

Congress of the United States
Washington, DC 20515

July 28, 2020

The Honorable Andrew Wheeler
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20004

Dear Administrator Wheeler,

We write you today with grave concern over President Trump's statement that nearly 1,000 American Federation of Government Employee (AFGE) scientists and engineers of Local 704 were to report to their federal offices as early as July 21, amidst the continuing COVID-19 pandemic.

Currently, EPA employees are still teleworking. But EPA's return-to-office plan will soon force employees into the Metcalfe Building while unsafe conditions related to COVID-19 persist and cases continue to rise around the nation. On May 28, the Center for Disease Control (CDC) released a statement that the number of people in the United States who have died to COVID-19 surpassed 100,000. As this number continues to grow, it is essential that EPA employees are not forced to return to their offices if the current protocol lacks the health and safety precautions needed.

We were informed by AFGE that President Trump's EPA leadership congratulated EPA workers on the amount of work they were able to complete between March 16 to June 5 while teleworking. With such a statement, this is not the time to send employees back to their Federal offices when productivity is at an all time high for employees working from home and COVID-19 still ravaging the country. Abruptly stopping or reducing telework for EPA workers increases the exposure path they are currently avoiding. It is also much less efficient. It will require time-consuming protocols for social distancing while entering the office, waiting in line for security, waiting and using the elevator, using office spaces, supplies and equipment, using restrooms and accessing vending and dining supplies and areas. More than 90% of Region 5 employees commute via public transit, where social distancing is not possible.

As you know, on July 1, the Office of the Inspector General (IG) issued a notice of evaluation to review EPA's plans to return employees to their offices¹. The memo states that the "evaluation will examine the measures that the EPA is taking to mitigate agency wide risks as it plans to reopen its facilities for operations¹." The IG has also recently noted that EPA leadership expects 150 EPA facilities to implement extensive cleaning protocols as well as implement contact tracing for a 15,000 member workforce without any increase in full-time staff or budget. To truly protect workers the EPA must wait for the initial investigation done by the IG to determine

¹ https://www.epa.gov/sites/production/files/2020-07/documents/epaig_notificationmemo_7-1-20_covid.pdf

whether the proper protocols are in place, in addition to a substantial amount of funding to maintain new health and safety measures – that’s the bottom line.

We are also concerned with a recent Bloomberg Law report that stated Local 704 scientists discovered that EPA secretly changed its own public health criteria to make it easier for EPA to return workers to federal office buildings². Already, several Federal Agencies have started to bring employees back to the office with varying degrees of precautions – mask wearing, percent capacity cleaning protocols – due to conflicting guidance from White House’s three-phase reopening and the CDC guidelines. The *Times* reported that of the Federal Agencies that have opened, many have been vague and inconsistent with the measures they were told would be taken to keep employees safe and healthy. A union representative stated that he’s heard from several IRS employees would return to a clean office only to find that this was in no way true³. In your role, you should be doing everything in your power to ensure that when there are clear and effective protocols out in place to ensure the health and safety of your employees for when they return to the office.

In a letter sent on June 17, Senator Duckworth requested further guidance and clarification on the EPA’s plan to reopen⁴. With still no response, we respectfully request answers to the previous questions brought up by Senator Duckworth as well as the following:

1. In accordance to President Trump’s three-phase reopening plan, what phase guidelines does the EPA intend to start at?
2. Will EPA offices be thoroughly cleaned and set up so that when employees return they maintain safe social distancing and health and safety protocols?
3. Will you require EPA employees to wear masks while in the office?
4. Will you wait to have employees return until the Inspector General has completed his report on the Federal guidelines for reopening?

Please respond, electronically, no later than August 11. Thank you for your time and consideration during these difficult times.

Sincerely,

² <https://news.bloomberglaw.com/environment-and-energy/epa-union-says-agency-has-quietly-changed-reopening-criteria>

³ https://urldefense.proofpoint.com/v2/url?u=https-3A_www.nytimes.com_2020_07_06_us_politics_coronavirus-2Dfederal-2Dgovernment.html-3FreferringSource-3DarticleShare&d=DwIFAg&c=L93KkjKsAC98uTvC4KvQDdTDRzAeWDDRMG6S3YXIIH0&r=QysDNdBf4Pxx_VMa-B5yNjaGC68jnCE79pFhFNLizuU&m=GP-cTsrvYi3h_9k1ltnGsOP0Wu7xbzjuMEGb2lErMWI&s=Gwsk4JVtKEkhiYsnFap6qOvnn7EscZb1cUw0ezWj_s&e=

⁴ <https://www.duckworth.senate.gov/imo/media/doc/20.06.17%20Letter%20to%20EPA%20on%20Enforcement%20and%20Reopening.pdf>


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