PROTECT CHILDREN'S HEALTH AND PUBLIC SAFETY – NO CUTS TO EPA

March 10, 2025

The Honorable Lee Zeldin, Administrator U.S. Environmental Protection Agency 1200 Pennsylvania Avenue Washington, D.C. 20460

Dear Administrator Zeldin:

On Friday, February 14, 2025, your agency fired almost 400 EPA employees, after previously placing approximately 170 employees on administrative leave. ¹ A decision to implement a broad workforce firing immediately undermines EPA's ability to carry out its mission to protect public safety and fulfill core legal obligations. ² The undersigned organizations are writing to express serious concern about attacks on EPA's workforce and resources that would be an ambush on public safety and would be particularly dangerous for children's health.

It is unclear what basis EPA could have for the claim in its emails to the fired employees that every one of them "failed to demonstrate fully [their] qualifications for continued employment." Instead, it appears that the February 14 firings are part of a sweeping effort led by the DOGE arbitrarily seeking to cut the federal workforce, as discussed in Executive Order 14210. Such actions threaten public safety. Firing staff who work on reducing exposures to toxic pollutants and chemicals would be harmful to all Americans. This would constitute a direct attack on children's health – as children are the most vulnerable to these chemical exposures. If you intend to follow the law and fulfill your promise to protect clean air, land, and water, 4 you must not direct or allow any such arbitrary firings. Instead, you must ensure that EPA has the staffing and resources it needs to meet all of its legal duties on time and to achieve the health and environmental goals set by Congress.

You are on notice that EPA has many outstanding statutory and court-ordered obligations. EPA has no discretion to neglect its mandatory duties and responsibilities under the Clean Air Act, Toxic Substances Control Act (TSCA), Clean Water Act, Food Quality Protection Act, Federal Insecticide, Fungicide, and Rodenticide Act, and other bedrock federal environmental, health, and safety laws. Significant examples of such duties include required rulemakings and standard-setting for toxic and other harmful air pollutants known to cause cancer, reproductive harm, birth defects, lead poisoning, heart attacks, asthma, and other chronic and acute illnesses. EPA's Office of Air and Radiation recently committed to EPA's Office of Inspector General that it would develop and implement a strategy to timely meet binding legal

¹ EPA fires 'probationary' employees - E&E News by POLITICO

² Our Mission and What We Do | US EPA

 $^{^3}$ Id.

⁴ EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative | US EPA

⁵ See, e.g., 42 U.S.C. §§ 7409(d), 7410, 7411(b), 7412(d), (f).

deadlines for overdue air toxics rules, especially needed to protect children's health. EPA must follow through.

As another example, TSCA requires EPA's Office of Chemical Safety and Pollution Prevention to adopt rules to eliminate unreasonable risk from nine chemicals for which the agency has already found a serious risk of cancer, birth defects and other harms. EPA must perform scientific research and review, enforce, and provide essential technical assistance to implement important health protections for children and families. The American people need EPA to do its job to address and reduce exposure to lead and PFAS in drinking water, pesticides and other toxic chemicals, to ensure toxic waste and brownfield site cleanups move forward promptly, and to protect communities and workers in harm's way from industrial chemical disasters and other environmental and health emergencies.

Even before the firings on February 14, the agency had represented that it lacks the resources it needs to meet its statutory obligations – *i.e.*, that it needs more resources to do its job, not fewer. EPA has a responsibility to ensure it hires and retains the staff and the resources necessary to meet these obligations. Eliminating staff whose work is vital to fulfill public health duties – across program, headquarters, and regional offices – would delay and undermine health protection, flout the law, and show that EPA is seeking to avoid its duties rather than working diligently to satisfy them. Staff working across all EPA offices are essential to meet EPA's obligations – including your legal duties as Administrator. Employing a sufficient workforce of career staff is vital to advance EPA's core mission to protect public health and the environment. 9

EPA must promptly confirm that it has not fired and will not fire any employees needed to protect health and safety – including those working on the issuance, oversight, implementation, or enforcement of any air, water, waste, chemical safety, or other health and safety standards, and those required to meet statutory or court-ordered deadlines or otherwise satisfy federal law and advance the goal of children's health and other statutory purposes. EPA must demonstrate that it is not using any personnel actions as a way to try to avoid fulfilling its legal obligations to protect health and the environment. Please respond to Patrice Simms, Vice President of Litigation for Healthy Communities, Earthjustice by return email or mail ¹⁰ by March 17, 2025 to confirm that: EPA has not implemented and will not implement in the future any actions to reduce, remove, or weaken the workforce of EPA employees performing or supporting the performance of any mandatory duties under federal law or advancing protections for public health and safety, including for children's health.

