

From: [Seth Jaffe](#)
To: [Deborah J. Bortot](#)
Subject: RE: Wright, Peter letter - [Message and attachment(s) contain CUI]
Date: Wednesday, July 10, 2019 8:57:26 AM

Deborah,

I received your email at 8:13am.

Thanks,
Seth

From: Deborah J. Bortot
Sent: Wednesday, July 10, 2019 8:13 AM
To: Shelley K. Finlayson <skfinlay@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: Fwd: Wright, Peter letter - [Message and attachment(s) contain CUI]

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Rogers, Andrew (EPW)" <(b) (6)>
Date: 7/9/19 9:07 PM (GMT-05:00)
To: "Deborah J. Bortot" <djbortot@oge.gov>
Subject: Re: Wright, Peter letter - [Message and attachment(s) contain CUI]

Deborah,

Senator Carper would like to discuss this matter with someone at OGE. Tomorrow, if possible. Who is the best point of contact to coordinate such a conversation, or who should I direct the Senator's scheduler to to sort logistics? Thank you.

Andrew C. Rogers
Minority Chief Counsel
U.S. Senate Committee on Environment and Public Works

On Jul 9, 2019, at 2:50 PM, Deborah J. Bortot <djbortot@oge.gov> wrote:

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Email and attachment(s) contain CUI.

Good Afternoon,

Per our conversation, see the attached correspondence from the Director of OGE.

Thanks,
Deborah

Deborah J. Bortot
Chief, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
Telephone: (202) 482-9227

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<Wright, Peter C. directorltr 7.9.19.pdf>

<CUI_Coversheet_DJB.pdf>



CONTROLLED UNCLASSIFIED INFORMATION (CUI)

Use this space to indicate categories/subcategories, special instructions, points of contact, etc., if needed.

The attached document contains CUI that requires protection and safeguarding in a manner that prevents unauthorized disclosure of CUI. (e.g., locked file cabinet, restricted access to CUI, etc.)

If you need additional information regarding the attached document containing CUI, please contact Deborah Bortot at 202-482-9227 or djbortot@oge.gov.

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July 9, 2019

The Honorable John Barrasso
Chairman
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing to bring to your attention new information concerning the nomination of Peter C. Wright, who has been nominated by President Trump for the position of Assistant Administrator, Office of Land and Emergency Management, Environmental Protection Agency (EPA). This information may be relevant to your committee's consideration of the nomination.

On January 30, 2019, the U.S. Office of Government Ethics (OGE) transmitted to your committee a certified copy of the financial disclosure report filed by Mr. Wright. At that time, OGE also transmitted an ethics agreement outlining the actions that Mr. Wright would undertake to avoid conflicts of interest if confirmed. Mr. Wright identified in his financial disclosure report, and the accompanying ethics agreement, that he held no stock or equity interest in his former employer DowDuPont.

EPA recently notified OGE that Mr. Wright continued to hold an equity interest in DowDuPont at the time he filed his nominee financial disclosure report, and continued to do so until March 12, 2019. EPA explained that Mr. Wright inadvertently omitted this DowDuPont holding on his financial disclosure report based on the mistaken belief that he had previously donated the equity to his alma mater. EPA confirms that Mr. Wright did donate his interest in DowDuPont on March 12, 2019, and that he therefore no longer holds any equity in DowDuPont.

Although he has since divested his interest in DowDuPont, Mr. Wright held this potentially conflicting interest during the period he was serving as Senior Counsel to the EPA Administrator, a position he has held since July 2018. EPA asserts that Mr. Wright has complied with all applicable ethics laws during the period in which he inadvertently held DowDuPont stock; however, OGE currently lacks the information necessary to make its determination or



Chairman Barrasso
Page 2

to send a completed amendment to his ethics agreement and financial disclosure report to your committee.

Sincerely,

Emory A. Rounds, III
Director

cc: The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

From: [Lorna A. Syme](#)
To: [Christopher J. Swartz](#)
Subject: FW: amendment - [Message and attachment(s) contain CUI]
Date: Wednesday, July 10, 2019 11:47:50 AM
Attachments: [Amendment to ethics agreement and nominee report 2019.docx](#)

Attachment referred to EPA

Referral to EPA

From: Lorna A. Syme <lasyme@oge.gov>
Sent: Monday, April 08, 2019 10:28 AM
To: Fugh, Justina <(b) (6)>
Subject: amendment - [Message and attachment(s) contain CUI]

CONTROLLED
Email and attachment(s) contain CUI.

No attachment found in search

Justina:

See attached for 278 amendment template. I believe the filer as already divested/donated of the asset but please let me know if I have misunderstood.

1. Once you've drafted the amendment, please email to me. OGE will review.
2. Once OGE's reviewed and worked with you on any necessary edits, the filer should sign it.
3. Then, please email it to me with another transmittal letter, which should be similar in substance to the original one you sent, i.e., the DAEO "continues" to believe the filer is in compliance with all applicable laws, etc.
4. OGE will sign the amendment and send it to the Senate.

Please remember: if in the future someone from the public requests a copy of the certified 278, you will need to release both the 278 as well as this amendment.

Lorna

Lorna Syme
Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
Telephone: (202) 482-9277
Facsimile: (202) 482-9237

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From: [Lorna A. Syme](#)
To: [Christopher J. Swartz](#)
Subject: FW: amendment - [Message and attachment(s) contain CUI] - [Message contains CUI] - [Message and attachment(s) contain CUI]
Date: Wednesday, July 10, 2019 11:48:20 AM
Attachments: [Amendment notification to OGE 2019.docx](#)
[Amendment to ethics agreement and nominee report 2019.docx](#)

First attachment "Amendment notification to OGE 2019.docx" referred to EPA. Second attachment "Amendment to ethics agreement and nominee report 2019.docx" is the same attachment as the attachment indicated on page 6 for email sent on July 10, 2019 at 11:47 am from Lorna Syme

Referral to EPA

From: Lorna A. Syme <lasyme@oge.gov>
Sent: Friday, April 26, 2019 9:12 AM
To: Fugh, Justina (b) (6) >
Subject: RE: amendment - [Message and attachment(s) contain CUI] - [Message contains CUI] - [Message and attachment(s) contain CUI]

CONTROLLED
Email and attachment(s) contain CUI.

No attachment found in search

Attached is a sample letter. Take a look, revise and send me back the draft. I will then send both letters up for review.

Thanks,

Lorna

Referral to EPA

Referral to EPA



From: Lorna A. Syme <lasyme@oge.gov>

Sent: Thursday, April 25, 2019 12:24 PM

To: Fugh, Justina <(b) (6)>

Subject: RE: amendment - [Message and attachment(s) contain CUI] - [Message contains CUI]

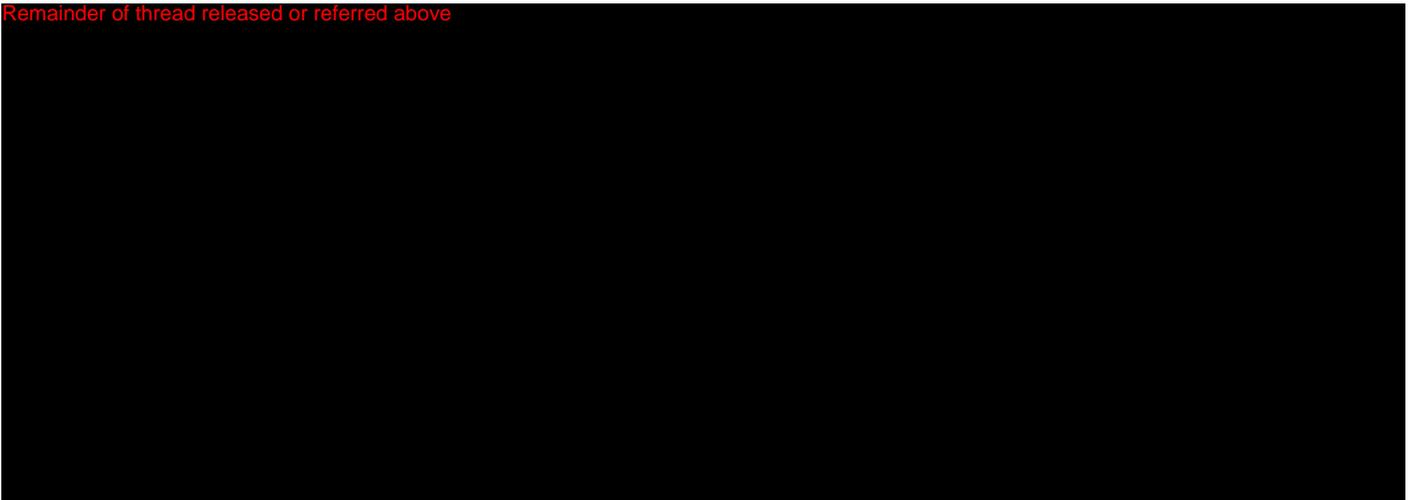
CONTROLLED

Justina:

Would you please send the transmittal letter when you have a chance. We are actually going to look at both letters together. If you want a draft template I am happy to send you one.

