

VIA ELECTRONIC MAIL

March 8, 2023

TO: The Honorable Sean O'Donnell
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2410T)
Washington, D.C. 20460

James Payne
Director and DAEO
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2311A)
Washington, D.C. 20460

**Re: Additional Potential Ethics Violations by Principal Deputy Administrator
Joseph Goffman**

Dear Mr. O'Donnell and Ms. Fugh,

On two previous occasions Protect the Public's Trust (PPT) has submitted information to the ethics office and the Inspector General's office pertaining to the actions of Principal Deputy Administrator Joseph Goffman that appear to violate his federal ethics obligations. Unfortunately, as additional public records have been released that document Mr. Goffman's seemingly inexcusable and persistent disregard for his ethics restrictions, we are compelled to submit yet another complaint and request for investigation.

In years past, actions comparable to those of Mr. Goffman that we have documented could easily have resulted in an abrupt investigation and possible termination. At the very least, the public would have expected an on the record admonishment of what amounts to a pattern of abuse of position, rampant conflicts of interest, and a sustained appearance of impropriety. To date, it would appear that not a word has been rendered by senior agency ethics officials or agency leadership attempting to correct such evident misconduct. As deafening as the silence has been, the message to other senior political appointees is equally distressing. Such misfeasance only perpetuates public distrust of the agency and gives voice to the visible double standard that senior officials in the current administration appear to be held.

Ethics and integrity at the EPA should still matter, and the American public would be right to think they should be held in even higher regard in a Biden Administration touting itself as the most transparent in history. Accordingly, we urge the office of the Inspector General to promptly initiate an investigation into the multiple instances of alleged misconduct by Mr. Goffman

identified in this complaint and previous complaints dated August 17, 2021,¹ and August 24, 2022.²

I. Overview

Additional records obtained by PPT in litigation against the EPA reveal a pattern of behavior by Mr. Goffman that raises numerous concerns over whether he is complying with relevant federal laws, rules, and regulations. Communications involving Mr. Goffman appear to cross ethical boundaries pertaining to:

- potential financial conflicts of interest violations involving regulations specifically impacting certain companies while owning stock in those same companies;
- sustained communications with his former employer that span more than 130 pages of public records provided by the agency;
- misuse of position in order to place his former employer's students in highly limited job posts within the federal government; and
- apparent business dealings with an individual directly associated with his former employer, raising questions of an appearance of impropriety without any approval or advice from the ethics office.

Factual details and supporting records can be provided as requested, if not immediately cited herein.

II. Allegations of Misconduct

Ethics rules are meant to protect the public's trust that their government is working for them rather than the special interests so often tied to senior appointees' familial and professional connections and backgrounds. When senior officials violate or disregard these rules, faith in career officials who exist to support these appointees also plummets. The potential violations are described below toward the goal of improving the public's trust that agency officials remain committed to upholding ethical standards among high-ranking officials.

A. Potential Financial Conflicts of Interest

On January 23, 2021, Mr. Goffman signed his Ethics Pledge, acknowledging he was instructed about his ethics obligations by EPA's Ethics Office,³ including the requirement pursuant to 18 U.S.C. §208 that he avoid taking action on particular matters where he had a personal financial

¹ [Goffman-IG-complaint.pdf \(protectpublictrust.org\)](#)

² [Supplemental-Information-and-Request-for-Investigation-Pertaining-to-Potential-Ethics-Violations-by-Joseph-Goffman.pdf \(protectpublictrust.org\)](#)

³ EPA-2021-0003933 Joe Goffman OGC_Ethics Records_Redacted.pdf at 165, [EPA-2021-003933-Joe-Goffman-OGC_Ethics-Records_Redacted.pdf \(protectpublictrust.org\)](#)

interest.⁴ At the time of his appointment, Mr. Goffman had more than eighty financial holdings that required him to recuse himself from specific matters involving those interests or obtain a written waiver. Yet, Mr. Goffman would wait months before he would divest himself of some of these holdings, and it is unclear whether more than forty of these holdings were ever divested. In any event, given the scope of Mr. Goffman's position and the sheer number of financial interests requiring his recusal, the situation is fraught with potential ethics violations.⁵

