



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

MEMORANDUM

SEP 03 2019

SUBJECT: Recusal Statement
FROM: Dennis Deziel
Regional Administrator
Region I
TO: Andrew R. Wheeler
Administrator

I have 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 13770 and President Trump's 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 been advised that I do not currently have any significant financial conflicts of interest, but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

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 -- Dow, Inc., DuPont, and Corteva¹ -- is a party or represents a party. I understand that 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 five or more parties who represent a diversity of interests rather than one shared perspective.²

Pursuant to Section 1, Paragraph 7 of the Executive Order, I understand that, as a former federally registered lobbyist within the two years before the date of my appointment, I will not, for a period of two years after the date of my appointment, participate in any particular matter on which I lobbied within the two years before the date of my appointment or participate in the specific issue area in which that particular matter falls. I am advised by OGC/Ethics that Section 1, Paragraph 7 applies to both "particular matters involving specific parties" and "particular matters of general applicability," but not the broader term, "matters" (e.g., PFAS/PFOA, climate change.)³ I understand that I am not recused from working on these broader policy issues. However, to the extent that these issues arise in specific party matters such as litigation or an enforcement action in which my former employer is a party, then I understand that I am recused from participating in such matters for two years from my appointment date. Set forth below are the specific issue areas from which I'm recused:

¹ I was employed by the former DowDuPont until Dow, Inc. was spun off as a separate corporate entity on April 1, 2019. Corteva, the former agricultural division of DowDuPont, was spun off as a separate corporate entity on June 1, 2019. DuPont emerged as a stand-alone corporate entity on June 3, 2019 and DowDuPont ceased to exist. I have been advised by OGC/Ethics, who consulted with the Office of Government Ethics, that both Dow and DuPont are my former employers for the purposes of the impartiality regulations and the Ethics Pledge, and that Corteva may also be considered to be a former employer. To avoid even the appearance of any ethics issue, I am also recusing myself from participation in any specific party matter with regard to Corteva as defined by the Ethics Pledge.

² 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. 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).

³ See OGE Legal Advisory LA-17-03 (March 20, 2017) which defines "specific issue area" to mean a "particular matter of general applicability," which is a particular matter that is focused on the interests of a discrete and identifiable class of persons, but does not involve specific parties. See 5 C.F.R. § 2640.102(1)-(m).

RECUSAL LIST PURSUANT TO EXECUTIVE ORDER 13770, Section 1, ¶ 7
In effect until September 1, 2021

FORMER LOBBYING SPECIFIC ISSUE AREAS:

Appalachian Energy Hub

Energy Star Program

EPA's Affordable Clean Energy (ACE) Rule as applied to certain facilities in Region⁴

Hydrofluorocarbon refrigerant legislation

Title I of Toxic Substances Control Act, which was amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act⁵

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to federal ethics rules, I understand that I have a one-year cooling off period with my former employer. For one year after my resignation from Dow, Inc., I am prohibited from participating personally and substantially in any particular matter involving specific parties in which Dow, Inc., DuPont, and Corteva is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities or lobbying issue areas listed above, I will instruct Deborah A. Szaro, Deputy Regional Administrator, Region 1, to assist in screening EPA matters directed to my attention that involve my former employer or the particular matter/specific issue area on which I previously lobbied. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to Ms. Szaro without my knowledge or involvement.

If Ms. Szaro determines that a particular matter will directly involve any of the entities or issue areas on my recusal list, 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 and/or the Region 1

⁴ Due to the limited number of facilities impacted by the ACE Rule in the Region, this recusal requirement is not expected to have a significant impact on my ability to carry out my duties as the Regional Administrator.

⁵ Although I have been advised that the implementation of the core provisions of Title I of TSCA are unlikely to arise within the Region, I understand that I should recuse myself from any particular matters of general applicability promulgated under TSCA that are focused on one sector, such as a significant new use rulemaking applicable to the chemical manufacturing sector. I am further advised by OGC/Ethics that I may participate in any matters related to PCBs since the Lautenberg amendments did not make any substantive changes to the treatment of PCBs under Title I of TSCA. I understand that the "core" TSCA provisions of Title I are enforced by the Regional Centers of Excellence excluding Region 1. Therefore, this recusal requirement is not expected to have a significant impact on my ability to carry out my duties as the Regional Administrator.

ethics team for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics or the Region 1 ethics team, 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, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Henry Darwin, Acting Deputy Administrator
Ryan Jackson, Chief of Staff
Deborah Szaro, Deputy Regional Administrator, Region 1
Carl Dierker, Regional Counsel, Region 1
LeAnn Jensen, Regional Ethics Counsel, Region 1
Justina Fugh, Director, Ethics Office

Dennis Deziel Recusal List

Region	Site Name	EPA ID	NPL	State	Party
01	AUBURN ROAD LANDFILL	NHD980524086	F	NH	Dow
01	BEACON HEIGHTS LANDFILL	CTD072122062	F	CT	Dow/DuPont
01	BEEDE WASTE OIL	NHD018958140	F	NH	Dow
01	BURGESS BROTHERS LANDFILL	VTD003965415	F	VT	Dow
01	CANNON ENGINEERING CORP. (CEC)	MAD079510780	D	MA	Dow
01	DAVIS LIQUID WASTE	RID980523070	F	RI	Dow
01	GALLUP'S QUARRY	CTD108960972	F	CT	Dow
01	IRON HORSE PARK	MAD051787323	F	MA	Dow
01	KEEFE ENVIRONMENTAL SERVICES (KES)	NHD092059112	F	NH	DuPont
01	OLD SOUTHINGTON LANDFILL	CTD980670806	D	CT	DuPont
01	OTTATI & GOSS/KINGSTON STEEL DRUM	NHD990717647	F	NH	Dow/DuPont
01	PETERSON/PURITAN, INC.	RID055176283	F	RI	Dow
01	PICILLO FARM	RID980579056	F	RI	Dow/DuPont
01	PLYMOUTH HARBOR/CANNON ENGINEERING CORP.	MAD980525232	D	MA	Dow
01	RE-SOLVE, INC.	MAD980520621	F	MA	Dow/DuPont
01	SEAWAY BOAT	MED982547960	N	ME	Dow
01	SILRESIM CHEMICAL CORP.	MAD000192393	F	MA	Dow/DuPont
01	SOLVENTS RECOVERY SERVICE OF NEW ENGLAND	CTD009717604	F	CT	Dow/DuPont
01	SUTTON BROOK DISPOSAL AREA	MAD980520696	F	MA	Dow/DuPont
01	SYLVESTER	NHD099363541	F	NH	Dow
01	TINKHAM GARAGE	NHD062004569	F	NH	Dow

Region	Site Name	EPA ID	Site Type	City	State	Party
1	AMERICAS STYRENICS LLC ALLYN'S	CTD001159730	Corrective Action Permit LQG	GALES FERRY	CT	Dow
1	SPORTING GOODS PROPERTIES INC	CTD001453216	Corrective Action	Bridgeport	CT	Dupont/Corteva

Note that the regional Superfund Site search went beyond the specific companies identified by OGC, and included the following entities. If there are any new matters that arise in the next 2 years that involve these entities, we should consider whether recusal is appropriate.

Union Carbide
 Rohm & Hass
 Angus
 Essex Specialty Products
 Essex Chemical
 Mortell Company, American Mortell, J.W. Mortell
 General Latex
 Morton International, Morton Thiokol, Ventron
 Hampshire Chemical Corporation
 Racon, Inc.
 Amerchol
 Poly-Carb
 Union Transformer
 UCAR