

Eric Bunn Sr.
National Secretary-Treasurer

Dr. Everett B. Kelley
National President

Jeremy A. Lannan
NVP for Women & Fair Practices

March 22, 2024

The Honorable Michael S. Regan, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building North
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Dear Administrator Regan:

On behalf of the more than 750,000 federal and District of Columbia employees represented by the American Federation of Government Employees, AFL-CIO (AFGE), including the EPA employees represented by AFGE Council 238, I write with some urgency to bring to your attention the dire situation that exists at this moment between the union and EPA management.

In stark contrast to not only the rhetoric but also to the actions of the Biden Administration and its strong commitment to unions and the collective bargaining process, I am told that EPA management is using the most extreme anti-union, scorched earth tactics as they threaten to unilaterally terminate our contract at its current expiration date.

Such a move would, of course, lead to litigation. However, it would also be understood as a harsh anti-union statement on the part of EPA and essentially destroy any goodwill that remains between EPA management and AFGE's bargaining unit employees.

We are startled by this Trumpian behavior and ask that you intervene immediately to instruct your representatives to act in accordance with the Biden Administration's executive order 14003 which states in "Sec. 4. Ensuring the Right to Engage in Collective Bargaining." that "the head of each agency subject to the provisions of chapter 71 of title 5, United States Code, shall elect to negotiate over the subjects set forth in 5 U.S.C. 7106(b)(1) and shall instruct subordinate officials to do the same." President Biden's executive order 14025 likewise states "it is the policy of my Administration to encourage worker organizing and collective bargaining," not to mention the most recent pro-union executive order released just two weeks ago on collaborative labor-management forums which states "Labor-Management Forums provide an opportunity for managers, employees, and employees' union representatives to discuss how Federal Government operations can promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government" which also *requires agencies to report to OPM on their success or plans for full implementation of executive order 14003.*

Threatening to act unilaterally, and refusing to allow the current contract to remain in effect while a new agreement is negotiated violates both the spirit and letter of President Biden's executive orders. In fact, it could not be further from your agency's obligations under executive order 14003. It is also a profound insult to the hardworking employees of the EPA who have demonstrated their strong commitment to carrying out the mission of the agency and who want only to negotiate an agreement that is in the best interests of both employees and management.



Please treat this letter with the utmost urgency. AFGE wants strong, positive labor-management relations and your management is currently making that impossible. Please intervene and tell those who represent you at the bargaining table to abide by the President's executive orders and act with the decency these executive orders order.

I will be happy to discuss this further with you. I can be reached through my assistant Ms. Ashanti Washington at 202-639-6455.

Sincerely,

A handwritten signature in black ink that reads "Everett B. Kelley". The signature is written in a cursive style with a large, sweeping flourish at the end of the word "Kelley".

Everett B. Kelley
National President