From:	Goffman, Joseph
To:	Fugh, Justina
Cc:	Carbonell, Tomas; Campbell, Ann; Nunez, Alejandra; Shaw, Betsy; Clarke, Victoria; Kim, Eun
Subject:	Goffman Recusal Statement -- Signed
Date:	Thursday, April 08, 2021 8:04:51 PM
Attachments:	Recusal - Final.docx

Justina -- Please find attached my recusal statement. Thank you – thank you, Victoria – for your invaluable support and diligence in working with me to formulate this statement.

Ann and OAR colleagues – thank you in advance for assisting me in implementing the commitments made in this statement.

At the moment, I plan to move expeditiously to divest several holdings that create potential conflicts, which likely will result in this document being modified.

Again, thank you.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

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

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Joseph Goffman
Acting Assistant Administrator

TO: Michael S. Regan
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Harvard University,** is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."[1] Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

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

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Particular Matters Involving Specific Parties

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

RECUSAL LIST – SPECIFIC PARTY MATTERS			
Abbot Laboratories	Abbvie	Accenture PLC	Agilent Technologies
Alphabet Inc	Altria Group	Amazon	American Express
Ameriprise Financial	Apple, Inc.	Arthur J Gallagher	AT&T
Becton Dickinson	Broadcom Inc	Canadian National RY	Centene Corp
Champion X Corp	Charter Communications	Cisco Systems	Colgate Palmolive
Comcast	Costco	Danaher Corp	Deere & Co.
Discover Financial	Disney	Dollar Tree Inc	Dover Corp
Eaton Corp	Ecolab Inc.	Facebook	Fidelity
First Rep Bank	Fortive Corp.	Glaxo Smith Kline	Home Depot
IBM	Intel Corp	Johnson & Johnson	JP Morgan Chase
Lab Co of America Holding	Markel Corp	Martin Marietta Materials Inc	Meditronic PLC
Merck & Co.	Mettler Toledo Intl	Microsoft	Mondelez International
Monster Beverage	Nestle S.A.	Nike	Novartis AG
NVIDIA Corp	Omnicom Group	PayPal	PepsiCo
Pfizer Inc.	Philip Morris	Proctor & Gamble Co.	PNC Financial
Qualcomm INC	Roche Holding AG	Roper Technologies	SalesForce
Sherwin Williams	Skyworks Solutions	Spotify	Starbucks Corp
State Street	Texas Instruments	TJX	Truist Financial Corp
United Health Group	US Bancorp	Verizon Comm	Visa
Wells Fargo	Zoetis, Inc.		

Particular Matters of General Applicability

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

RECUSAL LIST – INDIVIDUAL SECTORS		
Advertising	Apparel	Banking
Communications Equipment	Credit Services	Discount Stores
Entertainment	Farm & Heavy Construction Machinery	Footwear
Healthcare Plans	Home Improvement Retail	Household & Personal Products
Information Technology Services	Insurance	Internet Content
Internet Retail	Non-Alcoholic Beverages	Packaged Foods
Paint	Pharmaceuticals & Drug Manufacturing	Restaurants
Scientific & Technical Instruments	Semiconductors	Snack Food
Snack Food	Software	Specialty Chemicals
Specialty Industrial Machinery	Specialty Industrial Machinery	Telecom Services
Tobacco		

Corporate Bonds

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

RECUSAL LIST – BONDS			
Amgen, Inc.	Anthem, Inc.	Apple, Inc.	Comcast Corporation
General Dynamics Corporation	Morgan Stanley	Starbucks Corporation	State Street Corporation

Certificate of Divestiture

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

SCREENING ARRANGEMENT

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Ann Ferrio, Chief of Staff, to assist in screening EPA matters directed to my attention that involve my former employer or my former clients. All inquiries and comments involving the entities or issue areas on my recusal list should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines that a particular matter will directly involve any of the entities or issue areas on my recusal list, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and a copy to Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources
Ann (Campbell) Ferrio. Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office

From:	Goffman, Joseph
To:	Fugh, Justina
Cc:	Carbonell, Tomas; Campbell, Ann; Nunez, Alejandra; Shaw, Betsy; Clarke, Victoria; Kim, Eun
Subject:	RE: Goffman Recusal Statement -- Signed
Date:	Thursday, April 08, 2021 11:17:43 PM

Thank you very much for doing that, Justina.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, April 8, 2021 11:16 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Kim, Eun <Kim.Eun@epa.gov>
Subject: RE: Goffman Recusal Statement -- Signed

Thanks, Joe! I noticed that the document you sent was signed but not dated. I took the liberty of inserting today's date, so here you go. (Believe me, we're going to want to have a dated recusal).
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, April 08, 2021 8:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Kim, Eun <Kim.Eun@epa.gov>
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Again, thank you.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

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

April 8, 2021

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Joseph Goffman
Acting Assistant Administrator

TO: Michael S. Regan
Administrator

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Comcast	Costco	Danaher Corp	Deere & Co.
Discover Financial	Disney	Dollar Tree Inc	Dover Corp
Eaton Corp	Ecolab Inc.	Facebook	Fidelity
First Rep Bank	Fortive Corp.	Glaxo Smith Kline	Home Depot
IBM	Intel Corp	Johnson & Johnson	JP Morgan Chase
Lab Co of America Holding	Markel Corp	Martin Marietta Materials Inc	Meditronic PLC
Merck & Co.	Mettler Toledo Intl	Microsoft	Mondelez International
Monster Beverage	Nestle S.A.	Nike	Novartis AG
NVIDIA Corp	Omnicom Group	PayPal	PepsiCo
Pfizer Inc.	Philip Morris	Proctor & Gamble Co.	PNC Financial
Qualcomm INC	Roche Holding AG	Roper Technologies	SalesForce
Sherwin Williams	Skyworks Solutions	Spotify	Starbucks Corp
State Street	Texas Instruments	TJX	Truist Financial Corp
United Health Group	US Bancorp	Verizon Comm	Visa
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Internet Retail	Non-Alcoholic Beverages	Packaged Foods
Paint	Pharmaceuticals & Drug Manufacturing	Restaurants
Scientific & Technical Instruments	Semiconductors	Snack Food
Snack Food	Software	Specialty Chemicals
Specialty Industrial Machinery	Specialty Industrial Machinery	Telecom Services
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UPDATE AS NECESSARY

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cc: Elizabeth Shaw, Deputy Assistant Administrator
Tomás Carbonell, Deputy Assistant Administrator for Stationary Sources
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources
Ann (Campbell) Ferrio. Chief of Staff
Eunjung Kim, Special Assistant
Justina Fugh, Director, Ethics Office

From: Fugh, Justina
To: Clarke, Victoria
Subject: Goffman recusal
Date: Thursday, April 08, 2021 12:36:51 AM
Attachments: Joe Goffman Draft Recusal jf comments.docx

Hi –

(b) (5) [redacted] See what you think.

In other news, I just could not get INTEGRITY to cooperate with me. It took me hours to successfully make some of the group changes, and then it just froze, no matter what browser I used. So I quit and will try again Thursday. I may need your help to straighten out the details, DAEO, and separated groups as I'm not listed as the POC, etc. for them. Weird.
Justina

From: Goffman, Joseph
To: Clarke, Victoria
Subject: RE: CD Request Letter
Date: Friday, April 16, 2021 4:19:36 PM

YOU have absolutely nothing to apologize for, Victoria – other than the fact that the amazing combination of speed and thoroughness with which you have gotten the Recusal letter and advice across the finish line, while also engaging directly with (b) (6) [redacted] creates a contrast with the latter's tardiness in providing the requested information.

That said, your reminding me that (b) (6) [redacted]

Unless we get something from them soon, I propose that we do a Teams call, that we (b) (6), (b) (5) [redacted] If you are OK, I will ask the OAR scheduling team to find a time.

Thanks for all you are doing.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, April 16, 2021 2:01 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: CD Request Letter

Hi Joe,

Yes, I can sense you are losing your patience and am sorry this is taking longer than you expected. Unfortunately, I haven't had anything from (b) (6) for the CD. The call yesterday was for (b) (6) [redacted] My overall concern, (b) (5) [redacted] hat's a little out of my area, however, but I am very good at taking down names and writing appeals.

If we can (b) (5) [redacted]

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, April 16, 2021 1:49 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: CD Request Letter

Have you received anything from (b) (6) [redacted] by way of the information required for the CD form? As you'll recall, (b) (6) [redacted], perhaps with your assistance on a Team call. I could share the screen showing the online account information and we could just grab the information. What do think? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Goffman, Joseph
Sent: Thursday, April 15, 2021 9:27 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Cc: (b) (6) [redacted]
Subject: RE: CD Request Letter

Hi, Victoria, (b) (6) [redacted]. I think this covers everything – and shows why I'm in such a hurry to get the Certificate of Divestiture and transact the sales of the listed stocks. Thanks, All

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, April 15, 2021 11:03 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
Cc: (b) (6) [redacted]
Subject: RE: CD Request Letter

Hi (b) (6) [redacted],

Before you start making changes with respect to (b) (6) [redacted], you wanted to know more about 18 U.S.C. 208, which is the financial conflict of interest statute, and how a (b) (6) [redacted] is implicated in all of this. I'm always happy to talk about one of my favorite laws!

Simply put, 18 U.S.C. 208 makes it a crime for a federal employee to work personally and substantially on a particular matter – whether it be a rule making, policy decision, or specific party matter like a litigation or a contract – where their work will have a direct and predictable effect on the employee's financial interest or the interests of someone imputed to the employee. Under the statute, the financial interests of spouses are imputed to the federal employee. At issue here is an (b) (6) [redacted] Under 18 U.S.C. 208, (b) (6) [redacted] Because of this, we need to look at (b) (6) [redacted] carefully and do a conflicts of interest analysis to assess whether the holding is problematic.

On that note, Joe and (b) (6) have very diligently worked with OGC Ethics to review all the holdings with us, think through what might be problematic given Joe's position as Acting Assistant Administrator for the Office of Air and Radiation (which is the head of one of EPA's leading environmental portfolios), and come to terms with the possibility that in order for Joe to be able to do his job as freely as possible without needing to recuse himself (e.g., be unable to participate at all in any sort of decision making process) that certain financial interests will need to be divested of. I think Joe can attest that we've tried to take as surgical an approach to this as possible and do it with the least amount of heartache as we cane. And, given the rather unfair nature of forcing an employee to divest of assets just to do their job and taking a tax hit, we are working with Joe, his other financial firm, and with you to try and acquire a Certificate of Divestiture for those assets that need to be sold – which was the initial outreach and ask at the start of this process, and still remains the ask. But until divestiture happens, Joe's only option is to recuse and remain recused.

Now, a question had come up about regulatory thresholds and if payment amounts matter. And that's a good question, and one that the Office of Government Ethics, which promulgates regulations and interprets the criminal conflicts of interest laws, has anticipated. There *are* certain de minimis exceptions for financial holdings set out under 5 C.F.R. 2640.201-202, but they have to do with the total holdings across *all* an employee's financial interests, whether that be

brokerage accounts, trusts, IRAs, pension plans, etc. – it is, unfortunately, not related to how much an employee or their spouse receives in income. The blessing and the curse here is that the (b) (6) [redacted] I'll explain:

- If the aggregate market value of the holdings of an employee, their spouse, and minor children do not exceed $15,000 in a single entity, then the employee does not need to recuse from particular matters involving specific parties (e.g., a litigation, or a contract).

- If the aggregate market value of the holdings of an employee, their spouse, and minor children do not exceed $25,000 in a single entity or $50,000 across all companies in the same sector/industry, then the employee does not need to recuse from matters of general applicability (e.g., rulemakings).

- If the employee owns less than $50,000 across all sector mutual funds in the same sector, then the employee may participate in any specific party matter (contracts or litigations) or matter of general applicability (rulemaking) that might affect the underlying holdings of the companies in the sector fund.

As you can see, the regulatory thresholds aren't going to be particularly helpful here for an investment vehicle, but at least now you know what they are and perhaps they can help inform your investment decisions. I've said previously in emails, as well as on the phone today, that I don't give financial advice – though I can reiterate what is immediately off limits for Joe given what I know is in the works for him: securities in the oil and gas, power, automobile, and chemical sectors. There may be other areas that come up as the Administration matures, though I don't have a crystal ball as to that and Joe will need to keep us all informed as to what those are. Though what I do know is that under 5 C.F.R. 2640.201, diversified mutual funds are always safe.

I hope that answers your questions and will help continue to move the CD process along.

And, Joe, if I've forgotten anything, or you want me to add anything else, let me know.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, April 14, 2021 3:57 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Cc: (b) (6) [redacted]

Subject: RE: CD Request Letter

Thank you, (b) (6) [redacted], and Victoria, for all the hard work you're putting in on this. Really appreciate it.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, April 14, 2021 3:53 PM
To: (b) (6) [redacted] Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
Cc: (b) (6) [redacted]
Subject: RE: CD Request Letter

Absolutely. I'm slammed this afternoon – but does 10 AM tomorrow or so work?

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: (b) (6) [redacted]
Sent: Wednesday, April 14, 2021 1:37 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted] Clarke, Victoria <clarke.victoria@epa.gov>
Cc: (b) (6) [redacted]
Subject: RE: CD Request Letter

Victoria,

Can (b) (6) [redacted] and I schedule a call with you to go over some specifics pertaining to (b) (6) [redacted]

Please let me know what works best for you this week and I will set-up a conference call.

Thanks,

(b) (6) [redacted]

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, April 12, 2021 2:10 PM
To: (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: RE: CD Request Letter

Hi, (b) (6). Can't thank you enough for your prompt attention to this. I think my colleague, Victoria Clarke, is in the best position to respond to both your specific question and your broader question and, if she thinks it appropriate, to offer guidance on the latter. Thanks, again.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: (b) (6) [redacted]
Sent: Monday, April 12, 2021 2:04 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: RE: CD Request Letter

Joe,

Pls. confirm that (b) (6) [redacted]

(b) (6) [redacted]

Thank you and good luck.

(b) (6)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Saturday, April 10, 2021 1:36 PM

To: (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: FW: CD Request Letter

Hello, (b) (6) [redacted]. One more request to you in order to address my obligation to eliminate conflicts of interest in my current position. Pasted below are (b) (6) [redacted] The latter has provided the information requested in the attached document, which includes a blank table.

My request, which is ***time-sensitive***, is that you provide the information identified in the table. I am writing to both of you because I don't know which of you is in the best position to take care of this quickly. Either way, (b) (6) and I would appreciate it if you could take care of this as soon as you are able to do so.

As you'll see, the attachment would start the process of seeking a certificate of divesture, which if issued by the IRS, would relieve (b) (6) of any capital gains liability resulting from the sale of the stocks in question. It is not clear how long that process might take and given my ongoing responsibilities in my current position disposing of the stocks quickly ***once the IRS issues the certificate*** is essential. Hence, my desire to get the process started.

Many thanks for your patience with yet another request of this sort and for your support.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, April 6, 2021 3:18 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
Cc: (b) (6) [redacted]
Subject: RE: CD Request Letter

One more item to divest of that we will need to incorporate into the CD letter is (b) (6) [redacted]

Sorry for the inconvenience, everyone!

Victoria Clarke
Attorney-Advisor

U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, March 31, 2021 8:21 PM
To (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: FW: CD Request Letter

Hi, (b) (6) [redacted]. In order to be in compliance with my obligations here, (b) (6) and I will have to sell certain stocks. We will be able to seek a certificate of divesture that would allow us to avoid paying capital gains tax, and EPA's Ethics Counsel, Victoria Clarke, will be taking care of compiling the paper work to do so. It would be extremely helpful if you each took a look at the table in the attached Word document and for each stock in the respective portfolios you manage you were able to fill in the information requested in the table.

Please also take a look at Victoria's email below for her question about the circumstances under which the stock was acquired.

Please let me know if you have any concerns doing this.

