

Congress of the United States
Washington, DC 20515

July 27, 2018

David J. Apol
Acting Director
Office of Government Ethics
1201 New York Avenue, N.W. Suite 500
Washington, D.C. 20005

Dear Acting Director Apol:

We write regarding reports that Acting Environmental Protection Agency (EPA) Administrator Andrew Wheeler may have violated his ethics pledge by meeting with former lobbying clients.¹

The Trump Administration ethics pledge was established by Executive Order shortly after the President took office, and includes the following section:

6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.²

Acting Administrator Wheeler served as a registered lobbyist for Faegre Baker Daniels until May 31, 2016, according to disclosure filings.³ His political appointment to the position of Deputy Administrator of the EPA began on April 20, 2017, and therefore Wheeler should have recused himself from all matters involving his former clients until at least April 20, 2019.

His pledge notwithstanding, Wheeler reportedly met with former clients repeatedly while serving as Deputy Administrator. His public calendar shows meetings with his former client, “Darling Ingredients,” on June 26, 2018, the South Coast Air Quality Management District on June 22, 2018, and Archer Daniels Midland Co. (listed on his calendar as “ADM”) on May 24, 2018.⁴ All of these companies have business interests which would be significantly affected by pending EPA regulations, and all paid Wheeler and his former lobbying firm Faegre Baker Daniels thousands of dollars for lobbying work. Wheeler was even listed as a lead lobbyist for Darling International (now known as Darlington Ingredients) on lobbying filing disclosures as recently as

¹ Hiar, Corbin. “Despite His Assurances, Wheeler Met With Former Clients.” *E&E News*, July 26, 2018.
<https://www.eenews.net/stories/1060091287>

² Executive Order 13770. January 28, 2017.

[https://www2.oge.gov/web/oge.nsf/Resources/Executive+Order+13770+\(Jan.+28,+2017\):+Ethics+Commitments+by+Executive+Branch+Appointees](https://www2.oge.gov/web/oge.nsf/Resources/Executive+Order+13770+(Jan.+28,+2017):+Ethics+Commitments+by+Executive+Branch+Appointees)

³ <http://disclosures.house.gov/ld/ldxmlrelease/2016/2T/300812852.xml>

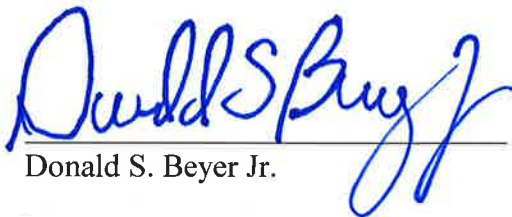
⁴ E.P.A. Public Calendar for Andrew Wheeler, Acting Administrator <https://www.epa.gov/senior-leaders-calendars/calendar-andrew-wheeler-acting-administrator>

the second quarter of 2016, just over two years prior to his meeting with them as Acting EPA Administrator.⁵

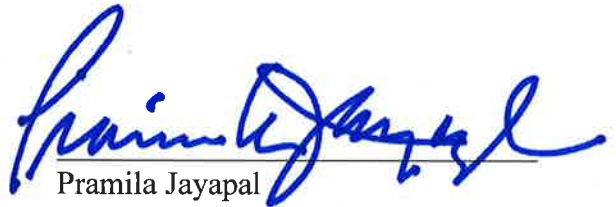
Andrew Wheeler is the Acting Administrator of the EPA because of the departure of Administrator Scott Pruitt, which occurred under a cloud of ethical controversy and scandal that tarnished the reputation of the Agency. That context, Wheeler's past work as a coal lobbyist, and the many conflicts of interest which that work naturally presents to his leadership of the EPA demand that his meetings and communications be carefully scrutinized so that he is held to the highest ethical standard.

For these reasons, we ask that that the Office of Government Ethics investigate the matter of Acting EPA Administrator Wheeler's involvement with past lobbying clients to determine whether his previous meetings may have violated his ethics pledge. We also ask that you clarify which clients, and which regulatory matters affecting them, merit future recusals by the Acting Administrator in order to comply with both the spirit and the letter of ethics rules.

Sincerely,



Donald S. Beyer Jr.



Pramila Jayapal



Jamie Raskin



Raja Krishnamoorthi

⁵ Lobbying Disclosure Act of 1995 Filing, July 19, 2016.

<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=6DEBD4B7-F9A1-4FF4-B502-68A068403D54&filingTypeID=62>