

Chairman Capito Opening Statement at Hearing on Nominations of Fotouhi, Szabo to Leadership Roles at the Environmental Protection Agency

Below is the opening statement of Chairman Shelley Moore Capito (R-W.Va.) as delivered.

"Today we will receive testimony from David Fotouhi, the nominee to serve as the Environmental Protection Agency's Deputy Administrator and from Aaron Szabo, to serve as the EPA Assistant Administrator for Air and Radiation. These are two very important positions in the Agency.

"So, I'm looking forward to this productive conversation about how Mr. Fotouhi and Mr. Szabo will ensure President Trump's agenda to get the Agency back to its core mission and reestablish American energy dominance.

"Mr. Fotouhi currently is a partner at Gibson Dunn and Crutcher, where he has represented clients on matters relating to environmental law. He previously served as the Acting General Counsel and Principal Deputy General Counsel at the EPA. He is no stranger to EPA. Mr. Fotouhi has been recognized by multiple national law publications for his work in environmental and energy law, and as a leader on those issues.

"Mr. Fotouhi's previous experience at the EPA provides him a wealth of perspective on the Agency's critical role in protecting our nation's air, land, and

water while doing so within the boundaries of the legal authority that Congress has established.

"The EPA Deputy Administrator is generally tasked with overseeing the day-to-day operations of the Agency. In this role, Mr. Fotouhi will coordinate the work of the EPA's important air, water, and chemicals offices, in addition to the EPA's Regional offices research, enforcement, and General Counsel teams. Effectively integrating the Agency's work will be at the top of Mr. Fotouhi's list of responsibilities.

"Facilitating economic growth while protecting public health and the environment requires the Agency to establish consistent and legally defensible regulations, fairly and clearly enforce those rules, and communicate with the states, communities, and entities impacted by these regulations.

"Mr. Szabo, President Trump's nominee to serve as the Assistant Administrator for the Office of Air and Radiation, is currently serving as a Senior Advisor to the EPA Administrator after representing a wide variety of clients in the private sector on energy and environmental matters. For more than ten years, Mr. Szabo worked as a career civil servant, first for the Nuclear Regulatory Commission, then the Office of Information and Regulatory Affairs, known as OIRA, and then the Council on Environmental Quality.

"As an NRC career staff member, Mr. Szabo was repeatedly recognized with awards for his excellent performance in the Office of Nuclear Reactor Regulation. In June of 2016, during Mr. Szabo's tenure working for the Obama Administration's OIRA, he received the Special Achievement Award. Mr. Szabo's nomination to lead the Office of Air and Radiation will place him in a central role to roll back the Biden administration's extreme attack on reliable, baseload energy sources.

"Under the Biden EPA, American energy producers were subject to a barrage of legally suspect regulations that were intended to bankrupt oil, gas, and coal companies. These attacks led to increased energy costs on American families, reduced electric reliability, and undermined our energy security.

"In contrast to the Biden administration's agenda, President Trump's agenda will right size our environmental regulations within the bounds of the laws passed by this Congress and past Congresses, while in turn increase energy production, enable innovation, and unleash economic growth while protecting the environment. As Administrator Zeldin stated during his confirmation hearing, the EPA has far too often exceeded the legal authority Congress has provided in law.

"This pattern, repeated during the Obama and then Biden Administrations, forced American businesses to pay for costly compliance requirements, even though the underlying regulation was ultimately struck down by the courts. Today's nominees understand the impact of the Obama-Biden regulatory strategy.

"Mr. Fotouhi and Mr. Szabo have represented a wide range of energy and environmental clients in legal and regulatory proceedings, as well as counseled clients on environmental compliance and due diligence. While some might suggest that representing regulated entities, particularly ones they don't like or agree with in private practice, should bar attorneys like Mr. Fotouhi and Mr. Szabo from serving in these roles. But I believe that view misses the extensive value of both of the nominees' public and private experiences.

"It is important for all of the EPA's staff, especially senior leadership, to understand how the Agency's use of statutory authority and enforcement tools affect states and regulated entities, as well as how that regulatory action can best achieve compliance and maximize positive environmental outcomes.

"I am confident our witnesses' legal training, previous government experience, and professional experience will serve them well in the positions for which they have been nominated.

"The EPA must get back to what it does best, facilitating cleanup of polluted sites in communities across America, establishing scientific sound and achievable regulations, and fulfilling the 'cooperative federalism' model of working with states to meet national environmental standards.

"I look forward to exploring these issues in more detail with our witnesses."

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