**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
Washington, D.C. 20460

April 8, 2021

OFFICE OF
AIR AND RADIATION

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Joseph Goffman
Acting Assistant Administrator

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Harvard University,** is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."[1] Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

[1] *See* Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

*Particular Matters Involving Specific Parties*

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

| RECUSAL LIST – SPECIFIC PARTY MATTERS | | | |
|---|---|---|---|
| Abbot Laboratories | Abbvie | Accenture PLC | Agilent Technologies |
| Alphabet Inc | Altria Group | Amazon | American Express |
| Ameriprise Financial | Apple, Inc. | Arthur J Gallagher | AT&T |
| Becton Dickinson | Broadcom Inc | Canadian National RY | Centene Corp |
| Champion X Corp | Charter Communications | Cisco Systems | Colgate Palmolive |
| Comcast | Costco | Danaher Corp | Deere & Co. |
| Discover Financial | Disney | Dollar Tree Inc | Dover Corp |
| Eaton Corp | Ecolab Inc. | Facebook | Fidelity |
| First Rep Bank | Fortive Corp. | Glaxo Smith Kline | Home Depot |
| IBM | Intel Corp | Johnson & Johnson | JP Morgan Chase |
| Lab Co of America Holding | Markel Corp | Martin Marietta Materials Inc | Meditronic PLC |
| Merck & Co. | Mettler Toledo Intl | Microsoft | Mondelez International |
| Monster Beverage | Nestle S.A. | Nike | Novartis AG |
| NVIDIA Corp | Omnicom Group | PayPal | PepsiCo |
| Pfizer Inc. | Philip Morris | Proctor & Gamble Co. | PNC Financial |
| Qualcomm INC | Roche Holding AG | Roper Technologies | SalesForce |
| Sherwin Williams | Skyworks Solutions | Spotify | Starbucks Corp |
| State Street | Texas Instruments | TJX | Truist Financial Corp |
| United Health Group | US Bancorp | Verizon Comm | Visa |
| Wells Fargo | Zoetis, Inc. | | |

*Particular Matters of General Applicability*

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of "persons" (identified as "sectors" below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

| RECUSAL LIST – INDIVIDUAL SECTORS | | |
|---|---|---|
| Advertising | Apparel | Banking |
| Communications Equipment | Credit Services | Discount Stores |
| Entertainment | Farm & Heavy Construction Machinery | Footwear |
| Healthcare Plans | Home Improvement Retail | Household & Personal Products |
| Information Technology Services | Insurance | Internet Content |
| Internet Retail | Non-Alcoholic Beverages | Packaged Foods |
| Paint | Pharmaceuticals & Drug Manufacturing | Restaurants |
| Scientific & Technical Instruments | Semiconductors | Snack Food |
| Snack Food | Software | Specialty Chemicals |
| Specialty Industrial Machinery | Specialty Industrial Machinery | Telecom Services |
| Tobacco | | |

*Corporate Bonds*

I am recused from participating in any particular matter that will have a direct and predictable financial effect upon the ability and willingness of the following bond issuers to honor their obligations or that will affect their bond ratings:

| RECUSAL LIST – BONDS | | | |
|---|---|---|---|
| Amgen, Inc. | Anthem, Inc. | Apple, Inc. | Comcast Corporation |
| General Dynamics Corporation | Morgan Stanley | Starbucks Corporation | State Street Corporation |

*Certificate of Divestiture*

I intend to seek a certificate of divestiture and will update this recusal statement when my financial situation changes.

*SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Ann Ferrio, Chief of Staff, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines that a particular matter will directly involve any of the entities or issue areas on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and a copy to Justina Fugh, Director, Ethics Office.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources
Ann (Campbell) Ferrio. Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office