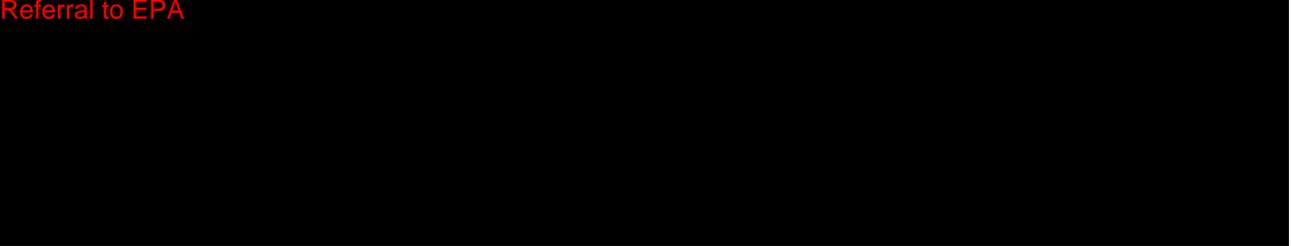
Lorna

Remainder of thread released or referred above



From: [Lorna A. Syme](#)
To: [Christopher J. Swartz](#)
Subject: FW: amendment - [Message contains CUI]
Date: Wednesday, July 10, 2019 11:48:28 AM

Referral to EPA



From: Lorna A. Syme [mailto:lasyme@oge.gov]
Sent: Thursday, May 16, 2019 11:55 AM
To: Fugh, Justina <(b) (6)>
Subject: amendment - [Message contains CUI]

CONTROLLED

Hi Justina:

Just following up on the amendment for Mr. Wright. In our last discussion you had indicated that you would send me an analysis that Mr. Wright had not worked on any matters affecting Dow while he still retained the Dow stock.

Thanks,

Lorna

Lorna Syme
Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
Telephone: (202) 482-9277
Facsimile: (202) 482-9237

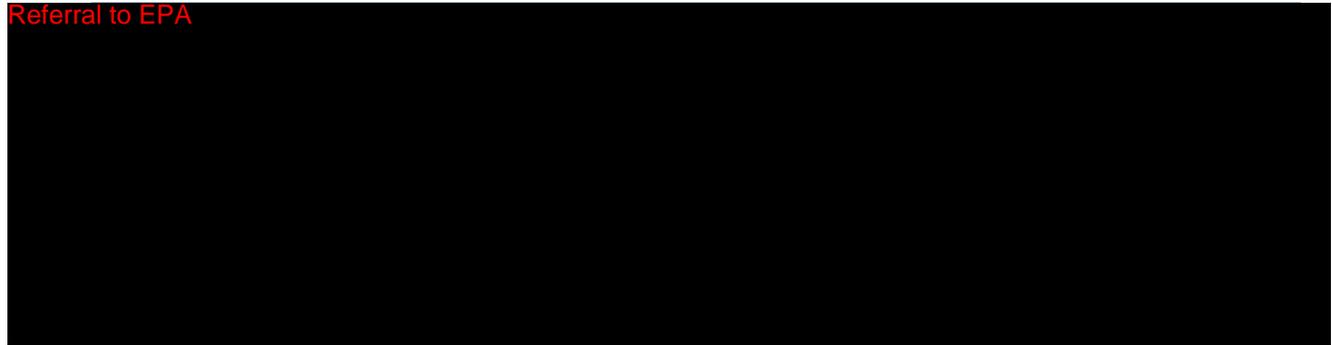
Visit OGE's website: >>www.oge.gov<<

Follow OGE on Twitter: @OfficeGovEthics

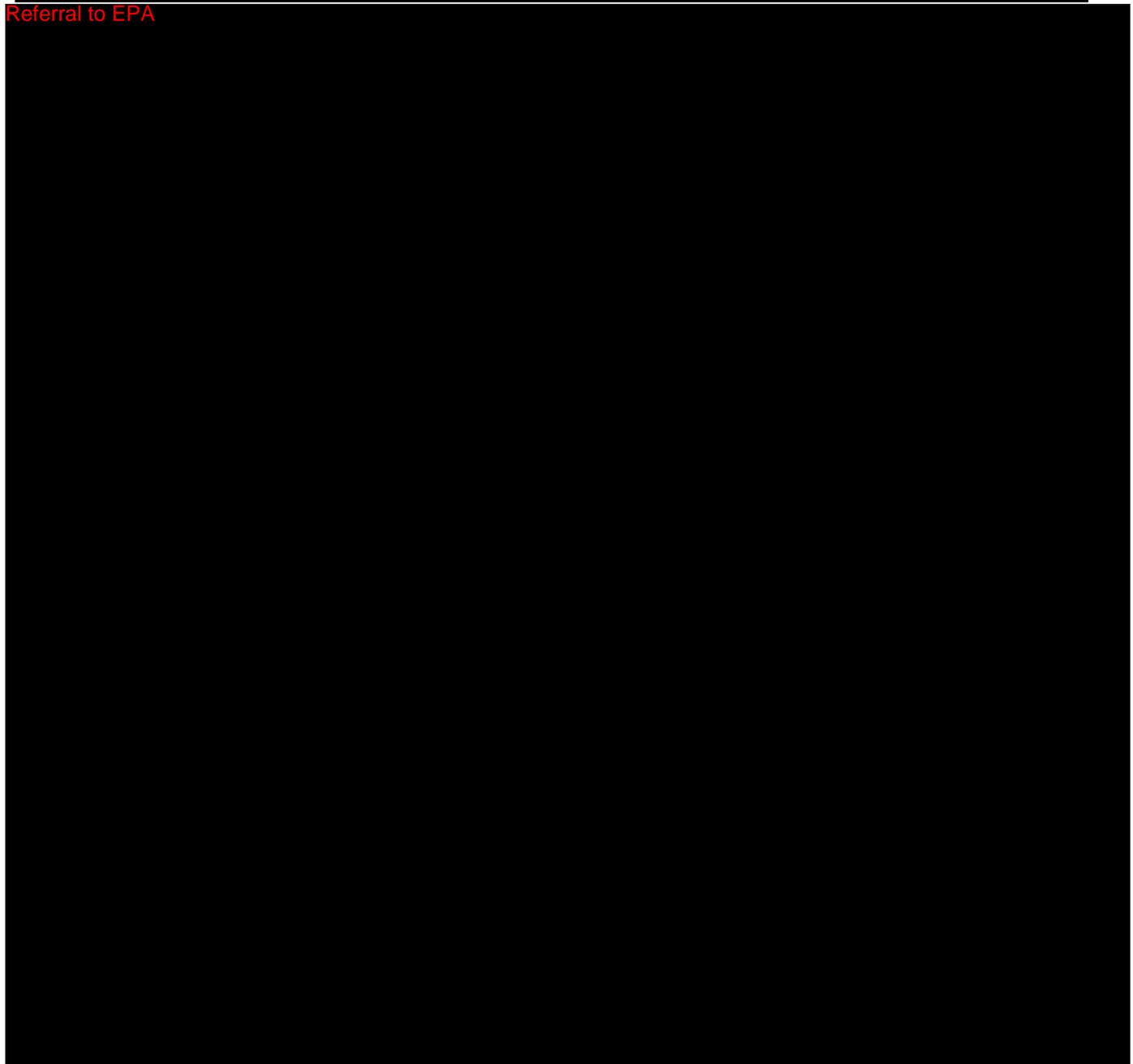
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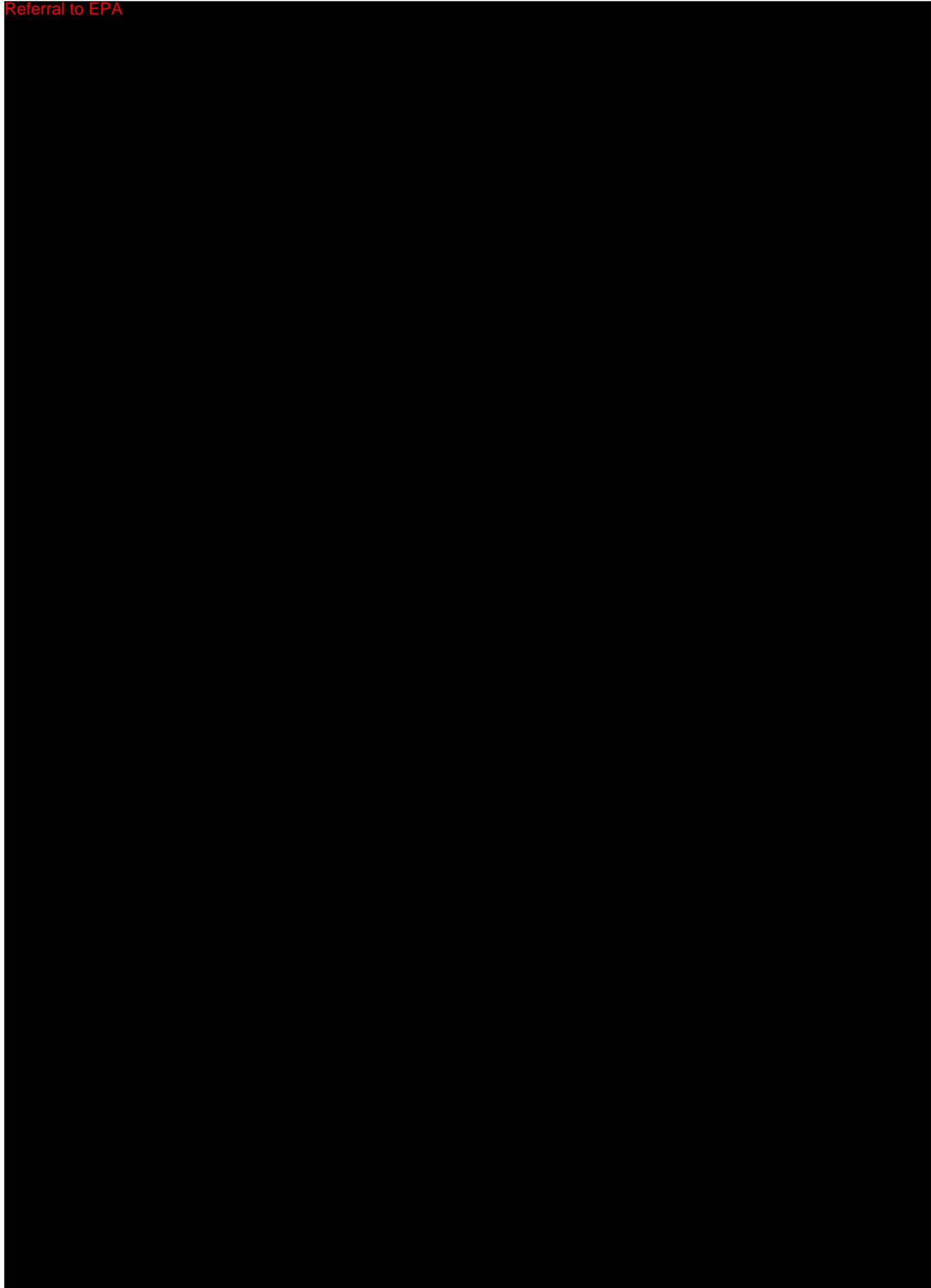
From: [Lorna A. Syme](#)
To: [Christopher J. Swartz](#)
Subject: FW: following up
Date: Wednesday, July 10, 2019 11:49:31 AM