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⁶ EPA Response to Final Report: "The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews" – Report No. 22-E-0026, March 30, 2022

⁷ 15 U.S.C. § 2605(c)(1); EPA, Ongoing and Completed Risk Evaluations under TSCA (table), https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/ongoing-and-completed-chemical-risk-evaluations-under. See also U.S. Gov't Accountability Office, EPA Chemical Reviews: Workforce Planning Gaps Contributed to Missed Deadlines (2023), available at https://www.gao.gov/products/gao-23-105728.

⁸ EPA 2024 Budget In Brief at 19, 21, 81 (Mar. 2024) (more full time staff needed to rebuild "core capacity").

⁹ EPA Organization Chart | US EPA

¹⁰ Mailing address: 1001 G St., NW, Suite 1000, Washington, DC 20001.

Sincerely,

Earthjustice

350 Bay Area Action

350 Hawaii

7 Directions of Service

AFGE

AFGE Council 238

AFGE Local 704

Air Alliance Houston

Alaska Community Action on Toxics

Alliance for the Great Lakes

Alternatives for Community and Environment, Inc.

Animals Are Sentient Beings, Inc.

Arise for Social Justice

Bend the Curve

Beyond Pesticides

Beyond Plastics

Black Women for Wellness Action Project

Bluewater Valley Downstream Alliance

Breast Cancer Prevention Partners

Breathe Project

Buka Environmental

California Communities Against Toxics

Camden for Clean Air

Center for Environmental Health

Center for Progressive Reform

Citizens Campaign for the Environment

Clean Air Action Network of Glens Falls

Clean Air Council

Clean Cape Fear

Clean Water Action

Clean+Healthy

Climate Action Campaign

Climate Conversation Brazoria County

Climate Hawks Vote

Climate Justice Alliance

Coalition on the Environment and Jewish Life

Coming Clean Network

Community for a Cause

Concerned Citizens for Nuclear Safety

Defend Our Health

Del Amo Action Committee

Don't Waste Arizona

Earth Ethics, Inc.

EARTHDAY.ORG

Ecology Center

EcoMadres

Elders Climate Action

Endangered Species Coalition

Environmental Defense Fund

Environmental Integrity Project

Farmworker Association of Florida

Flatley Read, Inc

Food & Water Watch

Friends of the Earth

GAIA (Global Alliance for Incinerator Alternatives)

Global Center for Climate Justice

Green Science Policy Institute

Greenaction for Health and Environmental Justice

Greenpeace USA

GreenRoots

Healthy Babies Bright Futures

Healthy Ocean Coalition

Healthy@Home CHQ

Hudson Riverkeeper

Huntington Breast Cancer Action Coalition, Inc.

Illinois Environmental Council

Inland Ocean Coalition

Kentucky Waterways Alliance

Latino Outdoors

LatinoJustice PRLDEF

League of Conservation Voters

Learning Disabilities Association of NYS

Los Angeles Environmental Justice Network

Maine Unitarian Universalist State Advocacy Network

Massachusetts Public Health Alliance

Matanzas Riverkeeper

Merrimack Citizens for Clean Water

Miller-Travis & Associates

MN350

Moms Clean Air Force

Moms for a Nontoxic New York

Multicultural Alliance for a Safe Environment

NAACP Center for Environmental and Climate Justice

National Environmental Health Association

Nature for All

New Mexico Environmental Law Center

New York Sustainable Business Council

No Safe Level & Cameron Committee for a Safe Environment

Ocean Conservation Research

Oceana

Ohio River Foundation

One Mississippi

P-SNAP (Physician and Scientist Network Addressing Plastics and Health)

Partnership for the Public Good

People Over Petro Coalition

Pesticide Action and Agroecology Network

PfoaProject NY

Physicians for Social Responsibility Pennsylvania

Plastic Pollution Coalition

Rachel Carson Council

Respiratory Health Association

RiSE for Environmental Justice

Rise St. James

Riverkeeper

Safer States

SEE (Social Eco Education)

Sierra Club

Sierra Club Utah Chapter

Sound Resource Management Groups

Surfrider Foundation

Texas Environmental Justice Advocacy Services

The Enviro Show

The Last Plastic Straw

The Public Interest Law Center

Toxic Free NC

Turtle Island Restoration Network

Ubuntu Power Project, LLC

UC Irvine School of Law Center for Land, Environment & Natural Resources

Union of Concerned Scientists

Unitarian Universalists for a Just Economic Opportunity

Unleaded Kids

Utah Physicians for a Healthy Environment

Waterkeeper Alliance

WE ACT for Environmental Justice

West End Revitalization Association

Zero Waste Ithaca