

Message

From: Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]
Sent: 8/18/2021 8:52:51 PM
To: Kafka, Kristin [kafkafody.kristin@epa.gov]
CC: May, Benjamin [May.Benjamin@epa.gov]
Subject: RE: PPT Goffman Complaint
Attachments: FW: Mercury science; RE: Please disregard any involvement by Joe Goffman in this request; request for a meeting with Joe Goffman; Signed recusal 4-8-21.docx

Hi Kristin,

I've been the Alternate Designated Agency Ethics Official for the past 15 years (yikes!) so have familiarity with the last three pledges: [Executive Order 13989](#) (Biden ethics pledge), [Executive Order 13770](#) (Trump ethics pledge), and [Executive Order 13490](#) (Obama ethics pledge).

Ex. 5 Deliberative Process (DP)

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In the event that additional information is helpful to you, though, please consider the attached documents. You will see that Joe Goffman contacted me directly, I interacted the OAR chief of staff, and I notified Harvard that EPA would not take any action based on their communication with Mr. Goffman. I referred Harvard instead to the OAR chief of staff, who is the appropriate person identified in Mr. Goffman's recusal statement (also attached).

Ex. 5 Deliberative Process (DP)

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Justina

Justina Fugh (she/her) | 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: Kafka, Kristin <kafkafody.kristin@epa.gov>
Sent: Wednesday, August 18, 2021 9:29 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: May, Benjamin <May.Benjamin@epa.gov>
Subject: RE: PPT Goffman Complaint

Good morning Justina,

Thank you for providing this information, it is helpful. My office will be reviewing the PPT complaint, so if you come across any additional information please forward it to me. I'd certainly like to follow up with you on this after I've digested this information.

If you have any immediate questions or concerns, please don't hesitate to reach out.

Very truly,

Kristin

Kristin M. Kafka
Deputy Assistant Inspector General for Administrative Investigations
Office of Special Review and Evaluation
Office of Inspector General
U.S. Environmental Protection Agency

(202) Ex. 6 Personal Privacy (PP)

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: August 17, 2021 at 11:54:02 PM EDT
To: "O'Donnell, Sean" <ODonnell.Sean@epa.gov>
Cc: "May, Benjamin" <May.Benjamin@epa.gov>
Subject: FW: PPT Goffman Complaint

Hi there,

Ex. 5 Deliberative Process (DP)

- On 8/4/21, OGC Ethics provided an interim FOIA response to Ms. Morgan Yardis of Protect the Public's Trust (EPA-2021-004097). She had requested various ethics-related records produced by or received by the Office of General Counsel, Ethics Office (OGC/Ethics) and EPA's Designated Agency Ethics Official pertaining or relating to twelve identified political appointees, including Mr. Goffman. That's how she received the referenced documents.
- Please note that we do not assert attorney-client privilege. As set forth at 5 C.F.R. § 2635.107, "[d]isclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege." We may, though, assert deliberative process privilege and privacy rights.
- With respect to Mr. Goffman, I communicated with the White House Counsel's Office, and they concurred in my approach to redress the apparent oops. That email was not included in our interim response on 8/4/21 because we had not yet received clearance from them. We have since received clearance, however, and will include that email exchange in our next interim release.
- Just so you know, Executive Order 13989 does allow for pledge waivers, and those determinations have been delegated by the Office of Management and Budget to the Agency DAEOs.

Ex. 5 Deliberative Process (DP)

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Let me know if you want to confer about this at all, and whether you think either or both of us need to respond.

Cheers,

Justina

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From: Morgan Yardis <morgan@protectpublictrust.org>

Sent: Tuesday, August 17, 2021 9:38 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>; O'Donnell, Sean <ODonnell.Sean@epa.gov>

Subject: PPT Goffman Complaint

Good morning,

Please find the attached request regarding "Request for Investigation into Ethics Violation by Acting Associate Administrator Joseph Goffman."

Thank you,

Morgan Yardis