Mr. Goffman's lack of concern about resolving his extensive financial conflicts of interest is striking. On April 8, 2021, approximately two and one-half months after joining EPA, Mr. Goffman signed his Recusal Statement and forwarded it by email to EPA ethics officials stating "*At the moment, I plan to move expeditiously to divest several holdings, which likely will result in this document being modified.*" (Emphasis added).⁶ The Statement included Mr. Goffman's recusal from specific matters involving 77 stock holdings, six corporate bonds, and 31 sectors of the economy.⁷

More than a month later Mr. Goffman apparently had not divested himself of any of these interests. In fact, on May 20, 2021, Mr. Goffman's Chief of Staff circulated a copy of Mr. Goffman's original Recusal Statement from April 8, 2021, to prominent EPA appointees and career officials and explained, "Joe's statement will be updated as soon as he continues to divest some of his holdings *creating the financial conflicts of interest.*" (Emphasis added).⁸ Apparently, nearly four months into his tenure, not only had Mr. Goffman not divested financial interests requiring his recusal as disclosed on his April 8, 2021 Recusal Statement, he also failed to alert his colleagues of his conflicts, a common and simple step that most appointees take to ensure others can help the official avoid matters from which he is recused.

⁴ Under 18 U.S.C. §208 a government employee who participates personally and substantially in particular matters in which, to his knowledge, he has a financial interest is subject to criminal penalties absent his request for and receipt of a written determination that his participation is not so substantial as to create a conflict. [18 U.S. Code § 208 - Acts affecting a personal financial interest | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#).

⁵ Mr. Goffman was savvy enough to recognize immediately the political liabilities of his stock holdings in oil and gas companies. As reported by E&E News, on his first and second days on the job Mr. Goffman divested himself of stocks in Exxon Mobil, Corp., Marathon Petroleum, and Chevron Corp. worth as much as \$165,000. [Top EPA air appointee offloaded oil stocks - E&E News \(eenews.net\)](#) (last visited February 3, 2023). The next day he also divested himself of interests in Berkshire Hathaway Inc. valued at between \$181,000 and \$465,000. *Id.* Berkshire Hathaway Inc. holds interests in PacificCorp, a company that has interests in multiple coal-fired plants. *Id.*

⁶ http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf 220 O

⁷ http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf 222-223 O. Mr. Goffman neglected to date his recusal. The Ethics Officer caught the omission and emailed Mr. Goffman the next day stating, "I noticed that the document you sent was signed but not dated. I took the liberty of inserting today's date. . . (Believe me, we're going to want to have a dated recusal)."

⁸ http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf 271 O

1. HFC Allocation to GlaxoSmithKline

The first apparent indication that Mr. Goffman had divested any of these financial interests causing conflicts appears more than five weeks after the circulation of his Recusal Statement, on June 30, 2022, when he signed an Updated Recusal Statement. However, the Statement still identified 48 stocks, the same 6 corporate bonds, and 24 sectors of the economy from which Mr. Goffman was still recused, indicating he had not divested from these holdings.⁹

The first incident discovered by PPT so far regarding potential conflicts with Mr. Goffman's financial holdings arose on September 16, 2022. Just minutes before midnight, he was informed by the Director of the EPA's Ethics Office that "employees" who owned Amazon, Apple, IBM and Microsoft stocks "will not be able to participate in the rulemaking that addresses the [semiconductor] industry."¹⁰ Mr. Goffman held all four stocks and also had agreed to recuse himself from particular matters affecting the semiconductor industry.¹¹ The rulemaking at issue had been proposed months earlier and involved the phaseout of hydrofluorocarbons (HFC) that was being prepared by an EPA office under Mr. Goffman's direction.¹² The Ethics Director "advised caution" to Mr. Goffman in participating in HFC rulemaking that may affect the semiconductor stocks.¹³ This email set off a frenzied series of responses that witnessed Mr. Goffman seeking ethics advice at 12:15 a.m. and 7:33 a.m.¹⁴ The Ethics Office subsequently "clarified" its advice claiming that it had been directed at future rules that specifically affect the semiconductor industry alone or specific semiconductor manufacturers.¹⁵ EPA issued the rule that governed how HFC would be allocated across industries on October 5, 2021.

