Message

**From:** Braxton, Marilyn [Braxton.Marilyn@epa.gov]
**Sent:** 10/5/2021 6:54:35 PM
**To:** Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**Subject:** cabinet report draft

Not sure if you want us to report our vax numbers (1st item)

## COVID-19

- **Past Week Accomplishments and Setbacks/Obstacles:**
  - **Federal employee vaccination rate:** In support of EO 14043, EPA reports the following vaccination rates collected from its Vaccination Attestation Query as of October 4:
    - Number of Feds Notified: 14,886
    - Number of Fed responses: 13,890
    - Number of Fed Fully Vaccinated Responses: 12,984
    - Number of Fed Partially Vaccinated Responses: 182

## SIGNIFICANT EXECUTIVE ORDER (EO) & AGENCY ACTIVITY

- **Past Week Accomplishments and Setbacks/Obstacles:**
  - **Self-assessment of DEIA Practices**: In support of the effort to implement EO 14035, the Office of Mission Support submitted the agency's preliminary assessment of the current state of Diversity, Equity, Inclusion, and Accessibility in the agency's human resources practices and workforce composition to the White House Domestic Policy Council, OPM, and OMB on October 4.

Regards,
Marilyn

**Marilyn A. Braxton**, Chief of Staff
**********
Office of Mission Support, US Environmental Protection Agency
braxton.marilyn@epa.gov | 202-564-8192 | 202-236-3228 (mobile) | WJC North 3330C
Mailing Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Mail Code: 3101A
(Hours: 8:30am – 5:00pm)

*If an OMS-IO staffer has provided excpetional service, please consider submitting a Shooting Star notice.*

OMS OFFICE of MISSION SUPPORT

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MENU

# Vaccinations

## Vaccination Status

### Q: Should agencies inquire regarding the vaccination status of Federal employees and onsite contractors?

A. Given the different safety protocols for individuals who are fully vaccinated and those who are not fully vaccinated, agencies need to ask about the vaccination status of Federal employees and onsite contractors. Employees and onsite contractors must attest to the truthfulness of the response they provide. If an employee or onsite contractor chooses not to provide a response, they will be treated as unvaccinated for the purpose of agency safety protocols. In requesting this information, agencies should comply with any applicable Federal laws, including requirements under the Privacy Act and the Paperwork Reduction Act, and any applicable collective bargaining obligations. When an employee or contractor discloses that they are unvaccinated or declines to complete the attestation, agencies should treat that individual as not fully vaccinated for purposes of implementing safety measures, including with respect to mask wearing, physical distancing, testing, travel, and quarantine.

### Q: Should agencies inquire regarding the vaccination status of visitors to Federal buildings?

A: Visitors to Federal buildings should be asked to provide information about vaccination status. In requesting this information, agencies should comply with any applicable Federal laws, including requirements under the Privacy Act and the Paperwork Reduction Act. Visitors who are not fully vaccinated or who

decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a Federal building.

These requirements related to the provision of information about vaccination and provision of proof of a recent negative COVID-19 test do not apply to members of the public entering a Federal building or Federal land to obtain a public service or benefit. If they are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people.

**Q: Are agencies required to establish different safety protocols for fully vaccinated and not fully vaccinated individuals?**

A: Yes. Fully vaccinated individuals do not need to physically distance, undergo screening testing, or have restrictions on their official travel (although they still must comply with any local requirements and relevant CDC guidance for fully vaccinated individuals while traveling). Fully vaccinated individuals in areas of substantial or high transmission (see the CDC COVID-19 Data Tracker County View) need to wear a mask in public indoor settings. Fully vaccinated individuals in areas of low or moderate transmission do not need to wear a mask.

Fully vaccinated individuals might choose to wear a mask regardless of the level of transmission for a variety of reasons.

Individuals who are not fully vaccinated or who decline to provide information about their vaccination status must wear masks regardless of community transmission level, physically distance, and undergo screening testing weekly or twice-weekly, and their official travel is restricted.

In order to be treated as fully vaccinated pursuant to agency COVID-19 workplace safety plans and protocols, employees and onsite contractors must attest that they are fully vaccinated by signing a form provided by the agency. Visitors also will be asked to provide information about their vaccination status. Individuals who decline to provide information on their vaccination status will be treated as not fully vaccinated for purposes of agency COVID-19 workplace

safety plans and protocols. Visitors who are not fully vaccinated must provide proof of a negative COVID-19 test that occurred within the previous 3 days prior to entry to a Federal building.

Individuals entering a Federal building or Federal land to obtain a public service or benefit do not need to provide information about their vaccination status or provide proof of a negative COVID-19 test. If they are not fully vaccinated, they must comply with all relevant CDC guidance, including wearing a mask.

**Q: What safety protocols should an agency apply to employees and onsite contractors prior to establishing a means of determining vaccination status consistent with this guidance?**

A: Agencies may take a reasonable period of time to establish a program for determining the vaccination status of employees and onsite contractors consistent with this guidance. Prior to an agency establishing such a program, they should continue to utilize their current means of determining the safety protocols that apply to specific employees and contractors.

NEW **Q: How should an agency ask employees about their vaccination status?**

A: Agencies should ask employees to complete the Certification of Vaccination form ("form" or "disclosure form"). By completing the form, employees will provide information about their vaccination status and attest to the truthfulness of that information. Individuals who do not complete the form will be treated as not fully vaccinated for purposes of agency safety protocols.

The Safer Federal Workforce Task Force has produced a template email that agencies should use as a means for contacting employees and distributing the Certification of Vaccination form. For purposes of this email, an "employee" means an employee of the agency, including a current civilian Federal employee or a member of the uniformed services (including a reservist or member of the National Guard on active duty). For those employees who do not have access to email, agencies should determine the best method of distribution.

Agencies are able to maintain these employee disclosures, under the authorities of the Office of Personnel Management's regulations for employee medical files (5 C.F.R. part 293 subpart E) and OPM/GOVT-10, Employee Medical File System of Records, 75 Fed. Reg. 35099 (June 21, 2010), amended 80 Fed. Reg. 74815 (Nov. 30, 2015). Agencies that are not subject to OPM's regulations (or who employ categories of employees not covered by OPM/GOVT-10) must give their employees an alternative Privacy Act statement.

Please note that contractors and visitors will also be asked, under most circumstances, to fill out the Certification of Vaccination form – however, agencies **should not be** collecting and maintaining contractor and visitor disclosures at this time unless an agency has a system of records notice that covers its collection of this information. Please see below for more information concerning visitors and contractors.

NEW **Q: How should an agency ask onsite contractors about their vaccination status?**

A: Agencies should provide onsite contractors with the Certification of Vaccination form when they enter a Federal building or Federally controlled indoor worksite.

Unless an agency has an existing system of records notice that permits it to collect and maintain this information on its contractors, agencies will direct onsite contractors to complete the Certification of Vaccination form and keep it with them during their time on Federal premises—they may be asked to show the form upon entry to a Federal building or Federally controlled indoor worksite and to a Federal employee who oversees their work. Onsite contractors who are not fully vaccinated (or who decline to disclose vaccination status) will either be enrolled in the agency's testing program or required to show proof of a negative COVID-19 test result from within the previous 3 days before entry to a Federal building or Federally controlled indoor worksite.

Agencies may email the form to contractors in advance of their time on-site or utilize a unique tool or application to share the form with contractors and enable them to easily complete it, but the agency will not maintain Certification

of Vaccination forms from contractors at this time unless an agency has a system of records notice that covers its collection of this information from onsite contractors. Any such collection, storage, or maintenance of the attestation disclosure forms may implicate the Privacy Act and Paperwork Reduction Act.

If authorized and consistent with the terms of the contract, an agency may work with a contracting company to facilitate compliance by its onsite employees with the agency's safety protocols, such as by having the company certify that all onsite contractors are fully vaccinated.

NEW **Q: How should an agency ask visitors about their vaccination status?**

A: Agencies should provide visitors with the Certification of Vaccination form when they enter a Federal building or Federally controlled indoor worksite. Unless an agency has an existing system of records notice that permits it to collect and maintain this information on visitors, agencies will direct visitors to complete the Certification of Vaccination form and keep it with them during their time on Federal premises—visitors may be asked to show the form upon entry to a Federal building or Federally controlled indoor worksite. If they are not fully vaccinated or decline to answer, they will be required to show a negative COVID-19 test result from within the previous three days.

Agencies may email the Certification of Vaccination form to visitors in advance of arrival or utilize a tool or application to share the form with visitors and enable visitors to easily complete it, but the agency will not maintain Certification of Vaccination forms from visitors unless an agency has a system of records notice that covers its collection of this information from visitors. Any such collection, storage, or maintenance of the attestation disclosure forms may implicate the Privacy Act and Paperwork Reduction Act.

Individuals entering a Federal building, Federally controlled indoor worksite, or Federal land to obtain a public service or benefit do not need to complete the form or show documentation of a negative COVID-19 test result. However, if they are not fully vaccinated, they must comply with all relevant CDC guidance

and safety protocols, including mask-wearing and physical distancing requirements.

NEW **Q: Should agencies request documentation to verify an employee's vaccination status?**

A: Agencies should not request documentation to verify an employee's vaccination status. If the agency receives a good faith allegation that strongly suggests that an employee made a false statement on the Certification of Vaccination form, the agency may request documentation as part of its investigation into the alleged false statement. If an employee who has attested to being vaccinated exhibits symptoms of COVID-19 illness, the agency should apply its safety protocols, but this is not an appropriate reason to request documentation to verify an employee's vaccination status.

NEW **Q: What if an employee is not vaccinated due to a medical or religious reason?**

A: Employees who are not vaccinated due to medical or religious reasons should check either "I have not been vaccinated" or "I decline to respond" on the Certification of Vaccination form and must follow the safety protocols in place for not fully vaccinated persons. After submitting the form, they may then use the agency's established reasonable accommodations process to seek an accommodation, if necessary, related to agency safety protocols or procedures.

NEW **Q: Are there penalties for providing false information on the vaccination attestation form?**

A: Federal employees who make a false statement on the Certification of Vaccination form could be subject to an adverse personnel action, up to and including removal from their position. It is also a federal crime (18 U.S.C. § 1001) for anyone to provide false information on the form. Falsification could also affect continuing eligibility for access to classified information or for employment in a national security position under applicable adjudicative guidelines.

Declining to answer—including selecting "I decline to respond" on the Certification of Vaccination form—does not constitute providing false information.

NEW **Q: If an agency already has information on an employee's vaccination status, do they need to utilize the form?**

A: In some cases, agencies may have information on the vaccination status of certain employees—for example, if the agency administered the vaccine to that employee. Where the agency already has the requisite information regarding vaccination status, it can utilize that information for purposes of determining the proper safety protocols to apply to that individual, consistent with the requirements of the Privacy Act. An agency is not required to collect duplicative information through the Certification of Vaccination form, if not necessary. However, if an agency has not collected this information from employees, it should use the Certification of Vaccination form to do so.

NEW **Q: Which individuals within an agency should have access to information on employees' vaccination status?**

A: The Privacy Act permits disclosure within the agency to employees "who have a need for the record in the performance of their duties." 5 U.S.C. 552a(b)(1). Agencies should only disseminate information to the appropriate agency officials who have a need to know to ensure effective implementation of the safety protocols, which, in many cases, will include the supervisor level. Agencies must comply with the requirements of the Privacy Act at all times. Agencies should consult with their Senior Agency Official for Privacy on any questions related to Privacy Act requirements.

NEW **Q: How should an agency maintain this employee information once it is received?**

A: Agencies have unique operational environments and may develop their own processes to maintain submissions of Certification of Vaccination forms in compliance with all applicable laws and in accordance with their agency's records management policies. Agencies may also develop and utilize tools and applications to maintain submissions of disclosure forms.

The Certification of Vaccination form's Privacy Act statement refers to the Government-wide system of records (OPM/GOVT-10) for employee medical files (EMFs), which is governed by OPM regulations (5 C.F.R. part 293, subpart E). Under those rules, each agency must have written instructions for its EMF system with appropriate safeguards. Agencies that are not subject to OPM's regulations (or who employ categories of employees not covered by OPM/GOVT-10) must give their employees an alternative Privacy Act statement. As a general rule, this information should not be maintained in the Official Personnel Folder.

Agencies are encouraged to take steps to promote privacy and IT security, while also providing the relevant information to those who need to know in order to implement the safety protocols. Agencies should consult with their Agency Records Officer, Chief Information Officer, and Senior Agency Official for Privacy to determine the best means to maintain this information to meet the agency's needs.

NEW **Q: Should agencies provide a means for individuals to update their vaccination status?**

A: Yes. Employees should submit a new Certification of Vaccination form when their vaccination status changes.

NEW **Q: Should supervisors collect information on vaccination status directly from employees?**

A: Agencies should ask employees to complete the Certification of Vaccination form and should designate the appropriate agency official to whom the completed form should be submitted.

NEW **Q: What type of negative COVID-19 test result must a visitor or onsite contractor who is not fully vaccinated show documentation of in order to enter a Federal building?**

A: Agencies may determine what types of tests a visitor or onsite contractor can show documentation of in order to enter a Federal building, provided that the tests are authorized by the U.S. Food and Drug Administration and produce

a dated result. Note that an onsite contractor enrolled in an agency testing program does not need to show a recent negative COVID-19 test result.

NEW **Q: Do agencies need to ask employees on maximum telework or remote workers about their vaccination status?**

A: Yes, agencies should provide the Certification of Vaccination form to all employees, including employees on maximum telework and remote workers.

NEW **Q: If an agency has a system of records notice that covers its collection of information on vaccination status from onsite contractors or visitors, can the agency collect that information?**

A: Yes, if an agency has a system of records notice that covers its collection of the requisite information—as reflected in the Certification of Vaccination form—from onsite contractors or visitors consistent with the Privacy Act, it may do so. The agency should ensure such a collection is also consistent with the Paperwork Reduction Act.

NEW **Q: If a Federal employee seeks to enter space under the control of another agency, must they complete a Certification of Vaccination form at that agency?**

A: Yes, Federal employees are treated as visitors during their visit to another agency, meaning they would need to complete a Certification of Vaccination form and, if they are not fully vaccinated or decline to disclose their status, they would need to show proof of a negative COVID-19 test result within the past 3 days. As with other visitors, the employee should keep the form with them during their time onsite at the other agency.

Find COVID-19
Vaccines Near You

**Visit Vaccines.gov**

Or Call 1-800-232-0233

For questions or comments, email the Safer Federal Workforce Task Force at SaferFederalWorkforce@gsa.gov

Message

**From**: Gantt, Melissa [Gantt.Melissa@epa.gov]
**Sent**: 10/12/2021 3:51:44 PM
**To**: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**CC**: Jablonski, Janice [jablonski.janice@epa.gov]
**Subject**: RE: what's the status of the 4 bcc emails?
**Attachments**: E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees"; E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees; E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees; E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees

Good Morning Ms. Hitchens

Please see attached emails. Waiting for approval to press send. Thanks!

v/r

Melissa

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**From:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Sent:** Tuesday, October 12, 2021 11:40 AM
**To:** Gantt, Melissa <Gantt.Melissa@epa.gov>; Jablonski, Janice <jablonski.janice@epa.gov>
**Subject:** what's the status of the 4 bcc emails?

Thanks,

Lynnann

Lynnann Hitchens
*Acting Principal Deputy Assistant Administrator*
*Office of Mission Support*
*US EPA*
*P: 202-564-3184*
*M: 202-617-0738*

Message

**From**: Gantt, Melissa [Gantt.Melissa@epa.gov]
**Sent**: 10/14/2021 12:36:30 PM
**To**: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**CC**: Jablonski, Janice [jablonski.janice@epa.gov]
**Subject**: RE: Bcc email
**Attachments**: E.O. 14043. _Requiring Coronavirus Disease 2019 Vaccination for Federal Employees_.pdf; 2-E.O. 14043. _Requiring Coronavirus Disease 2019 Vaccination for Federal Employees_.pdf; 3-E.O. 14043. _Requiring Coronavirus Disease 2019 Vaccination for Federal Employees_.pdf; 3 - E.O. 14043. _Requiring Coronavirus Disease 2019 Vaccination for Federal Employees_.pdf; Delivered_Failed_Not on Server.xlsx

Good Morning Ms. Hitchens

Please see the four emails attached and an Excel document that records the results. Thanks!

v/r

Melissa

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**From:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Sent:** Wednesday, October 13, 2021 9:28 PM
**To:** Gantt, Melissa <Gantt.Melissa@epa.gov>
**Subject:** Bcc email

Melissa – can you send me the final version of the bcc: email that was distributed today? Thanks!

Thanks,

Lynnann

Lynnann Hitchens
*Acting Principal Deputy Assistant Administrator*
*Office of Mission Support*
*US EPA*
*P: 202-564-3184*
*M: 202-617-0738*

**From:** Hitchens, Lynnann
**Bcc:**

Ex. 6 Personal Privacy (PP)

**Subject:** E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees"
**Date:** Wednesday, October 13, 2021 11:07:00 AM

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*This message is sent as a bcc.*

You are receiving this email because you either did not respond to the attestation question you received, declined to disclose your vaccination status, reported that you are unvaccinated, or reported being partially vaccinated.

On September 9th, the President signed Executive Order 14043, requiring federal employees to fully vaccinate against COVID-19. As noted in the Executive Order, "The health and safety of the Federal workforce, and the health and safety of members of the public with whom they interact, are foundational to the efficiency of the civil service."

The vaccination requirement applies to all federal employees, including employees on maximum telework or working remotely. Accordingly, all employees must be fully vaccinated by November 22, 2021, unless granted an exemption due to reasonable accommodation for a disability or sincerely held religious belief.

Employees who refuse to be vaccinated or do not provide proof of vaccination may be subject to disciplinary measures, up to and including removal or termination from federal service. EPA may initiate the enforcement process as soon as November 9, 2021 for employees who have not completed their vaccination dose(s) by November 8, 2021. EPA will initiate the collection of proof of vaccination documentation from all employees beginning the week of October 18, 2021.

The following chart, as distributed in the Deputy Administrator's mass mailer, outlines when you must initiate the vaccination process in order to meet the requirement of EO 14043:

| VACCINE | 1st DOSE BY | 2nd DOSE BY | FULLY VACCINATED |
|---|---|---|---|
| Moderna | October 11 | November 8 | November 22 |
| Pfizer-BioNTech | October 18 | November 8 | November 22 |
| Johnson & Johnson | November 8 | n/a | November 22 |

You are considered fully vaccinated 2 or more weeks after receiving the second dose in a 2-dose series (Pfizer-BioNTech or Moderna) or 2 or more weeks after receiving a single-dose vaccine (Johnson and Johnson). There is currently no post-vaccination time limit on fully vaccinated status.

If you seek an accommodation based on religion or disability you may direct your request as follows:

- for a religious accommodation, you should send that request to ReligiousAccommodations@epa.gov.
- for an accommodation due to disability, you should send that request to

DisabilityAccommodations@epa.gov.

- If you make a request for an accommodation, you should promptly notify your supervisor that you have made a request for accommodation (you do not have to share the nature of the request).
- Please refrain from sending any medical documentation directly to your supervisor.

If you are seeking an accommodation related to the COVID-19 vaccine requirement, we request that you initiate the request by October 18, 2021.

Additional information on the vaccination requirement for federal employees is available on the Safer Federal Workforce Task Force website.

**From:** Hitchens, Lynnann
**Bcc:**

Ex. 6 Personal Privacy (PP)

**Subject:** E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees"
**Date:** Wednesday, October 13, 2021 11:09:00 AM

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*This message is sent as a bcc.*

You are receiving this email because you either did not respond to the attestation question you received, declined to disclose your vaccination status, reported that you are unvaccinated, or reported being partially vaccinated.

On September 9th, the President signed Executive Order 14043, requiring federal employees to fully

vaccinate against COVID-19. As noted in the Executive Order, "The health and safety of the Federal workforce, and the health and safety of members of the public with whom they interact, are foundational to the efficiency of the civil service."

The vaccination requirement applies to all federal employees, including employees on maximum telework or working remotely. Accordingly, all employees must be fully vaccinated by November 22, 2021, unless granted an exemption due to reasonable accommodation for a disability or sincerely held religious belief.

Employees who refuse to be vaccinated or do not provide proof of vaccination may be subject to disciplinary measures, up to and including removal or termination from federal service. EPA may initiate the enforcement process as soon as November 9, 2021 for employees who have not completed their vaccination dose(s) by November 8, 2021. EPA will initiate the collection of proof of vaccination documentation from all employees beginning the week of October 18, 2021.

The following chart, as distributed in the Deputy Administrator's mass mailer, outlines when you must initiate the vaccination process in order to meet the requirement of EO 14043:

| **VACCINE** | **1st DOSE BY** | **2nd DOSE BY** | **FULLY VACCINATED** |
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| Johnson & Johnson | November 8 | n/a | November 22 |

You are considered fully vaccinated 2 or more weeks after receiving the second dose in a 2-dose series (Pfizer-BioNTech or Moderna) or 2 or more weeks after receiving a single-dose vaccine (Johnson and Johnson). There is currently no post-vaccination time limit on fully vaccinated status.

If you seek an accommodation based on religion or disability you may direct your request as follows:

- for a religious accommodation, you should send that request to ReligiousAccommodations@epa.gov.
- for an accommodation due to disability, you should send that request to DisabilityAccommodations@epa.gov.
- If you make a request for an accommodation, you should promptly notify your supervisor that you have made a request for accommodation (you do not have to share the nature of the request).
- Please refrain from sending any medical documentation directly to your supervisor.

If you are seeking an accommodation related to the COVID-19 vaccine requirement, we request that you initiate the request by October 18, 2021.

Additional information on the vaccination requirement for federal employees is available on the Safer Federal Workforce Task Force website.

**From:** Hitchens, Lynnann
**Bcc:**

# Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

**Subject:** E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees"
**Date:** Wednesday, October 13, 2021 11:09:00 AM

*This message is sent as a bcc.*

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The vaccination requirement applies to all federal employees, including employees on maximum telework or working remotely. Accordingly, all employees must be fully vaccinated by November 22, 2021, unless granted an exemption due to reasonable accommodation for a disability or sincerely held religious belief.

Employees who refuse to be vaccinated or do not provide proof of vaccination may be subject to disciplinary measures, up to and including removal or termination from federal service. EPA may initiate the enforcement process as soon as November 9, 2021 for employees who have not completed their vaccination dose(s) by November 8, 2021. EPA will initiate the collection of proof of vaccination documentation from all employees beginning the week of October 18, 2021.

The following chart, as distributed in the Deputy Administrator's mass mailer, outlines when you must initiate the vaccination process in order to meet the requirement of EO 14043:

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You are considered fully vaccinated 2 or more weeks after receiving the second dose in a 2-dose series (Pfizer-BioNTech or Moderna) or 2 or more weeks after receiving a single-dose vaccine (Johnson and Johnson). There is currently no post-vaccination time limit on fully vaccinated status.

If you seek an accommodation based on religion or disability you may direct your request as follows:

- for a religious accommodation, you should send that request to ReligiousAccommodations@epa.gov.
- for an accommodation due to disability, you should send that request to DisabilityAccommodations@epa.gov.
- If you make a request for an accommodation, you should promptly notify your supervisor that you have made a request for accommodation (you do not have to share the nature of the request).
- Please refrain from sending any medical documentation directly to your supervisor.

If you are seeking an accommodation related to the COVID-19 vaccine requirement, we request that you initiate the request by October 18, 2021.

Additional information on the vaccination requirement for federal employees is available on the Safer Federal Workforce Task Force website.

**From:** Hitchens, Lynnann
**Bcc:**

# Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

**Subject:** E.O. 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees"
**Date:** Wednesday, October 13, 2021 11:10:00 AM

*This message is sent as a bcc.*

You are receiving this email because you either did not respond to the attestation question you received, declined to disclose your vaccination status, reported that you are unvaccinated, or reported being partially vaccinated.

On September 9th, the President signed Executive Order 14043, requiring federal employees to fully vaccinate against COVID-19. As noted in the Executive Order, "The health and safety of the Federal workforce, and the health and safety of members of the public with whom they interact, are foundational to the efficiency of the civil service."

The vaccination requirement applies to all federal employees, including employees on maximum telework or working remotely. Accordingly, all employees must be fully vaccinated by November 22, 2021, unless granted an exemption due to reasonable accommodation for a disability or sincerely held religious belief.

Employees who refuse to be vaccinated or do not provide proof of vaccination may be subject to disciplinary measures, up to and including removal or termination from federal service. EPA may initiate the enforcement process as soon as November 9, 2021 for employees who have not completed their vaccination dose(s) by November 8, 2021. EPA will initiate the collection of proof of vaccination documentation from all employees beginning the week of October 18, 2021.

The following chart, as distributed in the Deputy Administrator's mass mailer, outlines when you must initiate the vaccination process in order to meet the requirement of EO 14043:

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If you seek an accommodation based on religion or disability you may direct your request as follows:

- for a religious accommodation, you should send that request to

ReligiousAccommodations@epa.gov.

- for an accommodation due to disability, you should send that request to DisabilityAccommodations@epa.gov.
- If you make a request for an accommodation, you should promptly notify your supervisor that you have made a request for accommodation (you do not have to share the nature of the request).
- Please refrain from sending any medical documentation directly to your supervisor.

If you are seeking an accommodation related to the COVID-19 vaccine requirement, we request that you initiate the request by October 18, 2021.

Additional information on the vaccination requirement for federal employees is available on the Safer Federal Workforce Task Force website.

Message

**From**: Gantt, Melissa [Gantt.Melissa@epa.gov]
**Sent**: 10/14/2021 2:58:42 PM
**To**: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**Subject**: RE: Bcc email

*Good Morning Ms. Hitchens*

*Please see the below language used in all the emails. Thanks!*

*v/r*

*Melissa*

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*This message is sent as a bcc.*

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| Pfizer-BioNTech | October 18 | November 8 | November 22 |
| Johnson & Johnson | November 8 | n/a | November 22 |

You are considered fully vaccinated 2 or more weeks after receiving the second dose in a 2-dose series (Pfizer-BioNTech or Moderna) or 2 or more weeks after receiving a single-dose vaccine (Johnson and Johnson). There is currently no post-vaccination time limit on fully vaccinated status.