Finally, Victoria, (b) (6) [redacted]; no change has been made.

Many thanks.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, March 31, 2021 3:52 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: (b) (6) [redacted]
Subject: CD Request Letter

Hi there!

I am putting together the CD request letter to company the CD request form.

I have all the stocks identified, but what I need to know is how many shares you have, who owns them, what that person's relationship is to you (my guess either you own them, or it will be your wife, in which case, the relationship is spouse!).

Additionally, we'll need to describe the circumstances by which you came to own the shares. The majority of them you possessed prior to your government employment, (b) (6) [redacted]. If the assets are held in a trust, we'll need the underlying trust documents. (b) (6) [redacted]

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

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Please refer to (b) (6) [redacted] for certain disclosures relating to European legal entities. We take our data protection and privacy responsibilities seriously and our privacy notice explains how we collect, use and share personal information in the course of our business activities. It can be accessed at the privacy section of (b) (6) [redacted]

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Please refer to (b) (6) [redacted] for certain disclosures relating to European legal entities. We take our data protection and privacy responsibilities seriously and our privacy notice explains how we collect, use and share personal information in the course of our business activities. It can be accessed at the privacy section of (b) (6) [redacted]

From: Goffman, Joseph
To: Keith, Jennie
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball
Date: Monday, January 25, 2021 9:34:41 PM

Hi, Jennie. It's great to be back and under your, Justina, and Victoria's careful guidance. Thanks for taking the time to get me this answer.

From: Keith, Jennie <Keith.Jennie@epa.gov>
Sent: Monday, January 25, 2021 9:33 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: FW: Clean Energy for Biden Virtual Inaugural Ball
Evening Joe!
Welcome back! Justina asked me to do some double-checking on the gifts angle for this ticket you accepted once we understood the Biden Ethics Pledge.
The ticket is acceptable under the ethics rules. While there is still a lobbyist gift ban, neither the company your friend works for (Distributed Sun) or the host of the event (Clean Energy for Biden), a federally registered lobbyist. We will apply the personal relationship gift exception to allow you to accept this ticket.
Thanks! And have a great night. So nice to be in touch again.
Jennie for OGC/Ethics

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 20, 2021 9:15 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball
Thanks, Justina, for the quick response.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 20, 2021 8:19 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball
Hi Joe,
The event is tonight, right? And you were sworn in earlier today, right? I haven't yet read through the Biden ethics pledge, issued earlier today nor had a chance to ascertain the value of this virtual ticket. So you take the ticket and then let us figure out the value and whether you'll need to pay him back.
Justina
Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 20, 2021 7:57 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Clean Energy for Biden Virtual Inaugural Ball
Yes. Being a pain in your guys' neck twice in one day, and a federal holiday at that. I apologize, but I think I need to address this immediately. A close social friend of very long standing offered me, and I

accepted, a complimentary ticket to this event. I'm not sure what the value of the ticket is, but I am confident that his company Distributed Sun, a solar energy company, paid the cost. What are my obligations in this circumstance? Should I reimburse him or his company for the ticket? Thanks.

From: Keith, Jennie
To: Fugh, Justina
Cc: Clarke, Victoria
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball
Date: Wednesday, January 20, 2021 10:44:39 PM

Yep! On it!

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 20, 2021 10:42 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: Clean Energy for Biden Virtual Inaugural Ball

Hey Jennie,

Here's your first invitation vet for the incoming politicals. Fifteen of them were sworn in today, so if they were comped for the inaugural ball, as was Joe Goffman (see below), then we've got gift issues in the absence of knowing what the pledge says. I checked, and this particular event cost $100. The donor's company does not appear to be a federally registered lobbyist. Can you write an ethics determination for Joe on Thursday or Friday (depending on when we can get eyes on that pledge)?

Thanks,

Justina

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 20, 2021 9:15 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Thanks, Justina, for the quick response.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 20, 2021 8:19 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Clean Energy for Biden Virtual Inaugural Ball

Hi Joe,

The event is tonight, right? And you were sworn in earlier today, right? I haven't yet read through the Biden ethics pledge, issued earlier today nor had a chance to ascertain the value of this virtual ticket. So you take the ticket and then let us figure out the value and whether you'll need to pay him back.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 20, 2021 7:57 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Clean Energy for Biden Virtual Inaugural Ball

Yes. Being a pain in your guys' neck twice in one day, and a federal holiday at that. I apologize, but I

think I need to address this immediately. A close social friend of very long standing offered me, and I accepted, a complimentary ticket to this event. I'm not sure what the value of the ticket is, but I am confident that his company Distributed Sun, a solar energy company, paid the cost. What are my obligations in this circumstance? Should I reimburse him or his company for the ticket? Thanks.

From:	Fugh, Justina
To:	Goffman, Joseph; Clarke, Victoria
Subject:	RE: Do we "regulate" the semi-conductor industry in your program?
Date:	Friday, March 26, 2021 9:26:25 PM

Thanks for the additional info! I didn't connect with my contact at OGE earlier today, so I'll let you know what we hear back on Monday. It could just be a glitch!

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, March 26, 2021 5:35 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Do we "regulate" the semi-conductor industry in your program?

Please see below. (b) (6), (b) (5) [redacted]
Thanks, again, for all the help.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Newberg, Cindy <Newberg.Cindy@epa.gov>
Sent: Friday, March 26, 2021 5:30 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Do we "regulate" the semi-conductor industry in your program?

Under AIM EPA provides the amount of HFCs needed for six applications, one of which is etching of semiconductor wafers and cleaning. There are no use restrictions.

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, March 26, 2021 5:07 PM
To: Newberg, Cindy <Newberg.Cindy@epa.gov>
Subject: Do we "regulate" the semi-conductor industry in your program?

Asking for conflicts purposes.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria
To: (b) (6) [redacted]
Cc: "Joseph Goffman"; (b) (6) [redacted]; Goffman, Joseph; (b) (6) [redacted]
Subject: RE: Goffman/(b) (6) [redacted]
Date: Wednesday, April 07, 2021 2:22:00 PM

Thanks, (b) (6) [redacted]. I'll take a look and if I need more information, will reach out.

(b) (6) [redacted] – there's nothing that needs to be added by you, right?

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: (b) (6) [redacted]
Sent: Tuesday, April 06, 2021 4:25 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: 'Joseph Goffman' <(b) (6) [redacted] Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
Subject: FW: Goffman/(b) (6) [redacted]

Dear Victoria,
Attached is a draft of the CD letter and requested (b) (6) [redacted]

Please advise if these will suffice.
Best,
(b) (6) [redacted]

[redacted]

The contents of this e-mail and any attachments are confidential and for use solely by the intended recipients. If you are not the intended recipient, please notify us immediately by e-mail, and delete the original message. Delivery of this e-mail to any person other than an intended recipient does not waive privilege or confidentiality in any way. This information is for informational purposes only and is not an offer to buy, sell or recommend securities. (b) (6) [redacted] *claims compliance with the Global Investment Performance Standards (GIPS®). A compliant presentation is available at* (b) (6) [redacted]*). Past performance is not indicative of future results.*

From: Joseph Goffman
To: (b) (6) [redacted]; Fugh, Justina; Clarke, Victoria
Subject: Fwd: Hello From EPA Ethics!
Date: Tuesday, February 23, 2021 10:36:57 PM
Attachments: (b) (6) [redacted]

Please see below confirming the (b) (6) [redacted]. Thanks.

---------- Forwarded message ---------
From: (b) (6) [redacted]
Date: Tue, Feb 23, 2021 at 10:33 PM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]

Dear Joe,

Yes, we confirm that you and (b) (6) [redacted]
Attached are the (b) (6) [redacted]. Please let me know if you have any questions.

All the best,

(b) (6) [redacted]

[redacted]

From: Joseph Goffman <(b) (6) [redacted]
Sent: Tuesday, February 23, 2021 9:42 PM
To: (b) (6) [redacted]
Subject: Re: Hello From EPA Ethics!

Hello, All. I am writing to confirm that (b) (6) [redacted]

In addition, I also want to confirm that (b) (6) [redacted]

Thanks.

(b) (6), (b) (3) (A) [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]	[redacted]	[redacted]	(b) (6), (b) (3) (A) [redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

On Tue, Jan 19, 2021 at 9:16 AM (b) (6) [redacted] wrote:

Dear Joe,

We will (b) (6) [redacted]

All best,

(b) (6)

[redacted]

From: Joseph Goffman <(b) (6) [redacted]
Sent: Monday, January 18, 2021 7:17 PM
To: (b) (6) [redacted] Fugh, Justina <fugh.justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Fwd: Hello From EPA Ethics!

Hello, (b) (6) [redacted]. As I previewed for you last week, I will be joining the Biden-Harris administration and as was the case when I worked for the Obama administration I must observe ethics obligations in the combination of work I do and equities (b) (6) and I own. In addition to introducing you to Victoria Clarke and re-introducing you to Justina Fugh of EPA's Office of General Counsel, (b) (6) and I are instructing you with this note to sell the stocks listed in the table below immediately. There is a reasonable chance that I will be sworn into my new role before the end of the week and will begin work immediately. Hence, the need for speed and the willingness to forego a certificate of divestiture and incur capital gains liability.

Please also read the explanatory note below for background and what to anticipate going forward.

Thank you very much in advance for your prompt action in this matter.

Best,

Joe

---------- Forwarded message ---------
From: **Clarke, Victoria** <clarke.victoria@epa.gov>
Date: Mon, Jan 18, 2021 at 11:57 AM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]
Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Hi Joe!

It was a pleasure to speak with you this morning! As promised, I wanted to recap our discussion and provide you with a written copy of my counseling advice, as well as any further thoughts I might have I've circled up with Justina about this, too

As I understand it, you have a fairly good idea of what the Office of Air and Radiation's priorities are You expect that you'll be directed to work on regulations relating to the oil and gas sector, the power sector, the automobile sector, and the chemical sector (hydrofluorocarbons) You would like to work on all these things

Now, given your holdings, work in some of these issues will be problematic and pose a financial conflict of interest To avoid any delay, prior to starting at EPA you've decided to voluntarily divest yourself of your holdings in:

(b) (6), (b) (3) (A) [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

(b) (6), (b) (3) (A) [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

By voluntarily divesting, you understand that you may face capital gains tax If I misinterpreted your intent to voluntarily divest these assets before starting, let me know You'll need to sell the assets in each of your various financial accounts

I also want to note something thing that we did not discuss this morning Justina flagged that you have (b) (6) [redacted] At minimum, this is likely to have implications for regulations related to nonroad emissions If you wish to voluntarily divest yourself of this asset prior to starting at EPA, that is your prerogative to do so If you don't divest, this asset will go on your recusal statement and, if necessary, we can seek a Certificate of Divestiture (CD) from the Office of Government Ethics once you start As you can imagine, a CD doesn't happen overnight; more likely it can take several weeks to be issued and there's no guarantee that the Office of Government Ethics will even issue it

We also discussed that you do have other assets in areas that could be implicated by the work that you do in OAR For example, we discussed that you have (b) (6) [redacted] that could implicate work that occurs under Sections 112(d) and (f) of the Clean Air Act For now, it seems unlikely that you will work personally and substantially on particular matters that will have a direct and predictable effect on those financial interests However, those assets will still be incorporated into your recusal statement If at some point you need to work on such things, then we can again explore the option of obtaining a CD

If you have any questions or want to discuss further, I'm happy to chat Hopefully, this will help get you ready to start

Victoria

Victoria Clarke

Attorney-Advisor

U S Environmental Protection Agency

Office of General Counsel

Washington, D C |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Thank you.

On Sun, Jan 17, 2021 at 3:54 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

> I'll set us up with Microsoft Teams That way, I can show you my screen (if need be) If it fails, I'll give you a call directly
>
> Look for a calendar invite shortly
>
> Speak with you tomorrow!
>
> Victoria
>
> Victoria Clarke
>
> Attorney-Advisor
>
> U S Environmental Protection Agency
>
> Office of General Counsel
>
> Washington, D C |7348 WJCN
>
> EPA Office: 202-564-1149
>
> EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:52 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

OK. Do you want to just call me at 9:30 or use a video app? My phone is (b) (6) [redacted] Thanks.

On Sun, Jan 17, 2021 at 3:49 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

> I'll go ahead and get us on the calendar for 9:30 AM That way, you've got some time to think and plan
>
> Victoria
>
> Victoria Clarke
>
> Attorney-Advisor
>
> U S Environmental Protection Agency
>
> Office of General Counsel
>
> Washington, D C |7348 WJCN
>
> EPA Office: 202-564-1149
>
> EPA Cell: 202-336-9101
>
> **From:** Joseph Goffman <(b) (6) [redacted]
> **Sent:** Sunday, January 17, 2021 6:46 PM
> **To:** Clarke, Victoria <clarke.victoria@epa.gov>
> **Cc:** Fugh, Justina <Fugh.Justina@epa.gov>
> **Subject:** Re: Hello From EPA Ethics!
>
> Hi, Victoria. Thank you so much for doing this -- and on a holiday weekend! Much appreciated. I am eager to get this done. I am free between 9:30 and 10:30 and between 1 and 3. I can move a 3 now on my schedule if that is the time that works best for you. Thanks, again.
>
> On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:
>
> > Hi Joe!
> >
> > My name is Victoria Clarke, and I'm an ethics attorney at EPA I am working with Justina to review the financial information that you've submitted to us In fact, I'm crunching all your numbers as we speak!
> >
> > I was hoping to talk to you sometime tomorrow about your assets, and what you will need to divest prior to joining EPA in order to hit the ground running What would be the best time for you?
> >
> > Thank you!
> >
> > Victoria
> >
> > Victoria Clarke
> >
> > Attorney-Advisor
> >
> > U S Environmental Protection Agency

Office of General Counsel

Washington, D C |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Clarke Victoria
To: Joseph Goffman; Fugh Justina
Subject: RE: following up
Date: Friday, February 26, 2021 12:59:00 PM
Attachments: (b) (6) [redacted] .xlsx

Hi Joe,

It was lovely to chat with you this morning and discuss (and perhaps allay some fears!) about the certificate of divestiture and (b) (5) [redacted]

In the coming weeks, we'll be (b) (5) [redacted], and working on all the other odds and ends that come up Exciting!

You already know that to begin work on your CD, you need to complete your New Entrant Report (b) (5) [redacted]

On our end, we're going to do our best to make this as smooth an experience as possible and will be doing much of the work for you in terms of writing up your request for the CD and filling out the actual form To fill out the CD, I will need to work with your financial advisors so that I can get information about your assets, such as the precise number of shares that you own I don't plan to cut you out of any communications and will CC you on all of them

Justina received confirmation (b) (5) [redacted]

To get us started (b) (5) [redacted]

[redacted] (b) (5) [redacted] certainly will not seek a CD for something that you do not wish to divest of, though you would still have recusal obligations

You also let me know that you intend to (b) (6) [redacted] As an added benefit of making your reports cleaner, it'll also save you from needing to file 278-T's – one less requirement to worry about!

Have a good weekend, and don't hesitate to reach out with any questions

Victoria

Victoria Clarke
Attorney-Advisor
U S Environmental Protection Agency
Office of General Counsel
Washington, D C |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Wednesday, February 24, 2021 7:45 PM
To: Fugh, Justina <Fugh Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: following up

HI, Justina and Victoria.

Thank you both so much for all the help on this up until this point, and for the help going forward. Victoria and I are scheduled to meet Friday morning to go over all this. Depending on how much more we end up identifying for divesting, I am inclined to seek a certificate of divestiture. Again, that's one of the things I am looking forward to discussing on Friday.

Your help continues to be invaluable.

