

Message

From: Bromberg, Kevin L. [kevin.bromberg@sba.gov]
Sent: 3/20/2018 1:39:26 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Christopher Zarba
Subject: RE: Chris Zarba Lunch

Confirmed. Let's check back again - mid week.
Kevin

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Tuesday, March 20, 2018 7:43 AM
To: Christopher Zarba; Bromberg, Kevin L.
Subject: RE: Chris Zarba Lunch

Ok. I've penciled in the 13th. Lets see if it sticks!

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSP
P: 202-564-1273

Ex. 6

beck.nancy@epa.gov

From: Christopher Zarba [mailto:Christopher.Zarba@epa.gov] **Ex. 6**
Sent: Monday, March 19, 2018 7:25 PM
To: kevin.bromberg@sba.gov
Cc: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: Re: Chris Zarba Lunch

I will give you a call tomorrow on the conflicts issue. The 13th works for me. Belize was wonderful. Got buckets of lion fish, had a close encounter with a huge shark, got lots of running in and the weather was perfect.

On Mar 19, 2018, at 4:34 PM, Bromberg, Kevin L. <kevin.bromberg@sba.gov> wrote:

Nancy and Chris : How about Friday April 6 or 13 for lunch? Chris – hope you had a nice vacation in Belize.

Chris, I've got a question about conflict of interest and public positions – if you don't mind calling me. I'm in office tomorrow (202-205-6964) or working from home today **Ex. 6** See text below.

Hope to see you all soon.

Kevin

From 2015 OIG report <https://www.epa.gov/sites/production/files/2015-09/documents/20130911-13-p-0387.pdf>:

Disagreement OIG Recommendation No. 4:

Designated Agency Ethics Official (see Endnote 1) to provide clarification or instruction to Deputy Ethics Officials for assessing whether public statements create an appearance of a lack of impartiality with respect to when the statements were made and the expert's role at the time of the statement.

Agency's Response: Pursuant to 5 CFR § 2638.203, the DAEO is responsible for managing the Agency's ethics program, including ensuring that EPA employees adhere to the conflict of interest statutes set forth in Title 18 of the United States Code and to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635. The Standards of Ethical Conduct include, at 5 CFR Part 2635, Subpart E, specific provisions for "Impartiality in Performing Official Duties." The OIG recommendation falls outside the purview of federal ethics. These regulations set forth the standard that an employee is responsible, in the first instance, or identifying whether any of his "covered relationships" will cause a reasonable person with knowledge of the relevant facts to question his ability to carry out his official duties with respect to a specific party matter impartially. Typically, the SAB does not deal with "specific party" matters but rather with matters of general applicability. Further, a public statement does not fall within the "covered relationships" set forth at 5 CFR 2635.502, and therefore OGC ethics is not the responsible party overseeing these decisions. From a policy perspective, however, when an individual has made public statements about a matter that will be considered by the advisory panel that may raise a concern about whether the individual has an open mind. The agency's current Peer Review Handbook recommends that staff avoid selecting people for a peer review if they have publicly expressed an opinion on the matter to be considered by the peer review. The Handbook also acknowledges the challenge of selecting advisory committee members who have the requisite experience or technical expertise and who have not made public statements. For this reason, the Handbook allows EPA the discretion to decide to include members who have made public statements.

Kevin

From: Beck, Nancy [<mailto:Beck.Nancy@epa.gov>]
Sent: Friday, February 02, 2018 10:41 AM
To: Bromberg, Kevin L.; Zarba, Christopher
Subject: RE: Chris Zarba Lunch

Always happy to join if I can make it work. Fridays are best for me. I'm presuming it will have to be after Chris' fabulous Belize trip.

IRIS not so interesting to me—gotta keep my focus on TSCA, but I would come for the company.
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273

Ex. 6
beck.nancy@epa.gov

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Friday, February 2, 2018 10:31 AM
To: Zarba, Christopher <Zarba.Christopher@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; **Ex. 6**
Subject: Chris Zarba Lunch

Chris' email : **Ex. 6**

Nancy – I would love in a few weeks to have lunch with you and Chris to discuss IRIS and other issues.. I know you just had lunch with Chris – but I know it would be fun for us to get together again.

Next week, I'll try to suggest some dates if you'll agree – otherwise I'll just meet with Chris.

Best,
Kevin

<image001.png> Kevin Bromberg

Assistant Chief Counsel for Environmental Policy

<image002.png> SBA // Office of Advocacy

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