

From: [Griffo, Shannon](#)
To: (b) (6)
Subject: Summary of our Ethics Conversation
Date: Monday, May 12, 2025 7:28:00 PM

Hi Kyle,

I realized I never circled back with you after our discussion. My apologies! This note provides you with a brief overview of what we discussed, and what your likely ethical obligations will be should you join OCSPP. We go into more detail about these rules, and the Hatch Act (that governs the political activity of federal employees), during your initial ethics training on your first day.

Financial Conflicts of Interest:

- I explained that you must fill out a public financial disclosure report so that we can see your own and your spouse’s ownership interests in stocks, bonds, and sector mutual funds, among other things, so that we can assess your possible financial conflicts of interests. On your report, you will also need to tell us about any fiduciary positions that you hold. You’ll have to list your retirement plan(s), and any IRAs, brokerage accounts, managed accounts etc.
- As more background, a federal employee may own stocks and bonds, but depending on the value of the asset and what the employee does, he may have a financial conflict of interest. But there are regulatory exemption levels, depending on the type of particular matter. The employee may still participate if he owns less than the levels below:

SPECIFIC PARTY MATTER	MATTER OF GENERAL APPLICABILITY
e.g., an enforcement action against ABC Widget Company	e.g., working on a rulemaking that affects all widget manufacturers
≤\$15,000 in ABC Widget Co. itself or in aggregate of all parties to the matter	≤\$25,000 aggregate in any one widget maker (e.g., ABC Widget Corp. or DEF Widget Corp.)
≤\$25,000 aggregate for any affected non-parties (e.g., DEF Widget Corp. which manufactures a similar product)	≤\$50,000 aggregate in all affected parties (all widget makers) ≤\$50,000 in a sector mutual fund concentrating in the same sector as the particular matter

Obligations Under The Loss Of Impartiality Regulations:

- You are subject to the federal impartiality standards, and have a “covered relationship” with your former employer from the past year, **American Soybean Association**, pursuant to 5 C.F.R. § 2635.502(b)(1)(iv).
- This means that for one year after you leave ASA, you are prohibited from working on any specific party matter (e.g., contracts, grants, litigation, enforcement actions, permits, pesticide registrations, PMNs, test orders, licenses) where ASA is a party or represents a party, unless you first obtain written authorization from EPA Ethics. We discussed how the impartiality regulation applies to specific party matters and not particular matters of general applicability (e.g., rulemakings or broader policy decisions). So generally speaking, your recusals do not extend to particular matters of general applicability and you would be able to participate in rulemakings. However, we advise you not to work on any comments to a rulemaking submitted by your former employer until the 1 year cooling-off period passes (without an impartiality determination).

Hopefully that covers what we discussed. Let me know if I missed something, and please don't hesitate to reach out if you have any questions.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

From: [Griffo, Shannon](#)
To: [Kunkler, Kyle](#)
Cc: [Picone, Kaitlin](#)
Subject: Draft Recusal Statement for your Review
Date: Wednesday, August 13, 2025 10:50:00 AM
Attachments: [Kyle Kunkler Draft Recusal Statement.docx](#)

Hi Kyle,

Now that your financial disclosure report is done, I've drafted a recusal statement which reflects your ethics obligations. You'll see that I have one comment where you need to add the date you resigned from ASA. Otherwise, it's fairly straightforward.

Please take a look and let me know if you have any questions or comments. Once it's ready, you can digitally sign at the top and distribute. If you need help with the digital signature, just let me know.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: [Kunkler, Kyle](#)
To: [Griffo, Shannon](#)
Cc: [Picone, Kaitlin](#)
Subject: RE: Draft Recusal Statement for your Review
Date: Monday, August 18, 2025 2:39:22 PM

Hi Shannon,

Haha, glad I can serve as a learning opportunity for others too! And I would agree with your and Justina's interpretation knowing what I know about ASA and their affiliate structure. For your awareness, I have assumed the state affiliates were under my recusal obligations and have been sharing that with others since starting with EPA.

I also agree that individually listing them out is not necessary, but a general reference and a link in the recusal letter should cover them nicely. I will review and send back over shortly. Thanks, Shannon!

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, August 18, 2025 2:34 PM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Kyle,

You had asked whether your recusal with your former employer, the American Soybean Association, also includes the state soybean associations – which ended up being an interesting question for me to look into! Typically, we say that impartiality obligations don't automatically extend to the underlying members of a trade association (unless you also provided services to them individually). But I did some more digging into the relationship between ASA and the state associations, and noticed that there are [26 state soybean affiliates](#). The term "affiliate" is what gave me pause here.

