

Congress of the United States

Washington, DC 20510

June 10, 2020

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

Dear Administrator Wheeler:

We write to express our concerns regarding the Environmental Protection Agency's (EPA) decision to reopen its Region 10 office and begin a "phased" return of employees without a clearly articulated plan to provide for worker safety. Washington state has continued to see high rates of infection throughout the COVID-19 pandemic, making ensuring the health and safety of workers transitioning back to in-person duties of the utmost importance. Additionally, the Federal Government must act as a model employer and has a responsibility to uphold the rights and protections of the individuals it employs, including faithfully discharging its obligations to bargain with any union those employees chose to join. The issue presented here touches on both of those concerns.

The State of Washington has now begun its Safe Start reopening plan, which mandates specific protective measures to ensure both employee and public safety depending upon a county's specific data.¹ On June 5, King County was cleared to enter a modified Phase One reopening.² The requirements of Phase One reopening prioritize health and safety and serve as a guide to guarantee a responsible transition back to some semblance of normalcy. Any reopening must be conducted in a manner consistent with public health expertise and local and state guidelines, laws, and regulations. To date, EPA has detailed no specifics concerning its planned regional reopening efforts.

Additionally, we are troubled by reports that EPA is refusing to bargain with its employee's union, the American Federation of Government Employees Council Number 238, over health and safety measures. That a Federal Agency would refuse to bargain with its employees over such a core matter as employee health and safety is itself alarming, but when the agency in question is one charged with guaranteeing the health, safety, and protection of our environment, it is especially worrisome.

¹ Safe Start – Washington's Phase Reopening - May 29, 2020, *available at* https://www.governor.wa.gov/sites/default/files/Safe%20Start%20%20Washington%20Phased%20Reopening_FIN_AL.pdf.

² King County Executive Office, Executive Constantine announces plan to re-open limited business activity in COVID-19 recovery, *available at* <https://www.kingcounty.gov/elected/executive/constantine/news/release/2020/June/05-phase-covid-re-opening.aspx>.

We urge you to exercise your authority at EPA in a safe and diligent manner to meaningfully address the concerns of Region 10's employees. Our nation stands at a unique moment in time and previously mundane acts of simply going into a public building can now have profound repercussions. Failing to bargain with your own employees is a step in the wrong direction at any time, but particularly now.

Thank you for your immediate attention to this matter.

Sincerely,

Patty Murray
United States Senator

Pramila Jayapal
Member of Congress

Maria Cantwell
United States Senator

Rick Larsen
Member of Congress

Derek Kilmer
Member of Congress

Adam Smith
Member of Congress

Suzan K. DelBene
Member of Congress

Kim Schrier, M.D.
Member of Congress

Denny Heck
Member of Congress