To: Jawgiel, Steven[Jawgiel.Steven@epa.gov]
Cc: Reyes, Deldi[Reyes.Deldi@epa.gov]
From: Johnson, Kathleen
Sent: Tue 8/9/2016 10:45:56 PM
Subject: RE: EPA Employees Who Serve As Non-Voting Board or Committee Members

We discussed at our managers meeting today. We think that perhaps Deldi's involvement with the Exide Advisory Committee may be applicable. She is the rep from EPA on the committee.

Kathleen H. Johnson

Director, Enforcement Division

U.S. EPA - Region 9

75 Hawthorne Street ENF-1

San Francisco, CA 94015

415/972-3873

johnson.kathleen@epa.gov

From: Jawgiel, Steven
Sent: Friday, July 29, 2016 6:23 PM
To: Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>; McIlwain, Serena <McIlwain.Serena@epa.gov>; Angelich, Michelle <Angelich.Michelle@epa.gov>; Scott, Jeff <Scott.Jeff@epa.gov>; Barhite, Steven <Barhite.Steven@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Lindsay, Nancy <Lindsay.Nancy@epa.gov>; Torres, Tomas <Torres.Tomas@epa.gov>; Gullatt, Kristin <Gullatt.Kristin@epa.gov>
Subject: EPA Employees Who Serve As Non-Voting Board or Committee Members

Hello everyone.

Over the past year, the State of California's Fair Political Practices Committee (FPPC), which is the State's version of our Office of Government Ethics, has raised concerns about EPA employees being too deeply involved in the operations of State run

organizations. The FPPC claims EPA's actions are blurring the lines between whether these employees are acting on behalf of the State or the Federal Government. The FPPC also claims we are confusing the general public who find it difficult to distinguish our role because our employees are listed as "Board Members" or "Commissioners" on various organizations' websites and literature. Last year, the FPPC even threatened one of our employees with criminal sanctions and with monetary fines. Although we were able to defend this matter, the FCCP still does not agree with EPA's position on these matters. Therefore, I want to work with you to identify all Region 9 employees who are working in this capacity with outside organizations and assess each situation to make sure we are offering our employees the best protection against any possible FCCP claims in the future. Therefore, please survey your managers and provide me a list of all your employees who are serving as non-voting board members or commissioners with outside organizations, which include State entities, associations, and nonprofits. *[Please note, I am not asking for names of folks who might be serving as board members, etc. in their personal capacity as outside activities. Also, I am not asking for names of EPA employees who periodically give advice to outside organizations.]*

Attached is a briefing paper I recently used to advise managers in the Air and Water Divisions on this topic. It provides a general summary of the issues. If possible, I would like to collect this information in the next couple weeks, so feel free to contact me with any questions. Thanks!

Steven L. Jawgiel

Assistant Regional Counsel

U.S. EPA, Region IX

75 Hawthorne Street, ORC-1

San Francisco, California 94105

T: (415) 972-3876

F: (415) 947-3570

E: jawgiel.steven@epa.gov

This email, including any attachments, may contain non-public, privileged and/or confidential information solely intended to be conveyed to the designated recipient(s). If you receive this email and are not an intended recipient, please contact me immediately. The unauthorized use, dissemination, distribution, or reproduction of this email and its attachments is strictly prohibited by law.