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Congress of the United States House of Representatives

September 23, 2026

Ms. Anne Vogel
Regional Administrator
US Environmental Protection Agency
77 West Jackson Blvd.
Chicago, Illinois 60604

Subject: Congressional Inquiry regarding workplace health and safety hazards at EPA Offices in Chicago

Dear Ms. Vogel,

We write to you on behalf of the Environmental Protection Agency workers in the Region 5, Chicago Office. They have reported a series of health and safety issues at the Ralph H. Metcalfe Building at 77 W. Jackson in Chicago that pose immediate and long-term risks to workers.

As you know, Section 19 of the OSH Act requires that all federal agency heads establish and maintain occupational safety and health programs. Executive Order 12196 directs the Occupational Safety and Health Administration to set basic program rules for federal workers under 29 CFR Part 1960.

Under Section 19 and the Executive Order, federal agencies must inspect workplaces regularly and fix any unsafe conditions quickly. The Metcalfe Building is part of an aging infrastructure that needs more proactive attention to prevent health and safety emergencies. Necessary maintenance on the building must be prioritized.

Further, 2026 is turning out to be the worst weather year on record. Yet the Region has refused to offer Weather and Safety Leave or telework under 5 U.S.C. 6329c and OPM Guidance to help employees cope with the danger that record heat, cold, wildfire smoke, severe storms and tornados have posed to the workers reporting to the Metcalfe Building. 5 U.S.C. 6329c specifically authorizes weather and safety leave when there are an "Act of God" or employees who cannot safely travel to and from the office. Further, federal policy permits unscheduled telework when such events occur, to forestall any effect the event may have on the Agency mission.

As outlined below, the workplace conditions that have endangered employee safety in EPA's Chicago office include flooding, severe heat, severe cold, tornados, heavily polluted air, black

mold, pest infestation, AED failures, legionella/lead contamination and lack of access to 911 calling services.

- Biological Hazards and Pathogens

Staff in Region 5 throughout the Metcalfe building have experienced widespread exposure to the Legionella bacteria and lead in their drinking water. On July 30, 2024, the GSA sampled Metcalfe drinking water and found legionella throughout the building, including in corridor water fountains and a kitchen sink in a childcare area, as well as elevated levels of lead and copper in some parts of the building. Legionella can be spread through inhalation of airborne water particles. There is no recognized safe level of lead in drinking water. Several rounds of follow-up sampling for Legionella and lead did not show the problem had abated in all areas of the building until December 2024. Recently, a federal judge in the nearby Dirksen federal building reported contracting Legionnaires' Disease from water similarly contaminated with legionella. No follow-up sampling for the Metcalfe Building is planned for 2026.

In late 2025, leaks in the 18th floor break room caused a black substance to grow on fixtures associated with the leak. Although the break room was eventually closed, employees were still expected to report to their workstations on the 18th floor outside the break room, even though the presence of black mold was likely and any black mold present would pose an air health risk. The Agency failed to address the problem quickly, leaving employees to breathe in possible toxic mold for nine months. Failure to address black mold growth in a timely manner due to leaking sinks/plumbing on the 18th Floor of the Metcalfe Building, (or award telework while the Agency fixed the problem) shows a profound lack of concern about employee safety. In comparison, a Chicago Public School recently closed when mold was *suspected* in school. EPA itself advises that employees in the private sector be evacuated if mold is present.

In the 536 S. Clark Building (which, as you know, houses Region 5's laboratory), GSA, from March 30-April 10, 2026, attempted to remove some asbestos tiles on the floor of unused lab offices while employees were working in the vicinity. A chemical agent was used to clean the tiles. A negative pressure space was supposed to be created to capture any emissions from the removal. Soon, a noxious smell entered the workplace. Employees reported headaches. After complaints were received by EPA, some situational telework was awarded but only after employees had been exposed for 5 days.