Just two days later, EPA took official action by promulgating in the Federal Register precisely such a manufacturer-specific document allocating the amount of HFC that could be manufactured or used.¹⁶ The formal Notice specified that GlaxoSmithKline, among others, was allocated HFC as an "application-specific allowance" for use in its metered dose inhalers and provided additional allocations of HFC as "consumptive allowances" for the company.¹⁷ Both

⁹To date, PPT has not discovered another Updated Recusal Statement among the FOIA documents produced by EPA and assumes there are none.

¹⁰ <https://protectpublictrust.org/wp-content/uploads/2023/02/December-2022-Interim-Release-EPA-2022-002747.pdf>. 55-56 D

¹¹ http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf. 222-223 O

¹² <https://www.federalregister.gov/documents/2021/10/05/2021-21030/phasedown-of-hydrofluorocarbons-establishing-the-allowance-allocation-and-trading-program-under-the>

¹³ <https://protectpublictrust.org/wp-content/uploads/2023/02/December-2022-Interim-Release-EPA-2022-002747.pdf>. 10 D

¹⁴ http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf. 56-57 D

¹⁵ <https://protectpublictrust.org/wp-content/uploads/2023/02/December-2022-Interim-Release-EPA-2022-002747.pdf> 60 D

¹⁶ "Phasedown of Hydrofluorocarbons: Notice of 2022 Allowance Allocations for Production and Consumption of Regulated Substances under the Under the American Innovation and Manufacturing Act of 2020." 86 Fed. Reg. 55841 (Oct. 7, 2021). <https://www.federalregister.gov/documents/2021/10/07/2021-21951/phasedown-of-hydrofluorocarbons-notice-of-2022-allowance-allocations-for-production-and-consumption>

¹⁷*Id.*

Mr. Goffman's Recusal Statement and Updated Recusal Statement reveal that he held GlaxoSmithKline stock and documents provided to PPT do not contain evidence that he divested himself of that interest.¹⁸ The Notice allocating HFC to GlaxoSmithKline was published from the Office of Atmospheric Programs within the Office of Air and Radiation, of which Mr. Goffman is the leader.¹⁹ Plainly, this manufacturer-specific action was being worked on and finalized at the same time the larger rulemaking was under consideration within Mr. Goffman's office and would seem to implicate the clarification issued by the ethics Office about avoiding manufacturer-specific actions that affected Mr. Goffman's financial holdings.

2. Additional HFC Allocations to IBM, Texas Instruments, and GlaxoSmithKline

Another apparent infraction of the conflict-of-interest statute occurred on October 11, 2022, when EPA promulgated a new list of allowances for the production and consumption of HFC, which again allocated HFC to GlaxoSmithKline and added allocations for IBM.²⁰ Mr. Goffman held stock in both companies as disclosed on his Recusal Statement and his Updated Recusal Statement and once again the formal Notice of allocation was published in the Federal Register from an office under Mr. Goffman's purview.²¹

Moreover, on April 5, 2022, EPA acted again from within Mr. Goffman's office by publishing in the Federal Register the Notice of HFC "Set-Aside Pool Allowances."²² This agency action again specifically allocated HFC to both IBM and GlaxoSmithKline.²³ As noted, the stock of both companies was disclosed on Mr. Goffman's Recusal Statement and Updated Recusal Statement as financial interests requiring his recusal from particular matters.²⁴

Please note that PPT may not have identified each of the dozens of stocks held by Mr. Goffman that also appear on a lengthy list of companies receiving EPA HFC allocations under these or any other such agency actions taken by EPA. Additionally, since the preparation of the Notices was under consideration for some period of time within Mr. Goffman's office before publication, it is not clear whether both of Mr. Goffman's Recusal Statements may apply, *i.e.*, it may be that preparation of these Notices was ongoing within Mr. Goffman's office while his original April 8, 2021 Recusal Statement was in effect and, therefore, the more extensive holdings disclosed on that Recusal Statement may be implicated. In this regard, Mr. Goffman's holding of stock in Texas Instruments was disclosed on his April 8, 2021 Recusal Statement and Texas Instruments

¹⁸http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf 282 O

¹⁹ <https://www.epa.gov/aboutepa/organization-chart-epas-office-air-and-radiation>

