

**STATEMENT OF C. SCOTT FULTON
HEARING ON NOMINATIONS
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
June 24, 2009**

Thank you Madam Chairman.

I first want to you and Ranking Member Inhofe for holding this hearing, as well as all the Committee members who have taken the time to express their thoughts today and those who met and spoke with me in anticipation of this hearing.

If I may, I would like to begin by introducing some important people in my life who are with me this morning -- my daughters, Keri and Krista Fulton, my brother Kent Fulton and my father Robert Fulton. It is a special treat to have my Dad here, as he himself held a Presidentially appointed, Senate confirmed position, serving as the Administrator of Social and Rehabilitation Services in the 1970's. Without a doubt, my father's life-long commitment to public service and the integrity and resolve with which he approached his work served as a model and powerful instruction for me in my own life and career.

I am honored to have been nominated by President Obama to serve as the Environmental Protection Agency's General Counsel and feel privileged to be speaking before you today. I am also deeply thankful to the Administrator Lisa Jackson for inviting me to be part of her team at EPA during this time of great challenge, but also great promise.

Although I have worn a number of different hats along the way, I have spent my career as an attorney and public servant in two principal institutions, the Department of Justice and EPA, with environmental law as my focal point in both of these settings. The bulk of my time in these organizations has been invested in leading and managing law organizations and working through complex legal issues. I have been blessed with a wonderful career that has, among other things, offered me the opportunity to witness and participate in an evolution of environmental law that spans nearly three decades and five Administrations. My hope is that, if confirmed, the perspectives and understandings that flow from this experience will be of value to the Obama Administration and to my country.

Having served as EPA's Principal Deputy General Counsel from 1995 to 1999, including a stint as EPA's Acting General Counsel, I am well acquainted with the role for which I have been nominated. And my experience overall has left me familiar with the demands inherent in positions at this level of the federal government and the imperative of constructive engagement with the Congress, within the Executive Branch, and with stakeholders and the general public. I have been substantially involved in environmental litigation, at various points enforcing environmental requirements, defending challenges to administrative decisions, and serving as a judge in administrative environmental cases. As a result, I feel grounded in the judicial process for resolution of environmental disputes and bear a deep respect for the vitally important role of the judiciary as the guarantor of the rule of law in the environmental arena.

If confirmed, I will do my utmost to ensure the faithful implementation of the laws of the United States as specified by the Constitution, expressed by the Congress, and interpreted by the courts. The bedrock role of the General Counsel, as I see it, is to provide legal advice and direction grounded in the rule of law and, working closely with our colleagues at the Department of Justice, to defend the Agency's actions in court. In this regard, if confirmed, I am committed to maximizing – through the counsel that I offer – the defensibility of the Agency's regulatory decisions, and I look forward to working with the dedicated career lawyers in the Office of General Counsel to this end. The rule of law would be the fundamental principle that will guide my actions, both as lawyer and manager, and inform my counsel to Administrator Jackson and the Agency.

I would not have taken the career path that I have taken without a deep and abiding commitment to the integrity and efficacy of this nation's environmental protection program. This is the work that I went to Justice Department to do at the beginning of my career and the pursuit that has carried me in the years since. I am excited by the prospect of participating in the Obama Administration's effort to chart a course that secures public health and environmental quality for this generation and those generations yet to come. If confirmed, I will work tirelessly to provide legal counsel to the Administrator and the other members of the Administrator's team in furtherance of this goal.

Thank you for your consideration.