So each state association has its own executive board, but then the [states send representatives](#) to actually form the ASA Board of Directors. Because of this relationship and the fact that ASA calls them affiliates, I do think these state associations fall under your recusal obligations as well. I also consulted with Justina Fugh (our Director) and she agreed. Now I don't think we need to individually list the state associations, but it might be helpful to flag for others that they are included, so we could add a reference to them in your recusal and include a link. See attached. And don't forget to add the date you left ASA.

Please let me know if you have any other questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Monday, August 18, 2025 7:10 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Shannon,

This looks great from my perspective. Per my chat to you the other day, so long as “in which the American Soybean Association (ASA) is a party **or represents a party**” covers state soybean associations (e.g., Iowa Soybean Association) and ASA’s state affiliates do not need to be explicitly added, I have no edits from my end.

Please advise if any additional info is needed for me to add regarding state soybean associations, otherwise I will sign and return today.

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, August 13, 2025 10:50 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: Draft Recusal Statement for your Review

Hi Kyle,

Now that your financial disclosure report is done, I’ve drafted a recusal statement which reflects your ethics obligations. You’ll see that I have one comment where you need to add the date you resigned from ASA. Otherwise, it’s fairly straightforward.

Please take a look and let me know if you have any questions or comments. Once it’s ready, you can digitally sign at the top and distribute. If you need help with the digital signature, just let me know.

Thanks!

Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: [Griffo, Shannon](#)
To: [Kunkler, Kyle](#)
Cc: [Picone, Kaitlin](#)
Subject: RE: Draft Recusal Statement for your Review
Date: Wednesday, August 20, 2025 9:18:00 AM
Attachments: [Kyle Kunkler Recusal Statement 8-20-25.pdf](#)

Hi Kyle,

I still don't see the signature. Here's a pdf version if you want to insert a digital signature using your PIV card.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Wednesday, August 20, 2025 9:09 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Apologies, I believe the previous letter I attached was not the signed version. The signed one is now attached.

Kyle

From: Kunkler, Kyle
Sent: Wednesday, August 20, 2025 9:01 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Shannon,

Please find attached my digitally signed recusal statement with the date inserted that you requested. Please let me know what else you need from me on this, otherwise I appreciate your assistance getting this to a good place.

Best,

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, August 18, 2025 2:34 PM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Kyle,

You had asked whether your recusal with your former employer, the American Soybean Association, also includes the state soybean associations – which ended up being an interesting question for me to look into! Typically, we say that impartiality obligations don't automatically extend to the underlying members of a trade association (unless you also provided services to them individually). But I did some more digging into the relationship between ASA and the state associations, and noticed that there are [26 state soybean affiliates](#). The term "affiliate" is what gave me pause here.

So each state association has its own executive board, but then the [states send representatives](#) to actually form the ASA Board of Directors. Because of this relationship and the fact that ASA calls them affiliates, I do think these state associations fall under your recusal obligations as well. I also consulted with Justina Fugh (our Director) and she agreed. Now I don't think we need to individually list the state associations, but it might be helpful to flag for others that they are included, so we could add a reference to them in your recusal and include a link. See attached. And don't forget to add the date you left ASA.

Please let me know if you have any other questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Monday, August 18, 2025 7:10 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Shannon,

This looks great from my perspective. Per my chat to you the other day, so long as “in which the American Soybean Association (ASA) is a party **or represents a party**” covers state soybean associations (e.g., Iowa Soybean Association) and ASA’s state affiliates do not need to be explicitly added, I have no edits from my end.

Please advise if any additional info is needed for me to add regarding state soybean associations, otherwise I will sign and return today.

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, August 13, 2025 10:50 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: Draft Recusal Statement for your Review

Hi Kyle,

Now that your financial disclosure report is done, I’ve drafted a recusal statement which reflects your ethics obligations. You’ll see that I have one comment where you need to add the date you resigned from ASA. Otherwise, it’s fairly straightforward.

Please take a look and let me know if you have any questions or comments. Once it’s ready, you can digitally sign at the top and distribute. If you need help with the digital signature, just let me know.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

August 20, 2025

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Kyle Kunkler
Deputy Assistant Administrator

TO: Nancy Beck, Ph.D., DABT
Principal Deputy Assistant Administrator

I have consulted with the EPA Ethics Office (EPA 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.

