrenton Town Council and formerly as a member of a committee that brought together farmers, utilities, and government to help preserve the County's agricultural heritage. I constantly reflect upon this local

public service when I am at work at EPA. Having this local perspective reminds me of how decisions by the federal government have real and significant impacts on people in communities far flung from Washington.

Thank you, Mr. Chairman and members of the Committee. I would be happy to answer any questions you may have.