



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