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

OFFICE OF
GENERAL COUNSEL

JAN 31 2017

The Honorable Sheldon Whitehouse
United States Senate
530 Hart Senate Office Building
Washington, DC 20510

Dear Senator Whitehouse:

Thank you for your letter of January 27, 2017, in which you asked for an update on the procedures that the United States Environmental Protection Agency (EPA) follows to ensure that all new employees are aware of the federal ethics laws and regulations.

ETHICS BRIEFINGS

As required by 5 C.F.R. § 2638.304, all new employees must have initial ethics training. Effective January 1, 2017, this training can be offered quarterly, so an entering employee may receive the initial ethics briefing anytime within his or her initial ninety days at the Agency. In addition, pursuant to recently revised 5 C.F.R. § 2638.305, an incoming Administrator will be required to have an ethics briefing to discuss individual immediate ethics obligations. At the Agency's election, this training may be combined with the new employee ethics training.

WHAT THE EPA HAS DONE

To familiarize incoming political appointees with their ethics obligations and to assess any potential conflicts of interest, the EPA provided new employee ethics orientation sessions to incoming political appointees. Those briefings meet the requirements of 5 C.F.R. § 2638.304.

During the briefings, the EPA explained that the individuals will need to file public financial disclosure reports, the OGE 278, through INTEGRITY in accordance with 5 C.F.R. § 2638.203, within thirty days of entering federal service. See 5 C.F.R.§ 2635.204. The EPA also inquired about ownership interests and any spousal employment to identify potential financial conflicts pursuant to 18 U.S.C. § 208, and about covered relationships to identify potential impartiality concerns pursuant to 5 C.F.R. § 2635, Subpart E.

The individuals to whom the EPA has provided in-person ethics orientation sessions are:

NAME	TYPE OF APPOINTMENT	DATE OF ETHICS BRIEFING
Bangerter, Layne	Temporary Transitional Schedule C authority (provisional appointment)	January 16, 2017
Benton, Don	Temporary Transitional Non-Career SES authority (provisional appointment)	January 18, 2017
Davis, Patrick	Temporary Transitional Schedule C authority (temporary appointment)	January 16, 2017
Ericksen, Doug	Temporary Transitional Schedule C authority (temporary appointment)	January 18, 2017
Greaves, Holly	Temporary Transitional Non-Career SES authority (provisional appointment)	January 18, 2017
Konkus, John	Temporary Transitional Schedule C authority	January 27, 2017
Kreutzer, David	Temporary Transitional Schedule C authority (provisional appointment)	January 17, 2017
Munoz, Charles	Temporary Transitional Schedule C authority (provisional appointment)	January 18, 2017
Schwab, Justin	Temporary Transitional Schedule C authority (provisional appointment)	January 16, 2017
Schnare, David	Temporary Transitional Non-Career SES authority (provisional appointment)	January 18, 2017
Sugiyama, George	Temporary Transitional Schedule C authority (provisional appointment)	January 17, 2017

These individuals are the only political appointees currently at the EPA. Other than routine coordination with the Department of Justice, the Office of General Counsel has not briefed individuals who are not employees of the EPA on matters currently in litigation.

Following the initial ethics briefing, the Senior Counsel for Ethics summarized the ethics advice given based upon each person's individual situation in an email, including, where necessary, any areas of potential conflict or impartiality concerns. Then, beginning the week of January 23, 2017, after the individuals became employees of the EPA, she began to formalize ethics advice to them, including instructions on seeking authorization for outside activities where necessary. For the incoming political appointees who are attorneys, the EPA has reminded them about their own obligations under their state bar rules. No waivers or impartiality determinations have been issued to any of the incoming political appointees.

On Saturday, January 28, 2017, President Donald J. Trump signed an executive order that set forth additional ethics restrictions for his appointees. The EPA will review that order and provide additional training to the political appointees already at the EPA, as necessary, and ensure that they sign the President's pledge.

We appreciate your continued interest in ensuring that the EPA provides effective ethics advice and counseling to our employees. If you have further questions, you may contact me, minoli.kevin@epa.gov or (202) 564-8064, or Justina Fugh, Senior Counsel for Ethics, fugh.justina@epa.gov or (202) 564-1786, and please copy Christina Moody of the EPA's Office of Congressional and Intergovernmental Relations, moody.christina@epa.gov or (202) 564-0260.

Sincerely yours,

Kevin S. Minoli
Designated Agency Ethics Official
Acting General Counsel