Referral to EPA

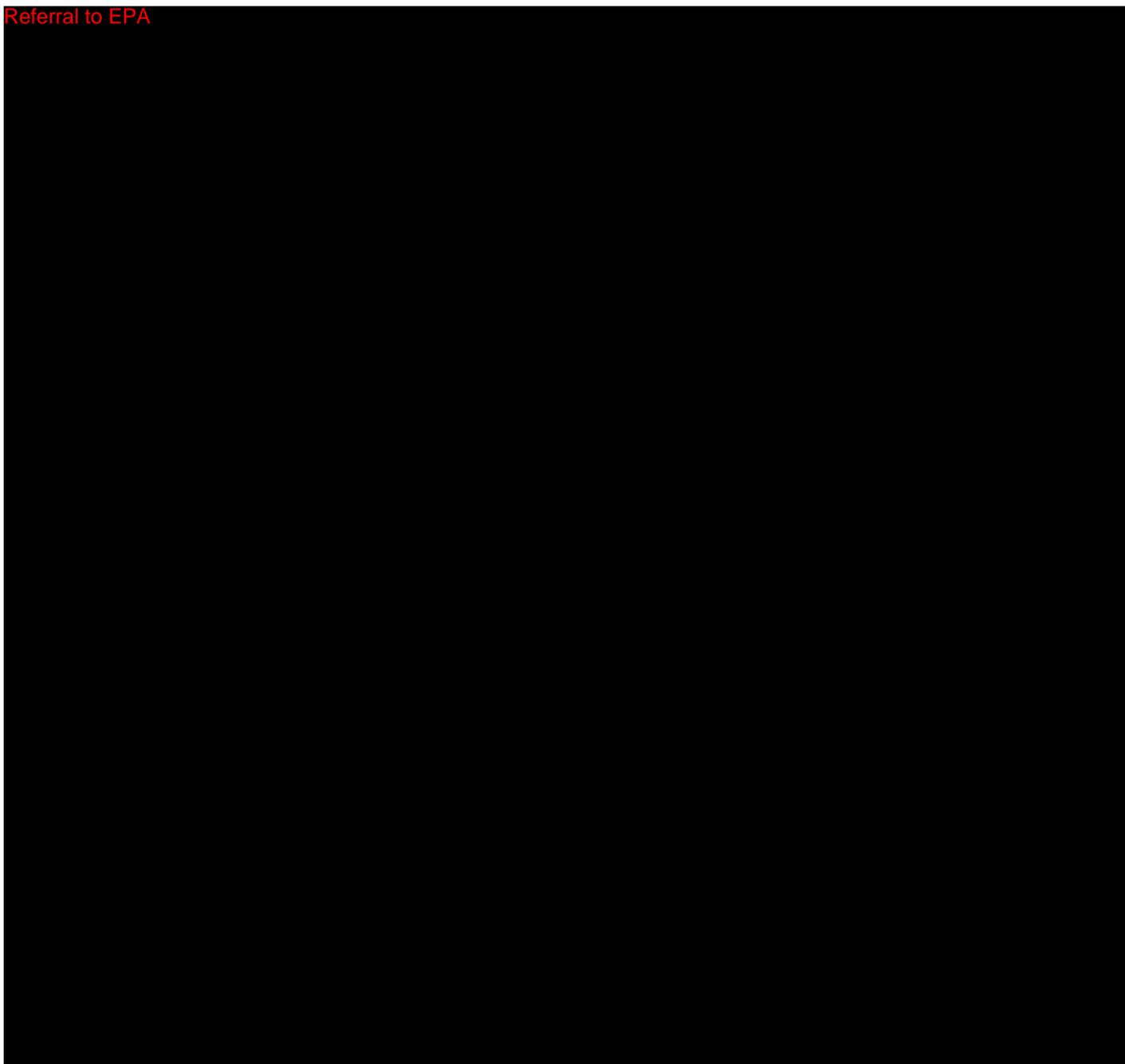
A large black rectangular redaction box covers the majority of the page content below the header.