OBLIGATIONS UNDER THE FINANCIAL CONFLICT OF INTEREST LAW

Pursuant to the financial conflict of interest law, I may not participate personally and substantially¹ in a particular matter² having a direct and predictable effect on my financial interests, or in which I know

¹ **Personal and substantial participation.** To participate “personally” means to participate directly. It includes the direct and active supervision of the participation of a subordinate in the matter. To participate “substantially” means that the employee’s involvement is of significance to the matter. Participation may be substantial even though it is not determinative of the outcome of a particular matter. However, it requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to the matter, but also on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial. Personal and substantial participation may occur when, for example, an employee participates through decision, approval, disapproval, recommendation, investigation or the rendering of advice in a particular matter. See 5 C.F.R. § 2640.103(a)(2).

² **Particular matter.** The term “particular matter” includes only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The term may include matters which do not involve formal parties and may extend to legislation or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons. It does not, however, cover consideration or adoption of broad policy options directed to the interests of a large and diverse group of persons. The particular matters covered by this part include a judicial or other proceeding, application or request for a ruling or other determination, contract, claim, controversy, charge, accusation or arrest. See 5 C.F.R. § 2640.103(a)(1).

that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, absent a waiver or the financial interest qualifies for a regulatory exemption. *See generally*, 18 U.S.C. § 208(a). EPA Ethics has not identified any financial conflicts of interest, however, I will notify EPA Ethics if my financial circumstances change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality regulations, I have a “covered relationship” with my former employer from the last year. *See* 5 C.F.R. § 2635.502(b)(1)(iv). Therefore, I may not participate in a particular matter involving specific parties in which the **American Soybean Association (ASA)** or its [26 affiliated state soybean associations](#), is a party or represents a party, unless I am authorized to participate by EPA Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year from the date of my resignation date, so until June 27, 2026.

DIRECTIVE AND CONCLUSION

To avoid my participating in any of the matters from which I am recused, please refer those matters to the attention of **Kaitlin Picone, Chief of Staff**, without my knowledge or involvement. Therefore, do not send or copy me on substantive emails, ask me to attend meetings, participate in any discussions, make recommendations, or otherwise make decisions with regard to a particular matter covered by my recusal. Official actions on such matters should be made without my recommendation, knowledge, or involvement. Any inquiries regarding the extent of my recusals should be directed to the Chief of Staff or EPA Ethics.

In the event that my circumstances change, including changes to my financial interests, my personal or business relationships, or my EPA duties, then I will consult with EPA Ethics and update my recusal statement accordingly.

cc: Lynn Dekleva, Deputy Assistant Administrator
Daniel Crystal, Acting Deputy Assistant Administrator for Management
Kaitlin Picone, Chief of Staff
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Justina Fugh, Director, EPA Ethics Office

From: [Kunkler, Kyle](#)
To: [Griffo, Shannon](#)
Cc: [Picone, Kaitlin](#)
Subject: RE: Draft Recusal Statement for your Review
Date: Wednesday, August 20, 2025 9:23:17 AM
Attachments: [Kyle Kunkler Recusal Statement 8-20-25.pdf](#)

Thanks, Shannon, and sorry for the difficulties! Not sure why that wasn't coming through.

Signed PDF version is attached. Thanks again!

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, August 20, 2025 9:19 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Kyle,

I still don't see the signature. Here's a pdf version if you want to insert a digital signature using your PIV card.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Wednesday, August 20, 2025 9:09 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Apologies, I believe the previous letter I attached was not the signed version. The signed one is now attached.

Kyle

From: Kunkler, Kyle

Sent: Wednesday, August 20, 2025 9:01 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Shannon,

Please find attached my digitally signed recusal statement with the date inserted that you requested. Please let me know what else you need from me on this, otherwise I appreciate your assistance getting this to a good place.

Best,

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, August 18, 2025 2:34 PM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Kyle,

You had asked whether your recusal with your former employer, the American Soybean Association, also includes the state soybean associations – which ended up being an interesting question for me to look into! Typically, we say that impartiality obligations don't automatically extend to the underlying members of a trade association (unless you also provided services to them individually). But I did some more digging into the relationship between ASA and the state associations, and noticed that there are [26 state soybean affiliates](#). The term "affiliate" is what gave me pause here.