²⁰ Phasedown of Hydrofluorocarbons: Notice of 2023 Allowance Allocations for Production and Consumption of Regulated Substances under the American Innovation and Manufacturing Act of 2020." 87 Fed. Reg. 61314 (Oct. 11, 2022). <https://www.federalregister.gov/documents/2022/10/11/2022-22059/phasedown-of-hydrofluorocarbons-notice-of-2023-allowance-allocations-for-production-and-consumption>

²¹http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf 282 O

²² <https://www.federalregister.gov/documents/2022/04/05/2022-07152/phasedown-of-hydrofluorocarbons-notice-of-2022-set-aside-pool-allowance-allocations-for-production>

²³ *Id.*

²⁴ http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf. 282 O

also received HFC allocations.²⁵ A question remains as to whether the HFC allocations to Texas Instruments were under consideration with Mr. Goffman's participation before his divestiture of them sometime before he signed his Updated Recusal Statement on June 30, 2021. Yet another question arises about whether preparation of these agency actions within Mr. Goffman's office impacting the semiconductor industry occurred during the time when Mr. Goffman was recused from matters affecting the semiconductor industry as a whole as reflected on his original Recusal Statement.

In sum, there can be little doubt that the allocation of a limited and decreasing number of HFC allowances from within Mr. Goffman's office was of considerable value to a company such that these allowances certainly could have a direct and predictable effect on the stock price of the company and redound to the benefit of Mr. Goffman's financial interests in violation of 18 U.S.C. § 208. Any such violations are the quite predictable result of holding for months dozens of recusals for financial interests while simultaneously working on significant agency actions affecting particular segments of the economy and specific individual companies whose stock is the source of the recusals.

B. Improper Contacts with Former Employer, Harvard University

PPT's Complaint and Supplemental Complaint identify an acknowledged violation by Mr. Goffman, at the time Acting Associate Administrator for the Office of Air and Radiation, involving his former employer, Harvard University.²⁶ As a political appointee Mr. Goffman is bound by the Biden Administration Ethics Pledge,²⁷ and regulatory restrictions including 5 CFR § 2635.502(a)(2),²⁸ and has a covered relationship with Harvard.²⁹

A focus of those Complaints was Mr. Goffman's receipt of an email directly from a close colleague at Harvard requesting a meeting and his subsequent direction to a subordinate that "I think we should do this one." Although Mr. Goffman ultimately brought this violation to the attention of ethics officials, new documents show that he did not do it proactively, but rather it was his chief of staff who raised the matter stating, "Per your recusal I don't think you can do this meeting." It was only at that point that Mr. Goffman checked in with EPA ethics officials and in a follow-up, email acknowledged, "As I recall from our ethics training *last week*, the very act of recommending that colleagues meeting [sic] with Harvard colleagues is prohibited."

²⁵http://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf 222 O

²⁶ [Goffman-IG-complaint.pdf \(protectpublictrust.org\)](#); [Supplemental-Information-and-Request-for-Investigation-Pertaining-to-Potential-Ethics-Violations-by-Joseph-Goffman.pdf \(protectpublictrust.org\)](#)

²⁷ EO 13989. Paragraph 2 (The Revolving Door Ban – All Appointees Entering Government) of the Ethics Pledge prohibits political appointees from participating in particular matters involving specific parties that are directly and substantially related to their former employer or former clients, including regulations and contracts. This prohibition extends for a period of two years after joining the government. See, [Federal Register: Ethics Commitments by Executive Branch Personnel](#)

²⁸ 502(a)(2) requires appointees to consult with ethics officials and receive approval prior to participating personally and substantially in a matter where a reasonable person with knowledge of the relevant facts would question their impartiality. Failing to consider the appearance of bias by not consulting with agency ethics officials prior to engagement may likely be a violation of an appointee's ethics obligations. See, [eCFR :: 5 CFR 2635.502 -- Personal and business relationships.](#)

²⁹ [Goffman-IG-complaint.pdf \(protectpublictrust.org\)](#)

(Emphasis added).³⁰ The Ethics Office subsequently sent an effusive email to Mr. Goffman's assistant saying, "THANKS for flagging this issue for him and then for us! You saved his bacon!"³¹

All in all, within the productions we have received thus far from EPA, Mr. Goffman had such a frequent stream of communication with his former employer that the page count totals more than 130 pages in his first year at the agency.