Referral to EPA

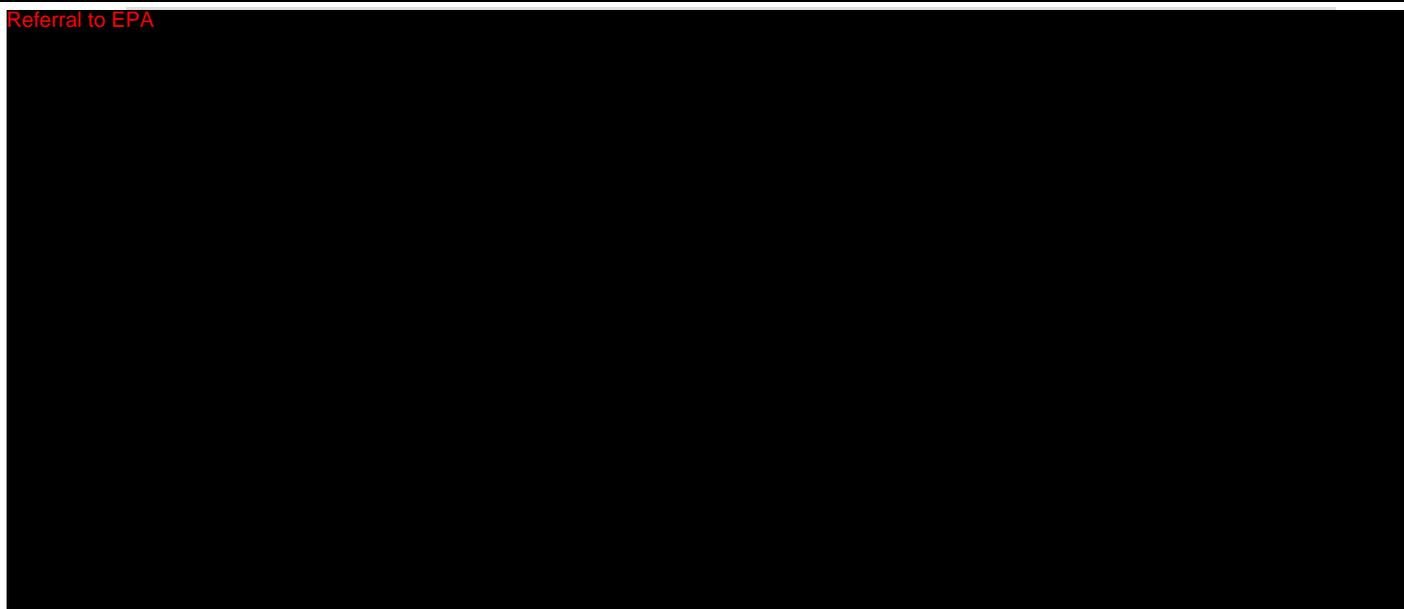
A very large black rectangular redaction box covers the entire lower half of the page, starting below the first redaction and extending to the bottom.



Referral to EPA



Referral to EPA



From: Lorna A. Syme [<mailto:lasyme@oge.gov>]

Sent: Wednesday, June 05, 2019 5:20 PM

To: Fugh, Justina (b) (6) >

Subject: Fw: RE: amendment - [Message contains CUI] - [Message and any attachment(s) contain CUI]

CONTROLLED

Email and any attachment(s) contain CUI.

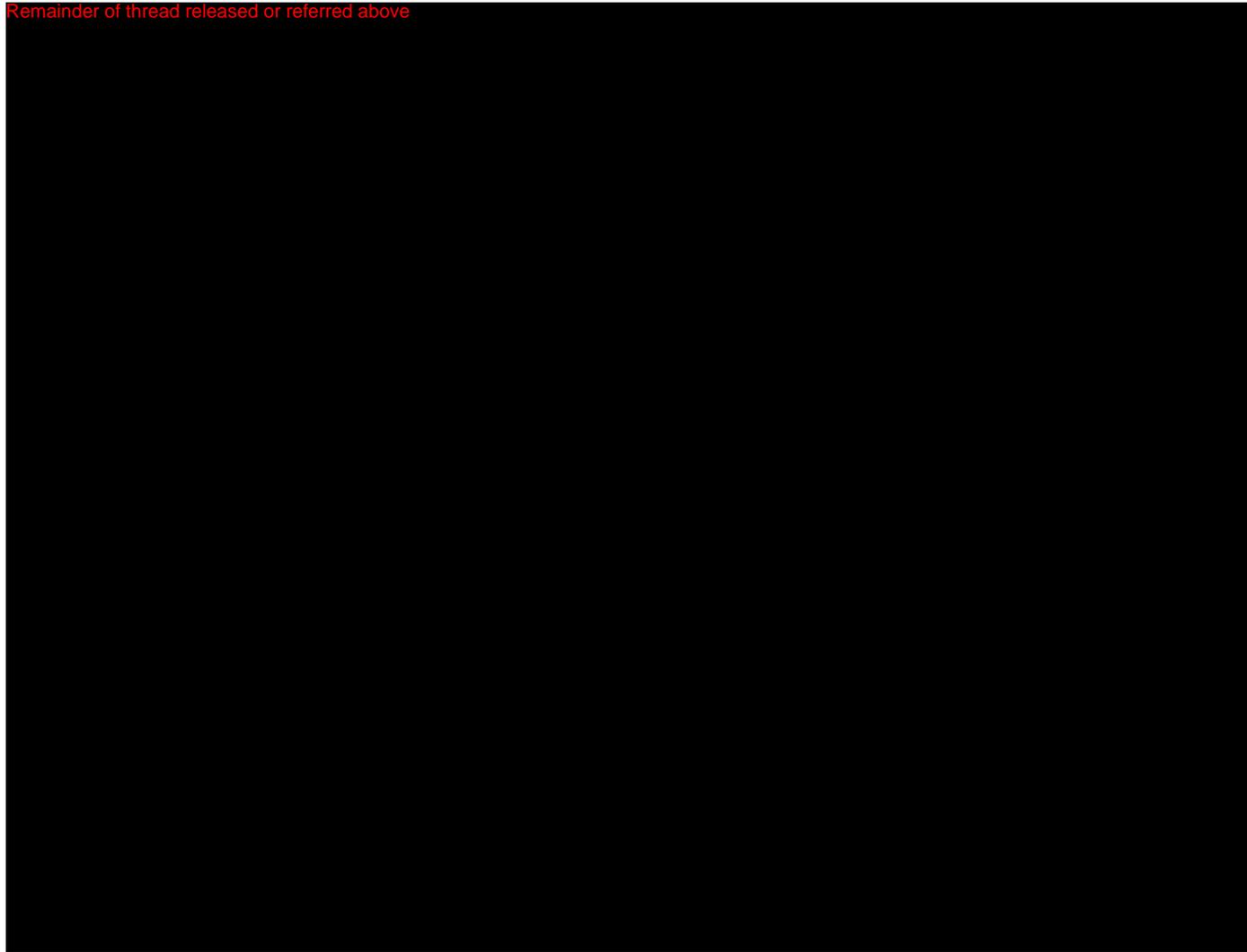
Hi Justina:

Just checking in again on the analysis for Mr. Wright.

Thanks!

Lorna

Remainder of thread released or referred above



From: [Lorna A. Syme](#)
To: [Deborah J. Bortot](#)
Subject: RE: Follow-up info - Peter Wright nomination
Date: Monday, July 22, 2019 11:48:59 AM

I don't think so but I'll confirm.

From: Deborah J. Bortot
Sent: Monday, July 22, 2019 11:48 AM
To: Lorna A. Syme <lasyme@oge.gov>
Subject: RE: Follow-up info - Peter Wright nomination

(b) (5)

From: Lorna A. Syme
Sent: Monday, July 22, 2019 11:17 AM
To: Deborah J. Bortot <djbortot@oge.gov>
Subject: RE: Follow-up info - Peter Wright nomination

(b)(5), (b)(6)

Do you agree?

Lorna

From: Deborah J. Bortot
Sent: Monday, July 22, 2019 11:12 AM
To: Lorna A. Syme <lasyme@oge.gov>
Subject: RE: Follow-up info - Peter Wright nomination

Does there need to be a (b) (5) as well?