If you seek an accommodation based on religion or disability you may direct your request as follows:

- for a religious accommodation, you should send that request to ReligiousAccommodations@epa.gov.
- for an accommodation due to disability, you should send that request to DisabilityAccommodations@epa.gov.
- If you make a request for an accommodation, you should promptly notify your supervisor that you have made a request for accommodation (you do not have to share the nature of the request).

- Please refrain from sending any medical documentation directly to your supervisor.

If you are seeking an accommodation related to the COVID-19 vaccine requirement, we request that you initiate the request by October 18, 2021.

Additional information on the vaccination requirement for federal employees is available on the Safer Federal Workforce Task Force website.

---

**From:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Sent:** Thursday, October 14, 2021 9:21 AM
**To:** Gantt, Melissa <Gantt.Melissa@epa.gov>
**Subject:** RE: Bcc email

Thanks – can you send the Word version of the text? I want to pass along to the DAAs/DRAs, and I don't want to send the PDF with the emails.

Thanks,

Lynnann

Lynnann Hitchens
*Acting Principal Deputy Assistant Administrator*
*Office of Mission Support*
*US EPA*
*P: 202-564-3184*
*M: 202-617-0738*

---

**From:** Gantt, Melissa <Gantt.Melissa@epa.gov>
**Sent:** Thursday, October 14, 2021 8:37 AM
**To:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Cc:** Jablonski, Janice <jablonski.janice@epa.gov>
**Subject:** RE: Bcc email

Good Morning Ms. Hitchens

Please see the four emails attached and an Excel document that records the results. Thanks!

v/r

Melissa

---

**From:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Sent:** Wednesday, October 13, 2021 9:28 PM
**To:** Gantt, Melissa <Gantt.Melissa@epa.gov>
**Subject:** Bcc email

Melissa – can you send me the final version of the bcc: email that was distributed today? Thanks!

Thanks,

Lynnann

Lynnann Hitchens
*Acting Principal Deputy Assistant Administrator*
*Office of Mission Support*
*US EPA*
*P: 202-564-3184*
*M: 202-617-0738*

Message

**From**: Braxton, Marilyn [Braxton.Marilyn@epa.gov]
**Sent**: 10/20/2021 3:20:25 PM
**To**: Carpenter, Wesley [Carpenter.Wesley@epa.gov]
**CC**: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**Subject**: OMS Weekly Cabinet Report 10/20/21
**Attachments**: OMS Weekly Cabinet Report_10_20_21.docx

Good morning, Wes.
Attached and provided below is OMS's weekly cabinet report entry. Please let me know if you have any questions.

## COVID-19

- **Past Week Accomplishments and Setbacks/Obstacles:**
  - **Vaccination Attestation Portal:** On October 19, the EPA released the secure portal for its employees to enter the requisite information about their vaccination status and upload proof of vaccination, in accordance with EO 14043. Employees are required to provide their information by November 3. The Agency also provided additional information for employees seeking a legally required exception.

Regards,
Marilyn

**Marilyn A. Braxton**, Chief of Staff
**********
Office of Mission Support, US Environmental Protection Agency
braxton.marilyn@epa.gov | 202-564-8192 | 202-236-3228 (mobile) | WJC North 3330C
Mailing Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Mail Code: 3101A
(Hours: 8:30am – 5:00pm)

*If an OMS-IO staffer has provided excpetional service, please consider submitting a Shooting Star notice.*

OMS OFFICE of MISSION SUPPORT

Message

**From**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent**: 10/20/2021 6:30:49 PM
**To**: Bashista, John R. [john.bashista@hq.doe.gov]; Dussault, Thomas W. [thomas.dussault@hq.doe.gov]
**CC**: Binder, Bruce [Binder.Bruce@epa.gov]; Osinski, Michael [Osinski.Michael@epa.gov]; Hitchens, Lynnann [hitchens.lynnann@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]
**Subject**: RE: ORAU ORISE Fellows

Awesome! Thanks, John!

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

*OAS…Advancing EPA's Mission Through Acquisitions!*

---

**From:** Bashista, John R. <john.bashista@hq.doe.gov>
**Sent:** Wednesday, October 20, 2021 2:29 PM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Dussault, Thomas W. <thomas.dussault@hq.doe.gov>
**Cc:** Binder, Bruce <Binder.Bruce@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** RE: ORAU ORISE Fellows

Hi Kimberly. The ORISE contract was bi-laterally modified to include the FAR deviation implementing the EO.

---

**From:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Sent:** Wednesday, October 20, 2021 1:58 PM
**To:** Bashista, John R. <john.bashista@hq.doe.gov>; Dussault, Thomas W. <thomas.dussault@hq.doe.gov>
**Cc:** Binder, Bruce <Binder.Bruce@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** [EXTERNAL] ORAU ORISE Fellows

Good Afternoon John and Tom!

I trust this email finds you both well. We are in discussion with our Office of Grants and Debarment about the implementation of EO 14042 for our ORISE fellows. As I'm sure you're aware, EPA accesses the ORISE program through an IA with DOE, where DOE has an agreement with ORAU for the fellows program. We need to know how DOE is implementing the EO for ORAU (modifying the agreement) and if you have issued any guidance to ORAU-ORISE fellows. Thanks a bunch!

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
EPA Office of Acquisition Solutions

1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

*OAS…Advancing EPA's Mission Through Acquisitions!*

**********
This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

**********

Message

**From**: Hunt, JuanCarlos [Hunt.Juancarlos@epa.gov]
**Sent**: 9/13/2021 1:35:16 PM
**To**: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**Subject**: RE: Updated Vaccination Guidance

Good morning, Lynnann,

Much appreciated.

Sincerely,

JuanCarlos M. Hunt
Director, Office of Civil Rights
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-564-0077

"*Carpe diem*"

---

**From:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Sent:** Sunday, September 12, 2021 10:19 PM
**To:** Hunt, JuanCarlos <Hunt.Juancarlos@epa.gov>
**Subject:** FW: Updated Vaccination Guidance

JuanCarlos –
I just wanted to touch base with you around the federal vaccination requirements. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Lynnann

Lynnann Hitchens
*Acting Principal Deputy Assistant Administrator*
*Office of Mission Support*
*US EPA*
*P: 202-564-3184*
*M: 202-617-0738*

---

**From:** Message from the Deputy Administrator <messagefromthedeputyadministrator@epa.gov>
**Sent:** Friday, September 10, 2021 3:37 PM
**To:** Message from the Deputy Administrator <messagefromthedeputyadministrator@epa.gov>
**Subject:** Updated Vaccination Guidance

MESSAGE FROM THE

# DEPUTY ADMINISTRATOR

This email message is being sent to EPA employees.

Dear Colleagues,

As the situation around the world with regards to COVID-19 evolves, there continues to be a great sense of unease everywhere. I want to acknowledge that we are dealing with a much wider impact on our work and personal lives as it relates to the COVID-19 Delta Variant. First and foremost, thank you for all you do to keep the agency moving forward and for keeping each other safe. Your commitment makes all the difference. EPA has weathered many challenging moments, and we will get to the other side of this one too.

As I expect you have seen in the news, yesterday, President Biden signed two Executive Orders on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees and Ensuring Adequate COVID Safety Protocols for Federal Contractors, requiring all federal executive branch employees and government contractors to be vaccinated. The implementation of the EO requirements will be done in conjunction with the Safer Federal Workforce Task Force's updated guidance, which should be issued within the coming days. Please know that we will keep you informed as we work to implement these important changes and requirements.

I also wanted to let you know that, as I outlined in my August 18th mass mailer, we are moving forward with our plans to collect vaccination attestation information. Next week you will be receiving an email from the Office of Mission Support with details on how to respond and attest to your vaccination status.

The President's EOs build on the same science-driven approach that we've been employing to date. EPA's approach will be guided by that science as we move forward to achieve the President's goals and address other threats to public health and the environment. In the coming weeks, we will outline our next steps in our effort to implement the President's EOs. If you have questions about the new EOs, please email the EPA_COVID-19_Coordination_Team@epa.gov. It is very helpful for us to hear the questions employees have, because if you have a question, chances are others do as well.

As we continue to monitor COVID-19 over the next months, we want more than anything for you and your families to be safe. Please remain vigilant in following the CDC's Guidance for Fully Vaccinated Individuals and Interim Public Health Recommendations for Fully Vaccinated People. For more information on getting vaccinated, please visit vaccines.gov.

More information about yesterday's announcements can be found here: https://www.whitehouse.gov/covidplan/.

The safety of our employees remains a top priority for the agency. Let's continue to work together across the agency to protect human health and the environment.

Janet McCabe
Deputy Administrator

Message

**From:** Wells, Krysti [Wells.Krysti@epa.gov]
**Sent:** 11/30/2021 2:17:55 PM
**To:** Hitchens, Lynnann [hitchens.lynnann@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]
**Subject:** FW: Important COVID-19 Vaccine Religious Exception Request Follow-Up (K.W.)
**Attachments:** EPA Form 9880-02.pdf

Here is the religious accommodation email.

---

Krysti Wells

Chat with me on Teams!

---

**From:** Religiousaccommodations <Religiousaccommodations@epa.gov>
**Sent:** Monday, November 29, 2021 5:42 PM
**To:** Religiousaccommodations <Religiousaccommodations@epa.gov>
**Cc:** Wells, Krysti <Wells.Krysti@epa.gov>
**Subject:** Important COVID-19 Vaccine Religious Exception Request Follow-Up (K.W.)

Good afternoon,

We are in receipt of your request for religious exception to the government-wide policy that requires all Federal employees, as defined in 5 U.S.C. § 2105, to be fully vaccinated against COVID-19 by November 22, 2021. This email contains important information about your exception request and details regarding additional information you are being asked to submit. Please carefully review this entire email.

Krysti Wells, Director, Office of Customer Advocacy, Policy and Portfolio Management, is the Decision-Maker for your request.

**Additional Information Requested:**

**1. Please submit documentation regarding your religious belief, practice, or observance within seven (7) business days (no later than December 9, 2021).** The documentation will be reviewed by the Decision-Maker and used to determine whether or not your request will be granted. You are strongly encouraged to utilize the attached EPA Request For a Religious Exception To The COVID-19 Vaccination Requirement form to submit this information, but are not required to do so. If you choose not to utilize the form, please provide responses that address the following questions:

1. Please describe the nature of your objection to the COVID-19 vaccination requirement.
2. Would complying with the COVID-19 vaccination requirement substantially burden your religious exercise or conflict with your sincerely held religious beliefs, practices, or observances? If so, please explain how.
3. Please provide any additional information that you think may be helpful in reviewing your request. For example:
    - How long you have held the religious belief underlying your objection,
    - Whether your religious objection is to the use of all vaccines, COVID-19 vaccines, a specific type of COVID-19 vaccine, or some other subset of vaccines, and

- Whether you have received vaccines as an adult against any other diseases (such as a flu vaccine or a tetanus vaccine).

4. What is the accommodation that you are requesting?
5. Please list any other alternative accommodations that would eliminate the conflict between the COVID-19 vaccination requirement and your sincerely held religious beliefs.

Whether you choose to utilize the attached EPA Request For a Religious Exception To The COVID-19 Vaccination Requirement form or provide your responses in a letter format, you must sign and date the form or letter. Your signature constitutes a declaration that the information you provide is, to the best of your knowledge and ability, true and correct. Any intentional misrepresentation to the Federal Government may result in legal consequences, including termination or removal from Federal Service.

As noted above, you will have seven (7) business days to provide the necessary information. **Your 7-business day period will conclude on December 9, 2021.** To ensure that your request is processed in a timely manner, you are encouraged to provide the information as soon as possible.

Please send the signed form or letter to ReligiousAccommodations@epa.gov and include your first and last name in the subject line of your email response.

**Timeline for Exception Requests and Interim Accommodation:**

EPA is committed to processing and reviewing requests for medical exceptions/disability reasonable accommodations promptly and fairly. Due to the high volume of requests EPA has received related to the COVID-19 vaccination requirement, it may take longer than usual to process these requests and issue decisions. Therefore, you are granted an interim accommodation of pausing your vaccination requirement while your request is pending. Your supervisor will also be notified of this interim accommodation.

Should you need to report to an EPA worksite while your request is pending, you are required to wear a mask which covers your nose and mouth. You are also required to socially distance at EPA worksites (maintain a distance of at least 6 feet from others).

For more information about the medical exception process, please review the FAQs posted at https://www.saferfederalworkforce.gov/faq/vaccinations/.

**EPA's Vaccination Attestation Portal**

- If you have not already done so, you must update your status in the EPA Vaccination Attestation secure portal to reflect that you are requesting an accommodation.
- If you are already fully vaccinated or are in process to become fully vaccinated (e.g., you have received one dose of a two-dose series), you must visit EPA's Vaccination Attestation secure portal and update your status.
- Additionally, if your vaccination status has changed since your initial request for an accommodation, please also respond to the sender of this email indicating whether or not you are still requesting an accommodation.

**Privacy Act Statement**

**Authority**: EPA is authorized to collect the information requested on this form pursuant to: Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (Sept. 9, 2021); Executive Order

14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors* (Sept. 9, 2021); Executive Order 13991, *Protecting the Federal Workforce and Requiring Mask-Wearing* (Jan. 20, 2021); Executive Order 12196, *Occupational Safety and Health Program for Federal Employees* (Feb. 26, 1980); 5 U.S.C. chs. 63, 79; 29 U.S.C. § 654, 29 U.S.C. § 668, 42 U.S.C. § 247d, 44 U.S.C. § 3101, 42 U.S.C. § 12101, 5 CFR Part 339, 29 CFR Part 1602; Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII); Section 501 Rehabilitation Act of 1973; and Equal Employment Opportunity Commission (EEOC) religious reasonable accommodation guidance.

**Purpose**: This information is being collected and maintained to promote the safety of Federal buildings and the health and safety of the Federal workforce consistent with the above-referenced authorities, the *Vaccinations FAQs*, *Federal Contractors FAQs*, and *COVID-19 Workplace Safety: Agency Model Safety Principles* established by the Safer Federal Workforce Task Force, and guidance from the Centers for Disease Control and Prevention and the Occupational Safety and Health Administration. Requesting a religious accommodation is a voluntary process. The information collected on this form is used to facilitate the reasonable accommodation process for individuals seeking a religious exemption to the COVID-19 vaccination requirement for federal employees.

**Routine Uses**: This information may be disclosed to Agency employees with a need to know, and, per the routine uses found in the system of records notice associated with this collection of information, EPA-89, Public Health Emergency Workplace Response System, 86 Fed. Reg. 34738 (June 30, 2021), available at https://www.federalregister.gov/documents/2021/06/30/2021-13989/privacy-act-of-1974-system-of-records. For example, Routine Use disclosures may include, but are not limited to, the following: disclosure to appropriate public health authorities to address communicable disease exposures and to satisfy applicable reporting requirements; disclosure to Federal, State, local, tribal or foreign government agencies to combat significant public health threats; disclosure to a person properly engaged in investigation or settlement of an administrative grievance, complaint, claim, or appeal filed by an employee; to contractors, grantees, or volunteers as necessary to perform their duties for the Federal Government; and as necessary and relevant in the course of litigation or for law enforcement purposes.

**Consequences of Failure to Provide Information**: Providing this information is voluntary. If an employee or applicant does not provide the necessary information, including religious and medical information, then a decision-maker may deny the reasonable accommodation request. Unless granted an exception, as authorized under the law, https://www.saferfederalworkforce.gov/faq/vaccinations/, all covered Federal employees are required to be vaccinated against COVID-19 and to provide documentation concerning their vaccination status to their employing agency.

**GINA Notice:** The Genetic Information and Nondiscrimination Act of 2008 (GINA), which prohibits EPA and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for information related to your religious belief(s). "Genetic Information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Message

**From**: Horstmann, Monique [Horstmann.Monique@epa.gov]
on behalf of EPA Forms [forms@epa.gov]
**Sent**: 11/10/2021 1:43:08 PM
**To**: Jackson, Yvette [Jackson.Yvette@epa.gov]; EPA Forms [forms@epa.gov]; Stewart, Neil [Stewart.Neil@epa.gov]; Wilson, SeVera [Wilson.SeVera@epa.gov]
**Subject**: RE: High Priority Request: Requesting PDL for enclosed forms

Greetings

The questions were sent by OMS Information Security Officer, Marshall Mansfield.

---

**From:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Sent:** Wednesday, November 10, 2021 8:22 AM
**To:** EPA Forms <forms@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Wilson, SeVera <Wilson.SeVera@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Good morning Monique,

Thanks for the update. Who sent the questions to HR?

Thanks,
Yvette

---

**From:** Horstmann, Monique <Horstmann.Monique@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Wednesday, November 10, 2021 6:59 AM
**To:** Stewart, Neil <Stewart.Neil@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>; Wilson, SeVera <Wilson.SeVera@epa.gov>
**Subject:** FW: High Priority Request: Requesting PDL for enclosed forms
**Importance:** High

Greetings

I hope all is well and that everyone is staying safe. This is just a FYI...the HR team will need to respond to these questions below from the OMS Information Security Officer. Just wanted to let everyone know where we are. Have a great day!

---

**From:** Mansfield, Marshall <Mansfield.Marshall@epa.gov>
**Sent:** Tuesday, November 9, 2021 6:21 PM
**To:** Downs, Caitlin <Downs.Caitlin@epa.gov>; Abney, Willie <Abney.Willie@epa.gov>; Manning, Tonya <manning.tonya@epa.gov>; Bacharach, Mark <bacharach.mark@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; Wells, Krysti <Wells.Krysti@epa.gov>
**Cc:** Sabbagh, Bill <sabbagh.bill@epa.gov>; Santagata, Tommy <santagata.tommy@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Hardy, Michael <Hardy.Michael@epa.gov>; Maher, Karen <Maher.Karen@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms
**Importance:** High

Hello,

In summary

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Marshall Mansfield
Information Security Officer
Information Technology System Security Staff
Office of Mission Support
Environmental Protection Agency
C 202-579-7774 (Preferred)
O 202-564-8012
https://usepa.sharepoint.com/sites/ITSSS

---

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Tuesday, November 09, 2021 3:51 PM
**To:** Willis, Nannette <Willis.Nannette@epa.gov>; Livingston, Keith <Livingston.Keith@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Abney, Willie <Abney.Willie@epa.gov>
**Cc:** Mansfield, Marshall <Mansfield.Marshall@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; National Privacy Program <privacy@epa.gov>; Achamfour, Morrison <achamfour.morrison@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Aiyegoro, Ganiat <Aiyegoro.Ganiat@epa.gov>; Sabbagh, Bill <sabbagh.bill@epa.gov>; Santagata, Tommy <Santagata.Tommy@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; EPA_SORN <EPA_SORN@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Thanks for clarification, Nanette – will leave to Krysti and Helena's team to respond to you!

Have a great evening, all!
Soly

---

**From:** Willis, Nannette <Willis.Nannette@epa.gov>
**Sent:** Tuesday, November 09, 2021 2:20 PM
**To:** EPA Forms <forms@epa.gov>; Livingston, Keith <Livingston.Keith@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Abney, Willie <Abney.Willie@epa.gov>
**Cc:** Mansfield, Marshall <Mansfield.Marshall@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; National Privacy Program <privacy@epa.gov>; Achamfour, Morrison <achamfour.morrison@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Aiyegoro, Ganiat <Aiyegoro.Ganiat@epa.gov>; Sabbagh, Bill <sabbagh.bill@epa.gov>; Santagata, Tommy <Santagata.Tommy@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; EPA_SORN <EPA_SORN@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Thank you for your response. Apologies for the confusion, but the forms also need a PIA submitted to the NPP Office for a review and final determination PDL.

---

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Tuesday, November 9, 2021 2:01 PM
**To:** Willis, Nannette <Willis.Nannette@epa.gov>; Livingston, Keith <Livingston.Keith@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Abney, Willie <Abney.Willie@epa.gov>
**Cc:** Mansfield, Marshall <Mansfield.Marshall@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; National Privacy Program <privacy@epa.gov>; Achamfour, Morrison <achamfour.morrison@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Aiyegoro, Ganiat <Aiyegoro.Ganiat@epa.gov>; Sabbagh, Bill <sabbagh.bill@epa.gov>; Santagata, Tommy <Santagata.Tommy@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Horstmann, Monique

<Horstmann.Monique@epa.gov>; EPA_SORN <EPA_SORN@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Thanks Nanette for taking the lead on getting an updated PIA for Public Health Emergency Workplace Response System OMS-EI EPA-89. I moving Willie to the To list so his team can work with Krysti and Helena's teams to determine if the medical exception form should be listed under their SORN or join the AO RAMS SORN instead.

Keith, the RAMS SORN action information document mentions including both forms, so clarity on which SORNs should be mentioned on these forms' PAS is needed. The NPP will need your PTA and PIA to process the PDL for forms. I have also looped in SORN team for awareness.

> ***Purpose:*** *The U.S. Environmental Protection Agency's (EPA), Office of the Administrator is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. EPA is updating the Authority, System Location, System Manager, Categories of Records in the System, Record Source Categories, Policies and Practices for Storage of Records, Administrative, Technical, And Physical Safeguards, and Routine Use sections of the RAMS SORN to reflect updates related to the explicit inclusion of requests for religious accommodations in addition to medical accommodations.*

Thanks,
Soly

**EPA's Forms Management Program**
Monique Horstmann *(she/her/hers)*, Agency Internal Forms Officer (A)
Chat with me or Call me on Microsoft Teams
Solymar Grecco *(she/her/hers)*, Agency External Forms Officer
Chat with me or Call me on Microsoft Teams
United States Environmental Protection Agency (USEPA)

Learn more about creating forms at EPA!

---

**From:** Willis, Nannette <Willis.Nannette@epa.gov>
**Sent:** Tuesday, November 09, 2021 1:07 PM
**To:** EPA Forms <forms@epa.gov>; Livingston, Keith <Livingston.Keith@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>
**Cc:** Mansfield, Marshall <Mansfield.Marshall@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; National Privacy Program <privacy@epa.gov>; Achamfour, Morrison <achamfour.morrison@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Aiyegoro, Ganiat <Aiyegoro.Ganiat@epa.gov>; Sabbagh, Bill <sabbagh.bill@epa.gov>; Abney, Willie <Abney.Willie@epa.gov>; Santagata, Tommy <Santagata.Tommy@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Good afternoon – We have no records of a completed PIA on file for these forms. Please complete the PIA and return for processing. Thank you

---

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Monday, November 8, 2021 12:17 PM
**To:** Willis, Nannette <Willis.Nannette@epa.gov>; Livingston, Keith <Livingston.Keith@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>
**Cc:** Mansfield, Marshall <Mansfield.Marshall@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>; National Privacy Program <privacy@epa.gov>; Achamfour, Morrison <achamfour.morrison@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>;

Desibour, Alexandra <Desibour.Alexandra@epa.gov>; Aiyegoro, Ganiat <Aiyegoro.Ganiat@epa.gov>
**Subject:** FW: High Priority Request: Requesting PDL for enclosed forms
**Importance:** High

Hi Nanette and Keith,

We are reaching out to you for your help as Liaison Privacy Officials (LPOs) with the two attached forms that have been designated as being part of the following two SORNs:

| Name of System | Managing Office | SORN# | Sensitive PII | Non-Sensitive PII | Employee | Public | PII Elements | Privacy Impact Assessments |
|---|---|---|---|---|---|---|---|---|
| Reasonable Accommodations Management System (RAMS) | OA | EPA-73 | X | X | X | | Name, medical | Awaiting an updated PIA from System Owner |
| Public Health Emergency Workplace Response System | OMS-EI | EPA-89 | | X | X | | Name, Email address, Tel number, Supervisor's Name, Email and Number | Public Health Emergency Workplace Response System |

**The National Privacy Program (NPP) needs the associated revised or new PTAs and PIAs** to be able to issue the Privacy Determination Letters (PDLs) for each of the enclosed forms, which is needed before the Forms Management Program can issue these forms for agency-wide use. Since Krysti is out of office, please coordinate with the other members of her team to get the information you need (appearing on the To line).

Please note the high priority nature of this request as mentioned below, including dates that Lee will be out of office. We appreciate your help and are here for any questions you may have related to this request!

Thank you,
Soly

**EPA's Forms Management Program**
Monique Horstmann *(she/her/hers)*, Agency Internal Forms Officer (A)
Chat with me or Call me on Microsoft Teams
Solymar Grecco *(she/her/hers)*, Agency External Forms Officer
Chat with me or Call me on Microsoft Teams
United States Environmental Protection Agency (USEPA)

Learn more about creating forms at EPA!

---

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Monday, November 08, 2021 11:01 AM
**To:** Kelly, Lee <Kelly.Lee@epa.gov>; EPA Forms <forms@epa.gov>; National Privacy Program <privacy@epa.gov>
**Cc:** Achamfour, Morrison <achamfour.morrison@epa.gov>; Harris, Monisha <harris.monisha@epa.gov>; Almazan, Christina <almazan.christina@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Perfect – will initiate that request now with the relevant POCs. Thanks for your fast response!!
Soly

---

**From:** Kelly, Lee <Kelly.Lee@epa.gov>
**Sent:** Monday, November 08, 2021 10:55 AM
**To:** EPA Forms <forms@epa.gov>; National Privacy Program <privacy@epa.gov>
**Cc:** Achamfour, Morrison <achamfour.morrison@epa.gov>; Harris, Monisha <harris.monisha@epa.gov>; Almazan, Christina <almazan.christina@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Good Morning Soly,

Yes, I believe Morrison would need the revised PIA (if one exists, if not a new PTA and possibly a PIA after that.)

