



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

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Susannah Weaver
Senior Counselor, Office of General Counsel

TO: Melissa Hoffer
Acting General Counsel

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.

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 a former employer or former client is a party or represents a party. Set forth in the charts below are my former employer and former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.¹ I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end on **June 27, 2023**.

Former Employer	
Donahue, Goldberg, & Littleton, LLP	
Former Clients	
Adirondack Council	Google LLC
Advanced Micro Devices, Inc.	Hewlett Packard Enterprise Company
Amazon.com, Inc.	Public Health Law Center
Bates White LLC	SAP America, Inc.
Bloomberg L.P.	Square, Inc
Box, Inc.	Uber Technologies, Inc.
Environmental Defense Fund	Waymo, LLC

¹ For any former client that is not listed, I understand that I am personally obliged not to participate in specific party matters involving that former client for the duration of my ethics obligations.

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,” then I will consult with OGC/Ethics.

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 understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics. Attached is a list of the cases in which I participated and from which I am recused for the entirety of my tenure at EPA.

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 been advised by OGC/Ethics that I have an imputed financial interest based on my position as a member of the Board of Visitors of Georgetown University Law Center. I have received approval from OGC/Ethics for my outside activity as a member of the Board of Visitors of Georgetown University Law Center, and I understand that the interests of the University are imputed to me under the financial conflict of interest statute. Therefore, I cannot participate personally and substantially in any particular matter that will have a direct and predictable effect on **Georgetown University** as a specific party or as a member of an affected class, unless I first obtain a written waiver.

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).

Particular Matters Involving Specific Parties

Given the value of my financial holdings, I am disqualified from participating personally and substantially in any particular matter that affects **SunRun** or **SolarEdge** as a specific party.

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 “sector” 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 one listed below, then I understand that I do not have a financial conflict of interest.

Based on my current level of financial ownership, I am disqualified from participating personally and substantially in any matter of general applicability that targets the **Semiconductors** sector.

Certificate of Divestiture

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

DIRECTIVE AND CONCLUSION

To avoid participating in any of the matters from which I am recused, please refer those matters to the attention of Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

Attachment

cc: Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs
 Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives
 Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
 Elise Packard, Deputy General Counsel for Operations
 OGC Associates and Directors
 Regional Counsels
 Daniel Conrad, Acting Associate Deputy General Counsel

LIST OF RECUSED CASES – Susannah Weaver

CASE NAME & CITATION	DESCRIPTION
<i>State of California v. EPA</i> , No. 21-1035 (and consolidated cases) (D.C. Cir.)	Challenge to Jan. 13, 2021 significant contribution rule
<i>Environmental Defense Fund v. EPA</i> , No. 4:21-cv-00003 (D. Mont.)	Challenge to Jan. 6, 2021 science transparency rule
<i>Environmental Defense Fund v. EPA</i> , No. 20-1360 (and consolidated cases) (D.C. Cir.)	Challenge to Sept. 15, 2020 rule to rule weakening emissions standards for volatile organic compounds from oil and gas sources
<i>State of California v. EPA</i> , No. 20-1357 (and consolidated cases) (D.C. Cir.)	Challenge to Sept. 14, 2020 rule to remove methane emissions standards and downstream standards for oil and gas sources
<i>Air Alliance Houston v. EPA</i> , No. 20-1268 (and consolidated cases) (D.C. Cir.)	Challenge to May 20, 2020 risk and technology review for air toxics from power plants
<i>American Academy of Pediatricians v. Wheeler</i> , No. 20-1221 (and consolidated cases) (D.C. Cir.)	Challenge to May 20, 2020 withdrawal of appropriate and necessary finding to regulate toxic pollution from power plants
<i>California v. EPA</i> , No. 19-17480 (9 th Cir)	Suit for injunctive relief requiring the EPA to promulgate its federal landfill emissions plan
<i>Environmental Defense Fund v. EPA</i> , No. 19-1222 (and consolidated case) (D.C. Cir.)	Challenge to Aug. 26, 2019 rule to extend deadlines for implementing landfill emissions guidelines
<i>American Lung Ass'n v. EPA</i> , No. 19-1140 (and consolidated cases) (D.C. Cir.)	Challenge to July 8, 2019 rule rescinding the Clean Power Plan and promulgating the ACE rule
<i>State of Maryland v. EPA</i> , No. 18-1285 (and consolidated cases) (D.C. Cir.)	Challenge to Oct. 25, 2018 denial of section 126 petition
<i>State of California v. EPA</i> , No. 18-1139 (and consolidated cases) (D.C. Cir.)	Challenge to April 13, 2018 mid-term evaluation of vehicle emission standards
<i>State of California v. EPA</i> , 4:18-cv-03237 (N.D. Cal.)	Challenge to EPA's failure to fulfill its mandatory duty to implement landfill emission guidelines
<i>State of New York v. Pruitt</i> , No. 1:18-cv-00773 (D.D.C.)	Challenge to EPA's unreasonable delay in fulfilling its mandatory duty to issue oil and gas emission guidelines
<i>North Dakota v. EPA</i> , No. 17-1014 (and consolidated cases) (D.C. Cir.)	Challenge to denial of petition to reconsider CPP
<i>Chesapeake Bay Foundation v. Pruitt</i> , No. 1:17-cv-02939-JKB (and consolidated cases) (D. Md.)	Suit for injunctive relief regarding EPA's failure to take final action on petition filed by the Maryland Department of the Environment
<i>Truck Trailers Manufacturers Ass'n v. EPA</i> , No. 16-1430 (D.C. Cir.)	Challenge to Oct. 25, 2016 rule regulating, among other things, trailers
<i>NRDC v. EPA</i> , No. 16-1425 (D.C. Cir.)	Challenge to EPA's failure to regulate methane emissions in 2012 rule
<i>Nat'l Waste & Recycling Ass'n v. EPA</i> , Nos. 16-1371, 16-1372 (D.C. Cir.)	Challenge to Aug. 19, 2016 rule strengthening new source performance standards and emissions guidelines for landfills
<i>Murray Energy Corp. v. EPA</i> , No. 16-1127 (and consolidated cases) (D.C. Cir.)	Challenge to April 25, 2016 supplemental appropriate and necessary finding to regulate toxic pollution from power plants
<i>State of Wisconsin v. EPA</i> , No. 16-1406 (and consolidated cases) (D.C. Cir.)	Challenge to CASPR
<i>State of West Virginia v. EPA</i> , No. 15-1363 (and consolidated cases) (D.C. Cir.)	Challenge to Oct. 23, 2015 Clean Power Plan
<i>American Petroleum Inst. v. EPA</i> , No. 13-1108 (and consolidated cases) (D.C. Cir.)	Challenge to EPA's 2012-2016 rules regulating pollution from oil and gas sources