

**Kington, Raynard (NIH/OD) [E]**

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**From:** Schwartz, David (NIH/NIEHS)  
**Sent:** Friday, June 15, 2007 8:31 PM  
**To:** Kington, Raynard (NIH/OD) [E]  
**Cc:** Jaffe, Holli Beckerman (NIH/OD) [E]  
**Subject:** RE: Wallace and Graham Outside Activity

**Sensitivity:** Confidential

Raynard. I understand and respect your decision. David

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**From:** Kington, Raynard (NIH/OD) [E]  
**Sent:** Friday, June 15, 2007 4:29 PM  
**To:** Schwartz, David (NIH/NIEHS)  
**Cc:** Jaffe, Holli Beckerman (NIH/OD) [E]  
**Subject:** Wallace and Graham Outside Activity  
**Sensitivity:** Confidential

David:

As we discussed, your outside activity with Wallace and Graham raises concerns with members of the NEAC, myself, and Elias. While the activity is permissible as a form of private clinical practice and was approved as such, it continues to create an appearance of a conflict of interest with your responsibilities as Director of National Toxicology Program, a position that includes involvement in a regulatory process. I believe that as Director of NIEHS and NTP, your activities are subject to greater risks of an appearance of conflict than most other directors. I acknowledge your expertise as a physician who specializes in environmental lung disease predates your NIH tenure; however, the appearance of misuse of government position becomes greater the longer you serve as Director of the NTP (and NIEHS) and the further you move away from your previous work in academia. While I in no way suggest that you would intentionally use your position inappropriately, in processes such as those involved in this outside activity, you may have little control over the extent to which your position will be exploited by others in the context of these clinical cases.

I conclude that the risk to the integrity of the agency's programs caused by your continuation of this activity is too great. Thus, I am disapproving your request to continue to engage in this activity. You explained, however, that in anticipation of an approval of your request (based on prior approvals), you have upcoming examinations already scheduled for later this month. In order to allow you to responsibly conclude this activity and honor your previous commitments, you are approved to continue this outside activity until the end of this month. Your approval period, therefore, is June 16, 2007 until June 30, 2007.

Raynard

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