



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Ya-Wei (Jake) Li
Deputy Assistant Administrator for Pesticide Programs,
Office of Chemical Safety and Pollution Prevention

TO: Michal Ilana Freedhoff
Assistant Administrator,
Office of Chemical Safety and Pollution Prevention

I have previously 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 the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

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.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, or any former client to whom I provided services during the past two years prior to my joining federal service, is a party or represents a party. Under the terms of the Ethics Pledge, these recusals last for two years from the date that I joined federal service, or until June 28, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employers do not apply to me for my former clients, the University of Illinois and Texas A&M University. The definition of “former employer” excludes an entity of a state government, including a state university.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former clients for the University of Illinois or Texas A&M University.

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.”² Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” I will consult with OGC/Ethics.

RECUSAL LIST PURSUANT TO EXECUTIVE ORDER 13989 In effect until June 28, 2023	
FORMER EMPLOYER: Environmental Policy Innovation Center (EPIC) Sand County Foundation	
FORMER CLIENTS: CropLife America Corteva Agriscience LPC Conservation, LLC	Electric Power Research Institute (EPRI) Perkins Coie, LLP

¹ See Exec. Order 13989, Section 2(k) and 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).

² 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).

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with any former client that is a state university. Therefore, I may not participate in a particular matter involving specific parties in which the **University of Illinois** or **Texas A&M University** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year from the day I last provided services, which is March 1, 2022 for the University of Illinois and June 17, 2022 for Texas A&M University.

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I previously participated in personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics.

DIRECTIVE AND CONCLUSION

To avoid participating in matters from which I am recused, please direct those matters to the attention of Jonah Richmond, Special Assistant, without my knowledge or involvement. In the event that my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Rick Keigwin, Deputy Assistant Administrator for Management
Tom Tyler, Chief of Staff
Hayley Hughes, Acting Director for Office of Program Support
Catie Diaz, Special Assistant
Justina Fugh, Director, Ethics Office