So each state association has its own executive board, but then the [states send representatives](#) to actually form the ASA Board of Directors. Because of this relationship and the fact that ASA calls them affiliates, I do think these state associations fall under your recusal obligations as well. I also consulted with Justina Fugh (our Director) and she agreed. Now I don't think we need to individually list the state associations, but it might be helpful to flag for others that they are included, so we could add a reference to them in your recusal and include a link. See attached. And don't forget to add the date you left ASA.

Please let me know if you have any other questions.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Monday, August 18, 2025 7:10 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Draft Recusal Statement for your Review

Hi Shannon,

This looks great from my perspective. Per my chat to you the other day, so long as “in which the American Soybean Association (ASA) is a party or represents a party” covers state soybean associations (e.g., Iowa Soybean Association) and ASA’s state affiliates do not need to be explicitly added, I have no edits from my end.

Please advise if any additional info is needed for me to add regarding state soybean associations, otherwise I will sign and return today.

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, August 13, 2025 10:50 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: Draft Recusal Statement for your Review

Hi Kyle,

Now that your financial disclosure report is done, I’ve drafted a recusal statement which reflects your ethics obligations. You’ll see that I have one comment where you need to add the date you resigned from ASA. Otherwise, it’s fairly straightforward.

Please take a look and let me know if you have any questions or comments. Once it’s ready, you can digitally sign at the top and distribute. If you need help with the digital signature, just let me know.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061



OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

WASHINGTON, D.C. 20460

August 20, 2025

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Kyle Kunkler
Deputy Assistant Administrator

Kunkler, Kyle

Digitally signed by
Kunkler, Kyle
Date: 2025.08.20
09:20:05 -04'00'

TO: Nancy Beck, Ph.D., DABT
Principal Deputy Assistant Administrator

I have consulted with the EPA Ethics Office (EPA 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.

OBLIGATIONS UNDER THE FINANCIAL CONFLICT OF INTEREST LAW

Pursuant to the financial conflict of interest law, I may not participate personally and substantially¹ in a particular matter² having a direct and predictable effect on my financial interests, or in which I know

¹ **Personal and substantial participation.** To participate "personally" means to participate directly. It includes the direct and active supervision of the participation of a subordinate in the matter. To participate "substantially" means that the employee's involvement is of significance to the matter. Participation may be substantial even though it is not determinative of the outcome of a particular matter. However, it requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue. A finding of substantiality should be based not only on the effort devoted to the matter, but also on the importance of the effort. While a series of peripheral involvements may be insubstantial, the single act of approving or participating in a critical step may be substantial. Personal and substantial participation may occur when, for example, an employee participates through decision, approval, disapproval, recommendation, investigation or the rendering of advice in a particular matter. See 5 C.F.R. § 2640.103(a)(2).

² **Particular matter.** The term "particular matter" includes only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The term may include matters which do not involve formal parties and may extend to legislation or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons. It does not, however, cover consideration or adoption of broad policy options directed to the interests of a large and diverse group of persons. The particular matters covered by this part include a judicial or other proceeding, application or request for a ruling or other determination, contract, claim, controversy, charge, accusation or arrest. See 5 C.F.R. § 2640.103(a)(1).

that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, absent a waiver or the financial interest qualifies for a regulatory exemption. *See generally*, 18 U.S.C. § 208(a). EPA Ethics has not identified any financial conflicts of interest, however, I will notify EPA Ethics if my financial circumstances change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality regulations, I have a “covered relationship” with my former employer from the last year. *See* 5 C.F.R. § 2635.502(b)(1)(iv). Therefore, I may not participate in a particular matter involving specific parties in which the **American Soybean Association (ASA)** or its [26 affiliated state soybean associations](#), is a party or represents a party, unless I am authorized to participate by EPA Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year from the date of my resignation date, so until June 27, 2026.

DIRECTIVE AND CONCLUSION

To avoid my participating in any of the matters from which I am recused, please refer those matters to the attention of **Kaitlin Picone, Chief of Staff**, without my knowledge or involvement. Therefore, do not send or copy me on substantive emails, ask me to attend meetings, participate in any discussions, make recommendations, or otherwise make decisions with regard to a particular matter covered by my recusal. Official actions on such matters should be made without my recommendation, knowledge, or involvement. Any inquiries regarding the extent of my recusals should be directed to the Chief of Staff or EPA Ethics.