Thank You,

Lee Kelly – MSc.,CISSP
Division Director - TCO
Office of Information Security and Privacy
Office of Mission Support
US Environmental Protection Agency
Phone: 202.566.1197 (Office); 202.430.2451 (Mobile)
(HSDN) robert.l.kelly@dhs.sgov.gov
(JWICS) r.kelly@epa.id.ic.gov

---

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Monday, November 8, 2021 10:47 AM
**To:** Kelly, Lee <Kelly.Lee@epa.gov>; National Privacy Program <privacy@epa.gov>
**Cc:** Achamfour, Morrison <achamfour.morrison@epa.gov>; Harris, Monisha <harris.monisha@epa.gov>; Almazan, Christina <almazan.christina@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Thanks Lee,
What paperwork do you need besides the forms with their PAS and their Forms Action Requests? The PIAs/PTAs? Something else?

Thanks also for letting us know about your being out of office soon!
Soly

---

**From:** Kelly, Lee <Kelly.Lee@epa.gov>
**Sent:** Monday, November 08, 2021 10:12 AM
**To:** Harris, Monisha <harris.monisha@epa.gov>; Almazan, Christina <almazan.christina@epa.gov>; Grecco, Solymar <Grecco.Solymar@epa.gov>
**Cc:** Achamfour, Morrison <achamfour.morrison@epa.gov>
**Subject:** FW: High Priority Request: Requesting PDL for enclosed forms

Good Morning All,

Below is the message I sent to Krysti on Friday regarding the Privacy Act Statements.

A couple of notes:

- If the NPP needs to do a Privacy Determination Letter (PDL) then we need to get the paperwork as soon as possible. Morrison can then give this a high priority, generate a PDL as appropriate, and send to me for signature.
- I will be out of the office from Thursday (11/11, Veterans Day) until Tuesday 11/16 with limited (almost none) access to e-mail. If I need to sign the PDL letters please get them to me by 11/10.

Thank You,

Lee Kelly – MSc.,CISSP
Division Director - TCO
Office of Information Security and Privacy
Office of Mission Support
US Environmental Protection Agency
Phone: 202.566.1197 (Office); 202.430.2451 (Mobile)
(HSDN) robert.l.kelly@dhs.sgov.gov
(JWICS) r.kelly@epa.id.ic.gov

---

**From:** Kelly, Lee
**Sent:** Friday, November 5, 2021 3:32 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>
**Cc:** Sanders, Amy <Sanders.Amy@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Good Afternoon Krysti,

I have read both documents and from a content perspective seem fine to me.

I did have one curious question – on the religious exemption form it was not indicated whether an electronic signature was acceptable but it was on the other form?

Thank You,

Lee Kelly – MSc.,CISSP
Division Director - TCO
Office of Information Security and Privacy
Office of Mission Support
US Environmental Protection Agency
Phone: 202.566.1197 (Office); 202.430.2451 (Mobile)
(HSDN) robert.l.kelly@dhs.sgov.gov
(JWICS) r.kelly@epa.id.ic.gov

---

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Friday, November 5, 2021 2:57 PM
**To:** Kelly, Lee <Kelly.Lee@epa.gov>
**Cc:** Sanders, Amy <Sanders.Amy@epa.gov>
**Subject:** FW: High Priority Request: Requesting PDL for enclosed forms

Hey Lee – just checking to see if you've received my email earlier. Please let us know if there's anything else you need from us.

---

Krysti Wells

Chat with me on Teams!

**From:** Wells, Krysti
**Sent:** Friday, November 5, 2021 9:21 AM
**To:** EPA Forms <forms@epa.gov>; National Privacy Program <privacy@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>
**Cc:** Stewart, Neil <Stewart.Neil@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Mansfield, Marshall <Mansfield.Marshall@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Ponce de Leon, Bianca <PonceDeLeon.Bianca@epa.gov>
**Subject:** RE: High Priority Request: Requesting PDL for enclosed forms

Hey NPP –

So happy to have you on board! As you can imagine Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

EPA Forms and NPP -- Can you please let us know the timeline/expectations to moving these forward and finalizing at warp speed? As I mentioned in an earlier email, we have days (not weeks) to move these forward. And if I need to help bring additional resources to the table to move these forward, please just let us know!

Thanks for everyone's focus and attention to this!

---

Krysti Wells

Chat with me on Teams!

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Friday, November 5, 2021 9:08 AM
**To:** National Privacy Program <privacy@epa.gov>; Kelly, Lee <Kelly.Lee@epa.gov>
**Cc:** Stewart, Neil <Stewart.Neil@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Wells, Krysti <Wells.Krysti@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Moore, Bobby <Moore.Bobby@epa.gov>; Mansfield, Marshall <Mansfield.Marshall@epa.gov>
**Subject:** High Priority Request: Requesting PDL for enclosed forms

Good morning, NPP Team,
Per established procedure, we are requesting PDLs for both of these forms so that we know they do not require SORNs and are therefore able to be used. Note down below that LPOs were not involved and that OGC has already reviewed. From Kristi's response, it appears that AR/OMS is the owner organization so I have also looped in Bobby.

Thanks for your help,
Soly

**EPA's Forms Management Program**
Monique Horstmann *(she/her/hers)*, Agency Internal Forms Officer (A)
Chat with me or Call me on Microsoft Teams
Solymar Grecco *(she/her/hers)*, Agency External Forms Officer
Chat with me or Call me on Microsoft Teams

United States Environmental Protection Agency (USEPA)

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---

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Thursday, November 04, 2021 4:34 PM
**To:** Almazan, Christina <almazan.christina@epa.gov>; EPA Forms <forms@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Kamalakis, Joel <Kamalakis.Joel@epa.gov>; Pankey, Herbert <Pankey.Herbert@epa.gov>
**Subject:** RE: Link doc

Hey Team –

As promised, here is the second form.

---

Krysti Wells

Chat with me on Teams!

---

**From:** Almazan, Christina <almazan.christina@epa.gov>
**Sent:** Thursday, November 4, 2021 4:20 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>; EPA Forms <forms@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Kamalakis, Joel <Kamalakis.Joel@epa.gov>; Pankey, Herbert <Pankey.Herbert@epa.gov>
**Subject:** RE: Link doc

The source document has been updated to meet accessibility requirements. I would just need the EPA Form # (any styling requirement) and any other requirements from the Agency Forms program to complete this request.

Respectfully,
Christina Almazan

OMS Web Services Manager/CPIM
Office: 202·564·6681

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Have questions or inquires, send us an email at:
ELMSupport: OMS-ELMSupport@epa.gov
OMS Web Services: OMS_Web_Team@epa.gov

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Thursday, November 4, 2021 3:38 PM
**To:** EPA Forms <forms@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Almazan, Christina <almazan.christina@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Downs, Caitlin <Downs.Caitlin@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
**Subject:** RE: Link doc

Hey Folks –

I am the POC for this form (but I'll be on leave starting Monday – so if you have questions, please copy Amy, Caitlin and Helena – and one of us will get back to you).

**Ex. 5 Deliberative Process (DP)**

Thanks, friends. Don't mean to launch this on you – we're all in this together!

---

Krysti Wells

Chat with me on Teams!

**From:** Grecco, Solymar <Grecco.Solymar@epa.gov> **On Behalf Of** EPA Forms
**Sent:** Thursday, November 4, 2021 2:35 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Almazan, Christina <almazan.christina@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>
**Subject:** RE: Link doc

Hi Kristi and Alva,
Thanks for letting us know that the form has been vetted thoroughly by OGC as that will help speed things along.

Questions for you before we request the Privacy Determination Letter from the National Privacy Program that is part of our ensuring we can issue the form:

1) Who is the POC that we can designate the forms owner (the person who will work with us to answer questions/fill out form action request/liaise with?
2) Which Liaison Privacy Official handled this form and the next one coming down the pike – the AR one (Bobby Moore) or the EI one (Nanette Willis)? If no LPO was looped in just let us know what side of the house owns this form (it sounds like HR in AR but want to make sure) so we can loop them in.

Thanks!
Soly

**EPA's Forms Management Program**
Monique Horstmann *(she/her/hers)*, Agency Internal Forms Officer (A)
Chat with me or Call me on Microsoft Teams
Solymar Grecco *(she/her/hers)*, Agency External Forms Officer
Chat with me or Call me on Microsoft Teams
United States Environmental Protection Agency (USEPA)

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---

**From:** Almazan, Christina <almazan.christina@epa.gov>
**Sent:** Wednesday, November 03, 2021 5:02 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>
**Subject:** RE: Link doc

This documents is in queue. I hope to have the form properly tagged and accessible by tomorrow. I will keep you posted.

Respectfully,
Christina Almazan

OMS Web Services Manager/CPIM
Office: 202·564·6681

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ELMSupport: OMS-ELMSupport@epa.gov
OMS Web Services: OMS_Web_Team@epa.gov

---

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Wednesday, November 3, 2021 4:38 PM
**To:** Almazan, Christina <almazan.christina@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>
**Subject:** RE: Link doc

Here you go!

---

Krysti Wells
Chat with me on Teams!

---

**From:** Almazan, Christina <almazan.christina@epa.gov>
**Sent:** Wednesday, November 3, 2021 4:35 PM

**To:** Wells, Krysti <Wells.Krysti@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>
**Subject:** RE: Link doc

Krysti: If you provide me the source document (the word document version of this PDF), I can work on making it accessible.

The part I am not familiar with is the EPA Form process and obtaining a Form #, if necessary.

Respectfully,
Christina Almazan

OMS Web Services Manager/CPIM
Office: 202·564·6681

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OMS Web Services: OMS_Web_Team@epa.gov

---

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Wednesday, November 3, 2021 4:20 PM
**To:** Almazan, Christina <almazan.christina@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>
**Subject:** RE: Link doc

Hey Folks –

Massive mea culpa moment here on moving this form forward. If you have some guidance on how to make this form accessible, we can knock that out ASAP.

**Ex. 5 Deliberative Process (DP)**

---

Krysti Wells

Chat with me on Teams!

---

**From:** Almazan, Christina <almazan.christina@epa.gov>
**Sent:** Wednesday, November 3, 2021 4:14 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>; Daniels, Alva <daniels.alva@epa.gov>

**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>
**Subject:** RE: Link doc

I forgot to loop in @Daniels, Alva for assistance.

Respectfully,
Christina Almazan

OMS Web Services Manager/CPIM
Office: 202·564·6681

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Have questions or inquires, send us an email at:
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OMS Web Services: OMS_Web_Team@epa.gov

---

**From:** Almazan, Christina
**Sent:** Wednesday, November 3, 2021 4:07 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>; Horstmann, Monique <Horstmann.Monique@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>; Stewart, Neil <Stewart.Neil@epa.gov>; EPA Forms <forms@epa.gov>
**Subject:** RE: Link doc

Monisha is my supervisor, the folks in OA and OEIP manage the Agency Forms Program and provide an EPA Forms #, if needed. Monique Horstmann is my POC for internal forms.

@Horstmann, Monique we are trying to post an Agency Form targeted for EPA employees how are requesting an exception for the covid-19 vaccination. I believe that this form might need an EPA form #, if that is an incorrect statement please correct me. The form does have a privacy statement. What do we need to do to get this Form approved?

Respectfully,
Christina Almazan

OMS Web Services Manager/CPIM
Office: 202·564·6681

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Have questions or inquires, send us an email at:
ELMSupport: OMS-ELMSupport@epa.gov
OMS Web Services: OMS_Web_Team@epa.gov

---

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Wednesday, November 3, 2021 3:54 PM
**To:** Almazan, Christina <almazan.christina@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>
**Subject:** RE: Link doc

Shoot – we created this internally with OGC. I haven't worked with Monisha's team – Monisha – how do we make this happen?

---

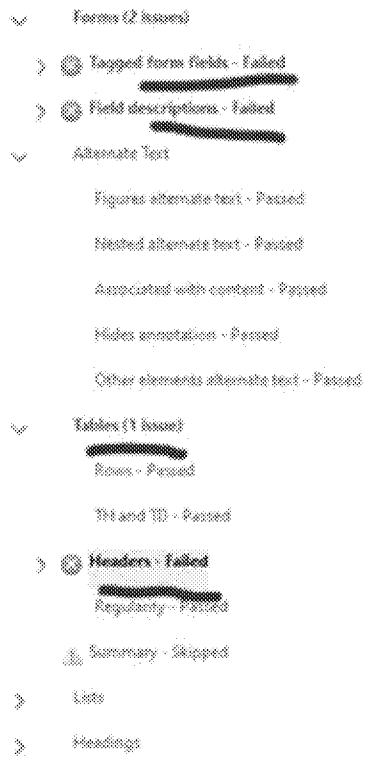
Krysti Wells

Chat with me on Teams!

**From:** Almazan, Christina <almazan.christina@epa.gov>
**Sent:** Wednesday, November 3, 2021 3:48 PM
**To:** Wells, Krysti <Wells.Krysti@epa.gov>
**Cc:** Harris, Monisha <harris.monisha@epa.gov>
**Subject:** RE: Link doc

Krysti who provided you this form? There are accessibilities issues. I understand that this is a product that needed to be generated quickly, but did we loop in the Agency Forms Team to ensure that the form meets Agency Form requirements?

In order to properly tag and make this form accessible, I would need the source document.




Respectfully,
Christina Almazan

OMS Web Services Manager/CPIM
Office: 202·564·6681

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Have questions or inquires, send us an email at:
ELMSupport: OMS-ELMSupport@epa.gov
OMS Web Services: OMS_Web_Team@epa.gov

---

**From:** Wells, Krysti <Wells.Krysti@epa.gov>
**Sent:** Wednesday, November 3, 2021 2:24 PM
**To:** Almazan, Christina <almazan.christina@epa.gov>
**Subject:** Link doc

Hey Christina –

Can you please link this document to the "EPA Medical Certification for Covid-19 Vaccine Exception" Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

We hopefully will have the religious stuff buttoned up in a day or two. THANK YOU!

THANK YOU!

---

Krysti Wells
Director, Office of Customer Advocacy, Policy and Portfolio Management (OCAPPM)
**Phone:** (202) 564-6295
**Email:** wells.krysti@epa.gov

OMS OFFICE of MISSION SUPPORT

Chat with me on Teams!

Message

**From**: Cunningham, James [Cunningham.James@epa.gov]
**Sent**: 3/4/2022 5:33:10 PM
**To**: Jackson, Yvette [Jackson.Yvette@epa.gov]
**Subject**: RE: Help
**Attachments**: COVID-19 Community Levels_Initial Guidance for Federal Agencies_20220228.docx

Hi Yvette,

I converted the document to MS Word so you can copy the table. Does this work?

James Cunningham, IT Project Manager
Resource Management Staff
Office of Administration
Office of Mission Support
U.S. Environmental Protection Agency
Email: cunningham.james@epa.gov
Phone: 202-564-7212

---

**From:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Sent:** Friday, March 04, 2022 12:01 PM
**To:** Cunningham, James <Cunningham.James@epa.gov>
**Subject:** Help

Hi James,

How can I pull the color coded chart from this document?

Thanks,
Yvette

Yvette Jackson, Director
Office of Administration, OMS
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
MC:3201A
202.564.7231

Safer Federal Workforce Task Force

# Initial Implementation Guidance for Federal Agencies on COVID-19 Community Levels and Mask-Wearing

## Purpose

On February 25, 2022, the Centers for Disease Control and Prevention (CDC) set recommendations related to [ HYPERLINK "https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html" \h ]which measure the impact of COVID-19 illness on health andhealthcare systems. Layered prevention strategies—like staying up to date on vaccines, screening testing, ventilation, and wearing masks—can help limit severe disease and reduce the potential for strain on the healthcare system.

Pursuant to Executive Order 13991, Federal agencies follow CDC guidelines for mask-wearing and other public health measures. This document provides Federal agencies with initial implementation guidance they should follow in utilizing the CDC's COVID-19 Community Levels to determine the appropriate mask-wearing and screening testing requirements for each Federal facility at a given time. Further Safer Federal Workforce Task Force guidance will address the intersection of COVID-19 Community Levels with other workplace safety protocols for Federal agencies.

CDC notes that some settings, such as high-risk congregate settings, might include additional layers of prevention. In addition, recommendations based on COVID-19 Community Levels may not apply in healthcare settings, which should follow relevant regulations and guidance.

Agencies should implement the mask-wearing and screening testing protocols set forth in this guidance as soon as operationally feasible and no later than Friday, March 4, 2022.

## Federal Agency Protocols for Mask-Wearing and Screening Testing Based on COVID-19 Community Levels

CDC has provided [ HYPERLINK "https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html" \h ]showing the COVID-19 Community Level for each county in the United States. For Federal facilities in the United States, agencies should utilize that data in determiningthe COVID-19 Community Level for a given facility by looking to the COVID-19 Community Level for the county in which the facility is located. Where a locality imposes more protective pandemic-related safety requirements, those requirements should be followed in Federal facilities within that locality.

| Federal agency masking and screening testing protocols based on COVID-19 Community Levels | |
|---|---|
| When the COVID-19 Community Level is **LOW** in the county where a Federal facility is located | • **Mask-Wearing:** Agencies do not need to require individuals to wear masks in that Federal facility, regardless of vaccination status.<br>• **Screening Testing:** Agencies do not need to utilize their screening testing program in that Federal facility. |



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| | |
|---|---|
| When the COVID-19 Community Level is **MEDIUM** in the county where a Federal facility is located | • **Mask-Wearing:** Agencies do not need to require individuals to wear masks in that Federal facility, regardless of vaccination status.<br>• **Screening Testing:** Agencies should utilize their screening testing programs in that Federal facility, consistent with the protocols the agency has established for screening testing that align with [ HYPERLINK "https://www.saferfederalworkforce.gov/faq/testing/" \h ]from the Safer Federal Workforce Task Force. |
| **Federal agency masking and screening testing protocols based on COVID-19 Community Levels** | |
| When the COVID-19 Community Level is **HIGH** in the county where a Federal facility is located | • **Mask-Wearing:** Agencies should require individuals to wear masks in that Federal facility, regardless of vaccination status and consistent with [ HYPERLINK "https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html" \h ]and Task Force guidance on mask-wearing.<br>• **Screening Testing:** Agencies should utilize their screening testing program in that Federal facility, consistent with the protocols the agency has established for screening testing that align with [ HYPERLINK "https://www.saferfederalworkforce.gov/faq/testing/" \h ]<br>from the Safer Federal Workforce Task Force. |

As noted above, further Task Force guidance will address the intersection of [ HYPERLINK "https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html" \h ] [ HYPERLINK "https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html" \h ]with other workplace safety protocols for Federal agencies. At this time, agencies should followexisting Task Force guidance with respect to other COVID-19 workplace protocols.

Further Considerations for Mask-Wearing

Agencies should ensure that individuals can wear a mask if they choose regardless of COVID-19 Community Level and consistent with agency protocols. When the COVID-19 Community Level is HIGH, agencies should require all individuals to wear masks in Federal facilities, regardless of vaccination status.

Consistent with CDC recommendations and Safer Federal Workforce Task Force [ HYPERLINK "https://www.saferfederalworkforce.gov/faq/quarantine-and-isolation/" \h ]for quarantineand isolation, people with symptoms, a positive test, or exposure to someone with COVID-19 should wear a mask for the required period of time.

Determining COVID-19 Community Level for Federal Facilities

As noted above, CDC has provided [ HYPERLINK "https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html" \h ]showing the COVID-19 Community Level for each county in the United States. Agencies should utilize that data in determining the COVID-19 Community Level for a given facility by looking to the COVID-19 Community Level for the county in which the facilityis located.

Agencies should review the COVID-19 Community Level for each of their facilities on a weekly basis, to determine any changes that need to be made to agency COVID-19 workplace safety protocols for the upcoming week; for example, an agency could review the COVID-19 Community Level each Friday and implement any changes to agency safety protocols due to changes in the COVID-19 Community Level



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starting the following Monday.

If agencies have implementation challenges or unique operational circumstances that may require other or additional prevention measures, please reach out to the Safer Federal Workforce Task Force for consultation, consistent with existing processes for determining necessary exceptions to COVID-19 workplace safety protocols.



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Message

**From**: Stewart, Neil [Stewart.Neil@epa.gov]
**Sent**: 3/18/2022 5:19:48 PM
**To**: Jackson, Yvette [Jackson.Yvette@epa.gov]
**Subject**: RE: [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

Will do

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**From:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Sent:** Friday, March 18, 2022 1:11 PM
**To:** Stewart, Neil <Stewart.Neil@epa.gov>
**Subject:** FW: [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

Hi Neil,

Going to send you a series of emails with updates that will affect HQ access procedures. Please make sure your staff is apprised and security guard directives are updated. Thanks

On February 25, the Centers for Disease Control and Prevention (CDC) released updated guidance for when people should wear masks and implement other prevention measures, including screening testing, depending on the level of COVID-19 in their community. Pursuant to Executive Order 13991, Federal agencies follow CDC guidelines for mask-wearing and other public health measures.

Today, the Safer Federal Workforce Task Force (Task Force) issued initial implementation guidance on COVID-19 Community Levels. Related Task Force Frequently Asked Questions (FAQs) have been updated on SaferFederalWorkforce.gov. The guidance for Federal agencies addresses mask-wearing and screening testing requirements based on the COVID-19 Community Level in the county in which a Federal facility is located.

Agencies are expected to implement the protocols related to mask-wearing and screening testing set forth in this initial implementation guidance as soon as operationally feasible and no later than Friday, March 4, 2022.

The Task Force will soon issue further guidance addressing the intersection of COVID-19 Community Levels with other workplace safety protocols for Federal agencies, including through updated Agency Model Safety Principles and FAQs to support agencies in updating their COVID-19 Workplace Safety Plans. At this time, agencies should follow existing Task Force guidance with respect to other COVID-19 workplace protocols.

As a reminder, where a locality imposes more protective pandemic-related safety requirements, those requirements should be followed in Federal facilities within that locality.

Thank you for your continued partnership in protecting the health and safety of the Federal workforce and those we serve.

Message

**From:** Tharp, Scott [Tharp.Scott@epa.gov]
**Sent:** 10/12/2021 12:58:38 PM
**To:** Ahlgren, Russell [Ahlgren.Russell@epa.gov]; Lafferty, Shawn [Lafferty.Shawn@epa.gov]; Pittman, Rick [Pittman.Rick@epa.gov]; Dantin, Darrin [Dantin.Darrin@epa.gov]; Brothers, Terry [Brothers.Terry@epa.gov]; Geeting, Michael [geeting.michael@epa.gov]; Skender, John [Skender.John@epa.gov]; Warhol, Stephanie [warhol.stephanie@epa.gov]; Loesch, Elizabeth [Loesch.Elizabeth@epa.gov]; Norland, Shelly [Norland.Shelly@epa.gov]; Knight, Primo [Knight.Primo@epa.gov]; Jackson, Yvette [Jackson.Yvette@epa.gov]; Pankey, Herbert [Pankey.Herbert@epa.gov]; Glazier, Kelly [Glazier.Kelly@epa.gov]
**CC:** CI-NWD-OAM-CPOD-SSC [CI-NWD-OAM-CPOD-SSC@EPA.GOV]
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Attachments:** EPA Facilities Guidance for OnSite Contractors and Visitors 100721-FINAL2.pdf; FAR 52.223-99 deviation clause FINAL 10-07-21-1.pdf; EPA_CertificationVaccinationPRAv7.pdf

**Importance:** High

We will be providing the attached interim requirements documents very soon to all contractors that either perform work onsite and/or may come onsite.

If you have any questions, please let me know.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

Our Branch Provides Contracting Solutions for Consolidated Mission Support (OCFO, OECA, OGC, OIG, OITA, OMS), Architect and Engineering, Construction, Facilities Management, and Furniture.

***OAS: Advancing EPA's Mission Through Acquisitions***

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**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the **interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Blankenship, Steven [Blankenship.Steven@epa.gov]
**Sent:** 10/19/2021 7:18:00 PM
**To:** Jackson, Yvette [Jackson.Yvette@epa.gov]
**Subject:** FW: Follow up to EO14043
**Attachments:** SUPERVISORY AND EMPLOYEE VACCINE EMAILS FOR UNVACCINATED EMPLOYEES.docx

Steve Blankenship
Director, Real Property Services Division
OMS/Office of Administration
W: 202-564-6905
C: 202-302-8072

**From:** Hernandez, Arnulfo <Hernandez.Arnulfo@epa.gov>
**Sent:** Tuesday, October 19, 2021 9:44 AM
**To:** Blankenship, Steven <Blankenship.Steven@epa.gov>
**Subject:** Follow up to EO14043

Hello Steven,

This is just a follow up from our conversation. Attached is the document that I shared with you during our call. Below is a copy of what next steps you are needing to take. When it says "Vaccine Attestation (or VA) lead" it refers to Yulia Kalikhman and myself. Please update us when you complete the 1st e-mail outreach and then the 2nd one in 5 working days. Again, please reach out to us should you have any questions.

Subject to send e-mail to employee: EO 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees."

1. First-line supervisors will receive a phone call from an approved Vaccine Attestation lead in their office or region identifying their employees who are unvaccinated, partially vaccinated, chose not to reveal their vaccination status, or declined to respond to the attestation. The VA leads **only share this information with supervisors of unvaccinated employees and not with senior leaders in their program/region.**
2. The VA lead will explain that the supervisor is simply to send the two emails per #4 below. Under no circumstance should the supervisor answer questions or engage employees on vaccination. **If the employee has questions, the supervisor should work with the VA lead to obtain answers.**
3. The VA leads will then email those supervisors (without mentioning employee names) the templates and instructions. **Upon receipt of this notification, first-line supervisors will send the first of two prepared emails** individually to the employees that have been identified to them. These emails contain science-based vaccine facts. **Supervisors should not edit or make changes to the provided email templates.**
4. **The first email should be sent to employees as soon as possible** to allow employees the greatest opportunity to become compliant with Executive Order 14043.
5. **Emails must be sent individually** to each unvaccinated employee.
6. Each email **must include a Read and Delivery Receipt and supervisors must keep records** of all emails, delivery receipts and read receipts.
7. **Five (5) workdays after** sending the first email, the first-line supervisor will **send the second pre-drafted email** to their identified employees who remain unvaccinated.

Be the Change! Click Here.

