UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Anne L. Idsal
Regional Administrator

TO: Andrew Wheeler
Acting Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and the Region's ethics team 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 13770 and the Trump Ethics Pledge that I signed, as well as my own 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 about my family's closely-held corporation, **Idsal Family Properties Management**. I will continue to have a financial interest in this entity but receive only passive income from it. I will not participate personally and substantially in any particular matter that will have a direct and predictable financial effect on the financial interest of Idsal Family Property Management, unless I first obtain a written waiver from the Office of General Counsel pursuant to Section 208(b)(1).

Unless I am authorized to participate by the Office of General Counsel (OGC), I am disqualified from participating in any particular matter involving specific parties in which the following entity is a party or represents a party:

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NAME OF ENTITY	DATE WHEN RECUSAL ENDS
Valley Crossing Pipeline	Continues for as long as I have an interest in a pipeline easement with this entity.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are the Texas General Land Office (TX GLO) and the Leukemia & Lymphoma Society.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that these additional restrictions contained in the Executive Order regarding the TX GLO as my former employer do not apply to me. The definition of "former employer" in the Executive Order excludes state government.[1] Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for the TX GLO.

I understand that I am prohibited from participating in any particular matter involving specific parties in which the **Leukemia & Lymphoma Society** is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. 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, representing a diversity of viewpoints. If my former employer is present, then I understand that, generally speaking, at least four other parties should be present to ensure that a diversity of viewpoints is represented and not the same united perspective.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

I am advised by OGC/Ethics that Executive Order 13770 defines "former employer" to exclude state or local government entities. But as an executive branch employee, I understand that I am also subject to the federal impartiality standards and have a "covered relationship" with my former employer who is a state government. However, on December 28, 2017, EPA's Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate in specific party matters that involve the State of Texas, but not on the very same specific party matters I worked on personally and substantially while employed with the **TX GLO**.

ATTORNEY BAR OBLIGATIONS

Pursuant to my bar rules, I recognize that I am obligated 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

[1] See Exec. Order 13770, Section 2(j), which provides that " 'former employer' does not include…State or local government."

related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. I am therefore recusing myself from participation in all matters related to the **Texas Regional Haze 5 Year Program Report** and the **Texas SO2 Transport SIP**.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters listed above, I will instruct the Acting Deputy Regional Administrator, Region 6, to assist in screening EPA matters directed to my attention that involve those matters. To help ensure that I do not inadvertently participate in matters from which I am recused, I am directing the Acting Deputy Regional Administrator to seek the assistance of the Region 6 Ethics Team and/or OGC/Ethics if he is ever uncertain whether I may participate in a matter. All inquiries and comments involving the entities on my recusal list should be directed to the Acting Deputy Regional Administrator without my knowledge or involvement.

If the Acting Deputy Regional Administrator determines, with input from Region 6 Ethics and/or OGC/ethics as appropriate, that a particular matter will directly involve any of the matters described above, then he will refer it for action or assignment to another, without my knowledge or involvement. I will provide a copy of this memorandum to my principal subordinates and Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region's ethics team, I will revise and update my recusal statement whenever warranted by changed circumstances, including a determination that I worked personally and substantially on a particular matter, not yet identified, while at TX GLO, 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, OGC/Ethics, and my principal subordinates.

cc: David Gray, Acting Deputy Regional Administrator, Region 6
Ben Harrison, Acting Regional Counsel, Region 6
Jan Gerro, Regional Ethics Counsel, Region 6
Terry Sykes, Regional Ethics Counsel, Region 6
Justina Fugh, Senior Counsel for Ethics