



## NATIONAL COUNCIL OF EPA LOCALS #238

Gary Morton  
*President*

Natasha Greaves  
*Executive Vice President*

June 8, 2020

The Honorable Andrew Wheeler  
Office of the Administrator  
Mail Code 1101A  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Wheeler:

On Friday, June 5th, two Regional Administrators, in Boston and Dallas, reversed course and announced that their Regional offices would not be reopening under Phase 1 of the OMB/OPM Guidance. We thank the Agency for reconsidering the opening of these two Regional offices, demonstrating the Agency's concern for its workers and acknowledging the real threat that is the COVID-19 virus. Even so, AFGE Council 238 remains troubled by the continued failure of the Agency to be transparent with its gating calculations, to work with the Union on reopening plans, and to account for the corrosive effect such EPA management announcements of the each office's gating "status" can have on employee morale and mental health.

AFGE Council 238 is calling on EPA to place an immediate moratorium on reopening any regional office until the impacts of the COVID-19 pandemic are more predictable. Currently, the impacts of recent events on virus spread are unknown - we have yet to understand: (1) the scientific basis for the recent uptick in cases as documented by the *New York Times*, (2) the impact on viral spread of the recent reopening of state economies, and, (3) the effects of the gathering of crowds from the marches protesting the murder of George Floyd.

Since the earliest days of the COVID-19 pandemic, experts advised the Trump administration to quickly implement public health strategies, including testing, that would identify how many people in a community are actually infected with the COVID-19 virus, and facilitate our ability to make science- and public-health-based decisions about how and when to ease or contract social-distancing. Without a national testing strategy and widespread testing, a key piece is missing for our understanding of how and where the virus is spreading.

Despite the flaws identified by our science leaders, EPA and the Trump Administration have started implementing a convoluted plan for EPA employees to return to office settings to conduct our non-public-facing work. This plan does nothing to help reopen the economy, but instead simply requires employees to crowd onto public transit and self-screen as they enter office buildings to essentially telework remotely at their desks.



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Before EPA workers are required to make the dangerous trip back to offices - which management has informed Regions 4, 6 and 10 could be as early as mid-July – the basis must be disclosed to the union. We are asking the Agency to release its calculations and the underlying data that leads EPA to conclude that it is safe for EPA workers to return into offices. The lack of transparency does not build trust in our Agency of scientists, data-crunchers, and risk-assessors.

One has to ask, what is the point of starting down the gating road at this juncture? The Agency is going through the expensive, labor-intensive exercise of devising rules of conduct and procedures to purportedly afford employees a safe return into offices when in fact no EPA regional office can come even close to meeting the CDC guidelines. Those guidelines recite at the outset that workers should be allowed to telework from home to the maximum extent possible. For the few employees who need access to regional offices, safe access can be afforded for them without broad implementation of reopening plans that cannot satisfy CDC guidelines.

Let's stop the rush to reopen EPA offices. Taking one step forward, two steps back, is playing a callous game with people's lives - it simply isn't prudent to rush to reopen offices when the stakes are so high. What does make sense is to stop, reassess, and make a realistic evaluation, in conjunction with the unions, of what EPA work actually needs to be conducted in an office setting and how that occupancy can be made safe and meet CDC guidelines. Current plans should also be modified to account for the variation in data due to the lack of a national testing strategy and the inevitable resurgence of COVID-19 spread as state economies start to re-open. EPA's credibility and EPA workers' health are on the line - it makes sense to get it right.

Sincerely,

Gary Morton  
President, AFGE Council 238