Arnulfo Hernandez III
Human Capital Analyst
Human Resources Division
Office of Resources and Business Operations
Office of Mission Support, US EPA Headquarters

OMS' HR Corner
Request HR Action
How to Submit an HR Request

Message

**From**: Jackson, Yvette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=471286FDB21245768617020D920C6BCA-YJACKSON]
**Sent**: 1/21/2022 7:45:55 PM
**To**: Schreyer, Andrew [Schreyer.Andrew@epa.gov]
**Subject**: RE: Question re: Entrance to Facilities

Hi Andrew,

The form was developed by the SFWTF and updated with agency contact information to be used by EPA. The attestation requirement is through Executive Order 13991 and discussed in the SFWTF Agency Model Safety Principles.

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**From:** Schreyer, Andrew <Schreyer.Andrew@epa.gov>
**Sent:** Friday, January 21, 2022 1:34 PM
**To:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Subject:** RE: Question re: Entrance to Facilities

Thanks, Yvette. Do you have the link to the SFWFT guidelines about this? Good to know that a digital copy would work. Is the linked form an EPA-developed form or one developed by SFWFT?

---

**From:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Sent:** Friday, January 21, 2022 1:03 PM
**To:** Schreyer, Andrew <Schreyer.Andrew@epa.gov>
**Subject:** RE: Question re: Entrance to Facilities

Hi Andrew,

Sorry for the delayed response. The attestation form is on the website. Unless the SFWFT guidelines have changed, it says bring the completed form with you to the facility you're visiting. However at HQ, there are forms available at the guard's desk at visitor entrances for those who may have forgotten theirs. They might be asked to step outside to complete the form. I think a digital copy of the form would be fine. Below is a link to the form.

https://www.epa.gov/system/files/documents/2021-10/epa_certificationvaccination.pdf

Let me know if you need anything else.

Thanks,
Yvette

---

**From:** Schreyer, Andrew <Schreyer.Andrew@epa.gov>
**Sent:** Friday, January 21, 2022 9:38 AM
**To:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Subject:** Question re: Entrance to Facilities

Good morning Yvette,

Had a quick question regarding entrance into EPA facilities. Within the current process, visitors need to have a form/attestation regarding their vaccination status or test results. Is that form only available on the website? Is there an option to electronically complete it and have it on a phone? If someone forgets to complete the form before coming to

the facility or if they were unaware of the requirement, do they have a chance to complete a hard copy at a guard station?

Thanks,
Andrew

**Andrew Schreyer *(he/him/his)***
Deputy Assistant Administrator
Office of Mission Support
U.S. Environmental Protection Agency
Cell: (202) 329-5445

Message

**From**: Jackson, Yvette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=471286FDB21245768617020D920C6BCA-YJACKSON]
**Sent**: 10/18/2021 7:58:49 PM
**To**: Caro, Vique [Caro.Vique@epa.gov]
**Subject**: RE: Interim Facility Access Requirements for Contractors and Visitors

Vique,

For a long-term contractor, I think this would be acceptable for the first time entering the facility. Once they've entered the facility and made it to their desk, they should print a copy to keep on their person at all times while in the building. Let me know if you need anything else.

Thanks,
Yvette

---

**From:** Caro, Vique <Caro.Vique@epa.gov>
**Sent:** Monday, October 18, 2021 2:51 PM
**To:** Jackson, Yvette <Jackson.Yvette@epa.gov>
**Subject:** FW: Interim Facility Access Requirements for Contractors and Visitors

Yvette,
Any idea on whether the below would be in compliance?

Vique Caro
Office Director
Office of Administration and Resources Management Cincinnati
US Environmental Protection Agency
Main Office: 513-569-7910
Desk Phone: 513-569-7912
Cell: 513-607-3534
email: caro.vique@epa.gov

---

**From:** Williams, Daniel <Williams.Daniel@epa.gov>
**Sent:** Monday, October 18, 2021 1:55 PM
**To:** Caro, Vique <Caro.Vique@epa.gov>
**Cc:** Pinelli, Matthew <Pinelli.Matthew@epa.gov>
**Subject:** FW: Interim Facility Access Requirements for Contractors and Visitors

Hi Vique,
For contractors who don't own or have access to a printer can they download the verification form onto their phone and use that to gain entrance? See below

Daniel Williams
Physical Scientist
United States Environmental Protection Agency
Office of Research and Development
Drinking Water Treatment Distribution Branch
26 West Martin Luther King Drive
Cincinnati, OH 45268
513-569-7237 (office)

513-498-2833 (cell)
Williams.daniel@epa.gov

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**From:** Pinelli, Matthew <Pinelli.Matthew@epa.gov>
**Sent:** Monday, October 18, 2021 1:29 PM
**To:** Williams, Daniel <Williams.Daniel@epa.gov>; Urbanic, Megan <Urbanic.Megan@epa.gov>; Woodruff, Peyton <Woodruff.Peyton@epa.gov>; Achtemeier, Riley <Achtemeier.Riley@epa.gov>; Tang, Min <tang.min@epa.gov>; Crockett, Evan <Crockett.Evan@epa.gov>; Formal, Casey <formal.casey@epa.gov>
**Subject:** RE: Interim Facility Access Requirements for Contractors and Visitors

After following the link to the form and downloading it, clicking the signature box allowed me to enter a digital signature, so you should be able to just send the document to yourself and show the electronically signed PDF on your phone instead of having to carry a piece of paper around with you everywhere.

Matthew Pinelli

---

**From:** Williams, Daniel <Williams.Daniel@epa.gov>
**Sent:** Monday, October 18, 2021 12:44 PM
**To:** Urbanic, Megan <Urbanic.Megan@epa.gov>; Woodruff, Peyton <Woodruff.Peyton@epa.gov>; Achtemeier, Riley <Achtemeier.Riley@epa.gov>; Tang, Min <tang.min@epa.gov>; Pinelli, Matthew <Pinelli.Matthew@epa.gov>; Crockett, Evan <Crockett.Evan@epa.gov>; Formal, Casey <formal.casey@epa.gov>
**Cc:** Lytle, Darren <Lytle.Darren@epa.gov>; Boczek, Laura <Boczek.Laura@epa.gov>; Pressman, Jonathan <Pressman.Jonathan@epa.gov>
**Subject:** FW: Interim Facility Access Requirements for Contractors and Visitors

Hi all,
In case you didn't get the mass mailer.. see below

Daniel Williams
Physical Scientist
United States Environmental Protection Agency
Office of Research and Development
Drinking Water Treatment Distribution Branch
26 West Martin Luther King Drive
Cincinnati, OH 45268
513-569-7237 (office)
513-498-2833 (cell)
Williams.daniel@epa.gov

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**From:** Caro, Vique <Caro.Vique@epa.gov>
**Sent:** Monday, October 18, 2021 12:20 PM
**To:** CI-ALL <CI-ALL@EPA.GOV>
**Subject:** Interim Facility Access Requirements for Contractors and Visitors

Colleagues,

Effective Friday, October 15, 2021, all contractors and visitors to EPA facilities are required to confirm that they have completed a Certification of Vaccination form before they are allowed entry. Security Personnel will verify with all contractors and visitors that they have read the posted signage, have the appropriate documentation and, upon affirmation, will allow the visitor or contractor to enter. The Office of Acquisition Solutions notified the contractors of these requirements separately. The requirements are:

**All EPA federal contractors (prime contractors and subcontractors) and visitors (including scheduled delivery drivers) seeking access to an EPA facility must:**

- Print and bring with them a completed Certificate of Vaccination form.
- Carry proof of a negative COVID-19 test result from within three days of arrival to the facility, if they are not fully vaccinated.

**This requirement does not apply to:**

- Future Environments Inc. families; or
- Anyone entering EPA space for the purpose of supporting a grant.

**Please note that this process may result in longer wait times at the EPA entrance.**

This is an interim process which will be in place until the Office of Acquisition Solutions can confirm that all contractors are in compliance with Executive Order 13991 and the Safer Federal Workforce Task Force model safety principles for federal agencies. As a reminder, all federal personnel, contractors, and visitors are required to adhere to all workplace safety protocols and posted instructions while on campus.

Thank you for your continued support as we implement this new process. If you have any questions, please email brothers.terry@epa.gov or scola.jennifer@epa.gov.

Vique Caro
Office Director
Office of Administration and Resources Management Cincinnati
US Environmental Protection Agency
Main Office: 513-569-7910
Desk Phone: 513-569-7912
Cell: 513-607-3534
email: caro.vique@epa.gov

**Facility Access Protocols as a Result of COVID-19 Vaccination Requirements**
**November 19, 2021**

## GSA-controlled Facilities with Protection Provided by the Federal Protective Service

### Federal Employees

- Effective Date of vaccination requirement - 11/22/2021
- GSA will post signage at facility entrances prior to the opening of business on [11/22/2021], indicating that, effective on that date, in accordance with the President's Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (September 9, 2021), and the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, COVID-19 vaccination is required for all Federal employees without a medical or religious exception pending or approved by their agency, and that while in the facility, all Federal employees must follow required workplace safety protocols, such as mask wearing, physical distancing, and testing.
- Effective 11/22/2021, U.S. Department of Homeland Security - Federal Protective Service (FPS) Protective Security Officers (PSO) will admit any Federal employee with a valid PIV card to GSA-controlled facilities. On-site presentation of proof of vaccination will not be required as a condition of entry.

### Federal Contractors

- Effective Date of vaccination requirement - 1/18/2022
- GSA will post signage at facility entrances prior to opening of business on 1/18/2022, indicating that, effective on that date, in accordance with the President's Executive Order 14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors* (September 9, 2021), and the Safer Federal Workforce Task Force's *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, COVID-19 vaccination is required for all employees of Federal contractors entering the facility without a medical or religious exception pending or approved by their employer, pursuant to the inclusion of COVID-19 vaccination requirements in Federal contracts, and that while in the facility, all Federal contractor employees must follow required workplace safety protocols, such as mask wearing, physical distancing, and testing.
- Effective 1/18/2022, FPS PSOs will admit any Federal contractor employee with a valid PIV card to GSA-controlled facilities. Presentation of proof of vaccination to FPS PSOs will not be required as a condition of entry. The sponsoring Executive Branch agency will be responsible for ensuring contractor employee compliance with relevant workplace safety protocols.

Note: Federal contractor employees who DO NOT have a valid PIV card will be considered "Visitors Entering for Reasons Other Than to Obtain a Public Service or Benefit," and must follow the protocols associated with that group of individuals.



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**Visitors Entering for Reasons OTHER THAN to Obtain a Public Service or Benefit**

- Effective Date - immediately after signage is posted
- GSA will post signage at facility entrances, as soon as practicable, indicating that a completed Certification of Vaccination Form must be presented to the security officer as a condition of entry for visitors wishing to gain access for reasons other than to obtain a public service or benefit, and that those visitors must follow required workplace safety protocols, such as mask wearing, physical distancing, and testing.
- Security officers will admit visitors to the facility after being presented with the completed Certification of Vaccination form.
- It is the responsibility of the sponsoring Executive Branch agency to ensure that the visitor is complying with all the requirements of the President's Executive Order 13991, *Protecting the Federal Workforce and Requiring Mask Wearing* (January 20, 2021), and Safer Federal Workforce Task Force guidance, including being able to present a completed Certification of Vaccination form and negative COVID-19 test results within the last three days, as applicable.

Note: Delivery drivers and other "transient visitors" (*e.g.*, UPS and FedEx) are not required either to present the completed Certification of Vaccination form to security officers as a condition of entry or to show the sponsoring agency a completed Certification of Vaccination form or negative COVID-19 test result. These visitors must follow all other safety protocols associated with their self-determined vaccination status that are in place at the facility, such as mask wearing and physical distancing.

Note: Emergency personnel responding to an emergency situation in the facility (*e.g.*, police or fire department personnel, emergency medical services and disaster mitigation companies) are not required either to present the completed Certification of Vaccination form to security officers as a condition of entry or to show the sponsoring agency a completed Certification of Vaccination form or negative COVID-19 test result. These visitors must follow all other safety protocols associated with their self-determined vaccination status that are in place at the facility.

**Visitors Entering to Obtain a Public Service or Benefit**

- Effective Date - immediately after the facility security committee (FSC) has compiled and provided to FPS a list of public services and benefits for ALL occupant agencies in a facility for inclusion in the PSO post orders (note: this entrance requirement will not be implemented agency-by-agency; it will only be implemented at the facility level).
- GSA will post signage at facility entrances once the FSC informs GSA that the above-required action has taken place. The signage will state that individuals wishing to access the facility to obtain a public service or benefit must indicate such to the security officer.
- Security officers will admit visitors who indicate they are entering the facility to obtain a public service or benefit, if the identified public service or benefit is on the list provided by the FSC. If there is a dispute over a particular public service or benefit, the visitor will

need to contact the agency providing the public service or benefit for assistance. If occupant agency contact information signage is not currently posted at a GSA-controlled facility, GSA will post that signage at the same time that the visitor access signage is posted.

- Visitors who indicate they are entering the facility to obtain a public service or benefit will not be required to present to security officers either a completed Certification of Vaccination form or negative COVID-19 test results.
- These visitors must follow all other safety protocols associated with their self-determined vaccination status that are in place at the facility, such as mask wearing and physical distancing.

## GSA-controlled Facilities with Protection Provided by the U.S. Marshals Service (Non-Primary Courthouses)

**Federal Employees**

- Effective Date of vaccination requirement - 11/22/2021
- GSA will post signage at facility entrances prior to opening of business on 11/22/2021, indicating that, effective on that date, in accordance with the President's Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (September 9, 2021), and the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, COVID-19 vaccination is required for all Federal employees without a medical or religious exception pending or approved by their agency, and that while in the facility, all Federal employees must follow required workplace safety protocols, such as mask wearing, physical distancing, and testing.
- Effective 11/22/2021, U.S. Marshals Service (USMS) Court Security Officers (CSO) will admit any Federal employee with a valid PIV card to GSA-controlled facilities. On-site presentation of proof of vaccination will not be required as a condition of entry.

Note: The above processes are superseded by any orders issued by a Chief Judge for a specific location. Where such an order is issued, the requirements in the order will be enforced by the USMS CSO, if the order specifies that the USMS CSO will enforce it. Under that scenario, if the requirements in a Chief Judge's order are less protective than the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, occupant agencies are responsible for ensuring that their employees, contractors, and visitors wishing to access the facility adhere to the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*.

Note: In Primary Courthouses, the vaccination requirement only applies to employees, contractors, and visitors of the Executive Branch. In those facilities, Executive Branch occupant agencies are responsible for enforcing the vaccination requirement, as applicable.



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**Federal Contractors**

- Effective Date of vaccination requirement - 1/18/2022
- GSA will post signage at facility entrances prior to opening of business on 1/18/2022, indicating that, effective on that date, in accordance with the President's Executive Order 14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors* (September 9, 2021), and the Safer Federal Workforce Task Force's *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, a COVID-19 vaccination is required for all employees of Federal contractors entering the facility without a medical or religious exception pending or approved by their employer, pursuant to the inclusion of COVID-19 vaccination requirements in Federal contracts, and that while in the facility, all Federal contractor employees must follow required workplace safety protocols, such as mask wearing. physical distancing, and testing.

- Effective 1/18/2022, USMS CSOs will admit any Federal contractor employee with a valid PIV card to GSA-controlled facilities. On-site proof of vaccination will not be required as a condition of entry. The sponsoring Executive Branch agency will be responsible for ensuring contractor employee compliance with relevant workplace safety protocols.

Note: Federal contractor employees who DO NOT have a valid PIV card will be considered "Visitors Entering for Reasons Other Than to Obtain a Public Service or Benefit," and must follow the protocols associated with that group of individuals.

Note: The above processes are superseded by any orders issued by a Chief Judge for a specific location. Where such an order is issued, the requirements in the order will be enforced by the USMS CSO, if the order specifies that the USMS CSO will enforce it. Under that scenario, if the requirements in a Chief Judge's order are less protective than the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, occupant agencies are responsible for ensuring that their employees, contractors, and visitors wishing to access the facility adhere to the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*.

Note: In Primary Courthouses, the vaccination requirement only applies to employees, contractors and visitors of the Executive Branch. In those facilities, Executive Branch occupant agencies are responsible for enforcing the vaccination requirement, as applicable.

**Visitors Entering for Reasons OTHER THAN to Obtain a Public Service or Benefit**

- Effective Date - immediately after signage is posted
- GSA will post signage at facility entrances, as soon as practicable, indicating that a completed Certification of Vaccination Form must be presented to the security officer as a condition of entry for visitors wishing to gain access for reasons other than to obtain a public service or benefit, and that those visitors must follow required workplace safety protocols, such as mask wearing, physical distancing and testing.



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- Security officers will admit visitors to the facility after being presented with the completed Certification of Vaccination form.
- It is the responsibility of the sponsoring Executive Branch agency to ensure that the visitor is complying with all the requirements of the President's Executive Order 13991, *Protecting the Federal Workforce and Requiring Mask Wearing* (January 20, 2021), and Safer Federal Workforce Task Force guidance, including being able to present a completed Certification of Vaccination form and negative COVID-19 test results within the last three days, as applicable.

Note: Delivery drivers and other "transient visitors" (*e.g.*, UPS and FedEx) are not required either to present the completed Certification of Vaccination form to security officers as a condition of entry or to show the sponsoring agency a completed Certification of Vaccination form or negative COVID-19 test result. These visitors must follow all other safety protocols associated with their self-determined vaccination status that are in place at the facility, such as mask wearing and physical distancing.

Note: Emergency personnel responding to an emergency situation in the facility (*e.g.*, police or fire department personnel, emergency medical services and disaster mitigation companies) are not required either to present the completed Certification of Vaccination form to security officers as a condition of entry or to show the sponsoring agency a completed Certification of Vaccination form or negative COVID-19 test result. These visitors must follow all other safety protocols associated with their self-determined vaccination status that are in place at the facility.

Note: The above processes are superseded by any orders issued by a Chief Judge for a specific location. Where such an order is issued, the requirements in the order will be enforced by the USMS CSO, if the order specifies that the USMS CSO will enforce it. Under that scenario, if the requirements in a Chief Judge's order are less protective than the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, occupant agencies are responsible for ensuring that their employees, contractors, and visitors wishing to access the facility adhere to the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*.

Note: In Primary Courthouses, the vaccination requirement only applies to employees, contractors, and visitors of the Executive Branch. In those facilities, Executive Branch occupant agencies are responsible for enforcing the vaccination requirement, as applicable.

**Visitors Entering to Obtain a Public Service or Benefit**

- Effective Date - immediately after the FSC has compiled and provided to the USMS CSOs a list of public services and benefits for ALL occupant agencies in a facility for inclusion in the CSO post orders (note: this entrance requirement will not be implemented agency-by-agency; it will only be implemented at the facility level).
- GSA will post signage at facility entrances once the FSC informs GSA that the above-required action has taken place. The signage will state that individuals wishing to

access the facility to obtain a public service or benefit must indicate such to the security officer.

- Security officers will admit visitors who indicate they are entering the facility to obtain a public service or benefit, if the identified public service or benefit is included on the list provided by the FSC. If there is a dispute over a particular public service or benefit, the visitor will need to contact the agency providing the public service or benefit for assistance. If occupant agency contact information signage is not currently posted at a GSA-controlled facility, GSA will post that signage at the same time that the visitor access signage is posted.
- Visitors who indicate they are entering the facility to obtain a public service or benefit will not be required to present to Security Officers either a completed Certification of Vaccination form or negative COVID-19 test results.
- These visitors must follow all other safety protocols associated with their self-determined vaccination status that are in place at the facility, such as mask wearing and physical distancing.

Note: The above processes are superseded by any orders issued by a Chief Judge for a specific location. Where such an order is issued, the requirements in the order will be enforced by the USMS CSO, if the order specifies that the USMS CSO will enforce it. Under that scenario, if the requirements in a Chief Judge's order are less protective than the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, occupant agencies are responsible for ensuring that their employees, contractors, and visitors wishing to access the facility adhere to the requirements of the Safer Federal Workforce Task Force's *Agency Model Safety Principles.*

## Facilities with NO FPS or USMS Protective Services

- **Occupant agencies are responsible for**
  - Posting signage at entrances to occupant agency space.
  - Verifying that visitors entering the occupant agency's space for reasons other than to obtain a public service or benefit have completed the Certification of Vaccination form and have any necessary accompanying documentation.



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**Proposed Signage to Enforce Entrance Requirements Related to Vaccinations**

**Sign #1: Facility Entrance Requirements**

- Effective immediately, visitors entering this facility to obtain a public service or benefit must indicate this to security personnel and comply with all facility-related safety protocols. All other visitors must present the completed Certification of Vaccination form to security personnel and comply with all facility-related safety requirements.

- Effective 11/22/2021, in accordance with Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (September 9, 2021), and the Safer Federal Workforce Task Force's *Agency Model Safety Principles*, COVID-19 vaccination is required for all Federal employees without a medical or religious exception pending or approved by their agency entering this facility.

- Effective 1/18/2022, in accordance with Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (September 9, 2021), and the Safer Federal Workforce Task Force's *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, COVID-19 vaccination is required for all employees of Federal contractors without a medical or religious exception pending or approved by their employer entering the facility, pursuant to the inclusion of COVID-19 vaccination requirements in Federal contracts.

**Sign #2: Agency Points of Contact (may already be posted in some locations)**

Sign to be created by the FSC in the following format:

Agency, POC Name, POC local telephone number

**Sign #3: Mask Wearing is Required**
(signs already posted in applicable locations depending on the local level of transmission)

**Sign #4: Physical Distancing is Required**
(signs already posted in applicable locations)

# ATTENTION

## UPCOMING Facility Access Requirements and Restrictions

In accordance with Executive Order 13991, Office of Management and Budget Memorandum M-21-15, and guidance from the Safer Federal Workforce Task Force, the following conditions and requirements **will soon need to be met** for entry into this facility:

### FEDERAL CONTRACTORS

1. Ensure you have completed and possess the agency provided Certification of Vaccination form **and present the completed form to the Security Officer** when going through facility security screening.
2. If you are not fully vaccinated, have in your possession documentation of a negative COVID-19 test result from within the last 3 days to show your agency.
3. While in the facility, follow updated agency workplace safety plans and protocols.
4. Any requests for a medical or religious accommodation from agency safety protocols should be directed to your employer.

### VISITORS (those who do not possess a valid Federal Government Personal Identity Verification (PIV) Card)

1. If visiting this facility to seek a public service or benefit, you are NOT required to provide information about your vaccination status or negative COVID-19 test results; however, you MUST abide by masking and physical distancing requirements.
2. If visiting this facility for any other purpose, **you must have completed and possess the government provided Certification of Vaccination form and present the completed form to the Security Officer** when going through facility security screening.
3. If you are not fully vaccinated, you must have in your possession documentation of a negative COVID-19 test result from within the last 3 days to show the agency you are visiting.
4. While in the facility, follow the agency's updated workplace safety plans and protocols that you are visiting.
5. Any requests for a medical or religious accommodation from agency safety protocols should be directed to the agency you are visiting.

**Upon implementation, additional signage reflecting these requirements and restrictions will be posted at facility entrances.**

Message

**From:** FPS-Customer.Affairs, [FPS-Customer.Affairs@fps.dhs.gov]
**Sent:** 8/20/2021 9:26:01 PM
**To:** FPS-Customer.Affairs, [FPS-Customer.Affairs@fps.dhs.gov]
**Subject:** Federal Protective Service - Memorandum to Federal Security Committee and Designated Officials - FPS COVID-19 Guidance Update
**Attachments:** FPS COVID-19 Guidance Update Memo to FSC and DO 8.20.2021.pdf; Certification of Vaccination Fed Employee.pdf; Certification Vaccination On-site Contractors_Visitors.pdf; Facility Access Signage (Final) 082021.pdf; https___www.saferfederalworkforce FAQ.pdf

FEDERAL PROTECTIVE SERVICE

FPS

Good Afternoon,

Federal Facility Security Committees and Designated Officials,

Please find attached updated guidance from the Federal Protective Service to Federal Facility Security Committees and Designated Officials regarding FPS enforcement of COVID-19 vaccination and testing status attestations prescribed in the *Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles* issued by the Safer Federal Workforce Task Force (Task Force) on July 29, 2021.1 FPS understands and regards the Task Force vaccine and testing attestation guidance as consistent with and incorporated by reference in both Executive Order 13991, *Protecting the Federal Work Force and Requiring Mask-Wearing*, and the corresponding Office of Management and Budget Memorandum M-21-15, *COVID-19 Safe Federal Workplace: Agency Model Safety Principles.*

Attachments:

- FPS COVID-19 Guidance Update to FSC and DO
- Certification of Vaccination – Federal Employee
- Certification of Vaccination - On-Site Contractor and Visitor
- Example – Facility Access Signage
- Safer Federal Workforce Task Force FAQ

Message

**From:** Kimberly Ainsworth [kim.ainsworth@gsa.gov]
**Sent:** 9/13/2021 6:54:19 PM
**To:** Kim Ainsworth [kim.ainsworth@gsa.gov]
**Subject:** Safer Federal Workforce releases UPDATE to COVID-19 Workplace Safety: Agency Model Safety Principles
**Attachments:** updates to model safety principles 9.13.21.pdf

New England Senior Federal Agency Leaders: FYSA - Please consult with your Component prior to taking action.
*NOTE: Implementation guidance on the President's Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees is forthcoming and will be released soon!*

Amendments released today*: FULL LIST AVAILABLE HERE:* https://www.saferfederalworkforce.gov/overview/

- Read the COVID-19 Workplace Safety: Agency Model Safety Principles (Updated September 13, 2021; ATTACHED). It outlines model safety principles for executive departments and agencies to revise their existing COVID-19 workplace safety plans.
- Read the President's Path out of the Pandemic: COVID-19 Action Plan (Issued September 9, 2021). It is a six-pronged, comprehensive national strategy that employs the same science-based approach that was used to successfully combat previous variants of COVID-19 earlier this year. This plan will ensure that we are using every available tool to combat COVID-19 and save even more lives in the months ahead, while also keeping schools open and safe, and protecting our economy from lockdowns and damage.

https://www.saferfederalworkforce.gov/overview/

Kim Ainsworth Klaskin, Executive Director
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Find us on Facebook, Twitter & Linked In.