All best,
Joe

On Wed, Feb 24, 2021 at 12:23 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Hi Joe,

(b) (6), (b) (5) [redacted]

Attached is the excel spreadsheet that Victoria created (b) (5), (b) (6) [redacted]. You'll see that (b) (6), (b) (5) [redacted]

Now for the options about what to do:

- (b) (5) [redacted]
- [redacted]
- [redacted]

Victoria and I (b) (5) [redacted]

(b) (5) [redacted] We're here for you.
Justina

Just na Fugh | Director, Eth cs Off ce | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Cl nton Federal Build ng | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Wednesday, February 24, 2021 11:02 AM
To: 'Joseph Goffman' (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa gov>; (b) (6) [redacted]
Subject: RE: Hello From EPA Ethics!

Hi Joe,
I led you astray with my note last night. You'll recall that we talked with you prior to inauguration, and thus prior to your joining EPA. You sent (b) (5) [redacted] Victoria spent time over the holiday weekend with her decoder ring. She created an excel spreadsheet of your assets that she shared with you visually during a Teams call. In assessing the likely conflicts, she relied on what you indicated to her that, as the PDAA, you would be doing: working on oil and gas regulations, power and energy sectors, automobiles, and the chemical sector, especially CFC. Based on that, she identified certain stock that would present immediate conflicts, and you voluntarily divested of those.

You already know that you have likely conflicts with the industrial manufacturing, healthcare, pharmaceutical, consumer products and telecommunications sectors. Victoria would have explained that we can't draft a recusal statement until we see your financial disclosure report, and yours is still in draft. (b) (5) [redacted]
Justina

Just na Fugh | Director, Eth cs Off ce | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Cl nton Federal Build ng | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Joseph Goffman <(b) (6) [redacted]
Sent: Tuesday, February 23, 2021 11:34 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>;(b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa gov>;(b) (6) [redacted]
Subject: Re: Hello From EPA Ethics!

Thanks for responding, Justina. Adding (b) (6) [redacted] so he can see the transactions listed below and figure out why (b) (6) [redacted]

We have a bigger problem, however, if I understand the situation correctly [redacted] (b) (6) [redacted] Please advise ASAP. Thanks, again.

On Tue, Feb 23, 2021 at 11:09 PM Fugh, Justina <Fugh.Justina@epa gov> wrote:

> Hi Joe,
> (b) (6) [redacted]
> You also submitted a periodic transaction report that (b) (6), (b) (3) (A) [redacted]
>
> [redacted]
>
> In reviewing the prior communication between us, I see that Victoria noted conflicts for you with (b) (6) [redacted]

With respect to (b) (6) [redacted]

(b) (6) [redacted]

Justina

Justina Fugh | D rector, Ethics Off ce | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Cl nton Federal Building | Wash ngton, DC 20460 (for ground deliveries, use 20004 for the z p code) | phone 202-564-1786 | fax 202-564-1772

From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, February 23, 2021 10:05 PM
To: Fugh, Justina <Fugh Justina@epa gov>; Clarke, Victoria <clarke victoria@epa gov>; (b) (6) [redacted]
Subject: Fwd: Hello From EPA Ethics!

Here's why I think (b) (6) [redacted] Thanks.

---------- Forwarded message ---------
From: (b) (6) [redacted]
Date: Tue, Jan 19, 2021 at 7:50 PM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]

Joe,
(b) (6) [redacted]
Good luck.
(b) (6) [redacted]
From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, January 19, 2021 6:47 PM
To: (b) (6) [redacted]
Subject: Fwd: Hello From EPA Ethics!

Hi, [redacted]. Can you please confirm that this is being taken care of? Sorry for the rush, but I only just connected with the EPA Ethics attorney on Monday AM and now am starting tomorrow (Wednesday). Thanks.

---------- Forwarded message ---------
From: **Joseph Goffman** (b) (6) [redacted]
Date: Mon, Jan 18, 2021 at 7:16 PM
Subject: Fwd: Hello From EPA Ethics!
To: (b) (6) [redacted] Fugh, Justina <fugh justina@epa.gov>, Clarke, Victoria <clarke.victoria@epa.gov>

Hello, (b) (6) [redacted]. As I previewed for you last week, I will be joining the Biden-Harris administration and as was the case when I worked for the Obama administration I must observe ethics obligations in the combination of work I do and equities (b) (6) and I own. In addition to introducing you to Victoria Clarke and re-introducing you to Justina Fugh of EPA's Office of General Counsel, (b) (6) and I are instructing you with this note to sell the stocks listed in the table below immediately. There is a reasonable chance that I will be sworn into my new role before the end of the week and will begin work immediately. Hence, the need for speed and the willingness to forego a certificate of divestiture and incur capital gains liability.

Please also read the explanatory note below for background and what to anticipate going forward.

Thank you very much in advance for your prompt action in this matter.

Best,
Joe

---------- Forwarded message ---------
From: **Clarke, Victoria** <clarke.victoria@epa.gov>
Date: Mon, Jan 18, 2021 at 11:57 AM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Hi Joe!

It was a pleasure to speak with you this morning! As promised, I wanted to recap our discussion and provide you with a written copy of my counseling advice, as well as any further thoughts I might have. I've circled up with Justina about this, too.

As I understand it, you have a fairly good idea of what the Office of Air and Radiation's priorities are. You expect that you'll be directed to work on regulations relating to the oil and gas sector, the power sector, the automobile sector, and the chemical sector (hydrofluorocarbons). You would like to work on all these things.

Now, given your holdings, work in some of these issues will be problematic and pose a financial conflict of interest. To avoid any delay, prior to starting at EPA you've decided to voluntarily divest yourself of your holdings in:

(b) (6), (b) (7)(A) [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

By voluntarily divesting, you understand that you may face capital gains tax. If I misinterpreted your intent to voluntarily divest these assets before starting, let me know. You'll need to sell the assets in each of your various financial accounts.

I also want to note something thing that we did not discuss this morning. Justina flagged that you have (b) (6) [redacted] At minimum, this is likely to have implications for regulations related to nonroad emissions. If you wish to voluntarily divest yourself of this asset prior to starting at EPA, that is your prerogative to do so. If you don't divest, this asset will go on your recusal statement and, if necessary, we can seek a Certificate of Divestiture (CD) from the Office of Government Ethics once you start. As you can imagine, a CD doesn't happen overnight; more likely it can take several weeks to be issued and there's no guarantee that the Office of Government Ethics will even issue it.

We also discussed that you do have other assets in areas that could be implicated by the work that you do in OAR. For example, we discussed that you have (b) (6) [redacted] that could implicate work that occurs under Sections 112(d) and (f) of the Clean Air Act. For now, it seems unlikely that you will work personally and substantially on particular matters that will have a direct and predictable effect on those financial interests. However, those assets will still be incorporated into your recusal statement. If at some point you need to work on such things, then we can again explore the option of obtaining a CD.

If you have any questions or want to discuss further, I'm happy to chat. Hopefully, this will help get you ready to start.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Thank you.

On Sun, Jan 17, 2021 at 3:54 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

> I'll set us up with Microsoft Teams. That way, I can show you my screen (if need be). If it fails, I'll give you a call directly.
>
> Look for a calendar invite shortly.

Speak with you tomorrow!

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:52 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

OK. Do you want to just call me at 9:30 or use a video app? My phone is (b) (6) [redacted] Thanks.

On Sun, Jan 17, 2021 at 3:49 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

I'll go ahead and get us on the calendar for 9:30 AM. That way, you've got some time to think and plan.

Victoria

Victoria Clarke
Attorney-Advisor
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From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:46 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Hi, Victoria. Thank you so much for doing this -- and on a holiday weekend! Much appreciated. I am eager to get this done. I am free between 9:30 and 10:30 and between 1 and 3. I can move a 3 now on my schedule if that is the time that works best for you. Thanks, again.

On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi Joe!

My name is Victoria Clarke, and I'm an ethics attorney at EPA. I am working with Justina to review the financial information that you've submitted to us. In fact, I'm crunching all your numbers as we speak!

I was hoping to talk to you sometime tomorrow about your assets, and what you will need to divest prior to joining EPA in order to hit the ground running. What would be the best time for you?

Thank you!

Victoria

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EPA Office: 202-564-1149
EPA Cell: 202-336-9101

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Please refer to (b) (6) [redacted] for certain disclosures relating to European legal entities. We take our data protection and privacy responsibilities seriously and our privacy notice explains how we collect, use and share personal information in the course of our business activities. It can be accessed at the privacy section of (b) (6) [redacted]

As of June 2020

Amazon Subsidiaries

SUBSIDIARY	WHAT IT DOES	AFFECTED SECTOR
A9.com	researching and building innovative tech	Technology innovation
Amazon Maritime, Inc	Federal Maritime Commission license to operate as a non-vessel-owning common carrier (NVOCC)	Shipping
Amazon Robotics	mobile robotic storage and retrieval system	Robotic manufacturing
Annapurna Labs	Israel-based microelectronics company	Microelectronic manufacturing
Audible.com	seller and producer of spoken audio entertainment, information and educational programming on the Internet	Audiobooks
Beijing Century Joyo Courier Services	applied for a freight forwarding license with the US Maritime Commission potentially compete with UPS and FedEx.	Courier services
Brilliance Audio	audiobook publisher	Audiobooks
ComiXology	cloud-based digital comics platform	e-publisher
CreateSpace	self-publishing services for independent content creators, publishers, film studios, and music labels	e-publisher service
Eero	manufactures mesh-capable routers	Tech manufacturer
Goodreads	"social cataloging" website for books, annotations, and reviews.	e-books
Health Navigator	developing application programming interface (APIs) for online health services. Part of Amazon Care, which is the company's	Health care including retail pharmacy services

	employee healthcare service. Includes PillPack.	
IMDb	online database of information related to films, television programs, home videos, video games, and streaming content online	Website database
Kuiper Systems	large broadband satellite internet constellation, including high-performance satellites, terrestrial gateways, internetworking technologies, and a range of customer terminals	Satellites, broadband communications
Lab126	Developers of integrated consumer electronics	Consumer electronics
Ring	home automation company; manufacturer of security cameras	Home security and tech manufacturer
Shopbop	online fashion apparel and accessories store	e-vendor
Souq	largest E-Commerce platform in the Middle East	e-vendor
Teachstreet	Provider of information to students online classes; teacher background and training; provider of online business management tools for teachers and schools.	Educational services
Twitch	Live streaming platform for video, video gaming content	Digital platform and e-vendor
Whole Foods Market	American supermarket chain exclusively featuring foods without artificial preservatives, colors, flavors, sweeteners, and hydrogenated fats	supermarket
Zappos	Online shoe store	e-vendor

From: Joseph Goffman
To: Fugh, Justina
Cc: Clarke, Victoria; (b) (6) [redacted]
Subject: Re: Hello From EPA Ethics!
Date: Wednesday, February 24, 2021 11:53:01 AM

Oh, excellent, Justina. That's my recollection of both the initial discussion with Victoria and a follow-up meeting we had as well, and certainly tracks with the emails Victoria sent along. I appreciate your quick response and the coordination effort with (b) (6). Many, many thanks.

On Wed, Feb 24, 2021 at 11:02 AM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Hi Joe,
>
> I led you astray with my note last night. You'll recall that we talked with you prior to inauguration, and thus prior to your joining EPA. You sent us (b) (6) [redacted], and Victoria spent time over the holiday weekend with her decoder ring. She created an excel spreadsheet of your assets that she shared with you visually during a Teams call. In assessing the likely conflicts, she relied on what you indicated to her that, as the PDAA, you would be doing: working on oil and gas regulations, power and energy sectors, automobiles, and the chemical sector, especially CFC. Based on that, she identified certain stock that would present immediate conflicts, and you voluntarily divested of those.
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> You already know that you have likely conflicts with the industrial manufacturing, healthcare, pharmaceutical, consumer products and telecommunications sectors. Victoria would have explained that we can't draft a recusal statement until we see your financial disclosure report, and yours is still in draft. (b) (5) [redacted]
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> Justina
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> Just na Fugh | Director, Ethics Off ce | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Build ng | Wash ngton, DC 20460 (for ground deliveries, use 20004 for the z p code) | phone 202-564-1786 | fax 202-564-1772

From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, February 23, 2021 11:34 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: Re: Hello From EPA Ethics!

Thanks for responding, Justina. Adding (b) (6) so he can see the transactions listed below and figure out (b) (6) [redacted]

We have a bigger problem, however, if I understand the situation correctly. (b) (6) [redacted] Please advise ASAP. Thanks, again.

On Tue, Feb 23, 2021 at 11:09 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Hi Joe,
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> (b) (6) [redacted]
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> You also submitted a periodic transaction report that (b) (6), (b) (3) (A) [redacted]

(b) (6), (b) (3) (A)

In reviewing the prior communication between us, I see that Victoria noted conflicts for you with (b) (6)

With respect to (b) (6)

Justina

Justina Fugh | D rector, Ethics Office | Off ce of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Cl nton Federal Building | Wash ngton, DC 20460 (for ground deliver es, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Joseph Goffman (b) (6)
Sent: Tuesday, February 23, 2021 10:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6)
Subject: Fwd: Hello From EPA Ethics!

Here's why I think Thanks.

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From: (b) (6) (b) (6)
Date: Tue, Jan 19, 2021 at 7:50 PM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6)

Joe,

(b) (6)

Good luck.

(b) (6)

From: Joseph Goffman (b) (6)
Sent: Tuesday, January 19, 2021 6:47 PM
To: (b) (6)
Subject: Fwd: Hello From EPA Ethics!

Hi, (b) (6). Can you please confirm that this is being taken care of? Sorry for the rush, but I only just connected with the EPA Ethics attorney on Monday AM and now am starting tomorrow (Wednesday). Thanks.

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Date: Mon, Jan 18, 2021 at 7:16 PM
Subject: Fwd: Hello From EPA Ethics!
To: (b) (6)
Fugh, Justina <fugh.justina@epa.gov>, Clarke, Victoria <clarke.victoria@epa.gov>

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Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6)
Cc: Fugh, Justina <Fugh.Justina@epa.gov>

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As I understand it, you have a fairly good idea of what the Office of Air and Radiation's priorities are You expect that you'll be directed to work on regulations relating to the oil and gas sector, the power sector, the automobile sector, and the chemical sector (hydrofluorocarbons) You would like to work on all these things

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starting at EPA you've decided to voluntarily divest yourself of your holdings in:

(b) (6), (b) (6) (A) [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

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Attorney-Advisor

U S Environmental Protection Agency

Office of General Counsel

Washington, D C |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

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> I'll set us up with Microsoft Teams That way, I can show you my screen (if need be) If it fails, I'll give you a call directly
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> Look for a calendar invite shortly
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> Speak with you tomorrow!
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> Victoria
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> Victoria Clarke
>
> Attorney-Advisor
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> U S Environmental Protection Agency
>
> Office of General Counsel
>
> Washington, D C |7348 WJCN
>
> EPA Office: 202-564-1149
>
> EPA Cell: 202-336-9101
>
> **From:** Joseph Goffman (b) (6) [redacted]
> **Sent:** Sunday, January 17, 2021 6:52 PM
> **To:** Clarke, Victoria <clarke.victoria@epa.gov>
> **Cc:** Fugh, Justina <Fugh.Justina@epa.gov>
> **Subject:** Re: Hello From EPA Ethics!
>
> OK. Do you want to just call me at 9:30 or use a video app? My phone is (b) (6) [redacted]. Thanks.
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> > Victoria
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> > Washington, D C |7348 WJCN
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> > EPA Office: 202-564-1149
> >
> > EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:46 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Hi, Victoria. Thank you so much for doing this -- and on a holiday weekend! Much appreciated. I am eager to get this done. I am free between 9:30 and 10:30 and between 1 and 3. I can move a 3 now on my schedule if that is the time that works best for you. Thanks, again.

On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

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From: Joseph Goffman
To: Clarke, Victoria
Cc: Fugh, Justina
Subject: Re: Hello From EPA Ethics!
Date: Monday, January 18, 2021 6 59:28 PM

Hello, Victoria (and Justina).