In the event that my circumstances change, including changes to my financial interests, my personal or business relationships, or my EPA duties, then I will consult with EPA Ethics and update my recusal statement accordingly.

cc: Lynn Dekleva, Deputy Assistant Administrator
Daniel Crystal, Acting Deputy Assistant Administrator for Management
Kaitlin Picone, Chief of Staff
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Justina Fugh, Director, EPA Ethics Office

From: [Griffo, Shannon](#)
To: [Kunkler, Kyle](#)
Subject: RE: Follow-up on your New Entrant Report
Date: Friday, August 1, 2025 4:26:00 PM
Attachments: [Kunkler Kyle - P47 Appointees - New Entrant - 278 - 2025 - 2025-07-19.pdf](#)

Thanks Kyle! I made that change and certified your report. In INTEGRITY, you should be able to now click on "Printable View" on the left side. Then there should be an "Export to PDF" tab on the upper right side. That'll allow you to save your report as a pdf. But if you have any trouble, I've attached a copy here.

I haven't had time to finish your recusal statement and I'm out next week. But I'll get you a draft as soon as I return.

Hope you have a nice weekend!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Friday, August 1, 2025 2:22 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Follow-up on your New Entrant Report

Hi Shannon,

Just to follow up, the revised (b) (6) [REDACTED].
Also, would it be possible to get a copy of my final report once it's completed for my records?

Thanks again, and please let me know if you need anything else from me regarding this! Have a good weekend!

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, July 31, 2025 9:43 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Subject: RE: Follow-up on your New Entrant Report

You'll report the (b) (6) [REDACTED] from *January 2024-June 2025* in Part 2. So go ahead and send me the recalculated amount and I'll change it for you. We want to make sure you aren't overreporting anything!

I'll also send you a draft recusal statement to review and sign. It'll be fairly straightforward since you really only have your former employer.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Thursday, July 31, 2025 9:17 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Re: Follow-up on your New Entrant Report

Hi Shannon,

That's helpful - thank you!

What I reported for the two positions is from this calendar year and the two preceding calendar years - so half of 2025, and all of 2023 and 2024. So January 2023 through June 2025. If that is incorrect, let me know and I can recalculate and send you that value, otherwise I have no concerns with you consolidating those positions.

Thank you!

Kyle

Get [Outlook for iOS](#)

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, July 31, 2025 9:04:11 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Subject: RE: Follow-up on your New Entrant Report

Hi Kyle,

I made those changes to #2 and #3. I would recommend consolidating (b) (6) since they all came from the same source. But before I do that, let me confirm the reporting period for Part 2 (which is different from listing the positions in Part 1). For Part 2, you report what you received in the current calendar year and previous calendar year. For positions, it's longer and includes the two preceding calendar years. So is what you reported for (b) (6) what you received from 2024 and 2025? If so, I'll go ahead and combine them and get your report certified.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Wednesday, July 30, 2025 6:42 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Follow-up on your New Entrant Report

Hi Shannon,

Thanks for the positive feedback – I appreciate it! I have responses to your questions in red below the question. Please let me know what else you need from me on next steps here, if anything!

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Tuesday, July 29, 2025 9:10 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Subject: Follow-up on your New Entrant Report

Hi Kyle,

I just finished my review of your New Entrant Report and you did a great job! I only have a few minor comments/questions:

1. In Part 2, (b) (6) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Before I do that, I just wanted to confirm the reasoning behind it.
I was promoted back in February at ASA from being a Director of Government Affairs to being a Senior Director of Government Affairs. The form asked me to list each position I held, so I was interpreting that instruction literally. (b) (6) [REDACTED]
[REDACTED]. I welcome your direction here on if those should be consolidated or not.

2. In Part 2, (b) (6) [REDACTED] so that it now looks like this:

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
(b) (6) (b) (7)(A)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

That works for me! I was having a formatting error and it wouldn't let me list out the separate line below (b) (6) [REDACTED]. Your approach is preferable, I was just having a difficult time getting the form to make that change for me.

3. In Part 6, can you confirm (b) (6) [REDACTED]
[REDACTED]
[REDACTED]? I can make those changes for you once you confirm.
I can confirm (b) (6) [REDACTED]
[REDACTED] Defer to you on best approach there.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: [Picone, Kaitlin](#)
To: [Griffo, Shannon](#)
Subject: RE: Kyle Kunkler ASA recusal question
Date: Thursday, July 3, 2025 10:02:22 AM

Thank you! I knew that was the case but I just like to have everything confirmed by you!

