

Congress of the United States
Washington, DC 20515

September 2, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Perdue:

We are writing to express our grave concerns about the USDA's plans for reopening its offices in the National Capital Region. To date, we have heard from employees, including the nearly 400 employees of USDA's Food and Nutrition Service (FNS) National Office, who are very concerned that the agency is pursuing a rushed and flawed plan that will require employees to return to their offices without sufficient safety protocols in place and without sufficient certainty being provided to the employees who will be impacted. In light of these concerns and the troubling information that we have received about the agency's reopening plans to date, we ask that the agency pause its current, dangerous reopening plans and work with employees to reach a clear and science-driven agreement that puts their safety first.

First, based on information we have received, it appears that USDA's current plans are insufficient to ensure the safety of employees in the workplace, and deviate in key ways from public health protocols and common sense based on what we know about the transmission of the virus. As just one example, it appears that the agency does not plan to directly notify employees if there has been a positive COVID-19 test at their worksite – instead, promising to place information on an intranet site. Additionally, the agency has stated that it will not provide temperature checks at entry or on-demand COVID-19 tests for employees in the office. These approaches are clearly not acceptable given the serious public health risks for this respiratory virus, which can be transmitted easily within enclosed indoor spaces. Additionally, USDA's plan for the Office of Safety, Security, and Protection (OSSP) to conduct contact tracing for employees who test positive (covering the three days prior to their positive test) appears to both deviate from the CDC's expert guidance on contact tracing and raise concerns given that it is not clear whether OSSP has the appropriate public health skill set to be charged with this important task. Other logistical issues appear to have simply not been thought through fully, such as how hundreds of employees will be able to enter and exit USDA buildings each day with severely limited elevator capacity (due to social distancing).

Moreover, the agency's plans appear not to provide sufficient clarity and flexibility to employees with specific concerns. While high-risk employees may seek reasonable accommodations under agency guidance, employees 65 or older, recognized by the CDC as high-risk, are explicitly excluded from such flexibilities by USDA. Additionally, employees who live with high risk family members may be recalled to the office and are being provided with no clear flexibilities (e.g., 100% telework) in Phase 3 of the reopening. Likewise, employees who rely on public transportation to commute to the office (a high risk activity during a pandemic) and employees

who have unexpected care-giving responsibilities due to COVID-19 facility closures appear to have no clear options available to them. Indeed, the agency's guidance does not appear to assure these individuals any flexibilities at all. Rather, much of the agency's guidance appears to place the responsibility on employees to work with their individual managers to attempt to secure accommodations. This is a public health crisis where we all must work collectively to ensure safety in our workplaces and other public spaces. Accordingly, it is clearly ill-suited to leaving accommodations up to individual managerial discretion. The Federal Government has a responsibility as a model employer to show American businesses how to safely reopen in the face of the ongoing pandemic. The agency's plans thus far do not live up to that responsibility.

Finally, a rush to require employees to return to offices in a way that puts them at unnecessary risk seems wholly unneeded. As we understand it, the Secretary and high-level agency officials have repeatedly lauded USDA employees for their success in conducting their work and providing exemplary levels of customer service while working remotely since March. Much of that work has centered on implementing programs to assist the American people in this unprecedented time of both economic and public health crisis and is vital to helping people across the country continue to weather this pandemic.

In light of these many concerns, we would ask that the agency suspend its dangerous and insufficient plans to reopen its offices and take the time necessary to develop a safe and science-based reopening plan that addresses employee concerns. Such a plan should give certainty to employees and carefully consider all logistical aspects of reopening. Only after such a plan has been developed with employee feedback, should the agency consider moving forward and reopening its offices fully.

Sincerely,



Jennifer Wexton
Member of Congress

_____/s/_____

Steny H. Hoyer
Member of Congress

_____/s/_____

Gerald E. Connolly
Member of Congress

_____/s/_____

Eleanor Holmes Norton
Member of Congress

_____/s/_____

Jamie Raskin
Member of Congress

_____/s/_____

Donald S. Beyer Jr.
Member of Congress

_____/s/_____

David Trone
Member of Congress

_____/s/_____

Anthony G. Brown
Member of Congress

_____/s/_____

John P. Sarbanes
Member of Congress