It was a pleasure to meet you this morning; I found our discussion, and your note below, to be very helpful. I believe your note captured our discussion accurately. I will send our portfolio managers a note first thing tomorrow instructing them to sell the listed equities immediately; I intend not to wait for a certificate of divestiture. I believe we should also start, as you suggest, with a recusal list that includes recusals for work on Clean Air Act section 112(d) and (f) regulations -- or any other actions -- that affect (b) (6) [redacted]. It's certainly possible that offroad engines may become an issue that requires my attention in my PDAA role, in which case (b) (6) [redacted]

Many thanks, again.

Best,
Joe

On Mon, Jan 18, 2021 at 11:57 AM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

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> (b) (6), (b) (6) (A) [redacted]
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> [redacted]
>
> By voluntarily divesting, you understand that you may face capital gains tax If I misinterpreted your intent to voluntarily divest these assets before starting, let me know You'll need to sell the assets in each of your various financial accounts
>
> I also want to note something thing that we did not discuss this morning Justina flagged that you have (b) (6) [redacted] At minimum, this is likely to have implications for regulations related to nonroad emissions If you wish to voluntarily divest yourself of this asset prior to starting at EPA, that is your prerogative to do so If you don't divest, this asset will go on your recusal statement and, if necessary, we can seek a Certificate of Divestiture (CD) from the Office of Government Ethics once you start As you can imagine, a CD doesn't happen overnight; more likely it can take several weeks to be issued and there's no guarantee that the Office of Government Ethics will even issue it
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> We also discussed that you do have other assets in areas that could be implicated by the work that you do in OAR For example, we discussed that you have (b) (6) [redacted] that could implicate work that occurs under Sections 112(d) and (f) of the Clean Air Act For now, it seems unlikely that you will work personally and substantially on particular matters that will have a direct and predictable effect on those financial interests However, those assets will still be incorporated into your recusal statement If at some point you need to work on such things, then we can again explore the option of obtaining a CD
>
> If you have any questions or want to discuss further, I'm happy to chat Hopefully, this will help get you ready to start
>
> Victoria
>
> Victoria Clarke
>
> Attorney-Advisor

U S Environmental Protection Agency

Office of General Counsel

Washington, D C |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Thank you.

On Sun, Jan 17, 2021 at 3:54 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

> I'll set us up with Microsoft Teams That way, I can show you my screen (if need be) If it fails, I'll give you a call directly
>
> Look for a calendar invite shortly
>
> Speak with you tomorrow!
>
> Victoria
>
> Victoria Clarke
>
> Attorney-Advisor
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> U S Environmental Protection Agency
>
> Office of General Counsel
>
> Washington, D C |7348 WJCN
>
> EPA Office: 202-564-1149
>
> EPA Cell: 202-336-9101
>
> **From:** Joseph Goffman (b) (6) [redacted]
> **Sent:** Sunday, January 17, 2021 6:52 PM
> **To:** Clarke, Victoria <clarke.victoria@epa.gov>
> **Cc:** Fugh, Justina <Fugh.Justina@epa.gov>
> **Subject:** Re: Hello From EPA Ethics!
>
> OK. Do you want to just call me at 9:30 or use a video app? My phone is (b) (6) [redacted]. Thanks.
>
> On Sun, Jan 17, 2021 at 3:49 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:
>
> > I'll go ahead and get us on the calendar for 9:30 AM That way, you've got some time to think and plan
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> >
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> > EPA Cell: 202-336-9101
> >
> > **From:** Joseph Goffman (b) (6) [redacted]
> > **Sent:** Sunday, January 17, 2021 6:46 PM
> > **To:** Clarke, Victoria <clarke.victoria@epa.gov>
> > **Cc:** Fugh, Justina <Fugh.Justina@epa.gov>
> > **Subject:** Re: Hello From EPA Ethics!
> >
> > Hi, Victoria. Thank you so much for doing this -- and on a holiday weekend! Much appreciated. I am eager to get this done. I am free between 9:30 and 10:30 and between 1 and 3. I can move a 3 now on my schedule if that is the time that works best for you. Thanks, again.

On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi Joe!

My name is Victoria Clarke, and I'm an ethics attorney at EPA I am working with Justina to review the financial information that you've submitted to us In fact, I'm crunching all your numbers as we speak!

I was hoping to talk to you sometime tomorrow about your assets, and what you will need to divest prior to joining EPA in order to hit the ground running What would be the best time for you?

Thank you!

Victoria

Victoria Clarke

Attorney-Advisor

U S Environmental Protection Agency

Office of General Counsel

Washington, D C |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: (b) (6)
To: "Joseph Goffman"; Fugh, Justina
Cc: (b) (6) Clarke, Victoria
Subject: RE: Hello From EPA Ethics!
Date: Wednesday, February 24, 2021 8:53:09 AM

Page 3 on the confirmations list (b) (6)
Let me know if you have any questions.

(b) (6)

From: Joseph Goffman (b) (6)
Sent: Tuesday, February 23, 2021 11:52 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; (b) (6)
Cc: (b) (6) Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: Hello From EPA Ethics!

Adding (b) (6), who perhaps can enlighten all of us on the correct dates. The report in question (b) (6) which I relayed to the others on this email. Thanks.

On Tue, Feb 23, 2021 at 11:10 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Then the 278T you submitted has (b) (6).
>
> ---
>
> **From:** Joseph Goffman (b) (6)
> **Sent:** Tuesday, February 23, 2021 10:36 PM
> **To:** (b) (6) Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
> **Subject:** Fwd: Hello From EPA Ethics!
>
> Please see below confirming (b) (6). Thanks.
>
> ---------- Forwarded message ---------
> From: (b) (6)
> Date: Tue, Feb 23, 2021 at 10:33 PM
> Subject: RE: Hello From EPA Ethics!
> To: (b) (6)
>
> Dear Joe,
> Yes, we confirm that you and (b) (6). Attached are (b) (6). Please let me know if you have any questions.
> All the best,
> (b) (6)
>
> **From:** Joseph Goffman (b) (6)
> **Sent:** Tuesday, February 23, 2021 9:42 PM
> **To:** (b) (6)
> **Subject:** Re: Hello From EPA Ethics!

Hello, All. I am writing to confirm that neither (b) (6) [redacted]

In addition, I also want to confirm that (b) (6) [redacted]

Thanks.

(b) (6), (b) (3) (A) [redacted]

B (b) (6), (b) (3) (A) [redacted]

On Tue, Jan 19, 2021 at 9:16 AM (b) (6) [redacted] wrote:

Dear Joe,
We will (b) (6) [redacted]
All best,
(b) (6) [redacted]

From: Joseph Goffman (b) (6) [redacted]
Sent: Monday, January 18, 2021 7:17 PM
To: (b) (6) [redacted] Fugh, Justina <fugh.justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Fwd: Hello From EPA Ethics!

Hello, (b) (6) [redacted]. As I previewed for you last week, I will be joining the Biden-Harris administration and as was the case when I worked for the Obama administration I must observe ethics obligations in the combination of work I do and equities (b) (6) and I own. In addition to introducing you to Victoria Clarke and re-introducing you to Justina Fugh of EPA's Office of General Counsel, (b) (6) and I are instructing you with this note to sell the stocks listed in the table below immediately. There is a reasonable chance that I will be sworn into my new role before the end of the week and will begin work immediately. Hence, the need for speed and the willingness to forego a certificate of divestiture and incur capital gains liability.

Please also read the explanatory note below for background and what to anticipate going forward.

Thank you very much in advance for your prompt action in this matter.

Best,
Joe

---------- Forwarded message ---------
From: **Clarke, Victoria** <clarke.victoria@epa.gov>
Date: Mon, Jan 18, 2021 at 11:57 AM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]
Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Hi Joe!

It was a pleasure to speak with you this morning! As promised, I wanted to recap our discussion and provide you with a written copy of my counseling advice, as well as any further thoughts I might have I've circled up with Justina about this, too

As I understand it, you have a fairly good idea of what the Office of Air and Radiation's priorities are You expect that you'll be directed to work on regulations relating to the oil and gas sector, the power sector, the automobile sector, and the chemical sector (hydrofluorocarbons) You would like to work on all these things

Now, given your holdings, work in some of these issues will be problematic and pose a financial conflict of interest To avoid any delay, prior to starting at EPA you've decided to voluntarily divest yourself of your holdings in:

(b) (6), (b) (3) (A) [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

By voluntarily divesting, you understand that you may face capital gains tax If I misinterpreted your intent to voluntarily divest these assets before starting, let me know You'll need to sell the assets in each of your various financial accounts

I also want to note something thing that we did not discuss this morning Justina flagged that you have (b) (6) [redacted] At minimum, this is likely to have implications for regulations related to nonroad emissions If you wish to voluntarily divest yourself of this asset prior to starting at EPA, that is your prerogative to do so If you don't divest, this asset will go on your recusal statement and, if necessary, we can seek a Certificate of Divestiture (CD) from the Office of Government Ethics once you start As you can imagine, a CD doesn't happen overnight; more likely it can take several weeks to be issued and there's no guarantee that the Office of Government Ethics will even issue it

We also discussed that you do have other assets in areas that could be implicated by the work that you do in OAR For example, we discussed that you have (b) (6) [redacted] that could implicate work that occurs under Sections 112(d) and (f) of the Clean Air Act For now, it seems unlikely that you will work personally and substantially on particular matters that will have a direct and predictable effect on those financial interests However, those assets will still be incorporated into your recusal statement If at some point you need to work on such things, then we can again explore the option of obtaining a CD

If you have any questions or want to discuss further, I'm happy to chat Hopefully, this will help get you ready to start

Victoria

Victoria Clarke
Attorney-Advisor
U S Environmental Protection Agency
Office of General Counsel
Washington, D C | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Thank you.

On Sun, Jan 17, 2021 at 3:54 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

> I'll set us up with Microsoft Teams That way, I can show you my screen (if need be) If it fails, I'll give you a call directly
>
> Look for a calendar invite shortly
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> Speak with you tomorrow!

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From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:52 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

OK. Do you want to just call me at 9:30 or use a video app? My phone is (b) (6) [redacted]. Thanks.

On Sun, Jan 17, 2021 at 3:49 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

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> Victoria
>
> Victoria Clarke
> Attorney-Advisor
> U S Environmental Protection Agency
> Office of General Counsel
> Washington, D C |7348 WJCN
> EPA Office: 202-564-1149
> EPA Cell: 202-336-9101
>
> **From:** Joseph Goffman (b) (6) [redacted]
> **Sent:** Sunday, January 17, 2021 6:46 PM
> **To:** Clarke, Victoria <clarke.victoria@epa.gov>
> **Cc:** Fugh, Justina <Fugh Justina@epa.gov>
> **Subject:** Re: Hello From EPA Ethics!
>
> Hi, Victoria. Thank you so much for doing this -- and on a holiday weekend! Much appreciated. I am eager to get this done. I am free between 9:30 and 10:30 and between 1 and 3. I can move a 3 now on my schedule if that is the time that works best for you. Thanks, again.
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> On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:
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>> Hi Joe!
>>
>> My name is Victoria Clarke, and I'm an ethics attorney at EPA I am working with Justina to review the financial information that you've submitted to us In fact, I'm crunching all your numbers as we speak!
>>
>> I was hoping to talk to you sometime tomorrow about your assets, and what you will need to divest prior to joining EPA in order to hit the ground running What would be the best time for you?
>>
>> Thank you!
>>
>> Victoria
>>
>> Victoria Clarke
>> Attorney-Advisor
>> U S Environmental Protection Agency
>> Office of General Counsel
>> Washington, D C |7348 WJCN
>> EPA Office: 202-564-1149
>> EPA Cell: 202-336-9101

From: (b) (6)
To: Joseph Goffman
Cc: Fugh, Justina; (b) (6) Clarke, Victoria
Subject: Re: Hello From EPA Ethics!
Date: Wednesday, February 24, 2021 6:24:36 AM

Dear All,
The positions were (b) (6)
Best,
(b) (6)

On Feb 23, 2021, at 11:51 PM, Joseph Goffman (b) (6) wrote:

Adding (b) (6), who perhaps can enlighten all of us on the correct dates The report in question (b) (6) which I relayed to the others on this email Thanks

On Tue, Feb 23, 2021 at 11:10 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Then the 278T you submitted has (b) (6)

From: Joseph Goffman (b) (6)
Sent: Tuesday, February 23, 2021 10:36 PM
To: (b) (6) Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Fwd: Hello From EPA Ethics!

Please see below confirming (b) (6) Thanks

---------- Forwarded message ---------
From: (b) (6) (b) (6)
Date: Tue, Feb 23, 2021 at 10:33 PM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6)

Dear Joe,

Yes, we confirm that you and (b) (6) Attached are (b) (6) Please let me know if you have any questions

All the best,

(b) (6)

(b) (6) [redacted]

From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, February 23, 2021 9:42 PM
To: (b) (6) [redacted]
Subject: Re: Hello From EPA Ethics!

Hello, All I am writing to confirm that neither (b) (6) [redacted]

In addition, I also want to confirm that (b) (6) [redacted]

Thanks

(b) (6), (b) (3) (A) [redacted]

[redacted]

On Tue, Jan 19, 2021 at 9:16 AM (b) (6) [redacted] wrote:

> Dear Joe,
>
> We will (b) (6) [redacted]
>
> All best,
>
> (b) (6) [redacted]

(b) (6) [redacted]

From: Joseph Goffman <(b) (6) [redacted]
Sent: Monday, January 18, 2021 7:17 PM
To: (b) (6) [redacted] Fugh, Justina <fugh justina@epa gov>; Clarke, Victoria <clarke victoria@epa gov>
Subject: Fwd: Hello From EPA Ethics!

Hello, (b) (6) [redacted] As I previewed for you last week, I will be joining the Biden-Harris administration and as was the case when I worked for the Obama administration I must observe ethics obligations in the combination of work I do and equities (b) (6) and I own In addition to introducing you to Victoria Clarke and re-introducing you to Justina Fugh of EPA's Office of General Counsel, (b) (6) and I are instructing you with this note to sell the stocks listed in the table below immediately There is a reasonable chance that I will be sworn into my new role before the end of the week and will begin work immediately Hence, the need for speed and the willingness to forego a certificate of divestiture and incur capital gains liability

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Joe

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From: **Clarke, Victoria** <clarke victoria@epa gov>
Date: Mon, Jan 18, 2021 at 11:57 AM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]
Cc: Fugh, Justina <Fugh Justina@epa gov>

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As I understand it, you have a fairly good idea of what the Office of Air and Radiation's priorities are. You expect that you'll be directed to work on regulations relating to the oil and gas sector, the power sector, the automobile sector, and the chemical sector (hydrofluorocarbons). You would like to work on all these things.

Now, given your holdings, work in some of these issues will be problematic and pose a financial conflict of interest. To avoid any delay, prior to starting at EPA you've decided to voluntarily divest yourself of your holdings in:

(b) (6); (b) (7)(A) [redacted]

[redacted]

[redacted]

(b) (6), (b) (3) (A) [redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

By voluntarily divesting, you understand that you may face capital gains tax. If I misinterpreted your intent to voluntarily divest these assets before starting, let me know. You'll need to sell the assets in each of your various financial accounts.

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If you have any questions or want to discuss further, I'm happy to chat. Hopefully, this will help get you ready to start.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Thank you

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> Look for a calendar invite shortly.
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> Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

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Washington, D.C. |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:52 PM
To: Clarke, Victoria <clarke victoria@epa gov>
Cc: Fugh, Justina <Fugh Justina@epa gov>
Subject: Re: Hello From EPA Ethics!

