

Congress of the United States
Washington, DC 20515

September 3, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1301 Constitution Ave., N.W.
Washington, DC 20460

Dear Administrator Wheeler:

As the COVID-19 pandemic continues to rage on nationwide, we are deeply concerned with reports we are hearing that the U.S. Environmental Protection Agency (EPA) is moving forward with reopening government facilities in Michigan.

Last December, we wrote to you concerning the EPA decision to close the Large Lakes Research Station on Grosse Ile, Michigan, and one of the issues we brought to your attention was the health and safety of the working conditions for staff that was moved into prefabricated offices inside the West Soak warehouse in Ann Arbor. Employees have been raising concerns about adequate ventilation and air quality standards in the workspaces since last fall. Those concerns have dramatically increased with the COVID-19 pandemic.

It is our understanding staff and regional management recently met and had a productive discussion about social distancing, air quality, and ventilation in the offices. What was not discussed was that on the same day, the Ann Arbor office was moved to Phase 2 reopening. While EPA Phase 2 guidance says telework is still available during Phase 2, this rush to reopen offices could result in moving to Phase 3 with employees ordered to return to the office in as little as two weeks.

With this change in facility status, we ask that you provide complete answers in writing to the following questions:

1. According to the EPA's dashboard, its own gating Criteria 2 has not been met, and the area around the Ann Arbor facility is experiencing a high rate of infections still. What specific data did EPA use to decide to move the office to Phase 2?
2. With Michigan's 7-day moving average for daily cases at 804 the day after the announcement to enter Phase 2 and the State's fatality rate increasing, why is the Ann Arbor office moving to Phase 2?
3. The announcement moving the office to Phase 2 stated that city, state, and county requirements were included in the decision making. Under Michigan's June 1, 2020, [Executive Order 2020-110](#), any work that is capable of being performed remotely must

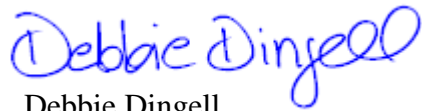
- be performed remotely. Failure to follow an executive order is a misdemeanor. Will you require staff capable of working remotely to do so until the executive order is lifted?
4. EPA and AFGE are entering negotiations on Phase 3. Will you commit to not moving any EPA office into Phase 3 until those negotiations are fully complete?
 5. The Office of Inspector General (OIG) of the EPA has announced an evaluation of the EPA's response to the White House's Guidelines for Opening Up America Again. Specifically, the evaluation will examine the measures that the EPA is taking to mitigate agency-wide risks as it plans to reopen its facilities for operations. Will you commit to not moving any EPA office into Phase 3 until that evaluation is complete and to implement all OIG recommendations?
 6. Inside the fabricated offices in Ann Arbor there is only a narrow isle way and two entry points. What steps are being taken so employees can safely maintain a 6-foot social distance recommended by the CDC?
 7. What are the Ann Arbor office protocols for employees who test positive for the virus?
 8. What steps are being taken to accommodate employees with childcare responsibilities at home?
 9. What steps are being taken to accommodate employees who are at increased risk, live with someone at increased risk, or may come in contact with family members at increased risk? Please include EPA's plan to mitigate the increased risk and fatality rates for Black and Brown people to ensure our Agency's Black and Brown workers are not disproportionately represented in agency infection and fatality rates in Phase 3.

We would also emphasize the disproportionate effect this pandemic is having on Black and Brown communities. Workers of color in EPA's offices often commute using public transportation, exposing those scientists and engineers to added risk. The data shows Black and Brown Americans are more likely to be infected and more likely to die from COVID-19 than White Americans. Forcing EPA employees to return to work prematurely disproportionately exposes Black and Brown employees to infection. Additionally, we ask that EPA takes steps to proactively address racial disparities, including acting on AFGE 704's request for Region 5 senior management to meet with the Decolonization Committee to talk about inequalities in racial justice among EPA staff.

While we welcome EPA's decision to end its temporary COVID-19 nonenforcement policy and return to upholding the law and keeping companies accountable, especially in environmental justice communities that are disproportionately affected by pollution and COVID-19, it is essential to protect the health of EPA staff so they can carry out EPA's mission to protect public health and the environment.

Rushing to reopen offices when social distancing would prevent meetings and collaborations brings only risk without benefit—this is an unnecessary risk that puts EPA employees in danger and, ultimately, could negatively impact all Americans. Thank you for your consideration of this important request and we look forward to your timely response.

Sincerely,



Debbie Dingell
Member of Congress



Rashida Tlaib
Member of Congress