



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

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Radhika K. Fox
Principal Deputy Assistant Administrator

RADHIKA
FOX

Digitally signed by
RADHIKA FOX
Date: 2021.06.16
06:07:39 -07'00'

TO: Michael S. Regan
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 13989 and President Biden's Ethics Pledge that I signed.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **U.S. Water Alliance, Jobs to Move America, PolicyLink, and the Aspen Institute**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

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. If, for example, there is "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."¹ Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

¹ See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

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.

Particular Matters Involving Specific Parties

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS			
3M	Caterpillar, Inc.	JP Morgan & Chase	Raytheon Technologies Corp.
Abbot Laboratories	Centene Corp.	Mastercard, Inc.	SalesForce
Abbvie, Inc.	Chevron Corp.	Medtronic PLC	Starbucks Corp.
Alphabet, Inc.	Citigroup, Inc.	Metlife, Inc.	Traveler’s
Amazon	Coca-Cola Co.	Microsoft	UPS
Amgen, Inc.	Comcast Corp.	Morgan Stanley	U.S. Bancorp
Anthem, Inc.	Costco	Nike, Inc.	United Health Group
Apple, Inc.	Exxon Mobil Corp.	Novartis AG	Valero Energy
Bank of America	Facebook, Inc.	Nvidia Corp	Verizon Communications
Bank of Montreal	FedEx Corp.	OTIS Worldwide Corp.	Visa, Inc.
Berkshire Hathaway	Home Depot, Inc.	PepsiCo, Inc.	Walt Disney
BHP Group	Honeywell International, Inc.	Pfizer, Inc.	
Boeing Co.	Intel, Corp.	PNC Financial Services	
Carrier Global Corporation	Johnson & Johnson	Proctor & Gamble	

Particular Matters of General Applicability

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST –SECTORS		
Aerospace & Defense	Apparel, Accessories, Footwear, & Luxury Goods	Banks
Beverages	Building Products	Consumer Finance
Diversified Financial Services	Electrical Equipment	Food & Staples Retailing
Healthcare Equipment & Services	Home Improvement Retail	Hotels, Resorts, & Cruise Lines
Household & Personal Products	Insurance	Internet & Direct Marketing Retail
Machinery	Media & Entertainment	Oil & Gas – Downstream, Midstream, Upstream
Pharmaceuticals, Biotechnology, & Life Sciences	Renewable Energy Sources (Solar, Wind, Geothermal, Hydro)	Software & Services
Specialty Chemicals	Technology Hardware & Equipment	Telecommunication Services
Transportation (Air Freight & Logistics; Marine, Road & Rail)	Utilities	

Bonds

I am recused from participating in any particular matter that will have a direct and predictable financial effect upon the ability and willingness of the following bond issuers to honor their obligations or that will affect their bond ratings.

RECUSAL LIST – BONDS	
New Jersey Turnpike Authority	San Juan Unified School District, California
New Jersey Economic Development Authority	Public Works Board, California
State of New Jersey	William S. Hart School District, California
Union County, New Jersey	Chaffey Community College District, California
Carteret, New Jersey	Chabot Las Positas Community College District, California
Orange Township, New Jersey	City and County San Francisco, California
State of California	Long Beach, California

Certificate of Divestiture

I intend to seek a certificate of divestiture and will update this recusal statement when my financial situation changes.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal ethics rules, I understand that I have a covered relationship with the **Water Solutions Network**, as within the last year I served on their Advisory Council, though I was unpaid and did not have any fiduciary obligations. 5 C.F.R. § 2635.502(b)(v). Therefore, I am recused from working on any specific party matters where the Water Solutions Network is a party or represents a party, for one year from the date of my resignation. This recusal period will expire after **January 20, 2022**.

I also have a covered with my spouse and my spouse's employer, Direct Commerce, Inc. See 5 C.F.R. § 2635.502(b)(1)(ii) and (iii). I will recuse from specific party matters where my spouse or his employer is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

DIRECTIVE AND CONCLUSION

To avoid participating in all of the matters outlined above from which I am recused, please direct them to the attention of **Benita Best-Wong, Deputy Assistant Administrator**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Benita Best-Wong, Deputy Assistant Administrator
OW Office Directors
Justina Fugh, Director, Ethics Office
Louise Kitamura, OW/IO Assistant Deputy Ethics Official