From: Lorna A. Syme
Sent: Monday, July 22, 2019 10:51 AM
To: Deborah J. Bortot <djbortot@oge.gov>
Subject: FW: Follow-up info - Peter Wright nomination

Per my voicemail, you are good with these once they change the (b) (5)

Lorna

From: Seth Jaffe
Sent: Thursday, July 11, 2019 9:39 AM

To: Lorna A. Syme <lasyme@oge.gov>
Cc: Christopher J. Swartz <cjswartz@oge.gov>
Subject: FW: Follow-up info - Peter Wright nomination

Attachment referred to EPA

Lorna & Chris,

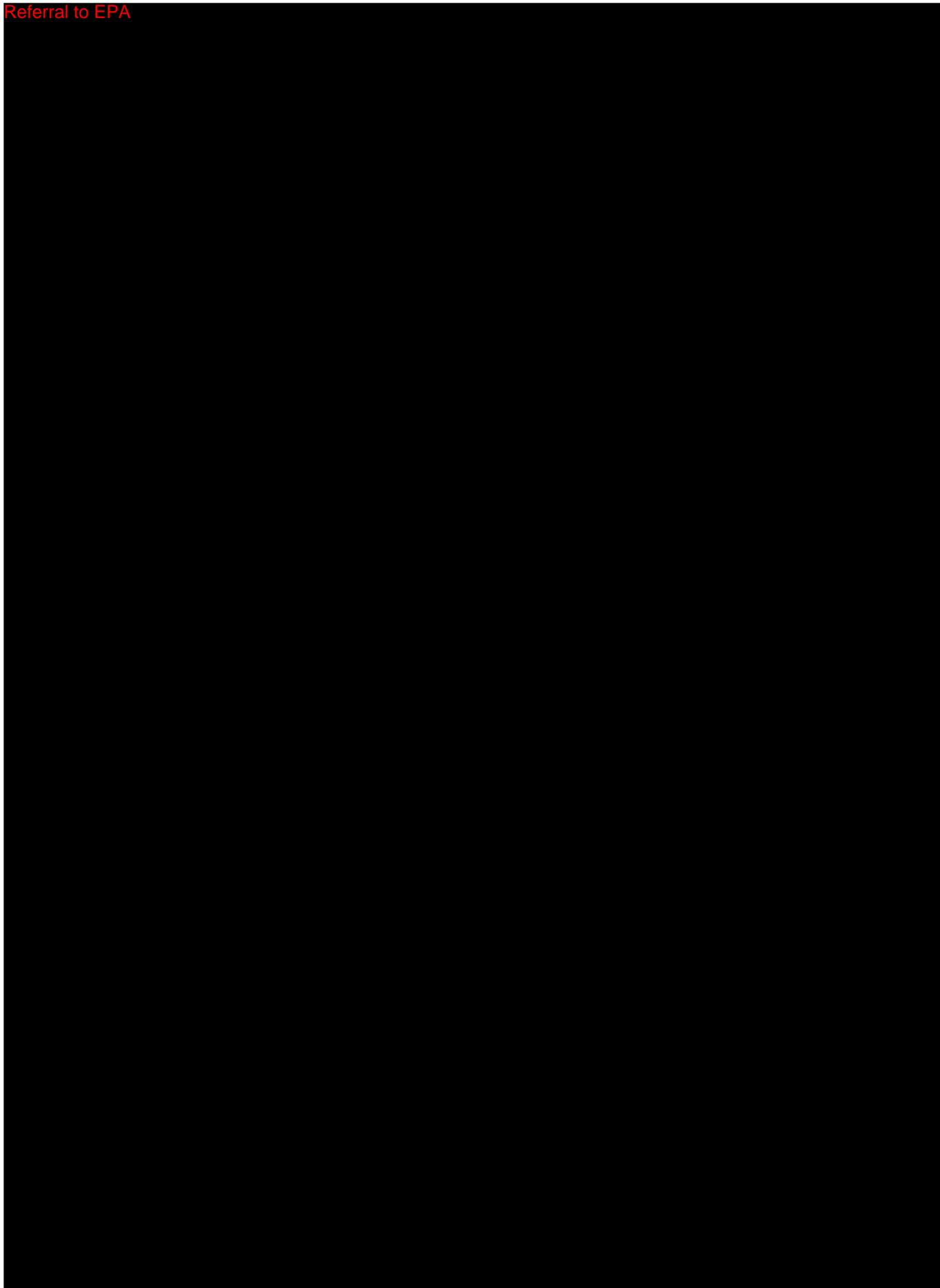
Here is an update for the amendment. The amendment is at the end of the attached document.