**Safer Federal Workforce Task Force**

**COVID-19 Workplace Safety: Agency Model Safety Principles**

**Last Updated September 13, 2021 (Previously Updated July 29, 2021)**

## Recent Updates

- Federal Executive Branch employees must be fully vaccinated, except in limited circumstances where an employee is legally entitled to a reasonable accommodation. Agencies must work expeditiously so that their employees are fully vaccinated as quickly as possible and by no later than November 22, 2021.
- With the government-wide adoption and implementation of these vaccination requirements, agencies are no longer required to establish a screening testing program for employees or onsite contractor employees who are not fully vaccinated, although they may do so.
- The President has announced that Federal contractor employees will be required to be vaccinated. Prior to being contractually required to be vaccinated, onsite contractor employees who are not fully vaccinated and are not part of an agency testing program must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a Federal building.

## Purpose

The purpose of this document is to provide model safety principles for executive departments and agencies (hereafter, "agency" and collectively, "agencies") for their COVID-19 workplace safety plans. In Executive Order No. 13991, President Biden established the Safer Federal Workforce Task Force to oversee the development and implementation of agency COVID-19 workplace safety plans across the Federal Government. In his Executive Order on *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* and his Executive Order on *Ensuring Adequate COVID Safety Protocols for Federal Contractors*, President Biden directed the Task Force to issue guidance on implementation of the requirements in those Orders.

Agencies should incorporate these model safety principles into their existing COVID-19 workplace safety plans.

Agencies with onsite contractor employees should address how the protocols below are applied to those individuals to promote Federal workplace safety in the context of COVID-19.

## Overview of Model Principles

The Federal Government is committed to addressing essential work requirements consistent with best public health practices. The Administration's paramount concern is the health and safety of all Federal employees, onsite contractor employees, and individuals interacting with the Federal workforce.

The principles presented here are aligned with the latest guidance from the Centers for Disease Control and Prevention (CDC) for employers and for fully vaccinated people and the Occupational Safety and Health Administration (OSHA) on protecting workers, based on evolving understanding of the pandemic. These principles will be reassessed over time, as conditions warrant and as CDC guidelines are updated.

Where a locality has imposed additional pandemic-related requirements more protective than those set forth in these model safety principles, those requirements should be followed in Federal buildings and on Federal land in that locality.

**Goal**

The health and safety of the Federal workforce is the Administration's highest priority.

**Health and Safety**

*Vaccination*

To ensure the safety of the Federal workforce, Federal employees must be fully vaccinated, except in limited circumstances where an employee is legally entitled to a reasonable accommodation. Agencies must work expeditiously so that their employees are fully vaccinated as quickly as possible and by no later than November 22, 2021.

When a Federal employee is required to be vaccinated, the time the employee spends obtaining any COVID-19 vaccination (including travel time) is duty time; thus, there is no need for the employee to take administrative leave for such time during the employee's basic tour of duty. Employees may not be credited with administrative leave for time spent getting a vaccination. If, due to unforeseen circumstances, the employee is unable to obtain the vaccine during basic tour of duty hours the normal overtime hours of work rules apply.

Employees will receive paid time off to address any side effects. Employees will also receive paid time off to accompany a family member being vaccinated. For this purpose, a "family member" is an individual who meets the definition of that term in OPM's leave regulations (see 5 CFR 630.201).

Some contractor employees may not yet be subject to a contractual requirement to be vaccinated, and some visitors may not be fully vaccinated or decline to provide information on their vaccination status. Given the different safety protocols for individuals who are fully vaccinated and those who are not fully vaccinated, agencies need to ask about the vaccination status of visitors to Federal buildings and onsite contractor employees who are not yet contractually required to be vaccinated. Individuals must attest to the truthfulness of the response they provide. When an individual discloses that they are not fully vaccinated or declines to provide information on their vaccination status, agencies should treat that individual as not fully vaccinated for purposes of implementing safety measures, including with respect to mask wearing and physical distancing.

Onsite contractor employees who are not yet contractually required to be vaccinated and who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a Federal building—as noted below, if a contractor employee is regularly tested pursuant to an agency testing program, they do not need to provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a Federal building unless required to by the agency testing program.

Visitors to Federal buildings who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a Federal building. See the section below on Meetings, Events, and Conferences

for how visitor requirements apply to in-person participants in meetings, events, and conferences hosted by agencies.

These requirements related to the provision of information about vaccination and provision of proof of a recent negative COVID-19 test do not apply to members of the public entering a Federal building or Federal land to obtain a public service or benefit. If they are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people.

*Levels of Community Transmission*

For purposes of this guidance, when determining levels of community transmission in a given area, agencies should reference the CDC COVID-19 Data Tracker County View. Agencies can use discretion in determining the counties relevant to the determination of the level of community transmission in a given area for a given Federal facility. For example, agencies may consider the county in which an agency facility is located as well as the transmission levels of surrounding local counties from which employees commute to the facility.

*Telework and Remote Work*

Agencies should utilize telework and remote work consistent with the principles set forth in OMB Memorandum M-21-25 and agency plans for reentry and post-reentry.

*COVID-19 Coordination Team*

Each agency should maintain its COVID-19 Coordination Team, as detailed in OMB Memorandum M-21-15. This team should, at a minimum, include a representative from: each component agency (if applicable); the appropriate human resources office(s); occupational safety and health experts; executive leadership; legal counsel; and a public health expert. If such a public health expert does not exist at the agency, the Safer Federal Workforce Task Force will designate someone. The team should meet regularly to review compliance with agency COVID-19 workplace safety plans and protocols, consider potential revisions to agency COVID-19 workplace safety plans and protocols pursuant to guidance from the Safer Federal Workforce Task Force and current CDC guidelines, and evaluate any other operational needs related to COVID-19 workplace safety. The team should coordinate all decisions with Facility Security Committees, as appropriate. For privately owned facilities leased by the Federal Government, the team must coordinate with the General Services Administration (GSA), where appropriate, and the lessor's designated representative.

*Face Masks and Physical Distancing*

Federal employees must be fully vaccinated, except in limited circumstances where an employee is legally entitled to a reasonable accommodation. In addition, some contractor employees may not yet be subject to a contractual requirement to be vaccinated, and some visitors may not be fully vaccinated or decline to provide information on their vaccination status.

Individuals who are not fully vaccinated must wear a mask regardless of community transmission level. In areas of high or substantial transmission, fully vaccinated people must wear a mask in public indoor settings, except for limited exceptions discussed in this section.

In areas of low or moderate transmission, in most settings, fully vaccinated people generally do not need to wear a mask or physically distance in Federal buildings or on Federal land, except where required by Federal, State, local, Tribal, or territorial laws, rules, or regulations. Fully vaccinated individuals might choose to wear a mask regardless of the level of transmission for a variety of reasons. Nothing in CDC guidance precludes an employee from wearing a mask, if the employee so chooses. CDC's guidance for mask wearing and physical distancing in specific settings, including healthcare, transportation, correctional and detention facilities, and schools, should be followed, as applicable.

Individuals who are not fully vaccinated or who decline to provide their vaccination status—or who are in an area of substantial or high transmission—must wear a mask that covers their nose and mouth, and that is in accordance with current CDC guidance. CDC recommends the following: disposable masks, masks that fit properly (snugly around the nose and chin with no large gaps around the sides of the face), masks made with breathable fabric (such as cotton), masks made with tightly woven fabric (i.e., fabrics that do not let light pass through when held up to a light source), masks with two or three layers, and masks with inner filter pockets. Agencies should not allow novelty or non-protective masks, masks with ventilation valves, or face shields as a substitute for masks.

In addition to properly wearing a mask, individuals who are not fully vaccinated or who decline to provide information about their vaccination status must maintain distance. To the extent practicable, individuals who are not fully vaccinated or who decline to provide information about their vaccination status should maintain a distance of at least six feet from others at all times, consistent with CDC guidelines, including in offices, conference rooms, and all other communal and work spaces.

For individuals who are required to wear a mask:

- Appropriate masks should be worn consistently and correctly (over mouth and nose).
- Appropriate masks should be worn in any common areas or shared workspaces (including open floorplan office space, cubicle embankments, and conference rooms).
- In general, people do not need to wear masks when outdoors. However, consistent with CDC guidance, those who are not fully vaccinated should wear a mask in crowded outdoor settings or during outdoor activities that involve sustained close contact with other people who are not fully vaccinated.
- Agencies may provide for exceptions consistent with CDC guidelines, for example, when an individual is alone in an office with floor to ceiling walls and a closed door, or for a limited time when eating or drinking and maintaining distancing in accordance with CDC guidelines.

Masked individuals may be asked to lower their masks briefly for identification purposes in compliance with safety and security requirements.

Masks do not provide the same level of protection as respirators and should not replace personal protective equipment required or recommended at the workplace.

*Testing*

Agencies may establish a program to test Federal employees who are not fully vaccinated for COVID-19. Agencies may also test contractor employees working onsite who are not fully vaccinated as part of a

testing program—if contractor employees are tested as part of an agency testing program, they do not need to provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a Federal building unless required to by the agency testing program.

Agencies must have a process in place for employee diagnostic testing after a workplace exposure.

*Contact Tracing*

The agency's COVID-19 Coordination Team will collaborate with and support the contact tracing programs of local health departments to help identify, track, and manage contacts of COVID-19 cases.

The team will engage in coordination with facilities staff to implement infection control and workplace safety efforts once informed of a known or suspected case of COVID-19 (due either to specific symptoms or a positive test).

The team should ensure that the agency makes disclosures to local public health officials, as required or necessary, to provide for the health and safety of Federal employees, contractor employees, and the general public, in accordance with local public health mandates. If COVID-19 cases occur within a specific building or work setting, it will be the responsibility of that agency's COVID-19 Coordination Team (or a field office or agency component designee) to determine—in consultation with local public health officials—appropriate next steps. Agencies should be transparent in communicating related information to the workforce, as relevant and appropriate; disclosures must be consistent with Federal, State, and local privacy and confidentiality laws and regulations.

*Travel*

Federal employees should adhere strictly to CDC guidelines before, during, and after travel.

For Federal employees who are fully vaccinated, there are no Government-wide restrictions on travel (although agency travel policies still apply).

For the limited number of Federal employees who are not fully vaccinated, agencies should generally observe the following guidance, unless it is contrary to a reasonable accommodation to which an employee is legally entitled. Official domestic travel should be limited to only necessary mission-critical trips. International travel should also be avoided, if at all possible, unless it is mission critical (e.g., military deployments, COVID-19 response deployments or activities, diplomats traveling, high-level international negotiations that cannot occur remotely). Heads of agencies should issue specific guidance to account for the particulars of their agency's mission.

*Meetings, Events, and Conferences*

Should an agency intend to host an in-person meeting, conference, or event that will be attended by more than 50 participants—regardless of whether participants include members of the public—the agency must first seek the approval of its agency head, in consultation with the agency's COVID-19 Coordination Team.

In-person attendees at any meetings, conferences, and events hosted by an agency, regardless of size, must be asked to provide information about vaccination status. In requesting this information, agencies should comply with any applicable Federal laws, including requirements under the Privacy Act and the Paperwork Reduction Act. In-person attendees who are not fully vaccinated or decline to provide

information about their vaccination status must provide proof of a negative COVID-19 test completed no later than the previous 3 days and comply with masking and physical distancing requirements for individuals who are not fully vaccinated consistent with the requirements for visitors in the Face Masks and Physical Distancing section above. In-person attendees in areas of high or substantial transmission must wear a mask in public indoor settings regardless of vaccination status.

*Symptom Monitoring*

If Federal employees, onsite contractors, or visitors have symptoms consistent with COVID-19, they should not enter a Federal workplace.

Federal employees and contractor employees working on site should regularly complete virtual or in-person health checks (ask about symptoms, close contact with someone with SARS-CoV-2 infection, and SARS-CoV-2 testing and diagnosis status). The agency will use this information to assess the individual's risk level and to determine whether the individual should be allowed entry to the workplace. Visitors may be asked to complete symptom screening before entering a Federal facility. In developing these tools, agencies may adapt the one developed by CDC.

Any individual, regardless of vaccination status, who develops any symptoms consistent with COVID-19 during the workday must immediately isolate, wear a mask (if the individual is not already doing so and one is available), notify their supervisor, and promptly leave the workplace. Agencies should have processes in place to provide advice and support to supervisors on any related reporting or human resources requirements.

*Quarantine, Isolation, and Steps for Fully Vaccinated Individuals Following Exposure to Someone with Suspected or Confirmed COVID-19*

Any individual with a suspected or confirmed case of COVID-19 will be advised to isolate, pursuant to CDC guidelines, and in compliance with State, local, and Tribal laws and regulations. Personnel who are not fully vaccinated and who have had a close contact with someone who has tested positive for COVID-19 should follow CDC and State, local, and Tribal guidance for quarantine.

Individuals who have been fully vaccinated and have had close contact with someone with suspected or confirmed COVID-19 should get tested 3-5 days after exposure, even if they do not have symptoms. They should also wear a mask indoors in public for 14 days following exposure or until their test result is negative. If their test result is positive, they should isolate for 10 days.

*Confidentiality and Privacy*

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing and symptom monitoring, will be treated in accordance with applicable laws and policies on confidentiality and privacy, and will be accessible only to those with a need to know. Agencies should consult their Senior Agency Officials for Privacy on matters related to the handling of personally identifiable information and identify a point of contact for all questions relating to personal medical information.

**Workplace Operations**

*Occupancy*

Agencies may establish occupancy limits for specific workplaces as a means of facilitating physical distancing. Note that by reducing the number of people in a space, occupancy limits also increase the heating, ventilation, and air conditioning delivery of outdoor air per person.

*Environmental Cleaning*

Agencies should ensure regular cleaning of common use, high-touch, and high-density spaces, such as lobbies, restrooms, elevators, and stairwells. Office space that is in regular use is to be cleaned regularly, and in accordance with CDC guidelines. Wipes and other Environmental Protection Agency-approved disinfectants will be made available for use by individuals to wipe down workstations and related personal property. Physical barriers, such as plexiglass shields, may be installed, where appropriate.

In the event of a suspected or confirmed case of COVID-19 in the workplace, agencies should ensure enhanced environmental cleaning of the spaces that the individual occupied or accessed in accordance with CDC and, where applicable, GSA guidance, which provides as follows:

- If fewer than 24 hours have passed since the person who is sick or diagnosed with COVID-19 has been in the space, clean and disinfect the space.
- If more than 24 hours have passed since the person who is sick or diagnosed with COVID-19 has been in the space, cleaning is enough. You may choose to also disinfect depending on certain conditions or everyday practices required by your facility.
- If more than 3 days have passed since the person who is sick or diagnosed with COVID-19 has been in the space, no additional cleaning (beyond regular cleaning practices) is needed.

If enhanced cleaning is required, wait as long as possible (at least several hours) before cleaning and disinfecting. Extended wait periods allow increased opportunity for viral deactivation to occur naturally, while also allowing time for aerosols to settle, prior to surface disinfection.

The agency's COVID-19 Coordination Team will determine the appropriate scope of workplace closures needed—in some cases, it may be a suite or individual offices or part of a floor, in other cases, it may include an entire building.

*Hygiene*

Hand sanitizer stations are to be available at the building entrance and throughout workspaces. Hand sanitizers should contain at least 60% alcohol and be manufactured in accordance with the requirements of the U.S. Food and Drug Administration (FDA). Ingredients should be listed on a "Drug Facts" label. Agencies should ensure the hand sanitizer is not on the FDA's do not use list.

*Ventilation and Air Filtration*

Modifications to ventilation systems should be considered in accordance with CDC guidance, especially as building population density increases. To the maximum extent feasible, indoor ventilation will be optimized to increase the proportion of outdoor air and improve filtration. Deployment of portable high-efficiency particulate air (HEPA) cleaners should be considered for higher-risk spaces (e.g., health clinics).

*Collective Bargaining Obligations*

Consistent with President Biden's policy to support collective bargaining, agencies are reminded to satisfy applicable collective bargaining obligations under 5 U.S.C. Chapter 71 when implementing workplace safety plans, including on a post-implementation basis where necessary. Agencies are also strongly encouraged to communicate regularly with employee representatives on workplace safety matters.

Message

**From:** Kimberly Ainsworth [kim.ainsworth@gsa.gov]
**Sent:** 12/9/2021 6:27:29 PM
**To:** Kim Ainsworth [kim.ainsworth@gsa.gov]
**Subject:** *NEW* Safer Federal Workforce - Update for Contractors

New England Senior Federal Agency Leaders: with copy to Human Capital and Admin Officer contacts. The Safer Federal Workforce today provided an u**pdate for contractors** as a result of recent court activity. FYSA only. Please consult with your Component before taking action.

**Regarding Applicable Court Orders and Injunctions:** The Office of Management and Budget has issued guidance on implementing requirements of Executive Order 14042 while ensuring compliance with applicable court orders and injunctions, including those that are preliminary and may be supplemented, modified, or vacated, depending on the course of ongoing litigation.

- **For existing contracts or contract-like instruments (hereinafter "contracts") that contain a clause implementing requirements of Executive Order 14042:** The Government will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, "Excluded State or Outlying Area"). In all other circumstances, the Government will enforce the clause, except for contractor employees who perform substantial work on or in connection with a covered contract in an Excluded State or Outlying Area, or in a covered contractor workplace located in an Excluded State or Outlying Area.
- **Currently Excluded States and Outlying Areas:** All of the United States and its outlying areas, including:
    1. The fifty States;
    2. The District of Columbia;
    3. The commonwealths of Puerto Rico and the Northern Mariana Islands;
    4. The territories of American Samoa, Guam, and the United States Virgin Islands; and
    5. The minor outlying islands of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Atoll.
- **NOTE:** Federal agency COVID-19 workplace safety protocols for Federal buildings and Federally controlled facilities still apply in all locations. Contractor employees working onsite in those buildings and facilities must still follow Federal agency workplace safety protocols when working onsite.

https://www.saferfederalworkforce.gov/contractors/

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Find us on Facebook, Twitter & Linked In.

Message

**From**: Shanahan, Katherine [Shanahan.Katherine@epa.gov]
**Sent**: 3/1/2022 3:31:25 AM
**To**: Johnson, Arthur [Johnson.Arthur@epa.gov]
**Subject**: FW: [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

FYI

**From:** Kamen, Mara <kamen.mara@epa.gov>
**Sent:** Monday, February 28, 2022 10:30 PM
**Subject:** FW: [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

fyi

**From:** CHCO Council <CHCOCouncil@opm.gov>
**Sent:** Monday, February 28, 2022 10:21 PM
**To:** Conrad, Margot C. <Margot.Conrad@opm.gov>; Holman, Ella S. <Ella.Holman@opm.gov>
**Subject:** [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

CHCOs and Deputy CHCOs,

On February 25, the Centers for Disease Control and Prevention (CDC) released updated guidance for when people should wear masks and implement other prevention measures, including screening testing, depending on the level of COVID-19 in their community. Pursuant to Executive Order 13991, Federal agencies follow CDC guidelines for mask-wearing and other public health measures.

Today, the Safer Federal Workforce Task Force (Task Force) issued initial implementation guidance on COVID-19 Community Levels. Related Task Force Frequently Asked Questions (FAQs) have been updated on SaferFederalWorkforce.gov. The guidance for Federal agencies addresses mask-wearing and screening testing requirements based on the COVID-19 Community Level in the county in which a Federal facility is located.

Agencies are expected to implement the protocols related to mask-wearing and screening testing set forth in this initial implementation guidance as soon as operationally feasible and no later than Friday, March 4, 2022.

The Task Force will soon issue further guidance addressing the intersection of COVID-19 Community Levels with other workplace safety protocols for Federal agencies, including through updated Agency Model Safety Principles and FAQs to support agencies in updating their COVID-19 Workplace Safety Plans. At this time, agencies should follow existing Task Force guidance with respect to other COVID-19 workplace protocols.

As a reminder, where a locality imposes more protective pandemic-related safety requirements, those requirements should be followed in Federal facilities within that locality.

From 11:00 AM – 12:00 PM on Wednesday, March 2, the Task Force will discuss the updated CDC recommendations during OMB's regular call with small and independent agencies.

Thank you for your continued partnership in protecting the health and safety of the Federal workforce and those we serve.

# U. S. Environmental Protection Agency

## Office of the Chief Financial Officer (OCFO)

## Policy Interpretation

**COVID-19 Pandemic Travel Policy for All EPA Employees**

**Effective: Upon Issuance** | **Resource Management Directive System Number: 2550B-P1**

## I. PURPOSE

This policy sets forth guidance for all U.S. Environmental Protection Agency employees traveling during the COVID-19 pandemic. This policy is in accordance with President Biden's Executive Order 13991, *Protecting the Federal Workforce and Requiring Mask-Wearing,* and guidance from the Safer Federal Workforce Task Force. This policy is in compliance with the General Services Administration's Federal Travel Regulations and the agency's Resource Management Directive System 2550B Official Travel Manual.

## II. TRAVEL PROCEDURES AND RESTRICTIONS:

To promote the health and safety of the Federal workforce and the efficiency of the civil service, employees who are not fully vaccinated should limit official travel to only mission critical trips.

| Employee | Fully Vaccinated[1] | Not Fully Vaccinated |
|---|---|---|
| Non-Bargaining Unit | Travel not restricted | Travel restricted to mission critical |
| American Federation of Government Employees | Travel not restricted | Travel restricted to mission critical |
| National Association of Government Employees/National Association of Independent Labor Employees/Engineers and Scientists of California | Travel not restricted | Travel restricted to mission critical |

[1] Refer to CDC guidance for definition of "fully vaccinated."

| | | |
|---|---|---|
| National Treasury Employees Union | Travel not restricted | Travel restricted to mission critical |

## A. FULLY VACCINATED EMPLOYEES

**Before you travel:**

- The supervisor responsible for approving the travel authorization (TA) in Concur will contact their respective Vaccine Attestation POC with the name of the traveler and determine whether or not a Mission Critical designation is necessary for that employee's travel.
- The Vaccination Attestation POC will check that employee's vaccination status is in the Vaccination Attestation portal.
- If the employee has an approved vaccination record, then the Vaccine Attestation POC will send an email to the supervisor stating:
  - "This employee does not require a Mission Critical designation for travel."
- The Vaccination Attestation POC will not disclose an employee's vaccination status but will notify the supervisor of the need for additional justification for a mission critical purpose for the employee's travel to be approved.

There are no agencywide restrictions on travel for fully vaccinated employees, however, all employees are required to comply with the travel destination's state and local guidelines and procedures.

## B. NOT FULLY VACCINATED EMPLOYEES

For all employees who are not fully vaccinated, domestic-travel is limited to only necessary mission-critical trips and these employees will need approval from their travel authorizing official (supervisor) before traveling[2]. International travel should be avoided.

Individuals who are not fully vaccinated should follow the safety steps outlined below.

**Before you travel:**

- Get mission-critical designation approval for all travel.
  - The supervisor responsible for approving the travel authorization (TA) in Concur will contact their respective Vaccine Attestation POC with the name of the traveler and determine whether or not a Mission Critical designation is necessary for that employee's travel.
  - The Vaccination Attestation POC will check that employee's vaccination status is in the Vaccination Attestation portal.

[2] Key Internal Control

  - If the employee does not have an approved vaccination record or is requesting an exemption, then the Vaccine Attestation POC will send an email to the supervisor stating:
    - "This employee requires a Mission Critical designation for travel."
  - The supervisor will then prepare a memorandum documenting the Mission Critical designation and maintain that memorandum in the supervisor's files for recordkeeping and reference purposes.
  - While the Mission Critical designation memorandum shall not include vaccination information, as a best practice, the supervisor shall maintain the memo separately from other personnel records maintained on the employee.
  - It is the responsibility of the authorizing supervisor to gain all necessary documentation of the traveler's status. The Cincinnati Finance Center does not have the ability nor authority to validate a traveler's vaccination status or bargaining unit affiliation when processing travel authorizations or vouchers.
- Get tested with a viral test with a negative result 1-3 days before your trip.
- Check the current COVID-19 situation at your destination.
- Make sure you understand and follow all state, local, and territorial travel restrictions, including mask wearing, proof of vaccination, testing, or quarantine requirements.
  - For up-to-date information and travel guidance, check the state or territorial and local health department's website where you are, along your route, and where you are going.
- If traveling by air, check if your airline requires any testing, vaccination, or other documents.
- Prepare to be flexible during your trip as restrictions and policies may change during your travel.

**After you travel:**

- Get tested with a viral test 3-5 days after travel **AND** stay home and self-quarantine for a full 5 days after travel.
  - Even if you test negative, stay home and self-quarantine for the full 5 days.
  - If your test is positive, isolate yourself to protect others from getting infected.
- Self-monitor for COVID-19 symptoms; isolate and get tested if you develop symptoms.
- Follow all state and local recommendations or requirements.

## C. ALL EMPLOYEES

All travelers, including federal employees who are fully vaccinated, should

continue to take health and safety precautions. In all instances where an employee must quarantine and is not on leave, the employee is expected to continue to telework as per their telework agreement.

**While you are traveling:**

- Follow local guidelines on wearing masks while using public transportation, including but not limited to planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and while indoors at U.S. transportation hubs such as airports and stations. Travelers are not required to wear a mask in outdoor areas of a conveyance (like on open deck areas of a ferry or the uncovered top deck of a bus).
- Avoid crowds and stay at least 6 feet/2 meters (about 2 arm lengths) from anyone who is not traveling with you.
- Wash your hands often or use hand sanitizer (with at least 60% alcohol).

If use of a Privately Owned Vehicle is determined by the agency to be advantageous to the Government for TDY safety reasons, then an employee should be reimbursed an applicable mileage rate based on the type of POV. See 41 C.F.R. 301-10.303. Conversely, if an employee is authorized to use a Government Owned Vehicle, but decides to use a POV instead, the FTR provides that the employee will be reimbursed based on a constructive mileage rate limited to the cost that would be incurred for use of a GOV. See 41 C.F.R. 301-10.310.

