

Trump Pick To Lead EPA Is Loyal, Would Learn On The Job

By Juan-Carlos Rodriguez

Law360 (November 12, 2024, 10:52 PM EST) -- President-elect Donald Trump prioritized loyalty and a demonstrated ability to carry out his priorities with his announcement that he intends to nominate a former congressman from New York state to lead the U.S. Environmental Protection Agency.

Lee Zeldin, an attorney who served in New York's Legislature and then the U.S. House of Representatives for constituents in eastern Long Island, doesn't have much of a track record on environmental issues, but has consistently endorsed Trump's political objectives, defended the former president throughout various trials and tribulations including impeachments in Congress, and worked over the past year for a conservative nonprofit group closely linked to Trump.

Tom Reynolds, a senior policy adviser at Holland & Knight LLP and a former Republican state representative and congressman from New York who knows Zeldin, told Law360 that Zeldin is "well-researched" and "a straight-talking guy."

"Early nominations made by President-elect Trump have gone to people that he knows and has confidence in and trust in, and who also have [similar] ideological perspectives of how the government would work under a Trump administration, or they have been in the field carrying a lot of water for that message," Reynolds said. "And Zeldin is a hard-working guy that focuses on the mission at hand and then gets it done."

There have been other EPA administrators with elected-office experience, such as Christine Todd Whitman, who served as governor of New Jersey, and others with experience serving as congressional aides, such as Andrew Wheeler, who worked as the Senate Environment and Public Works Committee's chief counsel. But Zeldin would be the first EPA administrator who served as a member of Congress.

That experience will serve him well and make him "eminently confirmable" by the Senate when he's actually nominated, said Dimitri Karakitsos, a partner at Holland & Knight LLP.

"Just understanding how D.C. works is a huge deal," Karakitsos said. "In a lot of administrations, you have EPA administrators who have spent time in the states, but not in Washington. So I think there's a huge benefit to understanding Congress, understanding the interaction with the executive branch, and understanding the mission of this agency."

During his time as a congressman, Zeldin was a member of the Conservative Climate Caucus, which states on its website, "The climate is changing, and decades of a global industrial era that has brought prosperity to the world has also contributed to that change."

The group says that reducing global emissions should be a priority and specifically mentions China as the world's largest emitter of greenhouse gases. And it says it aims to "bring Republicans to the table to fight against radical progressive climate proposals that would hurt our economy, American workers, and national security."

Beyond a couple other environmental issues related to his congressional district, Zeldin doesn't have any experience in the green arena.

In an interview on Fox News on Monday, Zeldin said that, if confirmed, he plans to use his power at the EPA to support Trump's economic goals, such as "energy dominance."

"So day one, and the first 100 days, we have the opportunity to roll back regulations that are forcing businesses to ... struggle, they're forced to cut costs internally, they are moving overseas altogether," Zeldin said. "There are regulations that the left wing of this country have been advocating, through regulatory power, that ends up causing businesses to, to go in the wrong direction."

Environmental groups have noted Zeldin's scant environmental record and largely expressed uncertainty about what kind of an EPA leader he'll be.

"Zeldin has not been a major environmental player, but he has been a Trump loyalist, which I expect is what got him the job," said Sam Sankar, Earthjustice's senior vice president for programs. "And that is not who we need leading the EPA."

Trump's picks to fill out the other important leadership positions at the agency, like deputy administrator and assistant administrators, will be crucial to ensuring that the administration doesn't repeat the mistakes it made in 2017 and 2018, when the EPA got off to a slow start and fumbled some of the Trump administration's key policy initiatives, said Aaron Cummings, a partner at Crowell & Moring LLP and co-chair of the firm's government affairs group.

Recently, Zeldin has been working for the America First Policy Institute, where he has chaired the group's China Policy and Pathway to 2025 initiatives.

Cummings said the group has served as a kind of "transition team in waiting" for Trump, and has attracted several officials from the first Trump administration as members, so it's likely that candidates for those other EPA leadership positions are already being vetted there.

"I think the fact that Zeldin's been able to spend a lot of time there and forge a lot of relationships with the people who are actively making these decisions on the transition team means that he's probably already been involved with that process to some extent," Cummings said.

Zeldin received his bachelor's degree from State University of New York at Albany in 2001 and his law degree from Albany Law School in 2003. After graduating from law school, he joined the U.S. Army and then established his own private law practice.

In 2010, he was elected to represent his eastern Long Island district as a state senator, and then was elected to Congress in 2014. He left his seat in Congress to run for governor of New York in 2022, an unexpectedly close but ultimately unsuccessful contest that he lost to current Gov. Kathy Hochul.

In Congress, Zeldin was a stalwart defender of Trump during the former president's first impeachment proceedings in the House and Senate and earned more of Trump's attention through that work.

Although they never overlapped in Congress or the New York Legislature, Holland & Knight's Reynolds said he counseled Zeldin during his gubernatorial campaign and worked with him prior to that, as well.

"Where I look at the trust factor from the Trump world is, if there's a backlash where the agency isn't moving on what he's trying to get done, both legally under the Constitution and under the powers of an administrator, then I think [he'll find] whatever solutions there are to get to the result of what the president has asked him to accomplish," Reynolds said.

--Additional reporting by Keith Goldberg. Editing by Kelly Duncan and Rich Mills.