Kaitlin Keller Picone
EPA Office of Chemical Safety & Pollution Prevention
(202) 878-1451 | picone.kaitlin@epa.gov

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, July 3, 2025 9:58 AM
To: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: Kyle Kunkler ASA recusal question

Hi Kaitlin,

Yes, I agree with you. Kyle shouldn't participate in any meetings, discussions or decisions about *ASA's specific comments*. But he could still work on comments submitted by other parties about dicamba, including those that may overlap with ASA's comments.

As more background - before Kyle joined EPA, we discussed much of this in detail. And I believe Justina also did his ethics training on Monday where they went through this as well. I also have a call scheduled with Kyle early next week to answer any other questions he has. Then once he submits his 278, I'll work with him to get a recusal statement drafted.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Sent: Wednesday, July 2, 2025 12:56 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Kyle Kunkler ASA recusal question

Hi Shannon,

Following up on our discussion about specific vs general comments for Kyle now.

Kyle was involved in the development of ASA's comments on dicamba (and other pesticide actions). As I understand it, he is recused from discussions in those comments/ response but can engage on overarching/ big picture comments submitted by other entities that overlap with similar comments ASA may have submitted. He just can't engaged on those specific to ASA.

Is that accurate?

Thanks,
Kaitlin

Kaitlin Keller Picone
Acting Chief of Staff
Office of Chemical Safety & Pollution Prevention, U.S EPA
(202) 878-1451

From: [Kunkler, Kyle](#)
To: [Griffo, Shannon](#)
Subject: RE: Time to Connect on Onboarding Ethics Qs?
Date: Wednesday, July 2, 2025 9:06:53 AM

No problem – thanks, Shannon! My Monday AM is wide open except 11-11:30, so let's shoot for something then. Thanks again, and I hope you have a great Fourth!

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, July 2, 2025 9:01 AM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Subject: RE: Time to Connect on Onboarding Ethics Qs?

I actually might not be working tomorrow, so let's schedule something for early next week. My mornings are wide open. I'll go ahead and reschedule for a time Monday morning that looks open on your calendar – but just let me know if you have a preferred day/time.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Tuesday, July 1, 2025 5:54 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Time to Connect on Onboarding Ethics Qs?

Hi Shannon,

My first week is off to a great start – thank you! Unfortunately, however, my 11 AM Eastern spot filled up for tomorrow. Are you by chance free at 9:30 on Thursday? We can also shoot for early next week if that's easier.

Thanks in advance!

Kyle

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Tuesday, July 1, 2025 12:03 PM
To: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Subject: RE: Time to Connect on Onboarding Ethics Qs?

Hi Kyle,

Welcome to EPA and hope your first week is going well! I'm happy to chat and answer any questions you may have. Heads up though that for the next two weeks, I'm only working limited hours (mostly in the mornings). But I can be available tomorrow morning so I'm going to send you a scheduler for 11:00EST. If that time no longer works, just let me know.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Kunkler, Kyle <Kunkler.Kyle@epa.gov>
Sent: Tuesday, July 1, 2025 9:29 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Time to Connect on Onboarding Ethics Qs?

Hi Shannon,

I hope you're well! First, thanks for your help leading up to my onboarding yesterday – I greatly appreciate all the support and insights you were able to provide. I had a few outstanding questions I wanted to run by you and wanted to see if you had a few minutes to connect – maybe today or tomorrow? – to discuss?

I'm currently free until 12:30 today and from 3-4. Tomorrow I'm free from 11-1 and 3-4. I'm also around on Thursday if that's easier on your end.

Thanks in advance!

Kyle

Welcome To Your Federal Ethics Training!

got ethics?



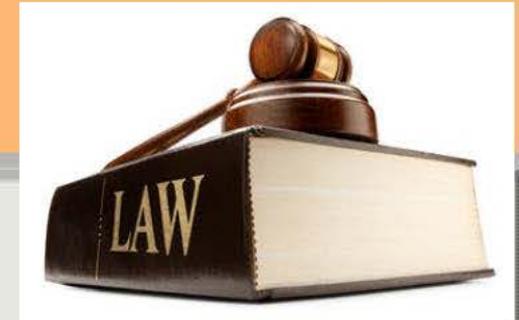
Presented by:
EPA Ethics Office

RULES *of the* ROAD

- STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH (5 CFR Part 2635) & ETHICS RESPONSIBILITIES OF EMPLOYEES AND SUPERVISORS (5 CFR §§ 2638.102 and 2638.103)
- EPA SUPPLEMENTAL ETHICS REGULATIONS (5 CFR Part 6401)
 - Outside activity & prohibited financial interests
- Criminal CONFLICTS OF INTEREST STATUTES (Title 18, US Code)
- HATCH ACT (5 USC §§ 7321-7326)
- For lawyers – state bar rules
- For political appointees – no Trump Ethics Pledge