## III. REFERENCES:

Executive Order 13991, "Protecting the Federal Workforce and Requiring Mask-Wearing"

COVID-19 Workplace Safety: Agency Model Safety Principles

EPA Workplace Safety Plan

Federal Travel Regulations

Resource Management Directive System 2550B Travel Policy

EPA's Collective Bargaining Agreements

Mission Critical Travel Template Memo

Message

**From**: Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent**: 11/5/2021 7:06:02 PM
**To**: Engebretson, Lizabeth [Engebretson.Lizabeth@epa.gov]; Robertson, Mary [Robertson.Mary@epa.gov]
**Subject**: FW: Gentle Reminder: Office of Mission Support EMC Session Presentations
**Attachments**: EO 14042 Implementation - EMC - OAS.pptx

FYI

---

**From:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Sent:** Friday, November 5, 2021 12:34 PM
**To:** Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Braxton, Marilyn <Braxton.Marilyn@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Kamen, Mara <kamen.mara@epa.gov>; Wells, Krysti <Wells.Krysti@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Cc:** Hublar, Jennifer <Hublar.Jennifer@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Brown, Dawn <Brown.Dawn@epa.gov>
**Subject:** RE: Gentle Reminder: Office of Mission Support EMC Session Presentations

OAS' Presentation is attached. Please note that we will update the modification numbers in the chart prior to the EMC presentation so that the numbers are as up-to-date as possible.


***Kimberly Y. Patrick,***
***Senior Procurement Executive and Director***
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov


***OAS…Advancing EPA's Mission Through Acquisitions!***

---

**From:** Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>
**Sent:** Thursday, November 04, 2021 10:51 AM
**To:** Braxton, Marilyn <Braxton.Marilyn@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Kamen, Mara <kamen.mara@epa.gov>; Wells, Krysti <Wells.Krysti@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Cc:** Hublar, Jennifer <Hublar.Jennifer@epa.gov>
**Subject:** Gentle Reminder: Office of Mission Support EMC Session Presentations

Good Morning,

The Executive Management Council Meeting is scheduled from November 16-18. This is a gentle reminder that slides and/or background papers are due to OCIR by **Tuesday, November 9th**. These documents will be uploaded to the EMC SharePoint site and provided to the Deputy Administrator's office, in advance of the meeting. Dates for the presentations have not been confirmed yet. Attached is the outline for each of the below topics:

- **Remote Work Implementation** - BJ Collins, Mara Kamen

- Shakeba Carter-Jenkins and Jennifer Hublar

- **Increased Return to the Worksite – Status update and Discussion** - Lynnann Hitchens, Arron Helm
  - Arron Helm and Krysti Wells – status of agency vaccination exception processes and progressive discipline plan
  - Kimberly Patrick – status of implementation of Contractor vaccination EO
  - Marilyn Braxton – Workforce Safety Plan
  - BJ Collins – Staged Return

*Please note, once the agenda is finalized, you will receive a separate Outlook invitation for your session that will include the same Teams Meeting link as the one in the meeting invite sent from Deputy Administrator Janet McCabe.*

Thanks,
Shakeba

Shakeba Carter-Jenkins
OMS Communications Director &
Senior Special Assistant
Office of Mission Support, U.S. Environmental Protection Agency
carter-jenkins.shakeba@epa.gov| 202-564-6385 | 202-302-6113 (mobile) |WJC North 3330
Mailing Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460

"I've learned you can tell a lot about a person by the way (s)he handles these three things: a rainy day, lost luggage, and tangled Christmas tree lights." Maya Angelou

Message

**From**: Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent**: 11/16/2021 6:49:55 PM
**To**: Jones, Laura [Jones.Laura@epa.gov]; Hunt, Loretta [Hunt.Loretta@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Ponce de Leon, Bianca [PonceDeLeon.Bianca@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]
**CC**: Taylor, Jeremy [Taylor.Jeremy@epa.gov]; Sykes, Tiffany [Sykes.Tiffany@epa.gov]; Atkinson, Ryan [Atkinson.Ryan@epa.gov]; Parker, Krisheena [Parker.Krisheena@epa.gov]; Sinani, Carly [Sinani.Carly@epa.gov]; Pritchard, Sonya [pritchard.sonya@epa.gov]
**Subject**: RE: Request for Review: New Employee Vaccination Attestation
**Attachments**: Vaccination Attestation for New Hires-FORM (002).docx

With my comments. Minor grammar tightening for passive language. One added sentence. Thanks for the opportunity to comment.

---

**From:** Jones, Laura <Jones.Laura@epa.gov>
**Sent:** Tuesday, November 16, 2021 1:28 PM
**To:** Kamen, Mara <kamen.mara@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Ponce de Leon, Bianca <PonceDeLeon.Bianca@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
**Cc:** Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Sykes, Tiffany <Sykes.Tiffany@epa.gov>; Atkinson, Ryan <Atkinson.Ryan@epa.gov>; Parker, Krisheena <Parker.Krisheena@epa.gov>; Sinani, Carly <Sinani.Carly@epa.gov>; Pritchard, Sonya <pritchard.sonya@epa.gov>
**Subject:** Request for Review: New Employee Vaccination Attestation

Hello, all,

The HR SSCs have determined a solution for ensuring new employees are vaccinated prior to onboarding. We will require pending new hires to attest to their vaccination status by signing a form in the IBC EODS system, which is approved for private and medical information, and then have them upload their proof immediately after onboarding through the secure ServiceNow system. Attached is the proposed attestation form for your review. Nate Nichols with OGC has already provided comments which have been incorporated. OPM says that agencies should require that individuals who start their government service after November 22, 2021 be fully vaccinated, so we have a rather tight timeline to complete this process. Will you please provide comments on the attached by COB Friday 11/19?

Thank you,
Laura

Laura Jones
Operations Manager (Classification, Staffing, Benefits, and Retirement)
RTP Human Resources Shared Service Center
HRMD, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-2340
(919) 541-0160 (fax)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

Message

**From**: Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent**: 1/25/2022 4:44:57 PM
**To**: Caro, Vique [Caro.Vique@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Hitchens, Lynnann [hitchens.lynnann@epa.gov]; Kalikhman, Yulia [Kalikhman.Yulia@epa.gov]; Pastalove, Barbara [Pastalove.Barbara@epa.gov]; Shanahan, Katherine [Shanahan.Katherine@epa.gov]; Allen, Tania [Allen.Tania@epa.gov]; Brown, Phil [Brown.Phil@epa.gov]; Caple, Cynthia [Caple.Cynthia@epa.gov]; Cheeks, Raymond [Cheeks.Raymond@epa.gov]; Coomber, Robert [coomber.robert@epa.gov]; Datcher, Linda [Datcher.Linda@epa.gov]; Dean, StevenB [Dean.StevenB@epa.gov]; Engebretson, Lizabeth [Engebretson.Lizabeth@epa.gov]; Hart, Debbi [Hart.Debbi@epa.gov]; Hembrey, Cheri [Hembrey.Cheri@epa.gov]; Hunt, Loretta [Hunt.Loretta@epa.gov]; Jones, Rhonda [jones.rhonda@epa.gov]; Robertson, Mary [Robertson.Mary@epa.gov]
**Subject**: FW: CHCO Council Update: Week of 1/24/22

Please note upcoming deadlines and our Employee Engagement Officer position was included!

CHCO COUNCIL Chief Human Capital Officers Council

**From:** CHCO Council <CHCOCouncil@opm.gov>
**Sent:** Monday, January 24, 2022 8:30 PM
**Cc:** Conrad, Margot C. <Margot.Conrad@opm.gov>; Holman, Ella S. <Ella.Holman@opm.gov>
**Subject:** CHCO Council Update: Week of 1/24/22

CHCOs and Deputy CHCOs,

We wanted to be sure to share an update regarding implementation of E.O. 14043. Today, the Safer Federal Workforce Task Force, in consultation with the Department of Justice, provided further guidance to agencies regarding the recent injunction. We encourage you to share these FAQs with your teams to address some common questions that have been arising.

I also wanted to take a moment to recognize the collaboration OPM had with many of you on the minimum wage guidance that was issued on Friday. This pay raise is meaningful and will directly impact federal families. You can read an op-ed written by OPM Director and CHCO Council Chair, Kiran Ahuja. As your teams work to implement this new guidance, please reach out to OPM's Pay and Leave with questions at pay-leave-policy@opm.gov.

Finally, the sample template for Agency DEIA Strategic Plans was sent out last week. We encourage your Agency Implementation Teams to attend the DEIA Bi-Weekly Office Hour on Thursday, from 2-3pm to hear more about the template.

Best,

Margot

**WHAT'S HOT**

**Recent Guidance, Memos, and Notices Issued**

**1/20** Sample Template for Agency DEIA Strategic Plans
**1/21** Achieving a $15 Per Hour Minimum Pay Rate for Federal Employees
**1/21 [Safer Federal Workforce] Time-Sensitive Update on Implementation of E.O. 14043** (email)
**1/24** [Safer Federal Workforce] Time-Sensitive Update on Implementation of E.O. 14043

**Data Call Deadlines**
Per request of CHCOs, the CHCO Council has pulled together data call deadlines as a reminder:

| Agency Deadline | Data Call | Memo Issued |
|---|---|---|
| **2/1/22** | Annual Data Call Pathways Program FY 2022 | **12/30/21** |
| **3/11/22** | 2021 Telework Call for Data | **12/30/21** |
| **5/30/22** at least 50% of instances **12/31/2022** full compliance | E.O.13932 Modernizing & Reforming the Assessment & Hiring of Federal Job Candidates | **12/29/21** |

**2022 Workforce Recruitment Program Database Now Available!**
The Workforce Recruitment Program (WRP) is a recruitment and referral program that connects federal employees nationwide with highly motivated college students, graduate students, and recent graduates with disabilities who are eager to demonstrate their skills and abilities in the workplace through internships or permanent jobs.

This year's new database is comprised of more than 2,300 students and recent graduates from 420 colleges and universities throughout the nation. Candidates represent a wide variety of academic majors and career interests including business, law, and STEM. In addition, 11% of the candidates are veterans with disabilities, and all individuals are eligible for the Schedule A Hiring Authority. WRP is jointly managed by the U.S. Department of Labor and the U.S. Department of Defense.

**To get started, go to** WRP.gov **and register for an employer account today!** Once you receive your welcome email, you can begin searching a wide range of talent for internships, entry- and mid-level positions at your agency.

WRP will be hosting a webinar for federal employees to learn about this great resource on January 26, 2022, at 1:00pm ET. **Please register at** Workforce Recruitment Program (WRP) Federal Webinar**.**

**IN THE NEWS:**

**COVID SAFETY -** Biden administration says it won't enforce federal employee vaccine mandate during ongoing litigation
**FURLOUGHS -** OPM Reminds Agencies of Revised Benefits Policies for Shutdowns
**MINIMUM WAGE -** Living our values by ensuring a livable wage
**MINIMUM WAGE -** Exclusive: Biden administration raises minimum wage for federal employees to $15
**PERFORMANCE MANAGEMENT** - OPM Set to Release New Guidance on Performance Management in a Hybrid Workplace
**WHITE HOUSE FACT SHEET** - FACT SHEET: Biden-Harris Administration Advances Equity and Opportunity for Asian American, Native Hawaiian, and Pacific Islander Communities Across the Country
**WORKFORCE** - Average Age of New Hires Not Much Lower than That of Current Workers

**MARK YOUR CALENDAR:**

1/25 Future of Work Working Group 11am-12pm

**1/26** Executive Steering Committee 12pm-1pm
**1/26** WRP Webinar 1pm-2pm – Register here
**1/27** DEIA Bi-Weekly Office Hour 2-3pm
**2/15** CHCO Council February Meeting 9:00am-11:00am

**JOBS OPPORTUNITIES:**

**1/24** – Chief Diversity Officer (SL), Justice Management Division, Department of Justice (DEU)
**1/24** – Branch Chief (GS-15), Human Capital Analysis Branch, Nuclear Regulatory Commission (MPP)
**1/25** - HR Specialist – Employee Engagement Officer, Office of Mission Support, US Environmental Protection Agency (MPP)
**2/7** – Chief Learning and Engagement Officer (ES), Office of the Chief Human Capital Officer, Department of Homeland Security (DEU)

Message

**From**: Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent**: 3/1/2022 3:30:29 AM
**To**: Caro, Vique [Caro.Vique@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Hitchens, Lynnann [hitchens.lynnann@epa.gov]; Kalikhman, Yulia [Kalikhman.Yulia@epa.gov]; Pastalove, Barbara [Pastalove.Barbara@epa.gov]; Shanahan, Katherine [Shanahan.Katherine@epa.gov]; Allen, Tania [Allen.Tania@epa.gov]; Brown, Phil [Brown.Phil@epa.gov]; Caple, Cynthia [Caple.Cynthia@epa.gov]; Cheeks, Raymond [Cheeks.Raymond@epa.gov]; Coomber, Robert [coomber.robert@epa.gov]; Datcher, Linda [Datcher.Linda@epa.gov]; Dean, StevenB [Dean.StevenB@epa.gov]; Engebretson, Lizabeth [Engebretson.Lizabeth@epa.gov]; Hart, Debbi [Hart.Debbi@epa.gov]; Hembrey, Cheri [Hembrey.Cheri@epa.gov]; Hunt, Loretta [Hunt.Loretta@epa.gov]; Jones, Rhonda [jones.rhonda@epa.gov]; Robertson, Mary [Robertson.Mary@epa.gov]
**Subject**: FW: [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

fyi

---

**From:** CHCO Council <CHCOCouncil@opm.gov>
**Sent:** Monday, February 28, 2022 10:21 PM
**To:** Conrad, Margot C. <Margot.Conrad@opm.gov>; Holman, Ella S. <Ella.Holman@opm.gov>
**Subject:** [Safer Federal Workforce] Initial Implementation Guidance on COVID-19 Community Levels and Mask-Wearing

CHCOs and Deputy CHCOs,

On February 25, the Centers for Disease Control and Prevention (CDC) released updated guidance for when people should wear masks and implement other prevention measures, including screening testing, depending on the level of COVID-19 in their community. Pursuant to Executive Order 13991, Federal agencies follow CDC guidelines for mask-wearing and other public health measures.

Today, the Safer Federal Workforce Task Force (Task Force) issued initial implementation guidance on COVID-19 Community Levels. Related Task Force Frequently Asked Questions (FAQs) have been updated on SaferFederalWorkforce.gov. The guidance for Federal agencies addresses mask-wearing and screening testing requirements based on the COVID-19 Community Level in the county in which a Federal facility is located.

Agencies are expected to implement the protocols related to mask-wearing and screening testing set forth in this initial implementation guidance as soon as operationally feasible and no later than Friday, March 4, 2022.

The Task Force will soon issue further guidance addressing the intersection of COVID-19 Community Levels with other workplace safety protocols for Federal agencies, including through updated Agency Model Safety Principles and FAQs to support agencies in updating their COVID-19 Workplace Safety Plans. At this time, agencies should follow existing Task Force guidance with respect to other COVID-19 workplace protocols.

As a reminder, where a locality imposes more protective pandemic-related safety requirements, those requirements should be followed in Federal facilities within that locality.

From 11:00 AM – 12:00 PM on Wednesday, March 2, the Task Force will discuss the updated CDC recommendations during OMB's regular call with small and independent agencies.

Thank you for your continued partnership in protecting the health and safety of the Federal workforce and those we serve.

Message

**From**: Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent**: 4/22/2022 4:41:57 PM
**To**: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
**Subject**: RE: Update from today's PMC staff call

Thanks for sharing. Interesting news about Ex. 6 Personal Privacy (PP)

---

**From:** Hitchens, Lynnann <hitchens.lynnann@epa.gov>
**Sent:** Friday, April 22, 2022 12:34 PM
**To:** COVID Coordination and Collaboration Team <COVIDCoordinationAndCollaborationTeam@epa.gov>; Wells, Krysti <Wells.Krysti@epa.gov>
**Cc:** Schreyer, Andrew <Schreyer.Andrew@epa.gov>
**Subject:** Update from today's PMC staff call

Folks – here are my COVID/pandemic related notes from today's noon call:

Mask Mandate – DOJ working on the appeal to the mask mandate.

Our requirements haven't changed – we should follow our same Task Force guidance with respect to masking. https://www.saferfederalworkforce.gov/downloads/COVID-19%20Community%20Levels_Initial%20Guidance%20for%20Federal%20Agencies_20220228.pdf

EO 13991 – in section 2A – says that federal employees, while on duty, should follow CDC guidance – Task Force confirmed that CDC has the same recommendations.
Feds should wear masks on the indoor public transportation corridor **while on duty,** with the appropriate Community Level (HIGH).
This includes government vehicles, travel on duty time, shuttles. Wait to hear back from Task Force – they will get back to us early next week to confirm these requirements, and we can communicate with employees.

Physical Distancing – is it required for unvaccinated? At this time, physical distancing is required for unvaccinated, they should do it as much as practicable. We can reach out with operational issues
Search – "CDC protect yourself COVID" for current physical distancing information. CDC is looking at physical distancing guidance.

Vaccination Requirements – procedural steps have not been taking to lift the injunction. That will be lifted in the near future – could be as late as the end of next month before they take the next step. In the interim we stay in the holding pattern. When injunction is lifted, we will get guidance on implementation and enforcement. There is a recognition that we can't just "flip a switch."

Model Safety Principals – updates forthcoming. Continue to implement as standards are set now.

Side note for the OMS staff, Ex. 6 Personal Privacy (PP) announced he is leaving the SFWFTF and moving on to a new assignment.

Thanks,

Lynnann

Lynnann Hitchens
*Acting Deputy Assistant Administrator*
*For Administration and Resources Management*

*Office of Mission Support*
*US EPA*
*P: 202-564-3184*
*M: 202-617-0738*

Message

**From:** Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent:** 9/15/2021 3:38:51 PM
**To:** Hardy, Michael [Hardy.Michael@epa.gov]
**Subject:** RE: Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

Thanks for the question Michael. You should address concerns wrt SEEs to ORBO and Dan Coogan.

---

**From:** Hardy, Michael <Hardy.Michael@epa.gov>
**Sent:** Wednesday, September 15, 2021 11:30 AM
**To:** Helm, Arron <Helm.Arron@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Caro, Vique <Caro.Vique@epa.gov>; Collins, BJ <Collins.BJ@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>; Kamen, Mara <kamen.mara@epa.gov>
**Subject:** Fwd: Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

Just curious, but what are the rules concerning our on-site SEE grantees???

Michael Hardy
Director, Strategic IT Investment Staff
Senior Information Technology Leader
Office of Mission Support
U.S. Environmental Protection Agency
Room 3352-L, WJC North – Mailcode 3102A
1200 Pennsylvania Avenue, Washington, D.C.
20460
202-564-7899 - Work 571-344-5096 - Cell

Begin forwarded message:

> **From:** "Slaughter, Dorothy" <Slaughter.Dorothy@epa.gov>
> **Date:** September 15, 2021 at 8:26:51 AM EDT
> **Cc:** "Coogan, Daniel" <Coogan.Daniel@epa.gov>, "Jablonski, Janice" <jablonski.janice@epa.gov>, "Scott, Gregory" <Scott.Gregory@epa.gov>, "Ajabi, Laurel" <Ajabi.Laurel@epa.gov>, "Arel, Kristen" <Arel.Kristen@epa.gov>
> **Subject: FW: Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"**
>
> ***This is sent Bcc to OMS-Deputy ODs and OMS RMRs***
>
> Good morning,
>
> The attached guidance (below) provides information on how EPA will implement Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors". The guidance explains what type of agreements this executive order will and will ***not*** apply to.

Please note that Contracting Officer Representatives (CORs) should not direct contractors with respect to this Executive Order. CORs should forward contractor questions to OMS-ARM-OAS-AcquisitionPolicy@epa.gov for response by the Office of Acquisition Solutions (OAS). **Please share this document internally, only, with the CORs in your office.**

Thank you,

**Dorothy Slaughter**

United States Environmental Protection Agency (US EPA)
Office of Mission Support (OMS)
Office of Resources & Business Operations (ORBO)
Budget Division (BD)

email: slaughter.dorothy@epa.gov
phone: (202) 566-0379

Visit the OMS Budget Division SharePoint Site

**From:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Sent:** Tuesday, September 14, 2021 3:42 PM

**Subject:** Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

Good Afternoon Acquisition Community,

On September 9. 2020, Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors" was issued. This Executive Order was issued with the following purpose,

"to promote economy and efficiency in Federal procurement by ensuring that the parties that contract with the Federal Government provide adequate COVID-19 safeguards to their workers performing on or in connection with a Federal Government contract...These safeguards will decrease the spread of COVID-19, which will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at sites where they are performing work for the Federal Government. Accordingly, ensuring that Federal contractors and subcontractors are adequately protected from COVID-19 will bolster economy and efficiency in Federal procurement."

I am certain that this Executive Order has generated lots of questions internally and from the contractor community. Attached please find a document that summarizes the key points of the Executive Order, and information about where we currently are with implementation. Please share this document internally, only, with your CORs and COs. If you have any questions, please do not hesitate to ask.

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
EPA Office of Acquisition Solutions

1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

***OAS…Advancing EPA's Mission Through Acquisitions!***

Message

**From**: Kamen, Mara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9B3C08993BF4280A3A84F0743C7E427-KAMEN, MARA]
**Sent**: 9/24/2021 5:59:17 PM
**To**: Allen, Tania [Allen.Tania@epa.gov]; Brown, Phil [Brown.Phil@epa.gov]; Caple, Cynthia [Caple.Cynthia@epa.gov]; Cheeks, Raymond [Cheeks.Raymond@epa.gov]; Coomber, Robert [coomber.robert@epa.gov]; Datcher, Linda [Datcher.Linda@epa.gov]; Dean, StevenB [Dean.StevenB@epa.gov]; Engebretson, Lizabeth [Engebretson.Lizabeth@epa.gov]; Hart, Debbi [Hart.Debbi@epa.gov]; Hembrey, Cheri [Hembrey.Cheri@epa.gov]; Hunt, Loretta [Hunt.Loretta@epa.gov]; Jones, Rhonda [jones.rhonda@epa.gov]; Robertson, Mary [Robertson.Mary@epa.gov]
**CC**: Nichols, Nathanael [nichols.nathanael@epa.gov]
**Subject**: guidance
**Attachments**: FW: Guidance Pursuant to EO 14042: Ensuring Adequate COVID Safety Protocols for Federal Contractors; notes from today's Noon Call

Appointment

**From**: Legare, Pamela [Legare.Pamela@epa.gov]
**Sent**: 10/21/2021 5:56:41 PM

**Subject**: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees
**Location**: Microsoft Teams Meeting

**Start**: 10/7/2021 4:00:00 PM
**End**: 10/7/2021 5:00:00 PM
**Show Time As**: Busy

**Recurrence**: (none)

Appointment

**From**: Legare, Pamela [Legare.Pamela@epa.gov]
**Sent**: 12/1/2021 9:35:11 PM

**Subject**: Emergency Meeting Today @ 5 - EO 14042
**Location**: Microsoft Teams Meeting

**Start**: 12/1/2021 10:00:00 PM
**End**: 12/1/2021 11:00:00 PM
**Show Time As**: Busy

**Recurrence**: (none)

Appointment

**From**: Legare, Pamela [Legare.Pamela@epa.gov]
**Sent**: 12/1/2021 10:34:48 PM

**Subject**: Mandatory Meeting: EO 14042 Implementation Update
**Location**: Microsoft Teams Meeting

**Start**: 12/2/2021 5:00:00 PM
**End**: 12/2/2021 5:45:00 PM
**Show Time As**: Busy

**Recurrence**: (none)

Appointment

**From**: Legare, Pamela [Legare.Pamela@epa.gov]
**Sent**: 12/9/2021 4:08:50 PM

**Subject**: Update – Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"
**Location**: Microsoft Teams Meeting

**Start**: 12/9/2021 9:00:00 PM
**End**: 12/9/2021 9:45:00 PM
**Show Time As**: Tentative

**Recurrence**: (none)

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 12/9/2021 9:34:13 PM
**To:** Brunecz, Michelle [Brunecz.Michelle@epa.gov]; Stevens, Tanya [Stevens.Tanya@epa.gov]
**Subject:** FW: Updated Notice for SAM Posting
**Attachments:** Updated Notice to EPA contractors - EO 14042 - Injunction 12 9 21.pdf

**Importance:** High

Hi Ladies,

Need you to work your magic again and post the attached Special Notice as an amendment to the last notice regarding the Kentucky, Ohio and Tennessee injunction.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Sent:** Thursday, December 9, 2021 4:30 PM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Cc:** Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** Updated Notice for SAM Posting

See attached...

***Kimberly Y. Patrick,***
***Senior Procurement Executive and Director***
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

***OAS...Advancing EPA's Mission Through Acquisitions!***

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 12/10/2021 1:51:17 AM
**To:** Creed, Suzette [Creed.Suzette@epa.gov]; 'Rodriguez, Victor' [rodriguez.victor@epa.gov]; Brunecz, Michelle [Brunecz.Michelle@epa.gov]; Stevens, Tanya [Stevens.Tanya@epa.gov]
**Subject:** RE: Internet Document Post Request
**Attachments:** Updated Notice to EPA contractors - EO 14042 - Injunction 12 9 21.pdf

Please post as follows:

# Special Notice: Update – Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

The subject Special Notice advises contractors and potential vendors / contractors about EPA's Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors."

Updated Notice to EPA contractors ...

