



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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Justin Schwab
Senior Legal Advisor

TO: Don Benton
Senior White House Advisor

Charles Munoz
White House Liaison

Jn J L 02/10/2017

This memorandum provides you with written notification of my obligation to recuse myself from participation personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me unless I first obtain a written waiver, pursuant to § 208(b)(1), or qualify for a regulatory exemption, pursuant to § 208(b)(2). Because of the current level of my financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects *Microsoft* as a specific party.

In addition, I understand I am obliged to recuse myself from certain matters in which I have a covered relationship under the federal impartiality regulations. I am prohibited from participating in any particular matter in which my former employer, *Baker and Hostetler*, is or represents a party. I understand that my recusal lasts for one year from the date that I left the firm, so this recusal will end on January 19, 2018.

I further understand that I have a covered relationship with *any client* for whom I provided legal services. I understand that there is no *de minimis* exception for the provision of such services and that the ethics rules address any "person" to whom such services were provided, which can include subsidiaries. I will personally monitor my recusal list and promptly recuse myself as appropriate. For federal ethics purposes, this recusal remains in effect for one year from the date that I last provide services to that client or unless I am first authorized by the Office of General Counsel/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). But I understand that I am also subject to my own bar obligations.

Pursuant to my obligations under my bar rules, I recognize that I am obliged 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 related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

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, and/or when I change positions within EPA. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to the appropriate supervisor, OGC/Ethics, and any principal subordinates.

I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

cc: Justina Fugh, Senior Counsel for Ethics

 02/10/2017