

STATEMENT OF DAVID R. HILL  
Nominee to be Assistant Administrator and General Counsel  
United States Environmental Protection Agency

Committee on Environment and Public Works  
United States Senate  
April 10, 2008

Madam Chairman, Senator Inhofe, and members of the Committee, I am deeply honored to appear before you today as the President's nominee to be an Assistant Administrator and General Counsel of the United States Environmental Protection Agency. I thank the Committee for holding this hearing today to consider my nomination. I also thank the President for nominating me for this position.

My wife Kristina is here with me today, along with our three beautiful daughters -- Anna who is 8, Margaret who is 5, and Julia who is 3. I want to thank all of them for their patience and support, particularly during my six years of service at DOE, when the hours often have been long and I have not been able to spend as much time with them as I, or they, have wanted. I also thank my parents, Ronald and Shirley Hill, for the support and the opportunities they gave me growing up in Smithville, Missouri, and which allowed me to be here today.

I currently serve as General Counsel of the United States Department of Energy. I was confirmed by the Senate and appointed by the President to that position almost three years ago, and have served as DOE's General Counsel since August 2005. From March 2002 until I became the General Counsel, I served as DOE's Deputy General Counsel for Energy Policy. Before coming to the Department in March 2002, I spent most of my

career in private practice, with Wiley, Rein & Fielding and Wilmer, Cutler & Pickering in Washington, D.C., and with the Blackwell Sanders firm in Kansas City, Missouri.

As the Department of Energy's General Counsel, I am professionally responsible for the work of more than 250 attorneys throughout the country, and I directly supervise a staff of about 150 Federal employees in Washington. I work on the broad range of legal and policy matters that come before the Department, and often represent DOE in discussions or negotiations with colleagues in other Executive Branch agencies as the Administration considers significant rulemakings or policy matters. I also work with Members of Congress and their staffs on matters affecting the Department and its programs – in the Senate, particularly with the staff of the Energy and Natural Resources Committee and the Appropriations Committee. If confirmed as EPA's General Counsel, I would look forward to working with this Committee and its staff on the many important matters that come before the agency.

During my almost 20 years as a practicing lawyer, much of my work has been devoted to matters that have had significant energy or environmental components. Energy and environmental issues often are intertwined, both in terms of law and policy. As a result, both at DOE and in private practice I often have had the occasion to consider and evaluate both energy and environmental issues with respect to particular matters. If I am confirmed as EPA's next General Counsel, I believe this perspective would be useful as I seek to help the agency advance its mission of protecting human health and the environment in a manner that fully complies with the law. Moreover, while I obviously am not familiar with all of the matters currently pending before the EPA General

Counsel's Office, I have a substantial amount of experience managing the general counsel's office of an Executive Branch agency, whose lawyers cover a very broad range of disciplines and substantive areas. I believe this experience would help enable me to effectively carry out the duties of the EPA General Counsel and to manage the legal work of that office.

I am fully aware that EPA and its Office of the General Counsel often handle issues that are controversial and on which there may be significant disagreements. If confirmed as EPA's General Counsel, I believe I could work effectively in that situation, and could help address issues in a manner that serves the public interest.

During my six years at DOE and particularly during my time as General Counsel, there have been many times that I have been engaged in the vigorous internal debate that often precedes the Administration or the Department making a particular decision. The public almost never sees this debate, but I have been a part of it many, many times. As I have participated in these discussions, I have worked extensively with both career and non-career attorneys and other officials at the Department of Energy and throughout the Government, as well as with non-governmental parties. I believe that in those dealings, I have earned the reputation of being careful and considerate of all viewpoints, of working hard, and of making and evaluating arguments on their legal, technical and policy merits. I try to deal with everyone fairly and respectfully, and seek to evaluate and address arguments and issues so that I can make decisions, or advise the Secretary of Energy and other senior officials about their decisions, in a manner that complies with the law and best serves the public interest.

In all of these matters, I view myself as being responsible not simply for presenting issues, problems or analyses, but also for presenting solutions. I encourage the attorneys in DOE's Office of the General Counsel to approach their work in the same way. I believe that attorneys often can be uniquely helpful in crafting solutions to problems in a way that complies with the law while addressing the concerns of interested parties. If confirmed as EPA's General Counsel, I would hope to bring this same sense of purpose to my work at EPA.

The Congress, the President and the American people have entrusted the Environmental Protection Agency with the difficult and vitally important mission of protecting and safeguarding human health and the environment. If confirmed as EPA's General Counsel, I would do my best to help advance that mission in a manner that fully complies with the law and best serves the public interest. As a lawyer and as a senior Government official, it would be a great honor for me to serve in this position at this time, when so many challenging issues are presented to the country and to the EPA. As the father of three young children who will live for many decades with the consequences of decisions we make today, it would be my privilege and my duty to do what I can to effectively advance EPA's mission in a manner that is faithful to the law and to the trust that has been placed in both the EPA and in me.

I want to again thank President Bush and Administrator Johnson for the trust they have expressed in me by nominating me for this position. I thank the Committee for holding

this hearing and considering my nomination to be EPA's next General Counsel. It would be an honor and a privilege for me to serve the American people in this position.

Madam Chairman, that concludes my prepared statement. I would be glad to answer the Committee's questions at this time.