Some restrictions apply even on your own time and/or in your personal capacity

Ethical Conduct: Not Just a Good Idea: It's the Law



- **18 U.S.C. § 201** – Can't offer or accept a bribe for official duty
- **18 U.S.C. § 203** – No compensation for representational services before the US
- **18 U.S.C. § 205** – No representing others back to the federal government
- **18 USC § 207** -- Post-Employment representational restrictions after fed service
- **18 U.S.C. § 208** – Can't engage in official duties if you have a financial conflict of interest
- **18 USC § 209** – No supplementation of federal salary from an outside source as compensation for official duty

14 ETHICAL PRINCIPLES

Public service is a public trust.

Don't have financial conflicts of interest.

Don't use nonpublic information for private gain.

Don't solicit or accept gifts from prohibited sources.

Give an honest day's work.

Don't make unauthorized commitments for Uncle Sam.

Don't use public office for private gain.

Act impartially, no preferential treatment.

Conserve and protect federal property.

No outside activity, including seeking employment, that conflicts with job.

Disclose waste, fraud, abuse, and corruption.

Satisfy your legal duties (and pay "all just financial obligations").

Obey EEO laws and regulations.

Avoid outside employment or activities, including seeking or negotiating for employment, that conflict with official duties.

Endeavor to avoid any actions creating the appearance that you are violating the law or the ethical standards.

Ethical Expectations (Part 1)



Government ethics responsibilities of employees (5 C.F.R. § 2638.102)

- Always act in the public's interest
- Avoid loss of impartiality or appearing to lose impartiality
- Do not misuse EPA position or private gain
- Always serve as a good steward of public resources

Government ethics responsibilities of supervisors (5 C.F.R. § 2638.103)

- Heightened personal responsibility for advancing government ethics
- Serve as models of ethical behavior for subordinates
- Must ensure that subordinates are aware of their federal ethical obligations and how to contact agency ethics officials
- Responsible for working with ethics officials to enforce ethics rules

Financial Conflicts of Interest



- You can't work ***personally and substantially*** in any ***particular matter*** that will have a ***direct and predictable effect*** on your own financial interest or any imputed interest
 - spouse, dependent child, general partner, outside organization that you lead or direct, an entity with whom you are negotiating for employment

If you have conflicts, you may not be able to work on specific party matters or matters of general applicability.

Regulatory Exemption Levels



SPECIFIC PARTY MATTER	MATTER OF GENERAL APPLICABILITY
e.g., an enforcement action against ABC Car Company	e.g., working on a rulemaking that affects all car manufacturers
<p>≤\$15,000 in ABC Car Co. itself or in aggregate among all car manufacturers</p> <p>≤\$25,000 aggregate for any affected non-parties (e.g., DEF Car Corp. which manufactures a similar product)</p>	<p>≤\$25,000 aggregate in any one car maker (e.g., ABC Car Co. or DEF Car Corp.)</p> <p>≤\$50,000 aggregate in all affected parties (all car makers)</p> <p>≤\$50,000 in a sector mutual fund concentrating in the same sector as the particular matter</p>

NOTE: regulatory exemption levels apply only for publicly traded stock

Financial Disclosure Reporting



- You must file a Public Financial Disclosure report (OGE 278) that can be released to the public, even without your permission
- **You** are responsible for your assets (including your spouse, dependent child, and any “managed account”)
- **You must report certain transactions:**
 - Transaction of bonds/stocks > \$1000 must be reported within 30 days of receiving notification of the transaction but not later than 45 days after the transaction occurs.
 - Late fee of \$200 for any missed transaction report
 - Report transactions of mutual funds annually

Loss of Impartiality



- Even if no financial conflict, there may still be a loss of impartiality
- Apply the “reasonable person” test (and that’s not necessarily you)

Covered relationships:

- Any employer, board, or client you served within the past year
- Members of your household or relatives with whom you have a close relationship
- Persons with whom your spouse, parent, or child is serving, or is seeking to serve, as an employee, consultant, contractor, or in a fiduciary capacity
- Organizations (other than political parties) in which you are an active participant

Recusal is required absent prior authorization to participate in specific party matters

LOOK A GIFT HORSE IN THE MOUTH



EPA has no statutory gift acceptance authority.