- Extreme Weather and Environmental Hazards

The winter of 2025-26 featured the coldest start to a winter in 12 years with an unusually aggressive early season snow surge. On Nov. 29, 2025, a snowstorm dropped 8.4 inches at O'Hare Airport, setting the record for the snowiest November day in Chicago history. On Jan. 23, 2026, Chicago temperatures hit a low of -11F, with wind chills plunging to -36F. The likelihood of extreme snow and cold events were widely reported in Chicago in the days before the events. Despite clear policies allowing it, no emergency telework or health and safety leave was allowed for these two events.

From June 29-July 3, 2026, the National Weather Service issued an extreme heat warning for Cook County. The heat index value for the day was between 100F and 110F, capping off the second most deadly heat wave in Chicago's history. It was widely reported in the days before that a dangerous and unhealthy heat wave was about to hit Chicago. Despite clear policies allowing or requiring it, the Agency failed to grant weather and safety leave and/or telework during extreme heatwaves.

From July 14-18, 2026, Chicago experienced some of the worst air quality in the world due to wildfire smoke, hitting a hazardous air quality index (AQI) of 600 on July 16, which ranked Chicago #1 on the list of cities with the worst air quality. It was widely reported in the days before the pollution descended on Chicago that dangerous and unhealthy air quality was about to engulf the area. Instead of granting health and safety leave or emergency teleworking, the Agency forced employees to report to work during dangerous, unhealthy air quality.

2026 was the busiest severe weather year on record. 69 tornados have touched down in Chicago, the most in our history. Tornado sirens were heard in Chicago on August 11. The likelihood of severe weather and tornados was known at least 48 hours in advance. Region 5 lacked clear, safe emergency protocols for severe weather events including tornadoes, and failed to grant weather and safety leave or emergency teleworking. When the tornado sirens went off in downtown Chicago, EPA had no plan for sheltering in stairwells or basements, putting employees at risk.

- Safety Infrastructure/Equipment malfunction/Equipment not used

The Automatic External Defibrillators on the 17th floor were nonoperational when employees confronted a severe cardiac emergency on July 2, 2026. After EPA employees who were desperately trying to save a life found broken AEDs on the 17th floor, a frantic search began for an AED that did work. An AED was eventually located, but not after precious minutes ticked by when employees could have been conducting AED-aided CPR on the affected person. Management still has not provided employees with any explanation for why the AEDs on the 17th floor failed. Management has refused to put any information regarding this incident in writing. July 2 was one of the days, alluded to above, where an extreme heat warning was in effect. Extreme heat can trigger or worsen heart failure, and 911 responders are extremely busy, adding to the risk.

The 911 Secure software, installed on EPA computers, should be removed from EPA Region 5 computers and the contract should be cancelled. EPA employees no longer have land lines at their desks. Instead, EPA installed 911 Secure software to force EPA workers to call emergency services on their computers. During the cardiac emergency (described above) employees who tried to use the 911 Secure software to call 911 had difficulty using the program. In the end, a call from a cell phone finally got through to emergency services (even though cell phone service in the Metcalfe building is spotty.) 911 Secure is not designed for emergency situations, as you have to be at your workstation to use it, and it involves multiple steps that create barriers to calling 911. EPA Regions 8 and 9 have been

told not to use 911 Secure, as it rarely works. After the AED emergency event, no additional training was offered to help employees use 911 Secure, and management has not heeded employee complaints about the software.

On June 29, 2026, the 5th and 6th floor of the Metcalfe Building flooded. For several days, fans and other equipment blocked the hallways, impeding emergency routes needed in case of an emergency. Failure to award Weather and Safety leave and/or telework while the Agency fixed the flooding problem caused EPA employees to be put in harm's way.

Region 5's Health and Safety Manager recently retired. Several other health and safety staff have also left the Agency, leaving one employee available to manage the safety of 700-800+ people.

- Ineffective pest control resulting in infestations of bed bugs and cockroaches in work areas.

A bed bug infestation was first found on the 18th floor in July 2025. A second infestation was discovered in May 2026. Both times the Agency asked staff to vacate the cubicles where the infestation was found, but minimal steps were taken to actually address the infestations. No emergency teleworking was granted while a pesticide was applied.

