

**Congress of the United States**  
**Washington, DC 20515**

September 28, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington D.C. 20460

Kurt Thiede  
Region 5 Administrator  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

Dear Administrator Wheeler and Regional Administrator Thiede:

We write to you both with serious concerns after learning, in its rush to reopen facilities, the U.S. Environmental Protection Agency (EPA) and EPA Region 5 management have outlined specific preconditions that would limit important workplace safety measures from inclusion before the collective bargaining process can begin.

Federal agencies have a duty to protect all its employees equally. We, therefore, strongly urge you to remove all preconditions from the union in bargaining COVID-19 safety measures for the EPA Region 5 workforce, and to allow the union to bargain to protect the first responders working specifically out of the EPA office in Ann Arbor.

In an email sent on September 21, 2020, Nicole Patterson, the EPA's Acting Director of Labor and Employee Relations Division, said management will only agree to move forward with local level negotiations, if AFGE agrees to exclude the following matters from local negotiations between EPA Region 5 and AFGE Local 704:

- All matters pertaining to local level Ann Arbor negotiations;
- All matters pertaining to Mass Transit;
- All matters pertaining to Fitness Center not owned or managed by EPA;
- All matters pertaining to Shower Facilities not owned or managed by EPA;
- Matters pertaining to Cubicles and Offices; and
- All matters related to an Activities Center (which EPA claim it is unaware of any Activity Center in its controlled space).

Additionally, EPA management has told American Federation of Government Employees (AFGE) it "does not have the authority to engage in negotiations for facilities under the control of other entities or organizations." It is our understanding EPA Region 5 took a very different position when it closed the EPA Grosse Ile office and moved all of its employees to Ann Arbor. When staff was notified by EPA Region 5 they were being moved to Ann Arbor the notification provided AFGE the opportunity to bargain.

It also is our understanding the agreement signed between AFGE 704 and EPA Region 5 related to the Ann Arbor office provided for air and water testing, ventilation survey, that all

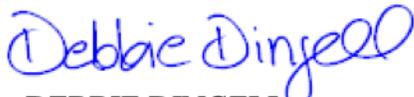
common areas would be handicap accessible, that vehicle loading and unloading would be adjacent to storage areas, inspections and surveys would be conducted to ensure standards were met, space would be provided to store emergency response and other gear, workstations would meet EPA workstation standards, there would be secure and free parking for privately-owned and government vehicles, access to conference rooms, bathrooms, and break areas would be provided, the union could participate in the selection of office equipment, supplies, portafab configuration, colors, and buildout, and Wi-Fi would be provided.

It is our understanding EPA management and AFGE 704 have bargained multiple times over issues that affect EPA Chicago employees in General Services Administration (GSA) space, including the turnstiles that were put in for ID readers and the carpeting replacement.

As EPA employees carry out its mission to protect the environment and the health of all Americans, we have a shared responsibility to protect the health and safety of this treasured federal workforce. Preconditioning the bargaining process of COVID-19 safety on excluding some employees while agreeing to protect others is an abdication of EPA and Region 5's duty to protect all its workforce.

All employees deserve the same workplace protections, and we are calling on EPA leadership to remove all restrictions on union bargaining immediately. Thank you for your attention to this important matter.

Sincerely,



DEBBIE DINGELL  
Member of Congress



DANIEL T. KILDEE  
Member of Congress



RASHIDA TLAIB  
Member of Congress



ANDY LEVIN  
Member of Congress



Brenda Lawrence  
Member of Congress



ELISSA SLOTKIN  
Member of Congress



HALEY STEVENS  
Member of Congress