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

OFFICE OF
RESEARCH AND DEVELOPMENT

DEC 19 2018

MEMORANDUM

SUBJECT: Recusal Statement

FROM: David Dunlap DDD
Deputy Assistant Administrator

TO: Jennifer Orme-Zavaleta
Principal Deputy Assistant Administrator

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 obligations 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 13770 and the Trump Ethics Pledge that I signed.

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 I understand that I have an imputed financial interest with my spouse's employer, Sanofi. Thus, I will not participate personally and substantially in any particular matter that affects **Sanofi** as a specific party or as a member of an affected class, including any particular matter of general applicability that is focused on the **pharmaceutical sector**.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Koch Industries**, is a party or represents a party. I understand that my recusal lasts until after September 30, 2020, which is two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for 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 five or more parties who represent a diversity of interests rather than one shared perspective.[1]

VOLUNTARY RECUSAL

Although not necessarily required, I am voluntarily recusing myself from participation in any matters related to the **formaldehyde IRIS assessment** for the duration of my EPA tenure in order to avoid the appearance of any ethical concerns in my role as Deputy Assistant Administrator.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in the matters listed above, I will instruct Elizabeth Blackburn, Office of Research and Development Chief of Staff, to assist in screening EPA matters directed to my attention. All inquiries and comments involving the matters on my recusal list should be directed to Elizabeth without my knowledge or involvement.

If Elizabeth determines that any of the matters listed on my recusal list is involved, 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 with a copy to Justina Fugh, Senior Counsel for Ethics.

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 to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

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[1] I understand that such meetings "do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding 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." *See* Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

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cc: Bruce Rodan, Associate Director
Chris Robbins, Acting Deputy Assistant Administrator
Mary Ellen Radzikowski, Acting Associate Assistant Administrator
Justina Fugh, Director, Ethics Law Office

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