

**Committee on Energy and Commerce**  
**U.S. House of Representatives**  
Witness Disclosure Requirement - "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

<b>1. Your Name:</b> Andrew A. Fitz		
<b>2. Your Title:</b> Senior Counsel		
<b>3. The Entity(ies) You are Representing:</b> The State of Washington, Office of the Attorney General		
<b>4. Are you testifying on behalf of the Federal, or a State or local government entity?</b>	Yes X	No
<b>5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed.</b>  None.		
<b>6. Please attach your curriculum vitae to your completed disclosure form.</b>  Attached.		

Signature: \_\_\_\_\_

Date: 5/11/15

# ANDREW A. FITZ

## EDUCATION

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Seattle University (University of Puget Sound) School of Law  
*Juris Doctor* (May 1992)

University of Washington  
*Bachelor of Arts with Distinction, Political Science* (March 1987)

## EXPERIENCE

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Office of the Attorney General, State of Washington (1992–present)

- *Senior Counsel, Ecology Division* (May 1999–present)

Section Manager, Waste Section (2011–present). Manages eight attorney positions providing services to the Department of Ecology's Toxics Cleanup, Hazardous Waste & Toxics Reduction, Nuclear Waste, and Waste 2 Resources Programs.

Program lead attorney, Nuclear Waste Program (2005–2011). Provided general counsel services to major program within Ecology. Advised and provided litigation support to Ecology on matters related to cleanup of Hanford Nuclear Reservation.

Program lead attorney, Hazardous Waste & Toxics Reduction Program (2000–2004).

Appellate Advisor (2007–2011). Provided editing review and strategy support for appellate cases within division.

Has represented Ecology at numerous, often complex toxic cleanup sites. Represented Ecology in four proceedings before the Energy Facility Site Evaluation Council, involving every major Ecology program.

- *Assistant Attorney General, Licensing & Employment Security Division* (October 1992–May 1999)

Prosecuted license disciplinary actions before Medical Quality Assurance Commission, Dental Quality Assurance Commission (lead prosecutor), and Nursing Care Quality Assurance Commission (1995–1999).

Represented Employment Security Department in judicial review actions; lead attorney advising Tax Branch (1992–1995).

#### AWARDS AND RECOGNITIONS

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- AGO Steward of Justice Award (2013)
- AGO Excellence Award recipient (2010, 2011)
- AGO Outstanding Team Award (2010, Yucca Mountain Litigation Team)
- Senior Counsel designation (2009)
- AGO Outstanding Employee Award (2005)

#### SELECTED CASES

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*Yucca Mountain cases*: Lead attorney in three challenges against terminating development of a high-level radioactive waste repository. Presented lead oral argument successfully opposing license application withdrawal before the Nuclear Regulatory Commission's Atomic Safety & Licensing Board (*In re U.S. Dep't of Energy*, NRC No. 63-001, ASLBP No. 09-892-HLW-CAB04 (June 29, 2010)). Presented lead oral argument in challenge to Department of Energy actions (*In re Aiken County*, 645 F.3d 428 (D.C. Cir. 2011)). Presented lead oral argument in successful mandamus action against the Nuclear Regulatory Commission (*In re Aiken County*, 725 F.3d 255 (D.C. Cir. 2013)). Coordinated litigation team within AGO and took lead in coordinating seven aligned parties, including serving as lead author and editor of briefing.

*Washington v. Moniz* (tank waste case): Lead attorney for state in RCRA citizen suit to prosecute violations of Hanford's Tri-Party Agreement. Assembled case and coordinated expert support. Together with division chief, negotiated settlement resulting in consent decree and related changes to Tri-Party Agreement. Lead attorney in current federal district court action to amend consent decree in light of Department of Energy non-compliance.

*Washington v. Chu* (off-site waste case): Drafted and argued EIS adequacy issue upon which preliminary injunction was granted, stopping shipments of off-site waste to Hanford. Negotiated settlement agreement resulting in a new EIS effort and off-site waste moratorium. Drafted and argued successful summary judgment motion on state authority over certain waste at Hanford. Briefed and presented oral argument to Ninth Circuit Court of Appeals on appeal of same issue, with successful outcome (*Washington v. Chu*, 558 F.3d 1036 (9th Cir. 2009)).

*United States v. Manning* (Initiative 297 defense): Represented state in defense of constitutional challenge to citizens' initiative. Joined litigation team during briefing before Washington Supreme Court, then became lead attorney. Presented oral argument to the Washington Supreme Court (*United States v. Hoffman*, 154 Wn.2d 730, 116 P.3d 999 (2005)) and the Ninth Circuit Court of Appeals (*United States v. Manning*, 527 F.3d 828 (9th Cir. 2008)).