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On Sun, Jan 17, 2021 at 3:49 PM Clarke, Victoria <clarke victoria@epa gov> wrote:

> I'll go ahead and get us on the calendar for 9:30 AM. That way, you've got some time to think and plan.
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> **From:** Joseph Goffman (b) (6) [redacted]
> **Sent:** Sunday, January 17, 2021 6:46 PM
> **To:** Clarke, Victoria <clarke victoria@epa gov>
> **Cc:** Fugh, Justina <Fugh Justina@epa gov>
> **Subject:** Re: Hello From EPA Ethics!
>
> Hi, Victoria Thank you so much for doing this -- and on a holiday weekend! Much appreciated I am eager to get this done I am free between 9:30 and 10:30 and between 1 and 3 I can move a 3 now on my schedule if that is the time that works best for you Thanks, again
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> On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke victoria@epa gov> wrote:
>
> > Hi Joe!
> >
> > My name is Victoria Clarke, and I'm an ethics attorney at EPA. I am working with Justina to review the financial information that you've submitted to us. In fact, I'm crunching all your numbers as we speak!
> >
> > I was hoping to talk to you sometime tomorrow about your assets, and what you will need to divest prior to joining EPA in order to hit the ground running. What would be the best time for you?
> >
> > Thank you!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Fugh, Justina
To: Joseph Goffman
Cc: Clarke, Victoria
Subject: following up
Date: Wednesday, February 24, 2021 12:23 00 PM
Attachments: (b) (5) [redacted] .xlsx

Hi Joe,
(b) (6), (b) (5) [redacted]

Attached is the excel spreadsheet that Victoria created based on your screen shots of assets prior to joining EPA. You'll see that (b) (6), (b) (5) [redacted]

Now for the options about what to do:

- (b) (5) [redacted]
- [redacted]
- [redacted]

Victoria and I (b) (5) [redacted]

(b) (5) [redacted] We're here for you.
Justina

Just na Fugh | D rector, Eth cs Office | Off ce of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliver es, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Wednesday, February 24, 2021 11:02 AM
To: 'Joseph Goffman' (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: RE: Hello From EPA Ethics!

Hi Joe,
I led you astray with my note last night. You'll recall that we talked with you prior to inauguration, and thus prior to your joining EPA. You sent us screen shots (not actual statements) of your and (b) (6) [redacted] various accounts, and Victoria spent time over the holiday weekend with her decoder ring. She created an excel spreadsheet of your assets that she shared with you visually during a Teams call. In assessing the likely conflicts, she relied on what you indicated to her that, as the PDAA, you would be doing: working on oil and gas regulations, power and energy sectors, automobiles, and the chemical sector, especially CFC. Based on that, she identified certain stock that would present immediate conflicts, and you voluntarily divested of those.

You already know that you have likely conflicts with the industrial manufacturing, healthcare, pharmaceutical, consumer products and

telecommunications sectors. Victoria would have explained that we can't draft a recusal statement until we see your financial disclosure report, and yours is still in draft. (b) (5) [redacted]

Justina

Just na Fugh | D rector, Eth cs Office | Off ce of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliver es, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, February 23, 2021 11:34 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; (b) (6) [redacted]
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: Re: Hello From EPA Ethics!

Thanks for responding, Justina. Adding (b) (6) [redacted] so he can see the transactions listed below and figure out why (b) (6) [redacted]

We have a bigger problem, however, if I understand the situation correctly. (b) (6) [redacted] Please advise ASAP. Thanks, again.

On Tue, Feb 23, 2021 at 11:09 PM Fugh, Justina <Fugh Justina@epa gov> wrote:

> Hi Joe,
> (b) (6) [redacted]
> You also submitted a periodic transaction report that (b) (6), (b) (3) (A) [redacted]
>
> [redacted]

In reviewing the prior communication between us, I see that Victoria noted conflicts for you with (b) (6) [redacted]

With respect to (b) (6) [redacted]

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Cl nton Federal Build ng | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, February 23, 2021 10 05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: Fwd: Hello From EPA Ethics!

Here's why I think (b) (6) [redacted] Thanks.

---------- Forwarded message ---------
From: (b) (6) [redacted]
Date: Tue, Jan 19, 2021 at 7:50 PM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]

Joe,
(b) (6) [redacted]
Good luck.
(b) (6) [redacted]
From: Joseph Goffman (b) (6) [redacted]
Sent: Tuesday, January 19, 2021 6:47 PM
To: (b) (6) [redacted]
Subject: Fwd: Hello From EPA Ethics!

Hi, (b) (6). Can you please confirm that this is being taken care of? Sorry for the rush, but I only just connected with the EPA Ethics attorney on Monday AM and now am starting tomorrow (Wednesday). Thanks.

---------- Forwarded message ---------
From: **Joseph Goffman** (b) (6) [redacted]
Date: Mon, Jan 18, 2021 at 7:16 PM
Subject: Fwd: Hello From EPA Ethics!
To: (b) (6) [redacted] Fugh, Justina <fugh.justina@epa.gov>, Clarke, Victoria <clarke.victoria@epa.gov>

Hello, (b) (6). As I previewed for you last week, I will be joining the Biden-Harris administration and as was the case when I worked for the Obama administration I must observe ethics obligations in the combination of work I do and equities (b) (6) and I own. In addition to introducing you to Victoria Clarke and re-introducing you to Justina Fugh of EPA's Office of General Counsel, (b) (6) and I are instructing you with this note to sell the stocks listed in the table below immediately. There is a reasonable chance that I will be sworn into my new role before the end of the week and will begin work immediately. Hence, the need for speed and the willingness to forego a certificate of divestiture and incur capital gains liability.

Please also read the explanatory note below for background and what to anticipate going forward.

Thank you very much in advance for your prompt action in this matter.

Best,
Joe

---------- Forwarded message ---------
From: **Clarke, Victoria** <clarke.victoria@epa.gov>
Date: Mon, Jan 18, 2021 at 11:57 AM
Subject: RE: Hello From EPA Ethics!
To: Joseph Goffman (b) (6) [redacted]
Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Hi Joe!

It was a pleasure to speak with you this morning! As promised, I wanted to recap our discussion and provide you with a written copy of my counseling advice, as well as any further thoughts I might have. I've circled up with Justina about this, too.

As I understand it, you have a fairly good idea of what the Office of Air and Radiation's priorities are. You expect that you'll be directed to work on regulations relating to the oil and gas sector, the power sector, the automobile sector, and the chemical sector (hydrofluorocarbons). You would like to work on all these things.

Now, given your holdings, work in some of these issues will be problematic and pose a financial conflict of interest. To avoid any delay, prior to starting at EPA you've decided to voluntarily divest yourself of your holdings in:

(b) (6), (b) (5) (A) [redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

By voluntarily divesting, you understand that you may face capital gains tax. If I misinterpreted your intent to voluntarily divest these assets before starting, let me know. You'll need to sell the assets in each of your various financial accounts.

I also want to note something thing that we did not discuss this morning. Justina flagged that you hav (b) (6) [redacted] At minimum, this is likely to have implications for regulations related to nonroad emissions. If you wish to voluntarily divest yourself of this asset prior to starting at EPA, that is your prerogative to do so. If you don't divest, this asset will go on your recusal statement and, if necessary, we can seek a Certificate of Divestiture (CD) from the Office of Government Ethics once you start. As you can imagine, a CD doesn't happen overnight; more likely it can take several weeks to be issued and there's no guarantee that the Office of Government Ethics will even issue it.

We also discussed that you do have other assets in areas that could be implicated by the work that you do in OAR. For example, we discussed that you have (b) (6) [redacted] that could implicate work that occurs under Sections 112(d) and (f) of the Clean Air Act. For now, it seems unlikely that you will work personally and substantially on particular matters that will have a direct and predictable effect on those financial interests. However, those assets will still be incorporated into your recusal statement. If at some point you need to work on such things, then we can again explore the option of obtaining a CD.

If you have any questions or want to discuss further, I'm happy to chat. Hopefully, this will help get you ready to start.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:56 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Thank you.

On Sun, Jan 17, 2021 at 3:54 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

I'll set us up with Microsoft Teams. That way, I can show you my screen (if need be). If it fails, I'll give you a call directly.

Look for a calendar invite shortly.

Speak with you tomorrow!

Victoria

Victoria Clarke
Attorney-Advisor
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EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:52 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

OK. Do you want to just call me at 9:30 or use a video app? My phone is (b) (6) [redacted]. Thanks.

On Sun, Jan 17, 2021 at 3:49 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

I'll go ahead and get us on the calendar for 9:30 AM. That way, you've got some time to think and plan.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
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Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Sunday, January 17, 2021 6:46 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Hello From EPA Ethics!

Hi, Victoria. Thank you so much for doing this -- and on a holiday weekend! Much appreciated. I am eager to get this done. I am free between 9:30 and 10:30 and between 1 and 3. I can move a 3 now on my schedule if that is the time that works best for you. Thanks, again.

On Sun, Jan 17, 2021 at 6:41 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi Joe!

My name is Victoria Clarke, and I'm an ethics attorney at EPA. I am working with Justina to review the financial information that you've submitted to us. In fact, I'm crunching all your numbers as we speak!

I was hoping to talk to you sometime tomorrow about your assets, and what you will need to divest prior to joining EPA in order to hit the ground running. What would be the best time for you?

Thank you!

Victoria

Victoria Clarke
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Please refer to (b) (6) [redacted] for certain disclosures relating to European legal entities. We take our data protection and privacy responsibilities seriously and our privacy notice explains how we collect, use and share personal information in the course of our business activities. It can be accessed at the privacy section of (b) (6) [redacted]

From: Joseph Goffman
To: (b) (6) [redacted]; Clarke, Victoria; Fugh, Justina
Subject: Re: New Development
Date: Wednesday, February 24, 2021 8:16:52 AM
Attachments: ATT00001.txt
image002.jpg
image003.jpg
image004.jpg
image005.jpg

Thank you very much, (b) (6) [redacted] for following up so quickly. As the late-night exchange on the other email chain revealed, the (b) (6) [redacted] So, the quicker we get to the point where the OGE-278 is deemed satisfactory by everyone, the quicker we can identify the conflicts issues and the quicker (b) (6) and I can resolve them.

Many thanks to everyone for your help and patience on this.

Best,
Joe

On Wed, Feb 24, 2021 at 8:00 AM (b) (6) [redacted] wrote:

> Mr. Goffman,
>
> Actually just spoke (b) (6) [redacted] Will be working on this today.
>
> Regards,
>
> (b) (6)
>
> (b) (6) [redacted]
>
> [redacted]
>
> (b) (6) [redacted]

From: Joseph Goffman <(b) (6) [redacted]
Sent: Tuesday, February 23, 2021 10:12 PM
To: (b) (6) [redacted]
Subject: Fwd: New Development

WARNING: This e-mail originated from outside of (b) (6) [redacted] Always use caution when opening attachments or clicking links.

Hi, (b) (6) [redacted] Please see the note below, which I sent after talking (b) (6) [redacted]
(b) (6) [redacted]
(b) (6) [redacted] Please advise. Thanks.

---------- Forwarded message ---------
From: **Joseph Goffman** (b) (6) [redacted]
Date: Tue, Feb 23, 2021 at 10:02 PM
Subject: New Development
To: Fugh, Justina <fugh.justina@epa.gov>, (b) (6) [redacted]
(b) (6) [redacted] Clarke, Victoria <clarke.victoria@epa.gov>

Hi, Justina and Victoria.

I want to let you know that (b) (6) [redacted]
(b) (6) [redacted]

(b) (6) [redacted]

[redacted]

Please let me know.

Many thanks, as always.

Best,

Joe

Disclaimer: Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, (b) (6) [redacted] would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

From: Joseph Goffman
To: Clarke, Victoria
Cc: (b) (6) [redacted] Fugh, Justina
Subject: Re: New Entrant 278 -- Update?
Date: Tuesday, March 09, 2021 6:42:08 PM
Attachments: ATT00001.txt
image002.jpg
image003.jpg
image004.jpg

Thanks, Victoria. (b) (6) - the integrity.gov email should have hit your inbox around 1:30. Thanks.

On Tue, Mar 9, 2021 at 12:42 PM Clarke, Victoria <clarke.victoria@epa.gov> wrote:

> Hi (b) (6)
>
> We checked with OGE and (b) (6) [redacted]
>
> Victoria
>
> Victoria Clarke
>
> Attorney-Advisor
>
> U.S. Environmental Protection Agency
>
> Office of General Counsel
>
> Washington, D.C. | 7348 WJCN
>
> EPA Office: 202-564-1149
>
> EPA Cell: 202-336-9101
>
> ---
>
> **From:** (b) (6) [redacted]
> **Sent:** Monday, March 08, 2021 5:25 PM
> **To:** Clarke, Victoria <clarke.victoria@epa.gov>; Joseph Goffman
> (b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
> **Subject:** RE: New Entrant 278 -- Update?
>
> Hi Victoria,

Just wanted to see if you had any luck on whether we can (b) (6) [redacted]

Thank you,

(b) (6)

[redacted]

[redacted]

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, March 4, 2021 12:25 PM
To: (b) (6) [redacted] Joseph Goffman
(b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: New Entrant 278 -- Update?

WARNING: This e-mail originated from outside of (b) (6) [redacted] Always use caution when opening attachments or clicking links.

Hi (b) (6)

I am not sure if there is a direct way to (b) (6) [redacted] I'll need to check with our expert contact in OGE and see if she has any advice. There is a spreadsheet import function but I DO NOT recommend that.

I'll let you know what I find out.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: (b) (6) [redacted]
Sent: Wednesday, March 03, 2021 12:55 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: New Entrant 278 -- Update?

Thank you Victoria.

(b) (6) [redacted]

Thanks for your help.

Regards,

(b) (6)

[redacted]

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, March 3, 2021 12:44 PM
To: Joseph Goffman (b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: New Entrant 278 -- Update?

WARNING: This e-mail originated from outside of (b) (6) [redacted] Always use caution when opening attachments or clicking links.

Hi Joe,

At this juncture, you should start proceeding with your New Entrant Report. The New Entrant Report has to be completed for us to put together a recusal statement for you, as well as to seek a certificate of divestiture on your behalf. Speaking of which, did you take a look at the

spreadsheet that I sent you last Friday, with my thoughts on what you might need to divest of?

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Wednesday, March 03, 2021 11:22 AM
To: (b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: New Entrant 278 -- Update?

Thanks for responding so quickly, (b) (6) . Victoria and Justina -- (b) (6) [redacted] lease let us know what you think. Thanks.

On Wed, Mar 3, 2021 at 10:05 AM (b) (6) [redacted] wrote:

> Hi Mr. Goffman,
>
> I sent (b) (6) [redacted]

Regards,

(b) (6)

[redacted]

From: (b) (6) [redacted]
Sent: Wednesday, March 3, 2021 9:54 AM
To: (b) (6) [redacted] Clarke, Victoria <clarke.victoria@epa.gov>
Subject: New Entrant 278 -- Update?

WARNING: This e-mail originated from outside of (b) (6) [redacted]. Always use caution when opening attachments or clicking links.

Hi, (b) (6)

I'm following up on our exchange from last Wednesday on this. As you know, (b) (6) [redacted]

(b) (6) [redacted] hanks.

Best,

Joe

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From: Joseph Goffman
To: Fugh, Justina
Cc: Clarke, Victoria
Subject: Re: New Entrant 278 -- Update?
Date: Thursday, March 04, 2021 10:05:59 AM
Attachments: ATT00001.txt
image002.jpg
image003.jpg

Thanks, Justina. I will confirm with you and Victoria my thoughts about the recommended recusals -- although (b) (5) [redacted]. Thanks.

On Thu, Mar 4, 2021 at 9:07 AM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Hi Joe,
>
> We can certainly assist (b) (6) with the mechanics of working with the system. We know we have your permission to do so, and he has in fact already reached out to Victoria and me for suggestions about how to (b) (6) [redacted]
>
> Victoria has given you our "decently-well-informed" guess as to the likely conflicts, so we definitely will benefit from your thinking too. We'll need to apply the "test" for seeking a divestiture of stock, which is whether doing so "is reasonably necessary" to avoid conflicts. 5 CFR 2634.1004(a)(1). (b) (5) [redacted] That said, yes, it's still possible to go back if we determine that recusal alone is unworkable or if something else arises that presents a conflict we didn't anticipate before.
>
> Justina
>
> Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772
>
> ---
>
> **From:** Joseph Goffman (b) (6) [redacted]
> **Sent:** Wednesday, March 03, 2021 2:41 PM
> **To:** Fugh, Justina <Fugh.Justina@epa.gov>
> **Cc:** Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Re: New Entrant 278 -- Update?