What's a gift? Anything of value given from a prohibited source or given to you because of your official position

- includes travel, waiver of conference fee, receptions, meals, rides in cars

Excluded from the definition of "gift"--

- free attendance on day you are speaking
- Speakers-only meals

Gifts From Outside Sources



If not excluded from the definition, then look at the exceptions (or ask for ethics help):

- \$20 or less (not cash)/\$50 per year from same source
- Widely Attended Gathering exception
 - must be in advance, in writing and consider appearance concerns
- Exception for “informational materials” (\$100 or less)

Justina says: "If you want it, you probably can't keep it."

Gifts of Travel



EPA Ethics accepts over \$1.5 million in discretionary travel annually

- Must be approved in advance by EPA Ethics
- Only for meetings, conferences, seminars
- Never accepted for essential EPA functions such as enforcement, inspections, litigation, negotiation, site visits related to audit/inspection
- Never accepted for travel paid by federal grant or contract
- Never from any source with specific party matters pending before you

Gifts Between Employees



- The \$10 rule excludes cash
- Can make voluntary contributions for food shared in the office
- Exceptions for “special, infrequent” occasions, personal hospitality, but not holidays, birthdays
 - Supervisors should never solicit contributions

Misuse of Position



No Misuse of Nonpublic Information

No Misuse of Official Time, Resources, Subordinates

Can't use public office for private gain

- Avoid appearance of government sanction
- No endorsement, preferential treatment

No Misuse of Government Property

- *De minimis* use policy never applies to compensated outside activity

EPA Policy on Limited Personal Use of Government Office Equipment



May use government office equipment only for authorized purposes. Limited personal use is authorized during *non-work time* if:

- it involves minimal additional expense to the Government;
- it does not reduce your productivity or interfere with your official duties or the official duties of others;
- you are already authorized to use the equipment for official Government business; and
- it is legal and appropriate

OUTSIDE ACTIVITY



- Can't engage in outside activity that conflicts with your official duties
- May need prior approval of the activity from EPA Ethics:
 - practice of profession
 - holding state or local public office
 - working for any EPA contractor or grantee
 - working for someone regulated by your office
 - any subject matter that deals in significant part with what you work on, have worked on in the past year or any EPA policies, programs or operations even if you don't work on it
- **Outside earned income limitation**
 - Applies to NC-SES; cap on what you can earn (\$33,285)

The Hatch Act



Why do we have it?

- Ensures that EPA programs are administered in a nonpartisan way
- Protects employees from political coercion
- Ensures that employee advancement is based on merit and not political affiliation

What is it?

It's the law that prohibits using official authority to interfere with an election and also governs the *political activity* of executive branch employees

Some restrictions apply even on your personal time!

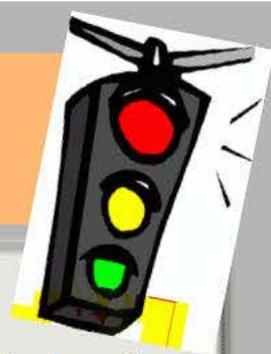
What is political activity?



Political Activity is ...

any activity directed toward the success or failure of a partisan candidate, political party, or partisan political group.

What Does the Hatch Act Prohibit?



NEVER EVER:

- Use official title or authority when engaged in political activity
- Conduct political activity in federal building/govt vehicle or while on duty or wearing EPA insignia or badge
- Solicit, accept, or receive political contributions
- Solicit or discourage the political activity of anyone with business before EPA
- Be a candidate in partisan elections
- Display current candidate photos or partisan political items, including campaign slogans, in the workplace

Rules apply to personal devices and personal social media

Need help navigating the ethical waters?



YOU ARE NOT ALONE!

EPA ETHICS

Justina Fugh, Alternate Designated Agency Ethics Official

Victoria Clarke, Ethics Attorney

Shannon Griffo, Ethics Attorney

Jennie Keith, Ethics Officer

Monique Patrick, Ethics Specialist

Carla Theriault, Ethics Officer (POC for ethics travel)

Jim Payne, Designated Agency Ethics Official

For More Information ...



EPA Ethics site:

<https://work.epa.gov/ethics>

(includes links to the Standards of Ethical Conduct, Conflict of Interest Statutes and EPA Supplemental Ethics Regulations)

EPA Ethics Mailbox:

ethics@epa.gov