



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Teaching Activity

FROM: James Payne
Designated Agency Ethics Official and Deputy General Counsel for
Environmental Media and Regional Law Offices

TO: Victoria Arroyo
Associate Administrator
Office of Policy

I have received your request to engage in an uncompensated outside teaching activity at the Georgetown University Law Center during the Spring semester of 2021. You will be teaching a course entitled, "*Advanced Environmental Law: the Law of Global Climate Change.*" Based on the information you have provided, I am approving your request as consistent with 5 Code of Regulations (C.F.R.) Part 2635, Subpart H, and as required by 5 C.F.R. § 2636.307. I want to remind you of the relevant ethics obligations as you undertake this activity:

Impartiality Rules

You have a "covered relationship" with the law school during the term of your teaching activity and for a year after the activity ends pursuant to the impartiality regulations. This means that you may not participate in a specific party matter at EPA in which the law school is a party or represents a party if a reasonable person will question your impartiality, unless you are authorized to do so by me or Justina Fugh. See 5 C.F.R. § 2535.502. For example, you may not participate in your official capacity in a decision to grant a meeting with a law school representative, participate in, or recommend a colleague to participate in, a conference at the law school.

Representational restrictions

You are also prohibited by a criminal law from acting as an agent or attorney for the law school before a federal agency or court in any matter in which the United States is a party or has a direct and substantial interest. See 18 U.S.C. § 205. In your capacity as an adjunct faculty member, you may not appear before or communicate with an officer or employee of a federal agency or court on behalf of the law school,

which includes contacting federal employees to speak before your law school classes or at other law school activities in their official capacities.

Misuse of position

You may not use government time, non-public information, or other resources, such as the official time of a subordinate, or your official title, other than as part of general biographical information that is given no more prominence than other aspects of your professional or educational background. You should offer a disclaimer that you are teaching the course in your personal capacity and that the EPA or federal government does not necessarily endorse the views that you are expressing during the course. Also, you may not use your official position for the private gain of the law school. See *generally*, 5 CFR Part 2635, Subpart G.

Finally, you will have to report the outside teaching position on your relevant financial disclosure form. As always, if you have any questions, please feel free to contact me at 202-564-0212 or Justina Fugh at 202-564-1786.