Cockroaches have infested numerous places in the Metcalfe over the last two years, including bathrooms. See attached cockroaches found in plain view in the Metcalfe lobby on June 5th of this year—it was nearly 3 inches long. Cockroaches, both alive and dead, continue to be found in the Metcalfe building on a regular basis. Multiple reports to management have not fixed the problem.

Given the serious nature of these allegations, I request that you review health and safety conditions immediately, and work proactively to plan for health and safety failures and extreme weather hazards. Here are some steps that should be immediately taken:

- All Region 5 staff should be offered training in CPR/First Aid/AED/Bloodborne pathogens and tourniquets.
 - HQ has bimonthly training offerings for CPR/First Aid/AED/Bloodborne pathogens. This training is available to all EPA Headquarters employees. <https://work.epa.gov/calendar/hq-only-aedcpr-training-0>
 - EPA R5 divisions have asked five staff per division to take the training. This is not enough especially since staff have varying schedules and the five staff could be out of the office at the same time.
- Each floor occupied by EPA in the Metcalfe Federal Building and 536 S. Clark Building should have at least two floor wardens (north and south) or whatever level of safety staffing that used to exist pre-COVID.
- EPA Region 5 needs to staff up its Safety Team to pre-COVID levels immediately, hiring more FTEs for these important roles.
 - The EPA Region 5 safety team used to have five FTEs pre-COVID, but as of August 2026, only one staff person is assigned for this role.

- While the hiring process takes time, these positions should be fast tracked so that the Safety Team is fully staffed to support the Region.
- Each floor occupied by EPA in the Metcalfe Federal Building and 536 S. Clark Building should have a Health and Safety Committee that meets quarterly.
 - Staff from each of program should be represented on the committee.
 - The floor H&S Committees should meet quarterly with the R5 Safety Team to share best practices.
- The 911 Secure software should be removed from EPA Region 5 computers, and the contract should be cancelled.
 - On July 2, one of the LCRD staff tried to use the software but it asked for a password.
 - With just minutes to save a life, it is highly unlikely that anyone is going to use the software to call 911.
 - At least three staff used their personal cell phones to dial 911 and ran to the elevators to alert lobby security who used their cell phone to call 911.
 - If staff had relied on the 911 Secure software, the person with the medical emergency might not have survived.
- The new AED equipment that was installed in mid-July 2026 does not clearly and obviously show the date of the last equipment testing similar to the Fire Extinguishers.
 - The AEDs were installed on each floor in a case mounted on the wall. For anyone to see what the testing date, etc. other information, you would need to open the door holding the AED – but that would set off an alarm.
- The Metcalfe Federal Building lobby should have a working and regularly tested AED, and all lobby security staff should be trained in CPR/First Aid/AED/Bloodborne pathogens/tourniquets. Over 30 staff on the 17th floor helped provide life-saving CPR for the July 2nd medical emergency, documented what they saw and listed various health and safety concerns. Those handwritten documents were shared with the Division Director, and no action has been taken on the information that was provided.
- EPA should provide weather and safety leave or telework to those employees who are facing safety risks in the workplace. All EPA employees are telework ready and are equipped to telework at a moment's notice. EPA's mission will not be imperiled by allowing telework. EPA employees have reported that they are more efficient when they work at home.
- EPA should provide more frequent testing for Legionella and lead given the results of the testing in 2024 and reports in other federal buildings of the contracting of Legionnaires' Disease.

Please advise my office in writing of what actions the agency plans to take, whether an on-site inspection or formal investigation will be launched into the failure to grant telework in unsafe conditions, in a timely manner. Thank you for your prompt attention to this urgent matter of worker safety at EPA.

Sincerely,

A handwritten signature in black ink that reads "Danny K. Davis". The signature is written in a cursive, flowing style with a large, prominent "D" and "K".

Danny K. Davis

Member of Congress, IL/7th