Thanks,
Seth

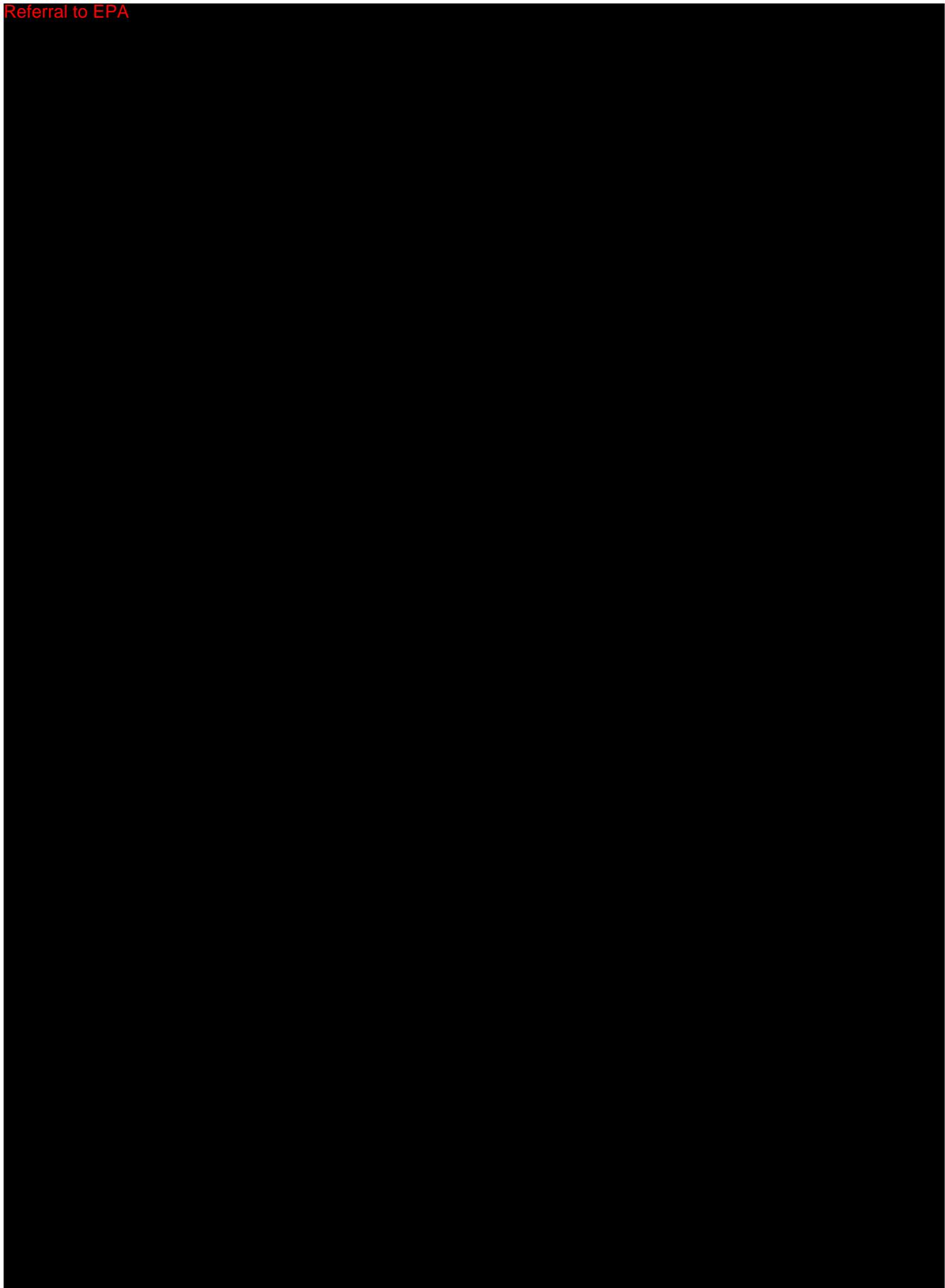
Referral to EPA

Referral to EPA

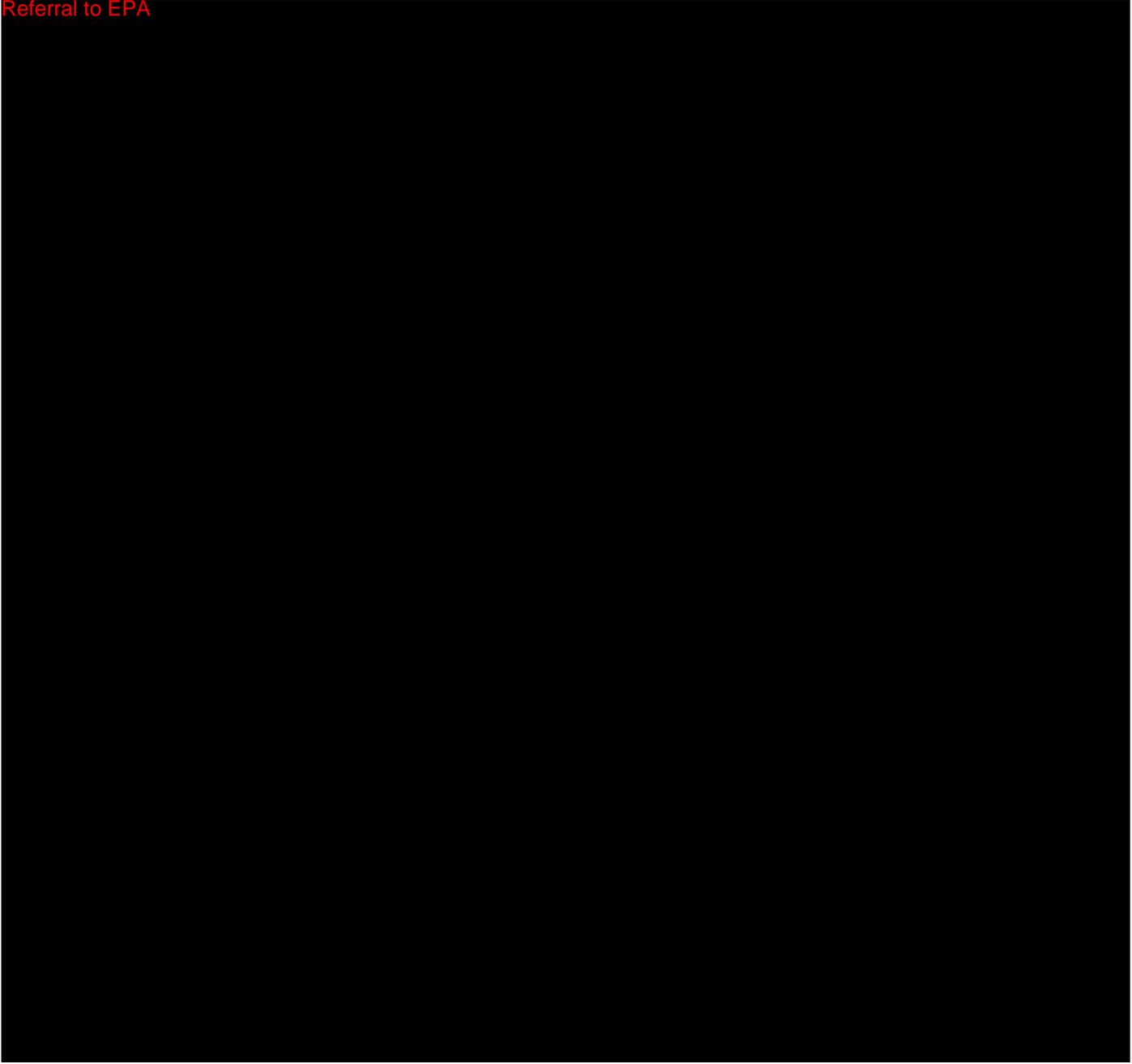
Referral to EPA



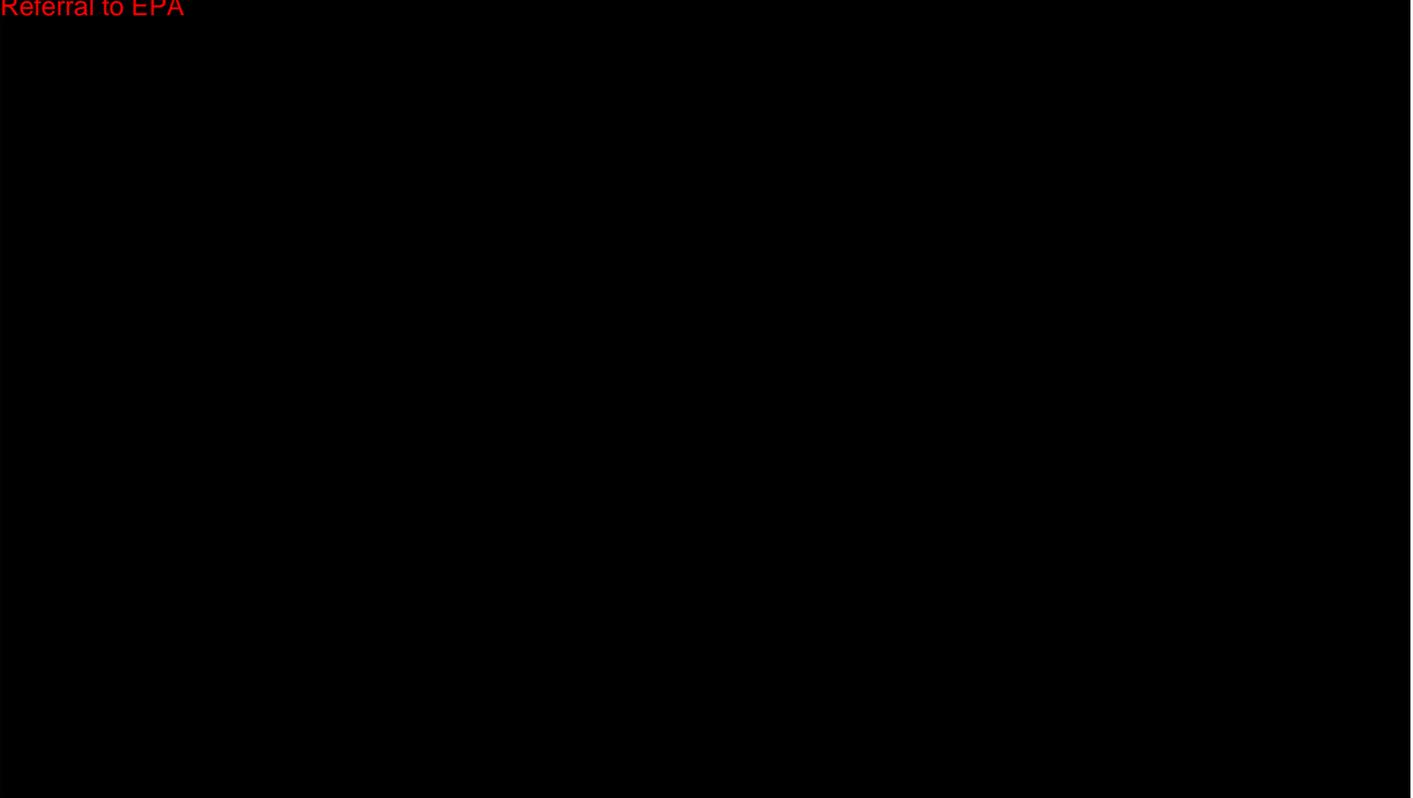
Referral to EPA



Referral to EPA



Referral to EPA



From: [Leggett, Matt \(EPW\)](#)
To: [Teresa L. Williamson](#)
Cc: (b)(6) - Scott Gast's email address; [Deborah J. Bortot](#); [Heather A. Jones](#)
Subject: Re: Amendment to Public Financial Disclosure Report - Peter C. Wright (Attachments Contain CUI)
Date: Monday, August 12, 2019 12:29:31 PM

Confirming receipt. Thank you.

Sent from my iPhone

On Aug 12, 2019, at 9:41 AM, Teresa L. Williamson <tlwillia@oge.gov> wrote:

CONTROLLED

Attachments contain CUI. When the attachments are removed, this email is uncontrolled unclassified information.

Good Morning,

The attached is an amendment to the final report that was submitted to the committee by letter dated January 30, 2019.

Please respond to this message to confirm receipt of the attached package.

If you have any questions, please contact Teresa Williamson @ 202-482-9283.

Thanks!

Teresa Williamson
Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Avenue, NW - Suite 500
Washington, DC 20005
202-482-9283

First attachment "OGE CUI Coversheet.pdf" released below at page 25. Second attachment "Wright, Peter C. AMENDMENT278.pdf" referred to EPA. Third attachment "Wright, Peter C. AMENDMENTagencyltr.pdf" referred to EPA. Fourth attachment "Wright, Peter C. directorltr 7.9.19.pdf" released above at pp. 4-5. Fifth attachment "Wright, Peter C. finalAMENDMENTsenateltr.pdf" released below at page 26.