It seems unlikely that a political appointee with more than seven years of experience in the Obama Administration and ethics training on the precise issue just days earlier, would have been unaware of or confused about his obligations to avoid contacts with his former employer. One wonders whether the requested meeting would have proceeded had the assistant not sounded the alarm. In any event, as set forth in the Complaint and Supplemental Complaint, this contact with his colleagues at Harvard raises the specter of partiality in favor of his former employer in violation of the Biden Ethics Pledge and 5 CFR § 2635.502(a)(2).³² Additional, potentially improper contacts with Harvard revealed in newly produced documents are discussed below.

C. Preferential Treatment for Individuals with Ties to Harvard Seeking Work at EPA

Mr. Goffman's ongoing connections with his former employer also can be seen in his actively seeking placement of individuals with connections to Harvard in coveted positions at EPA, especially within his own Office of Air and Radiation. In one instance, in an apparent follow-up to earlier contacts, Mr. Goffman received an email directly to his EPA email account from Mr. William Niebling, stating, "[I am] interested in speaking with you further about opportunities at EPA as the agency staffs up."³³ Mr. Niebling's resume is attached to the email and reveals that he is a Harvard Law School graduate who also worked as a research counsel from 2018 to 2019 at Harvard's Environmental and Energy Law Program (EELP).³⁴ Mr. Goffman was the Director of EELP during these years.³⁵ Mr. Goffman forwarded Mr. Niebling's resume to another political appointee within EPA and Mr. Niebling was initially hired to work in EPA's Office of Congressional and Intergovernmental Relations and subsequently transferred to work as Senior

³⁰ https://protectpublictrust.org/wp-content/uploads/2023/02/October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf at 33-34.

³¹ [December-2022-Interim-Release-EPA-2022-002747.pdf \(protectpublictrust.org\)](https://protectpublictrust.org/wp-content/uploads/2023/02/December-2022-Interim-Release-EPA-2022-002747.pdf).pdf 183 D

³² Other instances of Mr. Goffman's ongoing entanglements with Harvard were raised in the Supplemental Complaint, including where a Harvard professor directly emailed Mr. Goffman about EPA rulemaking and stated, "Joe . . . let me cut to the chase. I have a favor to ask." EPA-2021-006089, Interim Response, pdf at 187-189; ED_0062471_00000045-00001 through ED_0062471_00000045-00003. And where another Harvard professor offered to provide a briefing to EPA officials and Mr. Goffman agreed to ask the officials about their interest in having such a briefing. EPA-2021-006089, Interim Response, pdf at 160; ED_0062471_00000004-00001; [http://protectpublictrust.org/wp-content/uploads/2023/02/EPA-2021-006089-Production-Set-1.pdf](https://protectpublictrust.org/wp-content/uploads/2023/02/EPA-2021-006089-Production-Set-1.pdf).

³³ [http://protectpublictrust.org/wp-content/uploads/2023/02/February-2023-Interim-Release-EPA-2022-002747.pdf](https://protectpublictrust.org/wp-content/uploads/2023/02/February-2023-Interim-Release-EPA-2022-002747.pdf).
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³⁴ [http://protectpublictrust.org/wp-content/uploads/2023/02/February-2023-Interim-Release-EPA-2022-002747.pdf](https://protectpublictrust.org/wp-content/uploads/2023/02/February-2023-Interim-Release-EPA-2022-002747.pdf).
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³⁵ [\(3\) Joseph Goffman | LinkedIn](#)

Counsel in the Office of Air and Radiation,³⁶ which is led by Mr. Goffman.³⁷ Mr. Niebling remains a Senior Counsel in the Office of Air and Radiation today.³⁸

In another example, after having first sent his resume to Mr. Goffman's Harvard email address, Mr. David Cash forwarded his resume directly to Mr. Goffman at EPA and identified several government positions in which he was interested.³⁹ Mr. Goffman forwarded the email and resume to his Chief of Staff, who inquired "do you know this man personally[?]"⁴⁰ Although Mr. Goffman's reply is not among the documents produced in response to PPT's FOIA, Mr. Cash was hired by EPA to work as the Regional Administrator for New England.⁴¹ Although Mr. Cash's resume also was not among the documents produced in response to PPT's FOIA, Mr. Cash holds a Ph.D. from Harvard and had worked as a Fellow at Harvard's Center for the Environment during the entire time Mr. Goffman was the Director of Harvard's EELP.⁴² Mr. Cash only left his Harvard Fellowship upon being hired by EPA.⁴³