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Legare, Pamela
**Sent:** Thursday, December 9, 2021 7:48 PM
**To:** Creed, Suzette <Creed.Suzette@epa.gov>; Rodriguez, Victor <rodriguez.victor@epa.gov>; Brunecz, Michelle <Brunecz.Michelle@epa.gov>; Stevens, Tanya <Stevens.Tanya@epa.gov>
**Subject:** Internet Document Post Request

Hello Suzette,

Can you post the following link https://sam.gov/opp/be726d6a671a4db0bd8a16a2735e8ade/view and document to the OAS Internet page listed below?

https://www.epa.gov/contracts

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

OMS

# Office of Acquisition Solutions

Director: Kimberly Palmer

Deputy Director: Pamela Lagarde

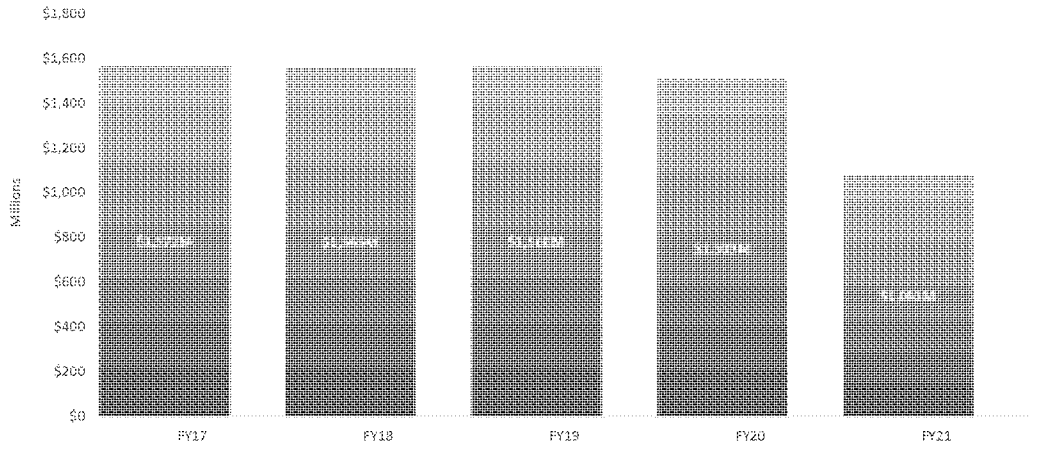
# Office Description

OAS provides policy, guidance, training, oversight and warrant authority for the Agency's acquisition program, including implementation of the Agency's category management program that promotes innovative, enterprise-wide acquisition approaches. OAS manages the planning, awarding and administering of contracts through its operational Acquisition Divisions. Additionally, OAS, through its IT Systems Services Branch, manages and supports all procurement related applications, projects, systems and various technology solutions.

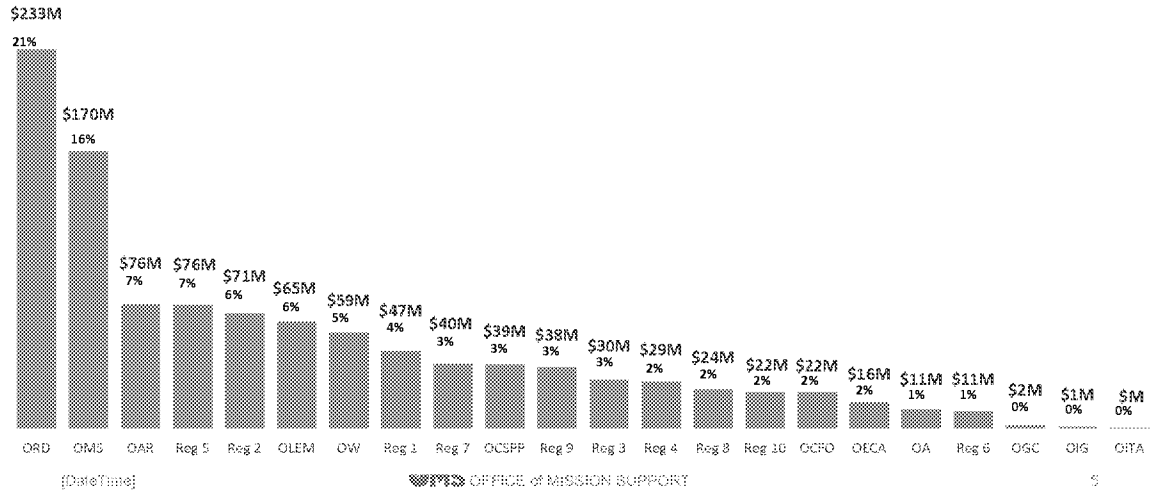
# Stakeholders

- OAS has four divisions (three operational and one policy division) responsible for obligating 45% of EPA's contracting dollars in FY20.
  - DC-based Headquarters Acquisition Division (HQAD)
  - Information Technology Acquisition Division in RTP, NC (ITAD)
  - Cincinnati Acquisition Division in Cincinnati, OH (CAD)
  - Policy Training and Oversight Division (PTOD)
- Regional offices account for approximately 41%. Regional contracting supports the execution of Superfund activities, but may also provide other regional contracting needs.
- Interagency agreements with other federal agencies account for approximately 14% of obligations.

# Background: Total EPA Contract Obligations (FY17-FY21 (as of July 31, 2021))



# Background: Top Funding Offices (FY21 (as of July 31, 2021)) $M



# Background: Top Categories of Spend (FY19-FY21 (as of July 31, 2021))

| FY21 Rank | Category | FY19 | FY20 | FY21 |
|---|---|---|---|---|
| 1 | **Environmental Services** | $387M | $366M | $281M |
| 2 | **Professional Services** | $172M | $175M | $151M |
| 3 | **Management & Advisory Services** | $126M | $140M | $124M |
| 4 | **IT Services** | $124M | $137M | $113M |
| 5 | **IT/Telecom Services** | $169M | $129M | $84M |
| 6 | **Special Studies/Analysis, not R&D** | $95M | $126M | $50M |
| 7 | **IT Equipment/Software/Supplies & Equipment** | $40M | $64M | $40M |
| 8 | **Architect/Engineer Services** | $65M | $58M | $32M |
| 9 | **Construction of Structures/Facilities** | $61M | $56M | $22M |
| 10 | **Scientific/Eng/Technical Services** | $118M | $54M | $15M |
| | All Other (134) | $210M | $204M | $168M |
| Total | | $1,567M | $1,508M | $1,081M |

# Background: Small and Disadvantaged Businesses

| | 2020 Goal | 2020 Achievement | 2021 Achievement |
|---|---|---|---|
| Small Business | 35.00% | 39.50% | 44.5% |
| Women Owned Small Business | 5.00% | 5.47% | 7.4% |
| Small Disadvantaged Business | 5.00% | 18.04% | 18.9% |
| Service-Disabled Veteran Owned Small Business | 3.00% | 2.96% | 3.8% |
| HUBZone | 3.00% | 2.02% | 5.0% |

Long Term Performance Goals (FY 22-26)

- Award at least 20% of EPA's total annual contract dollars to Small Disadvantaged Businesses.
- Award at least 6% of EPA's total annual contract dollars to Women-Owned Small Businesses.
- Award at least 4% of EPA's total annual contract dollars to certified small businesses located in Historically Underutilized Business Zones.
- Award at least 4% of EPA's total annual contract dollars to Service-Disabled Veteran-Owned Small Businesses.

# Key Issues/Initiatives

- Implementation of EO 14042 (vaccination requirement for federal contractors) is currently on hold pending resolution of litigation. Nation-wide injunction currently in place.
- Working with program offices to develop BIL contracting strategy/forecast. Internally, OAS has developed a strategy for identifying and placing BIL funded contracts. OAS has made 4 of its 5 BIL hiring selections.
- OAS is the lead for the Agency's procurement equity group (subset of the Agency's Equity Team implementing EO 13985). The Agency's procurement equity plan is complete and awaiting approval by the Administrator for implementation.

# Upcoming Decisions

- None

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 10/6/2021 9:14:54 PM
**To:** Mills, Noelle [Mills.Noelle@epa.gov]
**CC:** Plagge, David [Plagge.David@epa.gov]
**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

**Ex. 5 Deliberative Process (DP)**

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Mills, Noelle <Mills.Noelle@epa.gov>
**Sent:** Wednesday, October 6, 2021 5:13 PM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Cc:** Plagge, David <Plagge.David@epa.gov>
**Subject:** EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Hi Pam:

I wanted to give you a heads up before the meeting tomorrow on vaccine attestation re: contractors. Ex. 5 Deliberative Process (DP)

**Ex. 5 Deliberative Process (DP)**

Thanks,
Noelle

Noelle Mills
Division Director
Cincinnati Acquisition Division (CAD)
U.S. Environmental Protection Agency
Phone: 513-487-2171
Email: mills.noelle@epa.gov

***OAS: Advancing EPA's Mission Through Acquisition***

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 10/12/2021 7:00:11 PM
**To:** Watkins, Erica [watkins.erica@epa.gov]
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

Hi Erica,

All contracts offices received the email and have been asked to send an email to contractors.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

**From:** Watkins, Erica <Watkins.Erica@epa.gov>
**Sent:** Tuesday, October 12, 2021 10:29 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Hi Pam,

As we are trying to coordinate our approach and put in place this directive for NVFEL I was wondering if this approach is being applied across all the OAS offices. Will HQAD and ITAD be sending this out to all Vendors and if so is this going out today.

Thanks

Erica Watkins (she/her/hers)
Director, Business Operations and Resources Center
Immediate Office Room C186
Office of Transportation and Air Quality
Ph:734-214-4415
Cell: 734-646-3830

OTAQ DIAC
OTAQ Diversity & Inclusion Advisory Council

**From:** Schenk, Ruth <schenk.ruth@epa.gov>
**Sent:** Tuesday, October 12, 2021 9:59 AM

**To:** Henning, Julie <henning.julie@epa.gov>; Watkins, Erica <Watkins.Erica@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Information from CAD.

---

**From:** Tharp, Scott <Tharp.Scott@epa.gov>
**Sent:** Tuesday, October 12, 2021 8:59 AM
**To:** Ahlgren, Russell <Ahlgren.Russell@epa.gov>; Lafferty, Shawn <Lafferty.Shawn@epa.gov>; Pittman, Rick <Pittman.Rick@epa.gov>; Dantin, Darrin <Dantin.Darrin@epa.gov>; Brothers, Terry <Brothers.Terry@epa.gov>; Geeting, Michael <geeting.michael@epa.gov>; Skender, John <Skender.John@epa.gov>; Warhol, Stephanie <warhol.stephanie@epa.gov>; Loesch, Elizabeth <Loesch.Elizabeth@epa.gov>; Norland, Shelly <Norland.Shelly@epa.gov>; Knight, Primo <Knight.Primo@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>; Pankey, Herbert <Pankey.Herbert@epa.gov>; Glazier, Kelly <Glazier.Kelly@epa.gov>
**Cc:** CI-NWD-OAM-CPOD-SSC <CI-NWD-OAM-CPOD-SSC@EPA.GOV>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

We will be providing the attached interim requirements documents very soon to all contractors that either perform work onsite and/or may come onsite.

If you have any questions, please let me know.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

Our Branch Provides Contracting Solutions for Consolidated Mission Support (OCFO, OECA, OGC, OIG, OITA, OMS), Architect and Engineering, Construction, Facilities Management, and Furniture.

***OAS: Advancing EPA's Mission Through Acquisitions***

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the

**interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From**: Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent**: 10/8/2021 6:20:30 PM
**To**: OMS-ARM-OAS-CAD [OMS-ARM-OAS-CAD@epa.gov]; OMS-ARM-OAS-ITAD [OMS-ARM-OAS-ITAD@epa.gov]; OMS-ARM-OAS-HQAD [OMS-ARM-OAS-HQAD@epa.gov]; OMS-ARM-OAS_RAMS [OMS-ARM-OAS_RAMS@epa.gov]; OMS-ARM-OAS-RCO [OMS-ARM-OAS-RCO@epa.gov]
**CC**: Brunecz, Michelle [Brunecz.Michelle@epa.gov]; Burnett-Bakr, Robbin [Burnett-Bakr.Robbin@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Stevens, Tanya [Stevens.Tanya@epa.gov]; Brown, Rayna [brown.rayna@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]
**Subject**: Handout: EO 14042 Clause Discussion
**Attachments**: EO14042 Clause Inclusion.pdf

Colleagues,

Attached are the slides from yesterday's session.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
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(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

United States Environmental Protection Agency

OMS OFFICE of MISSION SUPPORT

# Issuance of Agency Deviations to Implement Executive Order 14042

## Clause Implementation Process

# Background

- On September 9 - The President signed Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
- Executive departments and agencies to ensure that the parties that contract with the Federal Government provide adequate COVID-19 safeguards to their workers performing on or in connection with the contract
- On September 24, 2021, the Task Force issued guidance to implement the order, ***COVID19 Workplace Safety: Guidance for Federal Contractors and Subcontractors***.
- The Task Force guidance requires
  - All covered contractor employees to be fully vaccinated for COVID-19 by **December 8, 2021**, except in limited circumstances where an employee is legally entitled to an accommodation;
  - All individuals, including covered contractor employees and visitors, to comply with published Centers for Disease Control and Prevention guidance for masking and physical distancing at a covered contractor workplace, as discussed in the Task Force guidance; and
  - Covered contractors to designate a person or persons to coordinate implementation of and compliance with the Task Force guidance and the required workplace safety protocols at covered contractor workplaces.
- The FAR Council developed ***52.223-99, Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts***



ED_006849B_00016643-00002

# EPA Implementation of 52.223-99
## Applicability

Contracting officers shall include deviated FAR clause 52.223-99, *Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts*, in:

**Solicitations**

- All New Solicitations
- Existing Solicitations (in progress) not currently issued

**New Awards**

- **Solicitations already issued (include in resultant award)**
- **New contracts** awarded on or **after November 14, 2021**, from **solicitations issued before October 15, 2021**
  - Includes Simplified Acquisitions
  - Includes **new orders** under existing external **indefinite-delivery contracts**
- **New contracts** awarded on or **after October 15, 2021**, from **solicitations issued on or after October 15, 2021**
  - Includes Simplified Acquisitions
  - Includes **new orders** under existing external **indefinite-delivery contracts**

**Existing Contracts**

Current period of performance has **at least six (6) months** remaining



ED_006849B_00016643-00003

# Order of Priority for modifying existing contracts

- Tier One - **Existing on-site* contracts** (excludes simplified acquisitions)
  - Modifications shall be completed by **10/31/21**

- Tier Two – **Existing contracts not-on-site***
  - Modifications shall be completed by **12/15/21**

- Tier Three – **existing task orders issued against external contracts** where the parent contract will not be modified by the servicing federal agency.
  - Modifications shall be completed by **12/30/21**



ED_006849B_00016643-00004

# Clause Exclusion

**At EPA, the clause does not apply to the following:**

- contract or subcontract is under the simplified acquisition threshold
- contract or subcontract for the manufacturing of products
- contracts and subcontracts with Indian Tribes under the Indian Self Determination and Education Assistance Act (Public Law 93-638)
- solicitations and contracts if performance is outside the United States or its outlying areas (the exclusion is limited to employees who are performing work only outside the U.S. or its outlying areas).



ED_006849B_00016643-00005

# Process to Modify Existing Contracts

- Contracts Specialist/Contracting officer are **required** to create a bilateral mod in EAS
- Steps to process the mod in EAS is forthcoming
- Active contracts list will be added to a TEAMs Chanel by COB Tuesday, October 12th. You will receive a notification once the list is added.



ED_006849B_00016643-00006

OMS OFFICE of MISSION SUPPORT

# QUESTIONS

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 10/12/2021 9:14:18 PM
**To:** Watkins, Erica [watkins.erica@epa.gov]
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

Erica,

Closing the loop on your question. FPS will not review a contractor's attestation form upon the contractor's arrival to the building. Therefore, no one will review the completed form, but the Agency, reserves the right to review the form as needed.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Legare, Pamela
**Sent:** Tuesday, October 12, 2021 3:07 PM
**To:** Watkins, Erica <watkins.erica@epa.gov>
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

Erica,

I was recently added to the Agency's COVID coordination team and will raise your question with them at today's meeting. I can tell you that the answer is more than likely that no one will review the form. However, the Agency reserves the right to ask for the information on an as-needed basis. FPS has made it clear that they will not review the attestation form.

Pamela D. Legare, Deputy Director
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(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

**From:** Watkins, Erica <Watkins.Erica@epa.gov>
**Sent:** Tuesday, October 12, 2021 10:35 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Hi Pam,

I sent this to quickly. We are also trying to gain clarity ( our Facilities Manager is checking in with FPS) on who is the responsible party for evaluating the completed form and if they checked anything other than "fully vaccinated" and needs to make a decision about entry. If it is not EPA and falls to EPA personnel is there any concern about an EPA POC? With respect to it not possibly being a COR ( as the COR may not be working on site)?

Thanks
Erica

Erica Watkins (she/her/hers)
Director, Business Operations and Resources Center
Immediate Office Room C186
Office of Transportation and Air Quality
Ph:734-214-4415
Cell: 734-646-3830

OTAQ DIAC
OTAQ Diversity & Inclusion Advisory Council

**From:** Watkins, Erica
**Sent:** Tuesday, October 12, 2021 10:29 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Hi Pam,

As we are trying to coordinate our approach and put in place this directive for NVFEL I was wondering if this approach is being applied across all the OAS offices. Will HQAD and ITAD be sending this out to all Vendors and if so is this going out today.

Thanks

Erica Watkins (she/her/hers)
Director, Business Operations and Resources Center
Immediate Office Room C186
Office of Transportation and Air Quality
Ph:734-214-4415
Cell: 734-646-3830

OTAQ DIAC
OTAQ Diversity & Inclusion Advisory Council

**From:** Schenk, Ruth <schenk.ruth@epa.gov>
**Sent:** Tuesday, October 12, 2021 9:59 AM
**To:** Henning, Julie <henning.julie@epa.gov>; Watkins, Erica <Watkins.Erica@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Information from CAD.

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**From:** Tharp, Scott <Tharp.Scott@epa.gov>
**Sent:** Tuesday, October 12, 2021 8:59 AM
**To:** Ahlgren, Russell <Ahlgren.Russell@epa.gov>; Lafferty, Shawn <Lafferty.Shawn@epa.gov>; Pittman, Rick <Pittman.Rick@epa.gov>; Dantin, Darrin <Dantin.Darrin@epa.gov>; Brothers, Terry <Brothers.Terry@epa.gov>; Geeting, Michael <geeting.michael@epa.gov>; Skender, John <Skender.John@epa.gov>; Warhol, Stephanie <warhol.stephanie@epa.gov>; Loesch, Elizabeth <Loesch.Elizabeth@epa.gov>; Norland, Shelly <Norland.Shelly@epa.gov>; Knight, Primo <Knight.Primo@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>; Pankey, Herbert <Pankey.Herbert@epa.gov>; Glazier, Kelly <Glazier.Kelly@epa.gov>
**Cc:** CI-NWD-OAM-CPOD-SSC <CI-NWD-OAM-CPOD-SSC@EPA.GOV>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

We will be providing the attached interim requirements documents very soon to all contractors that either perform work onsite and/or may come onsite.

If you have any questions, please let me know.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

Our Branch Provides Contracting Solutions for Consolidated Mission Support (OCFO, OECA, OGC, OIG, OITA, OMS), Architect and Engineering, Construction, Facilities Management, and Furniture.

***OAS: Advancing EPA's Mission Through Acquisitions***

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the **interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 10/12/2021 9:39:22 PM
**To:** Tharp, Scott [Tharp.Scott@epa.gov]
**CC:** Mills, Noelle [Mills.Noelle@epa.gov]
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

Hi Scott,

The answer to that question needs to be cleared through the COVID Coordination Team. Please forward future questions to me.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Tharp, Scott <Tharp.Scott@epa.gov>
**Sent:** Tuesday, October 12, 2021 9:49 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Cc:** Mills, Noelle <Mills.Noelle@epa.gov>
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

We had a question come in regarding the interim guidance and access to the facility in emergency situations.

1) Under what clause are emergency facility subvendors/visitors authorized access to facilities exempting them from the attached protocols? For example, amidst a mission critical failure and situation which may require emergency access to facilities, i.e. authorizing firefighters into the facilities and/or subvendors to handle refrigerant leaks—we will not have the time to validate such protocols.

I responded the paragraph regarding public service or benefit would most likely apply:

The requirements related to the provision of information about vaccination and proof of a recent negative COVID-19 test do not apply to members of the public entering EPA space for the purpose of obtaining a public service or benefit. If those seeking service from EPA are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people. Examples of public services or benefits offered by the EPA include the following:
• EPA Docket Center and Reading Room
• Use of Library Facilities
• Use of Credit Union or Childcare facilities

In my opinion, emergency situations take precedence over all requirements, but may be a good idea to include something more specific about access to a facility for emergency situations in the final requirements.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

Our Branch Provides Contracting Solutions for Consolidated Mission Support (OCFO, OECA, OGC, OIG, OITA, OMS), Architect and Engineering, Construction, Facilities Management, and Furniture.

***OAS: Advancing EPA's Mission Through Acquisitions***

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the **interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
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(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]

**Sent:** 10/12/2021 5:23:32 PM

**To:** OMS-ARM-OAS-CAD [OMS-ARM-OAS-CAD@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; OMS-ARM-OAS-HQAD [OMS-ARM-OAS-HQAD@epa.gov]; OMS-ARM-OAS-ITAD [OMS-ARM-OAS-ITAD@epa.gov]; Scott, Raoul [scott.raoul@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Valentino, Thomas [valentino.thomas@epa.gov]; Chenkin, Howard [Chenkin.Howard@epa.gov]; Brown, Rayna [brown.rayna@epa.gov]; Bagocius, Maureen [Bagocius.Maureen@epa.gov]; Balsley, Leeanna [Balsley.Leeanna@epa.gov]; Banis, Elena [Banis.Elena@epa.gov]; Beery, Daniel [beery.daniel@epa.gov]; Bradford, Debora [Bradford.Debora@epa.gov]; Brown, Anthony [Brown.Anthony@epa.gov]; Cadeau, Letitia [cadeau.letitia@epa.gov]; Camerino, Rolando [Camerino.Rolando@epa.gov]; Campos, Marco [Campos.Marco@epa.gov]; Carpenter, Annette [Carpenter.Annette@epa.gov]; Chapple, Brandon [Chapple.Brandon@epa.gov]; Clemmens, Sarah [clemmens.sarah@epa.gov]; Cochran, Renae [cochran.renae@epa.gov]; Colbert, Chanel [Colbert.Chanel@epa.gov]; Cooper, TiffanyD [Cooper.TiffanyD@epa.gov]; Daggs, Pam [Daggs.Pam@epa.gov]; Dandy, Scott [Dandy.Scott@epa.gov]; Debo, Nancy [debo.nancy@epa.gov]; Dewit, Eric [Dewit.Eric@epa.gov]; Dickens, Mayya [Dickens.Mayya@epa.gov]; Dickerson, Shaneka L. [Dickerson.Shaneka@epa.gov]; Dixon, Prentiss [dixon.prentiss@epa.gov]; Douglas, Catherine [Douglas.Catherine@epa.gov]; Eastman, Kally [eastman.kally@epa.gov]; Epstein, Ian [Epstein.Ian@epa.gov]; Erickson, Jennifer [erickson.jennifer@epa.gov]; Fitzpatrick, Carol [fitzpatrick.carol@epa.gov]; Flynn, Rhonda [flynn.rhonda@epa.gov]; Fritz, Koni [Fritz.Koni@epa.gov]; Garcia, Virginia [Garcia.Virginia@epa.gov]; Gillespie, Tiffany [gillespie.tiffany@epa.gov]; Hallman, James [Hallman.James@epa.gov]; Harrison, Thomas [harrison.thomas@epa.gov]; Haye, Kellee [haye.kellee@epa.gov]; Hill, Stacy [Hill.Stacy@epa.gov]; Hill, Wanda [Hill.Wanda@epa.gov]; Houston, Maria [Houston.Maria@epa.gov]; Hurst, Arlo [hurst.arlo@epa.gov]; Jackson, Benita [Jackson.Benita@epa.gov]; Johnson, William [johnson.william@epa.gov]; Krieger, Geoffrey [krieger.geoffrey@epa.gov]; Krueger, Amber [krueger.amber@epa.gov]; Letellier, Thomas [letellier.thomas@epa.gov]; Livingston, Jacqueline [Livingston.Jacqueline@epa.gov]; Lyons, Linda [Lyons.Linda@epa.gov]; Mattos, Freya [Mattos.Freya@epa.gov]; McAvoy, Stacy [mcavoy.stacy@epa.gov]; Medeiros, Mena [Medeiros.Mena@epa.gov]; Merrill, Norvelle [Merrill.Norvelle@epa.gov]; Meyers, Carrie [meyers.carrie@epa.gov]; Mogg, Emily [Mogg.Emily@epa.gov]; Novello, Frank [Novello.Frank@epa.gov]; Obirek, Jeffrey [obirek.jeffrey@epa.gov]; O'Halloran, Jennifer [OHalloran.Jennifer@epa.gov]; Olsson, Daniel [olsson.daniel@epa.gov]; Onuwaje, Okpemitoritse [Onuwaje.Okpemitoritse@epa.gov]; Ottariano, Michael [Ottariano.Michael@epa.gov]; Owens, Pamela [owens.pamela@epa.gov]; Oxford, Russell [Oxford.Russell@epa.gov]; Ozer, Sidney [Ozer.sidney@epa.gov]; Powell, Sheri [Powell.Sheri@epa.gov]; Price, Karyn [price.karyn@epa.gov]; Richardson, Samuel [Richardson.Samuel@epa.gov]; Robb, John [robb.john@epa.gov]; Russell, Debra [russell.debra@epa.gov]; Sanchez, Nicolas [sanchez.nicolas@epa.gov]; Shifferaw, Rede [Shifferaw.Rede@epa.gov]; Simpson, Jan [Simpson.Jan@epa.gov]; Tao, Anthony [Tao.Anthony@epa.gov]; Taylor, Angel [Taylor.Angel@epa.gov]; Toland, Craig [Toland.Craig@epa.gov]; Tran, Christina [tran.christina@epa.gov]; Tremethick, Dennis [tremethick.dennis@epa.gov]; Tuches, Rebeca [Tuches.Rebeca@epa.gov]; Warren, Christine [warren.christine@epa.gov]; OMS-ARM-OAS_RAMS [OMS-ARM-OAS_RAMS@epa.gov]; Williams, Brandon [Williams.Brandon@epa.gov]; Williams, Latrice [Williams.Latrice@epa.gov]; Williams, Salim [Williams.Salim@epa.gov]; Wolper, Emanuel [Wolper.emanuel@epa.gov]