Thanks to you both for getting back to me so quickly. (b) (5) [redacted] Also, you may recall (and sorry if I'm repeating myself), back in the Obama administration, Jennie Keith did some work with (b) (6) to bring him up to speed on how to enter the information required, and I gather that he may need a refresher on that if one of you is willing to do that.

Almost immediately after speaking with Victoria last Friday, February 26, I instructed both (b) (6) [redacted]

I have studied the spreadsheet and am prepared to (b) (5) [redacted]

In any event, my next action will be to direct (b) (6) to prepare a complete draft New Entrant report so that I can review, finalize, and submit it as soon as possible.

Again, thank you both, for your help and for all the work you're putting into this.

On Wed, Mar 3, 2021 at 1:20 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Hi Joe,
>
> (b) (5) [redacted]

(b) (5) [redacted]

(b) (5) [redacted]

[redacted]

2) complete the new entrant report

Last week, Victoria sent you a spreadsheet that aggregated your assets into categories, and (b) (5) [redacted]

3) we draft a recusal statement

As an acting AA, you do not need an "ethics agreement" (that's only for PAS appointees), but you do need a recusal statement. Again, we typically draft those after we certify the new entrant report, so you can see why step 2 is so important.

4) (b) (5), (b) (6) [redacted]

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Wednesday, March 03, 2021 12:44 PM
To: Joseph Goffma (b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: New Entrant 278 -- Update?

Hi Joe,

At this juncture, you should start proceeding with your New Entrant Report. The New Entrant Report has to be completed for us to put together a recusal statement for you, as well as to seek a certificate of divestiture on your behalf. Speaking of which, did you take a look at the spreadsheet that I sent you last Friday, with my thoughts on what you might need to divest of?

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Wednesday, March 03, 2021 11:22 AM
To: (b) (6) [redacted] Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: New Entrant 278 -- Update?

Thanks for responding so quickly, (b) (6) . Victoria and Justina -- (b) (6) [redacted] Please let us know what you think.
Thanks.

On Wed, Mar 3, 2021 at 10:05 AM (b) (6) [redacted] wrote:

> Hi Mr. Goffman,
>
> I sent (b) (6) [redacted]
>
> Regards,
>
> (b) (6)
>
> [redacted]
>
> [redacted]
>
> [redacted]
>
> ---
>
> **From:** Joseph Goffman (b) (6) [redacted]
> **Sent:** Wednesday, March 3, 2021 9:54 AM

To: (b) (6) [redacted] Clarke, Victoria <clarke.victoria@epa.gov>
Subject: New Entrant 278 -- Update?

WARNING: This e-mail originated from outside of (b) (6) [redacted]. Always use caution when opening attachments or clicking links.

Hi, (b) (6) [redacted]

I'm following up on our exchange from last Wednesday on this. As you know, (b) (6) [redacted] Thanks.

Best,

Joe

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From: Clarke, Victoria
To: (b) (6) [redacted] Goffman, Joseph
Subject: RE: New Entrant Report Review
Date: Wednesday, April 07, 2021 8:31:00 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Thank you so much for helping me pin down some of them!

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: (b) (6) [redacted] (b) (6) [redacted]
Sent: Wednesday, April 07, 2021 8:29 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

Hi Victoria,

- (b) (6), (b) (3) (A) [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

(b) (6) [redacted]

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, April 6, 2021 3:55 PM
To: (b) (6) [redacted] Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

WARNING: This e-mail originated from outside of (b) (6) [redacted] Always use caution when opening attachments or clicking links.

I have a couple more questions – mostly to do with the mutual funds. I want to make sure that I have the right ticker symbols in the report.

(b) (6), (b) (3) (A)

[redacted]

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: (b) (6) [redacted]
Sent: Tuesday, April 06, 2021 11:28 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

My understanding is (b) (6) [redacted]

[redacted]

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, April 6, 2021 11:25 AM
To: (b) (6) [redacted] Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

WARNING: This e-mail originated from outside of (b) (6) [redacted]. Always use caution when opening attachments or clicking links.

Perfect, thank you! Now just confirmation on (b) (6) [redacted]

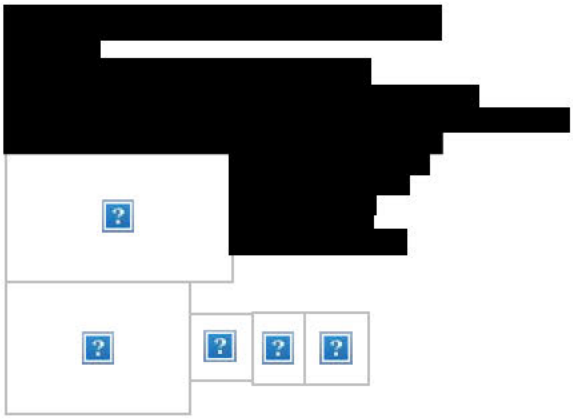
Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: (b) (6) [redacted]
Sent: Tuesday, April 06, 2021 11:22 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

Hi Victoria,

They are (b) (6) [redacted]

Regards,
(b) (6)



From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, April 6, 2021 11:18 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: (b) (6)
Subject: RE: New Entrant Report Review

WARNING: This e-mail originated from outside of (b) (6). Always use caution when opening attachments or clicking links.

Anything that you can do to get it moving along – we do have a pending request to release your 278 to the public, and we're coming up on the deadline for that.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, April 06, 2021 9:51 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: (b) (6)
Subject: RE: New Entrant Report Review

I'm adding (b) (6) to see if he can answer those questions. (b) (6) – can you, or should we

contact (b) (6) [redacted] ? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Tuesday, April 6, 2021 9:44 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: New Entrant Report Review

Hi Joe! Speaking of New Entrant Reports, can we close the loop on my questions below?

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Clarke, Victoria
Sent: Thursday, March 25, 2021 11:29 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
Subject: New Entrant Report Review

Hi there! So, I've finished my review of the new entrant report and had another pair of eyes in OGC Ethics review it for perfection's sake, and there are a few follow-up questions:

(b) (6), (b) (3) (A) [redacted]

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

Disclaimer: Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, (b) (6) [redacted] would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

Disclaimer: Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, (b) (6) [redacted] would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

Disclaimer: Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, (b) (6) [redacted] would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

From: Goffman, Joseph
To: Fugh, Justina
Cc: Clarke, Victoria; Campbell, Ann
Subject: Re: Mercury science
Date: Tuesday, April 20, 2021 11:50:13 PM

Unring away, please! Thanks, Justina.

Sent from my iPhone

On Apr 20, 2021, at 11:25 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Joe,
Well, the good news is that you caught your lapse before the meeting itself occurred. The bad news is that you indeed should have been more alert. Let's review the rule, which is captured in your recusal statement: pursuant to Executive Order 13989, Section 2 and the ethics pledge that you signed, you agreed not to "participate in any particular matter involving specific parties that is directly and substantially related to [your] former employer" for two years. Despite this restriction, upon receiving an email from an employee of Harvard University, you did not immediately recuse. Instead, you forwarded the email to a subordinate with a recommendation that the Agency should involve itself, and your subordinate agreed.

What should you have done instead? Upon receiving the email, you should have noted the email address of the sender and simply forwarded the email to your chief of staff and taken no other action. Now we have to unring the bell, which we will do without your knowledge or involvement.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, April 20, 2021 7:33 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: FW: Mercury science

If I understand correctly, my recusal bars me from the very action I took below because the point of contact and another would-be participant are employees of Harvard University. If that is correct, then please advise on how to cure this violation. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Sent: Tuesday, April 20, 2021 6:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Re: Mercury science

I agree

> On Apr 20, 2021, at 6:25 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:
>
> Please provide the usual response, but I think we should do this one. Thanks.
>
> Joseph Goffman
> Acting Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
>
> ---
>
> **From:** Lambert, Kathleen Fallon (b) (6) [redacted] >
> **Sent:** Thursday, April 15, 2021 8:11 PM
> **To:** Goffman, Joseph <Goffman.Joseph@epa.gov>
> **Subject:** Mercury science
>
> Joe,
>
> Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?

Thank you,

Kathy Fallon Lambert
Senior Advisor, Center for Climate, Health and the Global Environment (C-CHANGE)
Harvard T.H. Chan School of Public Health
Co-founder, Science Policy Exchange
Tel. (b) (6) [redacted]

For information and updates on the Transportation, Equity, Climate and Health (TRECH) Study, visit: https://www.hsph.harvard.edu/c-change/news/trechstudy/

For stories of climate hope and action, subscribe to *The Climate Optimist* newsletter: https://hsph.me/ClimateOptimist

From: Fugh, Justina
To: Campbell, Ann
Cc: Clarke, Victoria
Subject: RE: Please disregard any involvement by Joe Goffman in this request
Date: Wednesday, April 21, 2021 9:43:20 AM

Hi Ann,
I will defer to your wisdom and preference for protocol. I think that Peter was just trying to help Joe, but you are the screener on the recusal, so we will do as you suggest. I'll write to the Harvard person today, cc you, and direct her to you. THANKS for flagging the issue for him and then for us! You saved his bacon!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Wednesday, April 21, 2021 9:35 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: Please disregard any involvement by Joe Goffman in this request

Thanks Justina. As soon as I saw Joe's email I flagged it and he emailed you all to determine how to remedy the situation. Appreciate your quick response. You're approach sounds good. I would amend only to give, as a "general" point of contact, myself as well. (b) (5) [redacted] Thoughts?

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, April 21, 2021 9:29 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: Please disregard any involvement by Joe Goffman in this request

Hi Ann,

Peter and I talked earlier this morning, and we have a path forward if you agree: (b) (5) [redacted] Okay with you?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Tuesday, April 20, 2021 11:50 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Please disregard any involvement by Joe Goffman in this request

Hi there,

As made clear in Joe Goffman's attached recusal, signed 4/8/21, he is not permitted to participate in any specific party matter in which his former employer, Harvard University, is a party or represents a party because of his ethics pledge obligations. He erred in forwarding the email he received from a Harvard.edu email address and in suggesting any official course of action. Please utterly disregard his email and any statement or suggestion he made.

Ann – you are listed as the screener in Joe's recusal, so we should discuss how to handle this situation. I feel that we need to: (b) (5) [redacted] I am happy to assist in any way.

Peter – (b) (5) [redacted]

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Sent: Tuesday, April 20, 2021 6:51 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Kabanda, Thierry <Kabanda.Thierry@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Re: Mercury science

I agree

> On Apr 20, 2021, at 6:25 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:
>
> Please provide the usual response, but I think we should do this one. Thanks.
>
> Joseph Goffman
> Acting Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
>
> ---
>
> **From:** Lambert, Kathleen Fallon (b) (6) [redacted]
> **Sent:** Thursday, April 15, 2021 8:11 PM
> **To:** Goffman, Joseph <Goffman.Joseph@epa.gov>
> **Subject:** Mercury science
>
> Joe,
>
> Would it be possible to get on your schedule for a 30-minute meeting on mercury science update with Drs. Elsie Sunderland (Harvard), Charles Driscoll (Syracuse) and myself on April 29, 30, or May 3, 4, or 5?
>
> Thank you,
>
> Kathy Fallon Lambert

Senior Advisor, Center for Climate, Health and the Global Environment (C-CHANGE)
Harvard T.H. Chan School of Public Health
Co-founder, Science Policy Exchange
Tel. (b) (6) [redacted]

For information and updates on the Transportation, Equity, Climate and Health (TRECH) Study, visit: https://www.hsph.harvard.edu/c-change/news/trechstudy/

For stories of climate hope and action, subscribe to *The Climate Optimist* newsletter: https://hsph.me/ClimateOptimist

From: Goffman, Joseph
To: Fugh, Justina; Hamilton, Lindsay
Subject: RE: Publish Date: Acid Rain
Date: Monday, April 05, 2021 10:06:08 PM

Excellent advice, as usual, Justina. Thank you. Lindsay – what do you think?

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, April 5, 2021 9:43 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Subject: RE: Publish Date: Acid Rain

Hi Joe,
I viewed the educational video (it's fun and informative!). There is no connection in the video to your EPA title or affiliation, so I have no ethics issues to raise. That said, please don't tout the video as part of your EPA duties, despite the exhortation of the developers to share it with your networks. If EPA wishes to link to it officially, then we should consider the possible endorsement ramifications.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Monday, April 05, 2021 7:07 PM
To: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Publish Date: Acid Rain

Hi, Lindsay. In my previous job, I worked with Ted-ED on an educational video about acid rain and cap and trade. They're finally ready to post the video (see below) and in the credits I am identified as "Educator" and my name also appears in the YouTube title. As you'll see, no affiliation is given. Is this a problem, and should I ask them to eliminate my name? Justina – Adding you just in case there is an ethics problem I might be overlooking. Thanks.

Joseph Goffman

Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Joseph Goffman(b) (6) [redacted]
Sent: Monday, April 5, 2021 6:58 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: Fwd: Publish Date: Acid Rain

---------- Forwarded message ---------
From: **TED-Ed Animation** <TEDEdAnimation@ted.com>
Date: Mon, Apr 5, 2021 at 4:46 PM
Subject: Publish Date: Acid Rain
To: (b) (6) [redacted] Joe Goffman
(b) (6) [redacted] (b) (6) [redacted]

Hi everyone,

Thanks for your hard work on this lovely video! We are very excited to tell you that we will be publishing Acid Rain on **Tuesday, April 13 at 11AM EST**. Once it is published, feel free to share it with your networks and let us know what you think.

It will be published on our website [ed.ted.com] and our YouTube channel [youtube.com/tededucation].

Here is a private sneak peek: Acid Rain

Please do not share this until we have published it on our website. We ask that you take one final look at the video to confirm that your in-video credits are correct and that there aren't any lingering mistakes with the visuals or the sound.

Thank you!
Sazia

From: Clarke, Victoria
To: Joseph Goffman
Cc: (b) (6) [redacted]
Subject: RE: Question about (b) (6) [redacted]
Date: Monday, March 01, 2021 8:09:00 AM

Hi Joe,

ETFs are similar to mutual funds and should be fine because they qualify for the same excepted investment fund exceptions under the ethics rules, *provided* that the ETFs are truly diversified. ETFs that focus on certain sectors (like energy or utilities) aren't really diversified due to their emphasis on specific industries.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Joseph Goffman (b) (6) [redacted]
Sent: Friday, February 26, 2021 1:22 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: (b) (6) [redacted]
Subject: Question about (b) (6) [redacted]

Hi, Victoria.

In response to (b) (6) [redacted], one of our advisers, asked the following:

"It would be helpful to know if (b) (6) [redacted]

What do you think?

Thanks.

From: (b) (6) [redacted]
To: "Joseph Goffman"; (b) (6) [redacted] Clarke, Victoria; (b) (6) [redacted]
Subject: RE: Question about (b) (6) [redacted]
Date: Monday, March 29, 2021 9:17:42 AM

Hi Joe,
We confirm (b) (6) [redacted]
All best,
(b) (6) [redacted]

[redacted]

From: Joseph Goffman (b) (6) [redacted]
Sent: Friday, March 26, 2021 7:13 PM
To: (b) (6) [redacted] Clarke, Victoria <clarke.victoria@epa.gov>; (b) (6) [redacted]
Subject: Question about (b) (6) [redacted]

Hi, (b) (6) [redacted].

Hope all is going well. (b) (6) [redacted] I'm guessing not, but I just want to confirm.

Thanks.