Moreover, Ms. Cynthia Giles sent her resume directly to Mr. Goffman with no message.⁴⁴ The resume reveals that Ms. Giles had been working as a Guest Fellow at Harvard's EELP under Mr. Goffman as Director for more than two years before Mr. Goffman left to join EPA.⁴⁵ Ms. Giles was hired as a Senior Advisor in EPA's Office of Air and Radiation which, as noted, is led by Mr. Goffman.⁴⁶ Ms. Giles remains Senior Advisor in Mr. Goffman's office today.⁴⁷

Mr. Goffman's apparent preference for individuals from Harvard also extended to students seeking internships at EPA. In one instance, a law student of Mr. Goffman's contacted him from a Harvard email address about working on international issues within his EPA office.⁴⁸ Mr. Goffman forwarded the request to a career EPA employee explaining that this is an "inquiry from one of my protégés in my old job" who is interested in working on international issues."⁴⁹ The career employee responded that "key" offices under Mr. Goffman's purview and of "most likely interest to the [student]" were over budget and unlikely to have the necessary capacity to take on Mr. Goffman's protégé. Yet, the career employee notes for Mr. Goffman that the Harvard student could be placed in "a rotational assignment from whatever host organization she lands in."⁵⁰ Per her specific request, Mr. Goffman's protégé worked for a year at EPA as an

³⁶ [\(3\) William Niebling | LinkedIn](#)

³⁷ [\(3\) Joseph Goffman | LinkedIn](#)

³⁸ [\(3\) William Niebling | LinkedIn](#)

³⁹ <http://protectpublictrust.org/wp-content/uploads/2023/02/February-2023-Interim-Release-EPA-2022-002747.pdf>.

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⁴⁰ *Id.*

⁴¹ [David W. Cash | LinkedIn](#)

⁴² *Id.*

⁴³ *Id.*

⁴⁴ <http://protectpublictrust.org/wp-content/uploads/2023/02/February-2023-Interim-Release-EPA-2022-002747.pdf>.

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⁴⁵ *See, id.*

⁴⁶ [Cynthia Giles | LinkedIn](#)

⁴⁷ *Id.*

⁴⁸ [October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf \(protectpublictrust.org\)](#).pdf 418-419 O

⁴⁹ *Id.*

⁵⁰ *Id.*

International Environmental Program Specialist.⁵¹

In another instance, a student in the Harvard business school contacted Mr. Goffman from a Harvard email address seeking a summer internship at EPA and explained that he “had access to funding through school.”⁵² The one page email featured nine references to Harvard. The student was brought on board and worked the summer at EPA as a “Visiting Fellow, Office of Policy (National Center for Environmental Economics).⁵³ This office appears to be under Mr. Goffman’s direct purview.⁵⁴

There were no records produced where an individual with ties to Harvard asked Mr. Goffman about working at EPA and failed to obtain a position. Once again there can be little doubt that to a reasonable person (including another qualified applicant for a position at EPA) it would appear that Mr. Goffman was not acting impartially when individuals from Harvard contacted him and then obtained positions at EPA, sometimes within his own office. Additionally, his actions would benefit his former employer by placing individuals connected to Harvard in coveted government positions, which Harvard could then use to market the value of a Harvard education and the connections of the University to leaders in the federal government.

Mr. Goffman’s actions in using his position to provide benefits to persons affiliated with Harvard as well as to his former employer appear to run afoul of the Biden Ethics Pledge and 5 CFR § 2635.502(a)(2) prohibiting contacts with former employers and the appearance of impropriety as viewed by a reasonable person. They also appear to be a blatant misuse of his position to secure employment for those with “special connections” through his former employer. Historically, this has been treated with suspicion by senior EPA ethics officials. Today, no public record can be found of any type of admonishment or course correction attempted.

