



American Federation of Government Employees (AFL-CIO)
AFGE Local 704
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DATE: August 28, 2024
SUBJECT: Grievance of the Parties
FROM: Nicole Cantello //s//
AFGE Local 704
TO: LaShawn McGrue
Designated Management Official

AFGE Local 704 is filing this Grievance of the Parties on behalf of AFGE Local 704 in accordance with the provisions of the Negotiated Grievance Procedure of the Collective Bargaining Agreement (CBA). This Grievance updates and supersedes the Grievance of the Parties filed on August 26, 2024.

EPA is in violation of Section IA and Section IB of the Health, Safety and Wellness Article of the CBA by failing to take action to provide a workplace free of hazards or a safe and healthful workplace.

On July 30, 2024, the General Services Administration (GSA) sampled water sources in the Ralph H. Metcalf Federal Building. A high percentage of the samples show unsafe levels of Legionella, lead and copper. A description of the sampling and the results is attached.

The Health, Safety and Wellness Article of our Collective Bargaining Agreement states:

Section I. General Agency Locations, Buildings, and Worksites

A. The Agency shall furnish to each employee a place of employment which is free from recognized hazards and provide a working environment consistent with controlling health and safety regulations and laws.

B. When the Agency cannot provide a safe and healthful workspace consistent with Section 1A. above, it will make alternative arrangements which may include temporary relocation of employee(s) or telework/remote work in accordance with those Articles.

Legionella

Recent sampling results have shown high levels of Legionella in drinking water sources in the Metcalfe Building. Most outbreaks of Legionella have occurred in large buildings-- complex

systems allow the bacteria to grow and spread more easily. Most people become infected when they inhale microscopic water droplets containing legionella bacteria, such as a spray from a shower, faucet or whirlpool, or water from the ventilation system in a large building. Because of this, allowing hand washing at sources which may be contaminated with Legionella is unsafe.

Legionella is a workplace hazard. The information on OSHA's website regarding legionella refers to legionella as a [workplace hazard](#). The National Institute for Occupational Safety and Health (NIOSH) [has conducted](#) Health Hazard Evaluations (HHEs) for Legionella.

GSA just released the results of drinking water in the FTC building in the District of Columbia. Sources tested positive for Legionella. As a result, [management required all employees to work at home](#) until the problem could be fixed. Also, in November and December of 2023, Region 5 Lab employees were told to work at home when the Legionella issues arose in the 536 Building.

Legionella in the drinking water of the Metcalfe Building at high levels is a hazard and is not consistent with a safe and healthful workplace.

Lead

Recent sampling results have shown high levels of lead in drinking water sources in the Metcalfe Building. Lead can enter drinking water when plumbing materials that contain lead corrode, especially where the water has high acidity or low mineral content that corrodes pipes and fixtures.

Lead is [harmful](#) to health, and there is no safe level of lead in drinking water. The US legal limit for lead in water is 15 parts per billion. Exposure to lead can cause serious health problems including brain damage, kidney damage, nervous system damage and blood cell interference.

Lead in the drinking water of the Metcalfe Building is a hazard and is not consistent with a safe and healthful workplace.

Copper

Recent sampling results have shown high levels of copper in drinking water sources in the Metcalfe Building.

Acute ingestion of excess copper in drinking water can cause gastrointestinal (GI) tract disturbances and chronic ingestion can lead to liver toxicity in sensitive populations. In 1991, EPA promulgated an MCLG of 1.3 mg per liter (L) for copper in drinking water to protect against adverse GI tract effects.

Copper in the drinking water of the Metcalfe Building is a hazard and is not consistent with a safe and healthful workplace.

I. Requested Relief

The Union has identified the following relief to resolve this grievance:

- A. Shut down all drinking water sources (including prohibiting hand washing) tested or not tested for Legionella until all sources can be shown to be safe or mark each faucet and source as out of use;
- B. Provide alternative drinking water sources for all employees on each floor;
- C. Allow Teleworking Employees to work at their alternative work location until all sources can be shown to be safe;
- D. Provide the Union with weekly updates on the steps to be taken to protect employees, with updates occurring more often as needed;
- E. Convene a Local Health and Safety Committee as required by the CBA;
- F. Fully comply with the CBA;
- G. Pay any damages incurred by the union; and
- H. Any other remedy and damages as justice may require.

Cc: Amy Sanders
Debra Shore