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<OGE CUI Coversheet.pdf>

<Wright, Peter C. finalAMENDMENTsenateltr.pdf>

<Wright, Peter C. AMENDMENT278.pdf>

<Wright, Peter C. AMENDMENTagencyltr.pdf>

<Wright, Peter C. directorltr 7.9.19.pdf>



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UNITED STATES OFFICE OF
GOVERNMENT ETHICS



August 8, 2019

The Honorable John Barrasso
Chairman
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

By letter dated January 30, 2019, the U.S. Office of Government Ethics (OGE) transmitted to the Committee the financial disclosure report and ethics agreement of Mr. Peter C. Wright in connection with his nomination for the position of Assistant Administrator, Office of Land and Emergency Management, Environmental Protection Agency (EPA).

As noted in a subsequent letter that OGE transmitted to the Committee, dated July 9, 2019, the information contained in Mr. Wright's financial disclosure report and ethics agreement was incorrect because these documents reported that he held no equity in DowDuPont. As explained in that letter, Mr. Wright continued to hold an equity stake in DowDuPont until March 12, 2019. To correct the previous error in Mr. Wright's financial disclosure report and ethics agreement, OGE is transmitting the enclosed letter from EPA and a letter from Mr. Wright supplementing his financial disclosure report.

Because Mr. Wright was serving as Senior Counsel to the EPA Administrator while he maintained an equity interest in DowDuPont, OGE has sought more information from EPA concerning any possible conflict in light of the agency's functions and Mr. Wright's duties at EPA. The information OGE has received to date is not sufficient for OGE to confirm that Mr. Wright was in compliance with all applicable laws and regulations governing conflicts of interest while he held DowDuPont.

Nonetheless, because he has divested his DowDuPont holdings, OGE believes that Mr. Wright will be able to comply with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

Digitally signed by DAVID
APOL
Date: 2019.08.08 18:01:14
-04'00'

David J. Apol
General Counsel

Enclosures



JAN 29 2019

Ms. Justina Fugh
Alternate Designated Agency Ethics Official
U.S. EPA (2311A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Fugh:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Assistant Administrator for the Office of Land and Emergency Management of the United States Environmental Protection Agency.

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 resigned from my position with The Dow Chemical Company, a wholly owned subsidiary of DowDuPont, Inc., in June 2018. I hold no equity interests in The Dow Chemical Company or DowDuPont, Inc. or any of its subsidiaries. I will continue to participate in The Dow Chemical Company defined benefit pension plan, but will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of The Dow Chemical Company or DowDuPont, Inc. to provide this contractual benefit, 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). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know The Dow Chemical Company or DowDuPont, Inc. or any of its subsidiaries is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I resigned from my positions with the National Association of Wabash Men in May 2018, and the Lambda Chi Alpha Home Association of Wabash College in June 2018. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

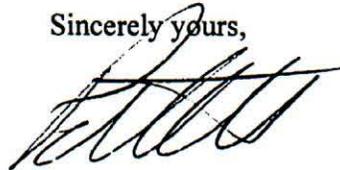
If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will meet in person with you during the first week of my service in the position of Assistant Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Peter C. Wright', written in a cursive style.

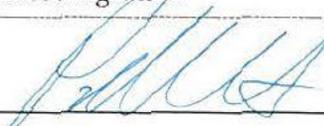
Peter C. Wright

CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE

Senate Confirmed Presidential Appointee

1. Appointee's Information	a. Appointee's Name:	to be completed by OGE: Peter Wright
	b. Position Title:	to be completed by OGE: Assistant Administrator
	c. Agency:	to be completed by OGE: Environmental Protection Agency
	d. Date Ethics Agreement Signed:	to be completed by OGE: January 29, 2019
	e. Date Confirmed:	to be completed by OGE: July 11, 2019
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE: October 16, 2019
2. Resignations	<i>I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
3. Divestitures	a. <i>I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
	b. <i>I have filed a period transaction report, or periodic transaction reports, (OGE Form 278-T) to disclose the completion of these agreed upon divestitures.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Filing Date(s) of OGE Form 278-T Report(s): 2/4/19. 3/18/19
4. Managed Accounts	<i>If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
5. Interim Recusals	<i>I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

<p>6. Recusals</p> <p><i>(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)</i></p>	<p>a. <i>I am recusing from particular matters in which I know I have a personal or imputed financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</i></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
	<p>b. <i>I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</i></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
	<p>c. <i>I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</i></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>7. Waivers and Authorizations</p>	<p>a. <i>I received a waiver pursuant to 18 U.S.C. § 208.</i></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
	<p>If yes, indicate the date of the waiver and indicate the financial interest covered by the waiver.</p>	<p>Date: Financial interest:</p>
	<p>b. <i>I received a waiver pursuant to Executive Order 13770.</i></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
	<p>If yes, indicate the date of the waiver and the subject of the waiver (i.e., applicable paragraph of the ethics pledge, parties, particular matters, specific issue areas, as applicable).</p>	<p>Date: Subject:</p>
<p>c. <i>I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</i></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>If yes, indicate date of authorization and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).</p>	<p>Date: Covered person(s):</p>	
<p>d. <i>I received a waiver pursuant to 5 C.F.R. § 2635.503(c).</i></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>If yes, indicate the date of the waiver and identify the former employer or payer.</p>	<p>Date: Former employer or payer:</p>	

<p>8. Payments, Accelerations, or Divestitures Required to be Completed Prior to Entering Government Service</p>	<p>Mark this box if not applicable: <input checked="" type="checkbox"/></p>	<p>a. If I committed that I would forfeit a financial interest or payment, unless it was received or accelerated prior to my assumption of the duties of the government position:</p>	<p><input type="radio"/> I received it (or it was accelerated) <u>prior</u> to my assumption of the duties of the position. <input type="radio"/> I received it (or it was accelerated) <u>after</u> my assumption of the duties of the position. <input type="radio"/> I forfeited it.</p>
<p>9. Requirements for Regular Appointees</p>	<p>I have completed my initial ethics briefing, pursuant to 5 C.F.R. § 2638.305. If you are a Special Government Employee (SGE) or career Foreign Service Officer (FSO), select N/A.</p>		<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
	<p>I have signed the ethics pledge pursuant to Executive Order 13770. If you are a SGE or career FSO or previously signed the pledge, select N/A.</p>		<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
<p>10. Additional Ethics Agreement Requirements</p>	<p>to be completed by OGE:</p>		<p>to be completed by appointee I am complying with these requirements as described in the adjacent box: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
<p>11. Comments of Appointee</p>	<p>Pursuant to a letter dated July 22, 2019 to the Alternative Designated Agency Ethics Official, I submitted an amendment to my nominee OGE278 dated January 23, 2019 to report the ownership of an additional \$50,000 - \$100,000 of DowDuPont stock. The stock was held in a separate account which I inadvertently omitted from my nominee report. Upon learning of this inadvertent omission, I immediately donated the stock and on March 12, 2019 and filed a corresponding 278-T to report the disposition of the stock.</p>		
<p>Any intentionally false or misleading statement or response provided in this certification is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001.</p>			
<p>I certify that the information I have provided is complete and accurate.</p>	<p>Appointee's Signature: </p>		<p>Date: 7/29/19</p>



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Resolved Interaction

Interaction Number: 17769

Initiation Date*:	2019-07-01
Title*:	Questions Re: Nominee and Current Employee of EPA; Amendment of Nominee Report; Ownership of Equity
Question*:	<p>The nominee for Assistant Administrator, Office of Land and Emergency Management (formerly Office of Solid Waste and Emergency Response) at EPA agreed in his March 7, 2018 ethics agreement to divest his stock interests in Dow Dupont/Dow Chemical. We were informed that the filer divested all of his equity in DowDuPont upon entering the government as the Special Counsel to the Administrator of EPA (has held the position since July 2018). In his January 29, 2019 renomination ethics agreement he indicated that he held no equity in The Dow Chemical Company or DowDuPont, Inc. or any of its subsidiaries. Apparently in 2019 he learned that he had not transferred the stock to his alma mater and he actually still retained the stock. He has sold the stock.</p> <p>FYI: Dow and DuPont merged on August 31, 2017. Filer worked for the Dow Chemical Company which is a wholly owned subsidiary of the merged entity. Filer resigned from Dow in June 2018.</p> <p>Agency previously asked (b) (5)</p> <p>[REDACTED]</p> <p>DowDuPont is a conflicting entity due to its superfund sites and environmental enforcement actions that fall within the purview of the duties of this position.</p>
Update:	
Categories*:	208
Origin Of Interaction*:	Email
Source*:	Agency Environmental Protection Agency
First Name:	Justina
Last Name:	Fugh
Title:	
Position:	Ethics Official
Email:	(b) (6)
Phone:	(b) (6)
Other Contact Notes:	
Assignment:	Christopher J. Swartz, Lorna A. Syme, Seth Jaffe
Watching:	Deborah J. Bortot, David J. Apol, Heather A. Jones
Temporary Notes:	
<i>created by:</i>	Lorna A. Syme

