# POSITION DESCRIPTION

**General Counsel, Environmental Protection AGency**

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| **OVERVIEW** |
| Senate Committee | Environment and Public Works |
| Agency Mission | To protect human health and the environment. |
| Position Overview | The general counsel provides legal service to all of the organizational elements of the agency with respect to all programs and activities. He or she also provides legal opinions, counsel and litigation support, and assists in the formulation and administration of the agency's policies and programs as legal advisor. |
| Compensation | Level IV $155,500 (5 U.S.C. § 5315)[[1]](#endnote-1) |
| Position Reports to | The Administrator and Deputy Administrator |
| **RESPONSIBILITIES** |
| Management Scope | In fiscal 2015, the EPA had $7,007 million in outlays, 14,161 total employment and about 4,000 to 5,000 contract employees. As of 2012, the General Counsel managed nine divisions covering a range of environmental and cross-cutting legal issues (e.g., air, water, pesticides and toxic substances), had four direct reports and oversaw approximately 350 attorneys (200 at the headquarters and 150 in regional offices). |
| Primary Responsibilities | * Serves as chief legal adviser to the Administrator and agency
* Provides legal support for agency actions (rules, regulations, guidance documents, permitting decisions, response actions)
* Represents the agency in court to defend agency actions in coordination with the Justice Department
* Formulates responses and strategies in response to relevant court decisions
* Manages the staff and budget of the general counsel’s office, including handling any HR questions that arise
* Assists with EPA responses to congressional oversight
* Facilitates consistent legal positions across EPA and the 10 regional offices, and coordinates as needed with senior staff or chief attorneys of program offices and/or Department of Justice attorneys
* Provides legal advice regarding immediate and ongoing legislative or congressional issues that arise
* Manages any constitutional issues (e.g., delegations of authority)
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| Strategic Goals and Priorities | Depends on the policy priorities of the administration |
| **REQUIREMENTS AND COMPETENCIES** |
| Requirements | * Experience managing and working with a large staff of environmental attorneys and support personnel
* A good relationship with and knowledge of the Justice Department’s Environment and Natural Resources Division
* Experience in litigating agency regulations and policies
* Understanding of congressional workings and the oversight process
* Understanding of the interactions between the EPA and other branches and key offices within government, on both a legal and practical basis
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| Competencies | * Good legal judgment
* Ability to think creatively about approaches to reforming key environmental regulatory policies
* Strong management and interpersonal skills to enable the full vetting and pursuit of options when there are competing priorities among various stakeholders
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| **PAST APPOINTEES** |
| Avi Garbow (August 2013 – 2017): Deputy General Counsel, Environmental Protection Agency, with a focus on air and water programs; Federal Prosecutor, Department of Justice’s Environmental Crimes Section; EPA Office of Enforcement and Compliance Assurance |
| Brenda Mallory (January 2013 – August 2013): Associate General Counsel, Pesticides and Toxic Substances Law Office, EPA; Associate Deputy General Counsel, EPA; Special Assistant, Office of the EPA Administrator; Beveridge & Diamond, P.C. |
| Scott Fulton (August 2009 – January 2013): Acting Deputy Administrator, EPA; Acting Assistant Administrator, Office of International Affairs, EPA; Judge, Environmental Appeals Board, EPA; Special Advisor, United States Ambassador to the United Nations Agencies, Rome, Italy |
| Roger Martella (2007 – 2008): Principal Deputy General Counsel, EPA; Principal Counsel for Complex Litigation, Department of Justice, Environment and Natural Resources Division; Associate, Sidley Austin LLP |

# Endnotes

This position description was created with the help of Heidrick & Struggles, a global executive search firm.

1. The Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017), contains a provision that continues the freeze on the payable pay rates for certain senior political officials at 2013 levels during calendar year 2017. [↑](#endnote-ref-1)