Best,
Joe

From: Goffman, Joseph
To: Clarke, Victoria
Cc: Charmley, William; Dunham, Sarah; Campbell, Ann
Subject: Re: Recusal Question -- Thursday Meeting on Highway/Nonroad Technical Corrections Rule
Date: Thursday, February 25, 2021 7:42:35 AM
Attachments: image001.png

Thank you, Victoria. Appreciate your effort on this.

Sent from my iPhone

On Feb 25, 2021, at 7:03 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi there! This was helpful, thank you! I explored the website and went off into the PDF version of the rule to see the examples of NAICS and regulated entities that could be impacted by the regulation on Page 4 (I suspect JD falls into the engine equipment manufacturing category).

<!--[if !vml]-->
<image001.png>
<!--[endif]-->

Given the variety of regulated entities and NAICs Titles, and the information in the emails exchanged, it seems as though this rule does fall into the category of a "Matter," and the effects as to John Deere are only felt incidentally to the Agency's larger regulatory efforts to implement and provide technical corrections for air pollutant emission standards across a variety of sectors and regulated entities.

So, Joe, you can participate in the meeting today.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Charmley, William <charmley.william@epa.gov>
Sent: Wednesday, February 24, 2021 4:09 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Goffman, Joseph <Goffman.Joseph@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: Recusal Question -- Thursday Meeting on Highway/Nonroad Technical Corrections Rule

Dear Victoria,

This final rule was signed by Administrator Wheeler in December 2020, and the pre-Federal Register publication version of the final rule is on the EPA web site, you can find it here;

https://www.epa.gov/regulations-emissions-vehicles-and-engines/improvements-heavy-duty-engine-and-vehicle-test-0

This rulemaking impacts engine and vehicle companies are already regulated by EPA. The rulemaking is a "technical amendment" rulemaking – we proposed updates and modifications to our existing regulations. We did not bring in any new regulated entities with this rulemaking.

The rulemaking covers the following "sectors":

- Highway heavy-duty engines and vehicles
- Highway light-duty vehicles
- Highway motorcycles
- Nonroad/off-highway diesel marine engines
- Nonroad/off-highway land-based diesel engines
- Locomotives
- Nonroad/off-highway small gasoline engines
- Stationary source engines

Of these sectors, John Deere sells engines regulated by EPA standards for the two sectors I highlighted. It is also possible John Deere sells products in the nonroad small gasoline engine sector.

Does that help? I will also give you a call in a few minutes to see if there is more information I can provide.

Thanks
Bill Charmley

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Wednesday, February 24, 2021 3:35 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Goffman, Joseph <Goffman.Joseph@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Re: Recusal Question -- Thursday Meeting on Highway/Nonroad Technical Corrections Rule

Hi Victoria. I'm adding Bill Charmley and asking him to weigh in and/or send more background on this rule.
Sarah

> On Feb 24, 2021, at 3:14 PM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:
>
> Hi there!
>
> So, under the financial conflicts of interest statute, 18 U.S.C. 208, Joe may not participate in any particular matter that will have a direct and predictable effect on his financial interests. Based on the value of his holdings, Joe is not only precluded from working on government matters where John Deere is a party or represents a party (specific party matters), but he must also refrain from engaging in policy decisions or rulemakings that will distinctively affect John Deere's particular industry or sector (matters of general applicability). Joe's *not* precluded from working on a rulemaking that covers a broader category of "matters," that is to say, something that is directed to the interest of a large and diverse group of persons.
>
> It sounds a little bit like the Highway/Nonroad Technical Corrections Rule *could* fall

into the category of a "matter," as I'm sensing that there are several different sectors at issue, but I think I need to know more about the rule and who it will impact. I'm doing some googling and self-educating, but I'm six hours ahead and would welcome any nudges in the right direction (or more explanations!).

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Dunham, Sarah <Dunham.Sarah@epa.gov>
Sent: Wednesday, February 24, 2021 12:39 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: Recusal Question -- Thursday Meeting on Highway/Nonroad Technical Corrections Rule

Hi Joe-

I have two different answers to your two questions below, and I do not know if that distinction discussed below is relevant for your recusal and participation in the meeting tomorrow.

- In the meeting tomorrow, we will be focusing on and discussing issues that John Deere does NOT have an obvious interest in. Specifically, (b) (5) [redacted]
- (b) (5) [redacted]
- John Deere did not submit comments on the rulemaking. John Deere is a member of the Truck and Engine Manufacturers Association (EMA), and EMA did provide written comments on all aspects of the proposed rule, including comments on the land-based diesel engine amendments and the marine diesel amendments.

We will hold off in forwarding to your office the materials for the meeting tomorrow until we get guidance on your participation.
Sarah

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, February 23, 2021 5:35 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Recusal Question -- Thursday Meeting on Highway/Nonroad Technical Corrections Rule

Hi, Sarah. I need to recuse from issues that involve John Deere & Co. Do you know if we will be discussing issues, or if the rule covers matters, in which John Deere has an interest? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Goffman, Joseph
To: Clarke, Victoria
Cc: Fugh, Justina
Subject: RE: Recusal Statement
Date: Thursday, April 08, 2021 1:57:38 PM

Honestly, you guys are amazing, handling such a welter of complex stuff that my 278 and my day-job portfolio threw at you. Now if you could just give me a hand with the Renewable Fuel Standards program, given your demonstrated prowess for handling complexity, OAR would deeply appreciate it…

Thank you!

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, April 8, 2021 1:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Recusal Statement

Hi Joe,

I've certified your 278 and the next step now is to get a formalized recusal statement in place for you. I've drafted a recusal statement which Justina has reviewed – the final product of which is attached. If it is factually accurate and you're in agreement, you can digitally sign the recusal and distribute it.

One overall comment: in both your 278 and the recusal statement, there is a reference to the possibility of you seeking a certificate of divestiture to address any conflicts issues. When you eventually do divest of the assets below (whether through CD or otherwise), we will update and reissue your recusal statement so that it reflects your new situation.

- (b) (6) [redacted]

- (b) (6) [redacted]
- [redacted]
- [redacted]
- [redacted]

Hopefully, this is some nice chalk for any lingering heartburn.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph
To: Clarke, Victoria
Cc: (b) (6) [redacted]
Subject: RE: Recusal Statement
Date: Friday, April 09, 2021 4:39:52 PM

Am I surprised? No. Thanks for responding, Victoria. Have a good weekend.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, April 9, 2021 4:25 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: (b) (6) [redacted]
Subject: Re: Recusal Statement

Hi Joe - unfortunately, I haven't received anything from (b) (6) [redacted]

Sent from my iPhone

> On Apr 9, 2021, at 12:59 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:
>
> Hi, (b) (6) [redacted]. Thank you so much for the quick response!. Victoria – please let me know where we are in terms of getting the information from (b) (6) [redacted] Thanks.
>
> Joseph Goffman
> Acting Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
>
> ---
>
> **From:** (b) (6) [redacted]
> **Sent:** Friday, April 9, 2021 12:57 PM
> **To:** Clarke, Victoria <clarke.victoria@epa.gov>
> **Cc:** (b) (6) [redacted] Goffman, Joseph <Goffman.Joseph@epa.gov>; (b) (6) [redacted]
> **Subject:** RE: Recusal Statement
>
> Hi Victoria,
> I believe the remaining holdings on your list are held in (b) (6) [redacted], and

therefore (b) (6) [redacted] should submit the required information.
All the best,
(b) (6) [redacted]

[redacted]

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, April 9, 2021 12:55 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: (b) (6) [redacted]
Subject: RE: Recusal Statement

Hi, Victoria. I went back to look at the most recent communication from (b) (6) [redacted] and I'm afraid I'm massively confused. (b) (6) [redacted]

Sorry to be serving this up this way, but I barely have time during the normal business day to focus on anything but my Air Office schedule.

Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, April 9, 2021 11:25 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Recusal Statement

Hi Joe,

You're certainly not a bother. (b) (6) has filled out her portion of the letter and I have been looking at that and populating OGE's submittal PDF. Does (b) (6) need to add anything? Or is (b) (6) letter back to me the entire universe for you?

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, April 08, 2021 9:45 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: Recusal Statement

No rest for the weary, Victoria, and sorry to bug you so soon after concluding the Recusal Statement, but where are we in terms of completing the application for a certificate of divesture for the stocks listed below? Do you have everything you need to complete the request documents? As I mentioned in my earlier note, I would like to accomplish the divestment as quickly as possible once the certificate of divesture is issued. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, April 8, 2021 1:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Recusal Statement

Hi Joe,

I've certified your 278 and the next step now is to get a formalized recusal statement in place for you. I've drafted a recusal statement which Justina has reviewed – the final product of which is attached. If it is factually accurate and you're in agreement, you can digitally sign the recusal and distribute it.

One overall comment: in both your 278 and the recusal statement, there is a reference to the possibility of you seeking a certificate of divestiture to address any

conflicts issues. When you eventually do divest of the assets below (whether through CD or otherwise), we will update and reissue your recusal statement so that it reflects your new situation.

- (b) (6) [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

Hopefully, this is some nice chalk for any lingering heartburn.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Clarke, Victoria
To: Goffman, Joseph
Cc: Fugh, Justina
Subject: RE: (b) (6) [redacted]
Date: Friday, February 05, 2021 4:39:41 PM

Hi Joe!

As always, it was a delight to speak with you. I wanted to memorialize our conversation and what we discussed – if anything is different than what you remember, let me know!

We chatted first about your (b) (6), (b) (5) [redacted]

We also discussed how difficult it can be to walk the fine line between abiding by your obligations under the law and being overly ethical. Some days it may seem that a rule you are working on that targets one particular industry might later on down the line have an effect on an adjacent industry in which you have a financial interest However, when we think of a financial conflict of interest, we need to always be mindful that what you are working on must have a "direct and predictable effect" on that financial interest. 5 C.F.R. 2640.103(3) explains what that means.

> (i) A particular matter will have a "direct" effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this part.
>
> (ii) A particular matter will have a "predictable" effect if there is a real, as opposed to a speculative, possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

We need to be cautious about not letting speculative possibilities interfere with your right to own assets. To the extent that you let caution guide your investment decisions, you can absolutely do that, but I can't force you as an ethics official to do more than what the law requires you to do.

But to the extent that we encounter areas where perhaps you or I (but more likely me!) are not sure about the full scope of a rule's impact, or if we're uncertain where a company's business operations truly fall and what EPA regulations will have a direct and predictable effect on them,

we always have the option of consulting with the attorneys in ARLO to get their opinions. You seemed comfortable with that additional layer of security, so if there is anyone particularly knowledgeable in a given subject area that you want me to reach out to when these circumstances arise, or someone who is discreet and whom you like, I am more than happy to do that, just let me know who it is.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, February 04, 2021 3:28 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (b) (6) [redacted]

How about 3? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Thursday, February 4, 2021 8:43 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: (b) (6) [redacted]

Hi Joe!

The entirety of my Friday afternoon is open to chat.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, February 03, 2021 11:40 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: (b) (6) [redacted]

*should ***not*** interfere…

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Goffman, Joseph
Sent: Wednesday, February 3, 2021 11:37 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: (b) (6) [redacted]

Happy to be a distraction any time you need one. Victoria – Please let me know if you have any time on Friday. It shouldn't take long. (b) (6), (b) (5) [redacted] Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, February 3, 2021 11:28 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: (b) (6) [redacted]

Hi Joe,
I butted in, not because I had any lack of confidence in Victoria but because I was deeply annoyed by another email and desperately needed a distraction. You're in excellent and capable hands with Victoria, and she is working on Friday. I'll leave you two to it.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, February 03, 2021 10:58 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: (b) (6) [redacted]

Thanks for the quick response Any chance we can have a meeting Friday afternoon? I think I need a refresher. Thanks, again.

Sent from my iPhone

> On Feb 3, 2021, at 10:39 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:
>
> Hi Joe,
> I'm glad you reached out because we've been thinking about you. We know that you (b) (6) [redacted] You have additional assets that present both specific party and general applicability conflicts, but we believe at this point that you can address those issues through recusal.
>
> You ask about (b) (6) [redacted], but do not indicate how much you intend to invest. Assuming that you wish to take a position that is over the regulatory exemption level for matters of general applicability, then you will not be able to participate in any rulemaking, for example, that affects (b) (6) [redacted]. I would expect that disqualification to extend to rulemaking about (b) (6) [redacted] directed at that particular industry. And you would not be able to participate in any specific party matter that involved (b) (6) [redacted] or any of its subsidiaries.
>
> Your friendly neighborhood ethics lawyers do not provide tips on what

investments you and your brokers may make, but we can (as we have now) provide you with some guidance on the likely ethical implications of specific investments. Speaking of which, how are you coming along with your 278? Might you be thinking you want us to pursue a CD for some of the assets?
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, February 03, 2021 9:24 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: (b) (6) [redacted]

Hi. Any issue with our acquiring this stock? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Joseph Goffman
To: Fugh, Justina
Cc: Clarke, Victoria
Subject: Re: (b) (5) [redacted]
Date: Monday, March 29, 2021 2:56:25 PM

Thanks so much for following up, Justina.

On Mon, Mar 29, 2021 at 2:54 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

> Hi Joe,
>
> (b) (6), (b) (5) [redacted]
>
> Justina
>
> Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From:	Goffman, Joseph
To:	Clarke, Victoria
Cc:	Fugh, Justina
Subject:	RE: Time to talk about 278 matters?
Date:	Friday, March 26, 2021 2:34:52 PM

How about 4:45 this afternoon? Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Friday, March 26, 2021 2:32 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Time to talk about 278 matters?

Hi Joe!

It has been awhile since we've sat down to talk, and I thought it might be a good idea for us to meet to discuss where we are in the 278 and the CD process. I know you are very busy, so is there a day or time for you that would work well to have a thirty-minute conversation? Let me know, so I can schedule it.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Fugh, Justina
To: (b) (6) [redacted]
Subject: Welcome (back) to the world of public financial disclosure reporting!
Date: Saturday, January 16, 2021 4:15:00 PM
Attachments: Advisory to all 278 filers about filing fee.pdf
reporting periods for 278s.docx
When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx
Hatch Act chart Sept 2020.docx

Hi there,
And now it's time for the long message about financial disclosure. You can get started on the public financial disclosure report since you will be joining EPA on or about 1/20/21 as a non-career SES appointee in the position of Principal Deputy Assistant Administrator for OAR. You will not be able to submit it until after your actually start, but we will still be able to peek at your progress. Given this type of appointment, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. What follows is a long, chatty email with tons of information. If you need help, then please let me or my staff know. We really are here to help you.

DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your effective date at EPA or 2/19/21. If you need additional time, you must contact ethics@epa.gov before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (www.INTEGRITY.gov) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We revived your account in INTEGRITY and have assigned you a "new entrant" report. Your filer category is "non career SES" and your filer status is "full time." We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. For help in INTEGRITY, check out the OGE Public Financial Disclosure Guide. The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact ethics@epa.gov.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of $200 for not filing your report timely.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be

required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds $1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined $200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than $1000. Include any income from any source that exceeded $200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than $5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' Public

Financial Disclosure Guide or to contact OGC/Ethics for help. We know this is a beast of a form, so we really are here to help you.

OTHER ETHICS REQUIREMENTS FOR YOU

HATCH ACT

As a federal employee, you will be "lesser restricted" under the Hatch Act. During your new employee orientation, the ethics staff will go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our attached handy chart.

ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year. The new employee training you will have with the ethics staff meets your annual training requirement for this year. Next year, you will take the annual training online.

If you have any questions regarding this message or your obligations, then please contact me or anyone in the OGC Ethics Office at ethics@epa.gov. We'll be happy to assist you.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)[1] and Periodic Transaction Reports (OGE 278-Ts).[2] Failure to file timely will result in a **$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).[3] Unpaid late fees are subject to the Agency's[4] and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGE/Ethics at ethics@epa.gov.