Resolution Information

Resolution Date*:	2019-07-25
Resolution Category*:	Resolved
Response*:	<p>After significant back and forth with EPA, OGE was unable to sufficiently determine (at the date of his resolution 7/25/19) the facts necessary to assert to Congress that Mr. Wright was in compliance with all applicable laws while Senior Counsel to the EPA Administrator.</p> <p>7/9/19: At the request of EPA, Seth Jaffe and Christopher Swartz held a conference call with David Cozad (DAEO) and Justina Fugh of the EPA to further discuss Mr. Wright's ownership of DowDuPont equity while Senior Counsel to the EPA Administrator. (b) (5)</p> <p>[REDACTED]</p>

(b)(5)

[REDACTED]

Ultimately, Seth explained we didn't have enough information to feel comfortable asserting to the Senate that Mr. Wright has complied with all relevant rules. David Cozad stated that it was good to know his information, and asked whether EPA [Ed. Note, assuming EPA General Counsel] could provide more information to us to help flesh these issues out. Seth explained that we are happy to receive more information from EPA and that we would review that information for sufficiency; however, the posture we are in is that the committee and the Senate currently are operating on incorrect information contained in Mr. Wright's financial disclosure form and ethics agreement. As a result, Seth stated that we planned to send the committee a letter today [Ed. Note: 7/9/19] alerting the committee of the fact that the declarations in his financial disclosure and ethics agreement contain incorrect information regarding his ownership of DowDuPont. Seth explained that it was our view that we needed to notify the Senate of the inaccuracy in the information as soon as possible. Seth noted that our normal process would be to try to resolve the underlying issues before sending documents forward to the Senate, however, we do not have that opportunity given that we are aware the Senate is planning to vote on his nomination. Given our view that his information was germane to their consideration of his nomination, we believed notifying them of the inaccuracy was necessary and that we would need to continue to work with EPA to resolve the underlying issues thereafter. Finally, Seth noted that eventually a final amendment to Mr. Wright's financial disclosure report and ethics agreement would be necessary, given the continuing inaccuracy of those documents document. David asked Justina if they would be able to provide more information, which she said they would be able to do. We ended the call at that point.

7/5/19 Seth's call w/Justina Fugh (EPA ADEO) concerning Mr. Wright's amendment to his 278 report. – I prefaced the conversation by saying that (b) (5)

[REDACTED]

and that 3) OGE is not yet satisfied that there is enough information to determine whether Mr. Wright complied with all ethics rules and laws during this period. I then informed Justina of three potential paths forward: (b)(5)

[REDACTED]

Justina said that she would need some time to think about this, consult with staff within EPA and that she would get back with me on Monday. I closed the conversation by saying that, in any case, OGE would call the Senate committee early next week to give it notice of the situation so that they would be aware prior to any floor vote on the nomination.

7/8/19 Seth's follow up call w/Justina to confirm (b) (5)

[REDACTED]

7/9/19 11:00am Seth's (Chris attended) call w/Justina Fugh, and David Cozad (DAEO). Prior to the call Justina had provided OGE with a memo to David Cozad dated 7/8/19 with EPA's analysis (b) (5)

[REDACTED]

(See this AIMS entry for a more detailed summary of this call)

7/9/19 12:30pm – Seth's call(s) with David Cozad (DAEO EPA). David called and requested that (b) (5)

[REDACTED] I also indicated that we still need EPA's amendment to the ethics agreement and FD report so we can forward that to the Senate

committee prior to Thursday.
 7/9/19 3:00pm – Seth's call with David Cozad. David called back and asked whether he could send additional information to OGE prior to our sending the letter to the senate committee. I told him that OGE had already sent the letter. I did reiterate that we would be happy to receive further information and that could be relevant to what OGE eventually sends to the senate committee concerning the amendment to the EA and 278 FD report – which still needs to be sent. He asked whether I could send him a copy of the letter. Although I shared the broad outlines of the letter with him verbally, I did not share the letter with him at that time. Shortly after the call he emailed me indicating that he had received a copy of the letter and withdrew his request.

7/10/19 (5:15pm) Seth's call w/David Cozad. I told him that we are satisfied that the (b) (5) [REDACTED]

David said that he appreciated OGE's continued communication with EPA that he will get his information, and get back with us.

7/15/19 Seth's call w/David Cozad: I called David and asked whether EPA still plans on sending the information we reiterated we still needed on 7/10/19. He said that he thinks so, but that he will check and get back with us in a day or so. I said that we still need to send over an amendment to the Senate and that we still need more information (b) (5) [REDACTED]

7/18/19 email from Seth to David Cozad:

Hi David,

As a follow up to our conversation on Monday, I am checking in on the status of OGE's outstanding request for information concerning Mr. Wright's financial disclosure report amendment.

7/25/19 email from Seth to David Cozad:

Hi David,

I am following up on our conversation on Monday, July 15 h as well as my previous email from Thursday, July 18 h (see below). OGE has yet to receive any further response from EPA since our call on Monday the 15th concerning the issues we discussed that day. I am again checking in on the status of OGE's outstanding request for information concerning Mr. Wright's financial disclosure report amendment.

At his point, if OGE does not hear from EPA concerning the outstanding issues we discussed on the 15th - related to potential conflicts of interest stemming from Mr. Wright's previously unreported interest in DowDuPont by Wednesday, July 31st - then OGE will assume that the information will not be forthcoming.

If you have any questions or want to discuss this further feel free to contact me.

On 8/8/19 David Apol left a message for David Cozad at EPA asking one last time whether Mr. Cozad would be forwarding OGE any updated information prior to OGE sending the amendment package to the Senate.

On 8/12/19 - OGE forwarded the amendment package to the Senate committee.

(Assigned to: Christopher J. Swartz; Lorna A. Syme; Seth Jaffe)

Complexity (level):	5 [Click to view/hide complexity guidelines]
Time Spent (hours):	More than 8 hours
Contributor:	
<input type="button" value="reopen"/>	

Reopen Information	
Date:	2019-08-12
Reason:	Add update.

Interaction History Log	
Closed	08/12/2019 01:08:29 PM by Seth Jaffe
Reopen	08/12/2019 01:06:07 PM by Seth Jaffe
Closed	08/08/2019 01:00:21 PM by Christopher J. Swartz
Update	07/25/2019 01:53:37 PM by Seth Jaffe
Update	07/11/2019 10:14:13 AM by Seth Jaffe
Update	07/10/2019 12:40:42 PM by Seth Jaffe
Now Assigned: Christopher J. Swartz	07/10/2019 12:40:42 PM by Seth Jaffe

Lorna A. Syme Seth Jaffe	
Update	07/10/2019 12:36:34 PM by Seth Jaffe
Update	07/10/2019 11:45:55 AM by Christopher J. Swartz
Update	07/10/2019 11:13:16 AM by Christopher J. Swartz
Update	07/10/2019 09:34:32 AM by Christopher J. Swartz
Update	07/10/2019 09:23:49 AM by Seth Jaffe
Update	07/10/2019 09:23:26 AM by Seth Jaffe
Update	07/09/2019 12:59:30 PM by Christopher J. Swartz
Update	07/01/2019 11:55:35 AM by Seth Jaffe
Now Assigned: Lorna A. Syme Christopher J. Swartz	07/01/2019 11:55:35 AM by Seth Jaffe
Create	07/01/2019 11:38:08 AM by Lorna A. Syme
Now Assigned: Lorna A. Syme AIMS GCLPD Intake	07/01/2019 11:38:08 AM by Lorna A. Syme

Division(s) assigned: GCLPD