

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) >
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]
[Redacted]
[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

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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. Your approach sounds good. I would amend only to give, as a "general" point of contact, myself as well. (b) (5)

[REDACTED]

[REDACTED]

[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

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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

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Sent: Thursday, April 15, 2021 8:11 PM
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Senior Advisor, Center for Climate, Health and the Global Environment ([C-CHANGE](#))

Harvard T.H. Chan School of Public Health

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Tel. (b) (6)

[REDACTED]

[REDACTED]

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