D. Additional Business Relationship with Harvard Colleagues

As described in the Complaint and Supplemental Complaint, Mr. Goffman has been involved in business-related communications involving his Harvard colleagues.⁵⁵ Newly produced documents disclose yet another such relationship where a Harvard associate, Rick Reibstein, apparently met with, and also signed off on, two letters to Mr. Goffman seeking to steer millions of dollars of EPA funding.⁵⁶ Mr. Reibstein is a lawyer who has been on the faculty of Harvard’s extension school for more than 11 years, including more than three years while Mr. Goffman was on the Harvard faculty.⁵⁷

⁵¹ [\(2\) Rachel Westrate | LinkedIn](#) last visited February 2, 2023.

⁵² [October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf \(protectpublictrust.org\)](#).pdf 48 O.

⁵³ <https://www.linkedin.com/in/dan-wohl-388b9081/> last visited February 2, 2023.

⁵⁴ [Organization Chart for EPA's Office of Air and Radiation | US EPA](#) last visited February 3, 2023.

⁵⁵ EPA-2021-006089, Interim Response, pdf at 187-189; ED_0062471_00000045-00001 through ED_0062471_00000045-00003; <http://protectpublictrust.org/wp-content/uploads/2023/02/EPA-2021-006089-Production-Set-1.pdf>.

⁵⁶ [October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf \(protectpublictrust.org\)](#).pdf. 309 to 313 O.

⁵⁷ [Rick Reibstein | LinkedIn](#) last visited February 3, 2023.

Mr. Goffman ostensibly met with Quiet Communities, an organization that sought funding for the Noise Program within Mr. Goffman's EPA office. Mr. Reibstein is the Program Director for a division of Quiet Communities⁵⁸ that "was formed to help citizens *engage with leaders in government* to develop policies and programs" ⁵⁹ (Emphasis added). The specific goal of the meeting was to persuade Mr. Goffman that his office and EPA generally should dedicate \$18 million, including \$6 million in grants, to stand up the Noise Program, for which Mr. Reibstein's organization would be in a prime position to perform work.⁶⁰ On the signature block of the two letters to Mr. Goffman seeking the allocation of millions of dollars in funding, Mr. Reibstein lists his position at Harvard.⁶¹ One of the letters to Mr. Goffman bearing Mr. Reibstein's name and position at Harvard also asks whether Mr. Goffman would arrange a meeting with another high-ranking EPA official "so we can make a pitch for including money in his budget"⁶²

Seemingly, Mr. Reibstein sought to leverage his work at Harvard to engage with Mr. Goffman in order to secure millions of dollars in EPA funding, from which his organization would be in a prime position to receive as grants. PPT has not located any document in which Mr. Goffman requested EPA's Ethics Office to approve the meeting and by taking the meeting and corresponding with a representative of his former employer on a particular matter within his purview, Mr. Goffman again raises concerns about his compliance with the Biden Ethics Pledge and 5 CFR § 2635.502(a)(2).⁶³ The clear appearance of impropriety simply does not appear to be a consideration that crossed Mr. Goffman's mind.

III. Conclusion

Public service is a public trust. This is the promise that individuals make when they accept positions of authority within the federal government. Historically, the standard has been even higher for political appointees seeking to ensure all Americans that they have an unwavering commitment toward an ethical, objective, and impartial government. The documented actions of Mr. Goffman, left alone without comment or correction, represent a sharp turn away from this standard and expectation. Whether the excuse is simply a perceived brilliance or importance of Mr. Goffman's policy agenda, this does not excuse his apparent disregard for basic ethical behavior and impartiality.

Protect the Public's Trust therefore asks your office to begin an immediate and thorough investigation into the issues identified in this complaint and the actions referenced in prior PPT complaints.

⁵⁸ [Team - Quiet Communities](#) last visited February 3, 2023.

⁵⁹ [QUIET EMPOWERMENT - Quiet Communities](#) last visited February 3, 2023.

⁶⁰ *Id.*

⁶¹ [October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf \(protectpublictrust.org\)](#).pdf. 310 and 316 O

⁶² [October-2022-Interim-Release-of-FOIA-EPA-2022-002747-Formal_FOIA20221006_Combined.pdf \(protectpublictrust.org\)](#).pdf. 316 O

I appreciate your dutiful attention to this important issue and look forward to the outcome of your investigation.

Sincerely,

Michael Chamberlain
Director
Protect the Public's Trust
Michael@protectpublictrust.org