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[1] *See* 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.
[2] Pub. L. 112-105 § 11 (STOCK Act).
[3] *See* 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).
[4] *See* Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	**Within 30 days** of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	**No later than May 15**
OGE 278e – Termination reports	**No later than 30 days after** leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports[5]	**The *earlier of* 30 days** after learning of a transaction or **45 days** of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date.** Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. *See* 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not "extraordinary" circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is $56,216.[6]

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

---

[5] *See* attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T.*

[6] In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of $15,000 and still had to file the termination report.

The reporting periods for the OGE Form 278e vary depending on the type of report being filed.

Part	Report Information for the Following Period…			
	Nominee, New Entrant, and Candidate	**Annual**	**Termination**	**Annual / Termination**
1. Filer's Positions Held Outside United States Government	Preceding Two Calendar Years to Filing Date	Preceding Calendar Year to Filing Date	Current Calendar Year to Term Date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)	Preceding Calendar Year to Term Date
2. Filer's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date[1]	Preceding Calendar Year	Same as Part 1	Same as Part 1
3. Filer's Employment Agreements and Arrangements	As of Filing Date	Preceding Calendar Year to Filing Date	Same as Part 1	Same as Part 1
4. Filer's Sources of Compensation Exceeding $5,000 in a Year	Preceding Two Calendar Years to Filing Date (n/a for Candidates)	N/A – Leave this Part blank	N/A – Leave this Part blank	N/A – Leave this Part blank
5. Spouse's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date[1]	Preceding Calendar Year	Same as Part 1	Same as Part 1
6. Other Assets and Income	Preceding Calendar Year to Filing Date[1]	Preceding Calendar Year	Same as Part 1	Same as Part 1
7. Transactions	N/A – Leave this Part blank	Preceding Calendar Year[2]	Same as Part 1[2]	Same as Part 1[2]
8. Liabilities	Preceding Calendar Year to Filing Date[1]	Preceding Calendar Year	Same as Part 1	Same as Part 1
9. Gifts and Travel Reimbursements	N/A – Leave this Part blank	Preceding Calendar Year[3]	Same as Part 1[3]	Same as Part 1[3]

1. For example, if today is March 3, 2019, the reporting period would run from January 1, 2018, to March 3, 2019. When valuing assets and liabilities, the filer may choose any date that is fewer than 31 days before the filing date.
2. Filers do not need to include any period when they were not a public financial disclosure filer or an employee of the United States Government.
3. Filers do not need to include any period when they were not an employee of the United States Government.

Extensions Do Not Change the Reporting Period
The reporting period is tied to a report's original due date and is unaffected by any extensions. For example, a New Entrant report was originally due December 14, 2019. The filer received a 30-day extension and filed January 8, 2020. The Part 2 reporting period would start on January 1, 2018, and end on December 14, 2019.

When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

A $200 late filing fee penalty is assessed for each late periodic reporting period[1]

Investment Assets	Periodic Transaction Report Report on the OGE 278-T?	Annual and/or Termination Report Report on Part 7 of the OGE 278e?
Transactions of $1,000 or less		
• Any asset in which the transaction amount is $1,000 or less regardless of the type of asset or who owns the asset	No	No
Investment assets held by you, your spouse, or jointly held		
• Stocks or stock options	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• Commodity futures	Yes	Yes
• Other investment securities	Yes	Yes
• Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Stocks	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• commodity futures	Yes	Yes
• other investment securities	Yes	Yes
• Assets listed above in dependent child's own or UGMA brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes[2]
• Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds"[3]	No	Yes
• Any asset in which the transaction amount is $1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals) or certificates of deposit	No	No
• Money market accounts and mutual funds	No	No
• US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)	No	No
• Federal government retirement accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust[4]	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

Last updated November 2020

[1] This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

[2] Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

[3] To be an excepted investment fund (EIF), the asset must be:

(a) widely held (more than 100 participants),
(b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
(c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

[4] OGC/Ethics must determine that your trust qualifies as an "excepted trust." For help, email ethics@epa.gov.

Updated September 2020

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity "directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group."

Type of Activity	**PAS***	**Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other**	**Career SES, ALJs**
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

**PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service*

From: Joseph Goffman
To: Fugh, Justina
Subject: DW 1 and 2
Date: Saturday, January 16, 2021 6:27:10 PM
Attachments: Equities (DW#1).pdf
Equities (DW#2).pdf

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 1
Date:	Saturday, January 16, 2021 6:26:21 PM
Attachments:	IMG_1581.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:11 PM
Subject: Bmel 1
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 2
Date:	Saturday, January 16, 2021 6:26:56 PM
Attachments:	IMG_1582.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:11 PM
Subject: Bmel 2
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 3
Date:	Saturday, January 16, 2021 6:25:53 PM
Attachments:	IMG_1583.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:12 PM
Subject: Bmel 3
To: Joseph Goffman <(b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 4
Date:	Saturday, January 16, 2021 6:25:41 PM
Attachments:	IMG_1584.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:13 PM
Subject: Bmel 4
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 5
Date:	Saturday, January 16, 2021 6:25:27 PM
Attachments:	IMG_1585.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:13 PM
Subject: Bmel 5
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 6
Date:	Saturday, January 16, 2021 6:25:22 PM
Attachments:	IMG_1586.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:14 PM
Subject: Bmel 6
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 7
Date:	Saturday, January 16, 2021 6:25:47 PM
Attachments:	IMG_1587.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:15 PM
Subject: Bmel 7
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 8
Date:	Saturday, January 16, 2021 6:24:46 PM
Attachments:	IMG_1588.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:15 PM
Subject: Bmel 8
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Joseph Goffman
To:	Fugh, Justina
Subject:	Fwd: Bmel 9
Date:	Saturday, January 16, 2021 6:24:44 PM
Attachments:	IMG_1589.jpg

---------- Forwarded message ---------
From: **Goffman, Joseph** (b) (6) [redacted]
Date: Sat, Jan 16, 2021 at 6:16 PM
Subject: Bmel 9
To: Joseph Goffman (b) (6) [redacted]

Sent from my iPhone

From:	Fugh, Justina
To:	Harris, Sincere; Utech, Dan; Cassady, Alison; Hoffer, Melissa; Hamilton, Lindsay; Chaudhary, Dimple; Adhar, Radha; Fox, Radhika; Enobakhare, Rosemary; Fine, Philip; Katims, Casey; Arroyo, Victoria; Lucey, John; Goffman, Joseph; Carbonell, Tomas
Cc:	OGC Ethics; Payne, James (Jim)
Subject:	your ethics obligations ... briefing materials, references and the pledge
Date:	Friday, January 22, 2021 2:05:07 PM
Attachments:	Biden Ethics Pledge for digital signature.pdf Ethics Briefing Packet for Political Appointees.pdf

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Hi there,

Thank you all for attending your initial ethics briefing on Thursday, January 21, 2021. All of us in OGC/Ethics appreciate your attentiveness and interest. Attached is the briefing material we promised you that includes information about your transaction reporting obligations, the form to use for notification of negotiation for non-federal employment, a handy Hatch Act chart, and a one-pager on embedding ethics in your calendaring process. The packet also includes a pdf of the Biden Executive Order on "Ethic Commitments" for your reference. And I have attached separately the Biden Ethics Pledge for you to sign digitally and return to ethics@epa.gov.

So what about your financial disclosure report? Well, I'm not ready for you to work on that if you haven't yet started. I need to set up new accounts for you using your EPA email addresses, then will send you a new email with instructions. I know that some of you already started your reports that were assigned to your personal email address, which is fine. That information is saved and will be transferred over to your new accounts under your EPA email addresses. Try to find something to occupy your time over the next day or so (ha!), and then you can spend a leisurely and frustrating time with the public financial disclosure report a bit later, once you get the email from me. Each of you will have a contact on the OGC/Ethics team to help you navigate your form and any ethics concerns you may have. Our contact information is included on the first page of your briefing material. We are all always just a call or an email away.

Happy Friday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban*. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

2. *Revolving Door Ban — All Appointees Entering Government*. 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.

3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government*. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq*., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq*., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

   (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

   (b) participate in the specific issue area in which that particular matter falls; or

   (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

4. *Revolving Door Ban — Appointees Leaving Government*. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government*. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

6. *Revolving Door Ban — Appointees Leaving Government to Lobby*. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

7. *Golden Parachute Ban*. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

8. *Employment Qualification Commitment*. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. *Assent to Enforcement*. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

_____ _____, 20_____

Signature Date

Name (Type or Print): _____

Ethics Briefing

1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

Jim Payne Designated Agency Ethics Official (202) 564-0212 payne.james@epa.gov	
Justina Fugh Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 fugh.justina@epa.gov	
Shannon Griffo Ethics Attorney (202) 564-7061 griffo.shannon@epa.gov	**Margaret Ross** Ethics Officer (202) 564-3221 ross.margaret@epa.gov
Jennie Keith Ethics Officer (202) 564-3412 keith.jennie@epa.gov	**Victoria Clarke** Ethics Attorney 202-564-1149 clarke.victoria@epa.gov
Ferne Mosley Ethics Attorney (202) 564-8046 mosley.ferne@epa.gov	**OGC/Ethics** All Staff and Helpline (202) 564-2200 ethics@epa.gov

You can also visit the OGC/Ethics SharePoint site for more information.

2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your basic obligation of public service that we'll address in this briefing material.

3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

If you were a federally registered lobbyist or registered foreign agent in the past 2 years:

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.

- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

While you are a federally employee:

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.

- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.

    - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).

- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.

- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

When you leave federal service, you are agreeing to the following:

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.

- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.

- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.

- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

4. Financial Disclosure Reporting

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over $1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

5. Attorney Client Privilege & FOIA

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

6. Conflicts of Interest

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially* in *any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

7. <u>Appearance of a Loss of Impartiality</u>

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

8. <u>No representation back to the federal government</u>

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statues, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

9. Acceptance of Gifts

Be careful of any gift from people outside the Agency, particularly those that are worth more than $20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding $10 from EPA employees, nor give gifts exceeding $10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

10. Attendance at Widely-Attended Gatherings (ethics check required)

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclose report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

IMPORTANT NOTE about **Embedding Ethics into Your Calendaring Process**

> Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

11. Travel Issues

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See http://intranet.epa.gov/ogc/ethics/travel.htm . Prior to the pandemic, OGC/Ethics accepted over $1 million each year in discretionary travel paid by non-federal sources.

12. Preferential Treatment of Non-Federal Entities (Endorsement)

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

13. Political Activities

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

14. Lobbying Issues

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

15. Use of Government Personnel and Resources

EPA policy permits employees to "limited use" of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a "good cause"). They also cannot use the internet connection for gambling or to access pornography. See EPA's Limited Personal Use of Government Equipment Policy. Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

16. Outside Activities

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency's ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA's Supplemental Ethics Regulations at 5 C.F.R. § 6401.103. Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you've been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA's general subject matter area, industry, or economic sector primarily affected by EPA's programs and operations. 5 C.F.R. § 2635.807(a)(2)(i)(E)(3).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is $29,595. See 5 C.F.R. § 2635.804(b) and 5 C.F.R. § 2636.304. This amount changes each year;

- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to 5 C.F.R. § 2635.804(b) and 5 C.F.R. § 2636.305;

- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. See 5 C.F.R. § 2636.306; and

- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). See 5 C.F.R. § 2636.307.

17. Ethics Obligations of Supervisors

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at 5 C.F.R. § 2638.103:

> Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the Standards of Conduct and that subordinates know how to contact agency ethics officials. Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at ethics@epa.gov.

18. Seeking Employment

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

19. Negotiating for Employment

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.

20. Post-Government Employment - Representational Restrictions

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

Lifetime bar - on particular matters that you worked on

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back""means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

> Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

2-year bar - on EPA matters pending during your last year in federal service

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

Senior Employee "cooling off restriction" – on any matter

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is $172,395 per year (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!

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

January 22, 2021

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh Justina Fugh Digitally signed by Justina Fugh Date: 2021.01.22 12 07:49 -05'00'
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at www.oge.gov.

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)[1] and Periodic Transaction Reports (OGE 278-Ts).[2] **Filing a late report will result in a $200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.[3] **Unpaid late fees are subject to the Agency's[4] and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

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[1] *See* 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.
[2] Pub. L. 112-105 § 11 (STOCK Act).
[3] *See* 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).
[4] *See* Resource Management Directive System 2540-03-P2 dated 07/12/2016.

OGE 278e - New Entrant reports	**Within 30 days** of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	**No later than May 15**
OGE 278e – Termination reports	**No later than 30 days after** leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports[5]	**The *earlier of* 30 days** after learning of a transaction or **45 days** of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date.** Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. *See* 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not "extraordinary" circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is $56,216.[6]

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

[5] *See* attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T.*
[6] In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of $15,000 and still had to file the termination report.

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

Investment Assets	Periodic Transaction Report Report on the OGE 278-T?	Annual and/or Termination Report Report on Part 7 of the OGE 278e?
Transactions of $1,000 or less		
• Any asset in which the transaction amount is $1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes[1]
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds"[2]	No	Yes
• Any asset in which the transaction amount is $1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust[3]	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

[1] Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

[2] To be an excepted investment fund (EIF), the asset must be:

(a) widely held (more than 100 participants),
(b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
(c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

[3] OGC/Ethics must determine that your trust qualifies as an "excepted trust." For help, email ethics@epa.gov.

REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name	**Your telephone number***	**Date negotiation or agreement began**
Your Title / Office / AAship or Region	**Your email address***	**Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation**

* *Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

	Yes	No	
1.	☐	☐	EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.
2.	☐	☐	My office in EPA does work that affects the non-federal entity with which I am seeking employment.
3.	☐	☐	The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Need help answering these statements? See page 2.

For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.

Sign and submit to ethics@epa.gov:

Your signature

OGC/Ethics Use Only:

Statement 1: EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is "yes" to any of the following questions, then you must answer "yes" to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check "yes" to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check "yes" to statement 3.

- Will the work you do affect the sector? Don't concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues' projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

Updated September 2020

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity "directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group."

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

**PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service*

EPA Ethics Program

Counseling Practice Area: **Vetting Invitations**

Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ✦ Gifts ✦ Fundraising ✦ Political Activity ✦ Endorsements
President's Ethics Pledge ✦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

When:

Upon the appointee's start of EPA service

Where:

Through coordination in the principal's front office and immediate staff

Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.

Executive Order on Ethic Commitments by Executive Branch Personnel

JANUARY 20, 2021 • PRESIDENTIAL ACTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

"Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

"2. Revolving Door Ban — All Appointees Entering Government. 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.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(d) "Covered executive branch official" and "lobbyist" shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) "Registered lobbyist or lobbying organization" shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, "registered lobbyist" shall include each of the lobbyists identified therein.

(f) "Lobby" and "lobbied" shall mean to act or have acted as a registered lobbyist.

(g) "Lobbying activities" shall have the definition set forth in section 1602 of title 2, United States Code.

(h) "Materially assist" means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual's subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(i) "Particular matter" shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(j) "Particular matter involving specific parties" shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one's official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(k) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(l) "Former client" is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service

provided was limited to speeches or similar appearances. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

(i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;

(ii) the uniqueness of the individual's qualifications to meet the government's needs;

(iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and

(iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

(i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;

(ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;

(iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and

(iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

(i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;

(ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:

(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and

(v) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 20, 2021.

ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban*. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

2. *Revolving Door Ban — All Appointees Entering Government*. 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.

3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government*. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq*., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq*., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

   (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

   (b) participate in the specific issue area in which that particular matter falls; or

   (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

4. *Revolving Door Ban — Appointees Leaving Government*. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government*. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

6. *Revolving Door Ban — Appointees Leaving Government to Lobby*. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

7. *Golden Parachute Ban*. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

8. *Employment Qualification Commitment*. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. *Assent to Enforcement*. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Goffman, Joseph Digitally signed by Goffman, Joseph Date: 2021.01.23 18:28:18 -05'00'
Signature

January 23, 2021
Date

Name (Type or Print): Joseph Goffman