**CC:** Stevens, Tanya [Stevens.Tanya@epa.gov]; Brunecz, Michelle [Brunecz.Michelle@epa.gov]; Brown, Dawn [Brown.Dawn@epa.gov]; Burnett-Bakr, Robbin [Burnett-Bakr.Robbin@epa.gov]; Growney, Matthew [Growney.Matthew@epa.gov]; Latson, Tanya [Latson.Tanya@epa.gov]; Williams, Bettina [Williams.Bettina@epa.gov]; Kelly, Delores [kelly.delores@epa.gov]; Guetat, Chantal [Guetat.Chantal@epa.gov]; Freeman, Hope [freeman.hope@epa.gov]; Brice, Tanya [Brice.Tanya@epa.gov]; Tyler, Ani [Tyler.Ani@epa.gov]; Williams, Louis [Williams.Louis@epa.gov]; Rechenberg, Kathleen [Rechenberg.Kathleen@epa.gov]; Tichacek, William [tichacek.william@epa.gov]; Denno, Donald [Denno.Donald@epa.gov]; Stearns, Keith [Stearns.Keith@epa.gov]; Sharp, Kasual [Sharp.Kasual@epa.gov]; Langett, Eric [langett.eric@epa.gov]; Pinney, Heather [Pinney.Heather@epa.gov]; Hawkins, Amber [Hawkins.Amber@epa.gov]; Karnley, Elsie [karnley.elsie@epa.gov]; Yates, William [Yates.William@epa.gov]; Hall, Tomeka [Hall.Tomeka@epa.gov]; Delaney, Benjamin [delaney.benjamin@epa.gov]; Marley, Shelley [Marley.shelley@epa.gov]; Cenova-Betts, Elizabeth [CenovaBetts.Elizabeth@epa.gov]; Ward, Eric [ward.eric@epa.gov]; Ford-Cannon, Cris [Ford-Cannon.Cris@epa.gov]; Flemming, Tongee [flemming.tongee@epa.gov]; Derby, Linda [Derby.Linda@epa.gov]; Easton, Louise [easton.louise@epa.gov]; Wentzel, Donald [wentzel.donald@epa.gov]; Lower, Angela [Lower.Angela@epa.gov]; Clarke, Denise [clarke.denise@epa.gov]; Jones, Sammie [Jones.Sammie@epa.gov]; Massie, William

[Massie.William@epa.gov]; Plater, Lottie [Plater.Lottie@epa.gov]; Cannon, Stephen [Cannon.Stephen@epa.gov]; Stanley, Cora [stanley.cora@epa.gov]; Scott, Elaine [Scott.Elaine@epa.gov]; Gann, Darren [Gann.Darren@epa.gov]; Plagge, David [Plagge.David@epa.gov]; Hahn, Sohyun [hahn.sohyun@epa.gov]; Meyer, Manuela [Meyer.Manuela@epa.gov]; Smith, Joel [Smith.Joel@epa.gov]; Neligan, Joseph [Neligan.Joseph@epa.gov]; Kreacic, Michael [Kreacic.Michael@epa.gov]; Ingram, Mark [Ingram.Mark@epa.gov]; Day, Harold [Day.Harold@epa.gov]; Ventura, Marisol [Ventura.Marisol@epa.gov]; Slater, Zachary [slater.zachary@epa.gov]; Atkins, Elaina (Atkins.Elaina@epa.gov) [Atkins.Elaina@epa.gov]; Thurman, Leah (Thurman.Leah@epa.gov) [Thurman.Leah@epa.gov]; Reynolds, Zachary [Reynolds.Zachary@epa.gov]; Clodfelter, Jeffery [Clodfelter.Jeffery@epa.gov]; Rogers, John [Rogers.John.C@epa.gov]; Jones-Banks, Dionna [JonesBanks.Dionna@epa.gov]; Christofel, Dave [Christofel.David@epa.gov]; White, Jessica [White.Jessica@epa.gov]; Parker, Charles [Parker.Charles@epa.gov]; Church-Mathis, Kimberley [ChurchMathis.Kimberley@epa.gov]; Simmons, Shon [Simmons.Shon@epa.gov]; Loesch, Kimberly [Loesch.Kimberly@epa.gov]; Davis, Christopher [Davis.Christopher@epa.gov]; Tyus, Renita [Tyus.Renita@epa.gov]; Cunningham, Patrice [cunningham.patrice@epa.gov]; Messer, David [Messer.David@epa.gov]; Kuykendall, Pamela [Kuykendall.Pamela@epa.gov]; Anthony Harris, Jazmine D. [AnthonyHarris.Jazmine@epa.gov]; Roe, Kathleen [Roe.Kathleen@epa.gov]; Donohue, Rachel [Donohue.Rachel@epa.gov]; Werwick, Brad [Werwick.Brad@epa.gov]; Whitehair, Sharon [Whitehair.Sharon@epa.gov]; Gifford, Sean [gifford.sean@epa.gov]; Gallion, Lynette [Gallion.Lynette@epa.gov]; Dehne, Andrea [dehne.andrea@epa.gov]; Huber, Matthew [Huber.Matthew@epa.gov]; McCune, Jenifer A. [mccune.jenifera@epa.gov]; Hingsbergen, Clare [hingsbergen.clare@epa.gov]; Wallace, Megan [Wallace.Megan@epa.gov]; Toole, Amanda [Toole.Amanda@epa.gov]; Rhoades, Andrew [Rhoades.Andrew@epa.gov]; Poku-Sarkodee, Tiffany [PokuSarkodee.Tiffany@epa.gov]; Dolan, Sheila [dolan.sheila@epa.gov]; Jones, Rodney-Daryl [Jones.Rodney-Daryl@epa.gov]; Courtney, Andrea [Courtney.Andrea@epa.gov]; Mills, Noelle [Mills.Noelle@epa.gov]; Houser, Kaela [Houser.Kaela@epa.gov]; Charlton, Candice [Charlton.Candice@epa.gov]; Liertz, John [Liertz.John@epa.gov]; Pfeffer, Keith [pfeffer.keith@epa.gov]; Elliott, Lenitra [Elliott.Lenitra@epa.gov]; Vogel, Lauranne [Vogel.Lauranne@epa.gov]; Rieger, Frederick [rieger.frederick@epa.gov]; Coates, Tasha [Coates.Tasha@epa.gov]; VanEnwyck, Adam [VanEnwyck.Adam@epa.gov]; Fox, Daniel [Fox.Daniel@epa.gov]; Forrest, Earnest [Forrest.Earnest@epa.gov]; Vollman, Jennifer [Vollman.Jennifer@epa.gov]; Bisher, Nicholas [bisher.nicholas@epa.gov]; Tharp, Scott [Tharp.Scott@epa.gov]; Ridder, Erin [ridder.erin@epa.gov]; Licis, Sandy [Licis.Sandy@epa.gov]; Rodriguez, Ryan [Rodriguez.Ryan@epa.gov]; Edelmann, Lawrence [edelmann.lawrence@epa.gov]; Heath, Brad [Heath.Brad@epa.gov]; Mason, Sharon [Mason.Sharon@epa.gov]; Johnson, Marsha [Johnson.Marsha@epa.gov]; Irvine, Timothy [Irvine.Timothy@epa.gov]; Dorsey, Sybil [dorsey.sybil@epa.gov]

**Subject**: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Afternoon,

For your reference, a Teams Channel is created to track modifications to existing awards (as applicable). Please include the date in the appropriate column of the spreadsheet. If an award that is eligible to be modified is not listed, please add it to the end of the list. Lastly, please do not change the format of the spreadsheet. The link to the spreadsheet is below.

EO 14042 Existing Award Clause Inclusion

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

# FPDS Reporting
# Applicable New Awards & Modifications Incorporating 52.223-99

## FPDS Description

- Enter "**EO14042**" (with no spaces or punctuation breaking up the EO identifier) at the **beginning of the Description of Requirements** data field on the contract action report. Additional information may be entered into the Description of Requirement field after the identifier
  - Example: **EO14042Peer Review Services**
    - NOTE: Description shall be the requirement and not the action. This is true for all FPDS descriptions not just EO 14042 actions

## National Interest Action (NIA) Code for COVID (code P20C)

- NOT entered **unless** the award itself was issued in response to the pandemic.

Message

**From**: Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent**: 10/25/2021 1:10:04 PM
**To**: Mattos, Freya [Mattos.Freya@epa.gov]
**CC**: Freeman, Hope [freeman.hope@epa.gov]
**Subject**: RE: DUE 10/31/21: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Hi Freya,

Only 68HE0121D0001 requires modifying. The other cells are deliberately hidden because they are the task orders under that contract and do not require modification.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Mattos, Freya <Mattos.Freya@epa.gov>
**Sent:** Monday, October 25, 2021 8:39 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** RE: DUE 10/31/21: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Hello Pamela,

When I search my name on the sheet, I can see that they are with hidden cells. The sheet is protected with a password and I cannot access 22-25; since they are hidden.

# Ex. 5 Deliberative Process (DP)

Thank you,
Freya

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Thursday, October 21, 2021 3:24 PM
**To:** OMS-ARM-OAS-CAD <OMS-ARM-OAS-CAD@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; OMS-ARM-OAS-HQAD <OMS-ARM-OAS-HQAD@epa.gov>; OMS-ARM-OAS-ITAD <OMS-ARM-OAS-ITAD@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>; Chenkin, Howard <Chenkin.Howard@epa.gov>; Brown, Rayna <brown.rayna@epa.gov>; Bagocius, Maureen <Bagocius.Maureen@epa.gov>; Balsley, Leeanna <Balsley.Leeanna@epa.gov>; Banis, Elena <Banis.Elena@epa.gov>; Beery, Daniel <beery.daniel@epa.gov>; Bradford, Debora <Bradford.Debora@epa.gov>; Brown, Anthony <Brown.Anthony@epa.gov>; Cadeau, Letitia <cadeau.letitia@epa.gov>; Camerino, Rolando <Camerino.Rolando@epa.gov>; Campos, Marco <Campos.Marco@epa.gov>; Carpenter, Annette <Carpenter.Annette@epa.gov>; Chapple, Brandon <Chapple.Brandon@epa.gov>; Clemmens, Sarah <clemmens.sarah@epa.gov>; Cochran, Renae <cochran.renae@epa.gov>; Colbert, Chanel <Colbert.Chanel@epa.gov>; Cooper, TiffanyD <Cooper.TiffanyD@epa.gov>; Daggs, Pam <Daggs.Pam@epa.gov>; Dandy, Scott <Dandy.Scott@epa.gov>; Debo, Nancy <debo.nancy@epa.gov>; Dewit, Eric <Dewit.Eric@epa.gov>; Dickens, Mayya <Dickens.Mayya@epa.gov>; Dickerson, Shaneka L. <Dickerson.Shaneka@epa.gov>; Dixon, Prentiss <dixon.prentiss@epa.gov>; Douglas, Catherine <Douglas.Catherine@epa.gov>; Eastman, Kally <eastman.kally@epa.gov>; Epstein, Ian <Epstein.Ian@epa.gov>; Erickson, Jennifer <erickson.jennifer@epa.gov>; Fitzpatrick, Carol <fitzpatrick.carol@epa.gov>; Flynn, Rhonda <flynn.rhonda@epa.gov>; Fritz, Koni <Fritz.Koni@epa.gov>; Boyd, Gina <Boyd.Gina@epa.gov>; Gillespie, Tiffany <gillespie.tiffany@epa.gov>; Hallman, James <Hallman.James@epa.gov>; Harrison, Thomas <harrison.thomas@epa.gov>; Haye, Kellee <haye.kellee@epa.gov>; Hill, Stacy <Hill.Stacy@epa.gov>; Hill, Wanda <Hill.Wanda@epa.gov>; Houston, Maria <Houston.Maria@epa.gov>; Hurst, Arlo <hurst.arlo@epa.gov>; Jackson, Benita <Jackson.Benita@epa.gov>; Johnson, William <johnson.william@epa.gov>; Krieger, Geoffrey <krieger.geoffrey@epa.gov>; Krueger, Amber <krueger.amber@epa.gov>; Letellier, Thomas <letellier.thomas@epa.gov>; Livingston, Jacqueline <Livingston.Jacqueline@epa.gov>; Lyons, Linda <Lyons.Linda@epa.gov>; Mattos, Freya <Mattos.Freya@epa.gov>; McAvoy, Stacy <mcavoy.stacy@epa.gov>; Medeiros, Mena <Medeiros.Mena@epa.gov>; Merrill, Norvelle <Merrill.Norvelle@epa.gov>; Meyers, Carrie

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Fox, Daniel <Fox.Daniel@epa.gov>; Forrest, Earnest <Forrest.Earnest@epa.gov>; Vollman, Jennifer <Vollman.Jennifer@epa.gov>; Bisher, Nicholas <bisher.nicholas@epa.gov>; Tharp, Scott <Tharp.Scott@epa.gov>; Ridder, Erin <ridder.erin@epa.gov>; Licis, Sandy <Licis.Sandy@epa.gov>; Rodriguez, Ryan <Rodriguez.Ryan@epa.gov>; Edelmann, Lawrence <edelmann.lawrence@epa.gov>; Heath, Brad <Heath.Brad@epa.gov>; Mason, Sharon <Mason.Sharon@epa.gov>; Johnson, Marsha <Johnson.Marsha@epa.gov>; Irvine, Timothy <Irvine.Timothy@epa.gov>; Dorsey, Sybil <dorsey.sybil@epa.gov>
**Subject:** DUE 10/31/21: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees
**Importance:** High

A gentle reminder that tier 1 needs to be completed by **10/31/21**. If you are done with Tier 1 or do not have any Tier 1 contracts to manage, you should start on Tier 2. Use the link below to record the date the mod was issued.

EO 14042 Clause Inclusion 10-19-21

## Order of Priority for modifying existing contracts

- Tier One - **Existing on-site* contracts** (excludes simplified acquisitions)
  - Modifications shall be completed by **10/31/21**
- Tier Two – **Existing contracts not-on-site***
  - Modifications shall be completed by **12/15/21**
- Tier Three – **existing task orders issued against external contracts** where the parent contract will not be modified by the servicing federal agency.
  - Modifications shall be completed by **12/30/21**

10/21/2021 @MS OFFICE OF MISSION SUPPORT 4

Pamela D. Legare, Deputy Director
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**From:** Legare, Pamela
**Sent:** Thursday, October 21, 2021 8:57 AM
**To:** OMS-ARM-OAS-CAD <OMS-ARM-OAS-CAD@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; OMS-ARM-OAS-HQAD <OMS-ARM-OAS-HQAD@epa.gov>; OMS-ARM-OAS-ITAD <OMS-ARM-OAS-ITAD@epa.gov>; 'Scott, Raoul' <scott.raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; 'Valentino, Thomas' <valentino.thomas@epa.gov>; Chenkin, Howard <Chenkin.Howard@epa.gov>; Brown, Rayna <brown.rayna@epa.gov>; Bagocius, Maureen <Bagocius.Maureen@epa.gov>; Balsley, Leeanna <Balsley.Leeanna@epa.gov>; Banis, Elena <Banis.Elena@epa.gov>; Beery, Daniel <beery.daniel@epa.gov>; Bradford, Debora <Bradford.Debora@epa.gov>; Brown, Anthony <Brown.Anthony@epa.gov>; Cadeau, Letitia <cadeau.letitia@epa.gov>; Camerino, Rolando <Camerino.Rolando@epa.gov>; Campos, Marco <Campos.Marco@epa.gov>; Carpenter, Annette <Carpenter.Annette@epa.gov>; Chapple, Brandon <Chapple.Brandon@epa.gov>; Clemmens, Sarah <clemmens.sarah@epa.gov>; Cochran, Renae <cochran.renae@epa.gov>; Colbert, Chanel <Colbert.Chanel@epa.gov>; Cooper, TiffanyD <Cooper.TiffanyD@epa.gov>; Daggs, Pam <Daggs.Pam@epa.gov>; Dandy, Scott <Dandy.Scott@epa.gov>; Debo, Nancy <debo.nancy@epa.gov>; Dewit, Eric <Dewit.Eric@epa.gov>; Dickens, Mayya <Dickens.Mayya@epa.gov>; Dickerson, Shaneka L. <Dickerson.Shaneka@epa.gov>; Dixon, Prentiss <dixon.prentiss@epa.gov>; Douglas, Catherine <Douglas.Catherine@epa.gov>; Eastman, Kally <eastman.kally@epa.gov>; Epstein, Ian <Epstein.Ian@epa.gov>; Erickson, Jennifer <erickson.jennifer@epa.gov>; Fitzpatrick, Carol <fitzpatrick.carol@epa.gov>; Flynn, Rhonda <flynn.rhonda@epa.gov>; Fritz, Koni <Fritz.Koni@epa.gov>; Boyd, Gina <Boyd.Gina@usepa.onmicrosoft.com>; Gillespie, Tiffany <gillespie.tiffany@epa.gov>; Hallman, James <Hallman.James@epa.gov>; Harrison, Thomas <harrison.thomas@epa.gov>; Haye, Kellee <haye.kellee@epa.gov>; Hill, Stacy <Hill.Stacy@epa.gov>; Hill, Wanda <Hill.Wanda@epa.gov>; Houston, Maria <Houston.Maria@epa.gov>; Hurst, Arlo <hurst.arlo@epa.gov>; Jackson, Benita <Jackson.Benita@epa.gov>; Johnson, William <johnson.william@epa.gov>; Krieger, Geoffrey <krieger.geoffrey@epa.gov>; Krueger, Amber <krueger.amber@epa.gov>; Letellier, Thomas <letellier.thomas@epa.gov>; Livingston, Jacqueline <Livingston.Jacqueline@epa.gov>; Lyons, Linda <Lyons.Linda@epa.gov>; Mattos, Freya <Mattos.Freya@epa.gov>; McAvoy, Stacy <mcavoy.stacy@epa.gov>; Medeiros, Mena <Medeiros.Mena@epa.gov>; Merrill, Norvelle <Merrill.Norvelle@epa.gov>; Meyers, Carrie <meyers.carrie@epa.gov>; Mogg, Emily <Mogg.Emily@epa.gov>; Novello, Frank <Novello.Frank@epa.gov>; Obirek, Jeffrey <obirek.jeffrey@epa.gov>; O'Halloran, Jennifer <OHalloran.Jennifer@epa.gov>; Olsson, Daniel <olsson.daniel@epa.gov>; Onuwaje, Okpemitoritse <Onuwaje.Okpemitoritse@epa.gov>; Ottariano, Michael <Ottariano.Michael@epa.gov>; Owens, Pamela <owens.pamela@epa.gov>; Oxford, Russell <Oxford.Russell@epa.gov>; Ozer, Sidney <Ozer.sidney@epa.gov>; Powell, Sheri <Powell.Sheri@epa.gov>; Price, Karyn <price.karyn@epa.gov>; Richardson, Samuel <Richardson.Samuel@epa.gov>; Robb, John <robb.john@epa.gov>; Russell, Debra <russell.debra@epa.gov>; Sanchez, Nicolas <sanchez.nicolas@epa.gov>; Shifferaw, Rede <Shifferaw.Rede@epa.gov>; Simpson, Jan <Simpson.Jan@epa.gov>; Tao, Anthony <Tao.Anthony@epa.gov>; Taylor, Angel <Taylor.Angel@epa.gov>; Toland, Craig <Toland.Craig@epa.gov>; Tran, Christina <tran.christina@epa.gov>; Tremethick, Dennis <tremethick.dennis@epa.gov>; Tuches, Rebeca <Tuches.Rebeca@epa.gov>; Warren, Christine <warren.christine@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; Williams, Brandon <Williams.Brandon@epa.gov>; Williams, Latrice <Williams.Latrice@epa.gov>; Williams, Salim <Williams.Salim@epa.gov>; Wolper, Emanuel <Wolper.emanuel@epa.gov>
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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Morning,

Please use the attached slide with the corrected email address for the COVID Coordination Team—apologies for the error.

Pamela D. Legare, Deputy Director
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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

Thanks for your participation in today's meeting. Attached are the slides.

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

There is now once again 1 spreadsheet in the EO14042 channel. The NEW link is below. If you have challenges entering your mod date, please reach out and refrain from creating a new copy.

EO 14042 Clause Inclusion 10-19-21

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**From:** Legare, Pamela
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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Morning Everyone,

Please PAUSE updating the spreadsheet until I can address the multiple spreadsheet issue. Apparently there are 6 spreadsheets when there should only be 1.

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**Subject:** EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Afternoon,

For your reference, a Teams Channel is created to track modifications to existing awards (as applicable). Please include the date in the appropriate column of the spreadsheet. If an award that is eligible to be modified is not

listed, please add it to the end of the list. Lastly, please do not change the format of the spreadsheet. The link to the spreadsheet is below.

EO 14042 Existing Award Clause Inclusion

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Message

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**Sent:** 10/19/2021 6:05:15 PM

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**Subject**: RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

**Attachments**: Additional EO 14042 Info.pptx

Colleagues,

Thanks for your participation in today's meeting. Attached are the slides.

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

There is now once again 1 spreadsheet in the EO14042 channel. The NEW link is below. If you have challenges entering your mod date, please reach out and refrain from creating a new copy.

EO 14042 Clause Inclusion 10-19-21

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Morning Everyone,

Please PAUSE updating the spreadsheet until I can address the multiple spreadsheet issue. Apparently there are 6 spreadsheets when there should only be 1.

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**Subject:** EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Afternoon,

For your reference, a Teams Channel is created to track modifications to existing awards (as applicable). Please include the date in the appropriate column of the spreadsheet. If an award that is eligible to be modified is not listed, please add it to the end of the list. Lastly, please do not change the format of the spreadsheet. The link to the spreadsheet is below.

EO 14042 Existing Award Clause Inclusion

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(202) 565-2475 (FAX)
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# FPDS Reporting
# Applicable New Awards & Modifications Incorporating 52.223-99

## FPDS Description

- Enter "**EO14042**" (with no spaces or punctuation breaking up the EO identifier) at the **beginning of the Description of Requirements** data field on the contract action report. Additional information may be entered into the Description of Requirement field after the identifier
  - Example: **EO14042Peer Review Services**
    - NOTE: Description shall be the requirement and not the action. This is true for all FPDS descriptions not just EO 14042 actions

## National Interest Action (NIA) Code for COVID (code P20C)

- NOT entered **unless** the award itself was issued in response to the pandemic.

# EO 14042 Questions

## Contractor Questions

- Use email group **(EPA_COVID19_Coordination_Team@epa.gov)**
- **CC: Kimberly Patrick, Pamela Legare & Raoul Scott**
- Enter "**EO14042 Contractor Question**" in the subject field
- FAQs posted on Agency's Website

## Business Process Questions

- Use email group: OMS-ARM-OAS-AcquisitionPolicy@epa.gov
- **CC: Kimberly Patrick, Pamela Legare & Raoul Scott**
- Enter "**EO14042 Business Process Question**" in the subject field
- Examples of Business Process Questions include: Mod execution process, request for equitable adjustments; FPDS coding, etc.
- FAQs will be posted on TEAM Channel
  EO 14042 Existing Award Clause Inclusion Channel

# Contractor Remedies as a result of 52.223-99 Inclusion

- FAR Clauses
  - ❖Changes Clause: 52.243-1 (FP), 52.243-2 (CR), 52.243-3(TM& LH) or 52.243-4 ( FP dismantling…etc. or FP construction), 52.243-5, construction contracts not over the SAP; and 52.243-6 (Change order accounting-- for research and development contracts of significantly technical complexity if numerous changes are anticipated.)
  - ❖Disputes clause at 52.233-1 to submit a claim if agreement cannot be reach during negotiations

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]

**Sent:** 10/21/2021 12:57:29 PM

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**Subject**: RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

**Attachments**: EO14042 Questions.pptx

Good Morning,

Please use the attached slide with the corrected email address for the COVID Coordination Team—apologies for the error.

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

Thanks for your participation in today's meeting. Attached are the slides.

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

There is now once again 1 spreadsheet in the EO14042 channel. The NEW link is below. If you have challenges entering your mod date, please reach out and refrain from creating a new copy.

EO 14042 Clause Inclusion 10-19-21

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Morning Everyone,

Please PAUSE updating the spreadsheet until I can address the multiple spreadsheet issue. Apparently there are 6 spreadsheets when there should only be 1.

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**Subject:** EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Afternoon,

For your reference, a Teams Channel is created to track modifications to existing awards (as applicable). Please include the date in the appropriate column of the spreadsheet. If an award that is eligible to be modified is not listed, please add it to the end of the list. Lastly, please do not change the format of the spreadsheet. The link to the spreadsheet is below.

EO 14042 Existing Award Clause Inclusion

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# EO 14042 Questions

**Contractor Questions**

- Use email group (EPA_COVID-19_Coordination_Team@epa.gov)
- **CC: Kimberly Patrick, Pamela Legare & Raoul Scott**
- Enter "**EO14042 Contractor Question**" in the subject field
- FAQs posted on Agency's Website

**Business Process Questions**

- Use email group: **OMS-ARM-OAS-AcquisitionPolicy@epa.gov**
- **CC: Kimberly Patrick, Pamela Legare & Raoul Scott**
- Enter "**EO14042 Business Process Question**" in the subject field
- Examples of Business Process Questions Include: Mod execution process, request for equitable adjustments; FPDS coding, etc.
- FAQs will be posted on TEAM Channel
  EO 14042 Existing Award Clause Inclusion Channel

Message

**From**: Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]

**Sent**: 10/21/2021 7:24:19 PM

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**Subject**: DUE 10/31/21: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

**Importance**: High

A gentle reminder that tier 1 needs to be completed by **10/31/21**. If you are done with Tier 1 or do not have any Tier 1 contracts to manage, you should start on Tier 2. Use the link below to record the date the mod was issued.

EO 14042 Clause Inclusion 10-19-21

# Order of Priority for modifying existing contracts

- Tier One - **Existing on-site* contracts** (excludes simplified acquisitions)
  - Modifications shall be completed by **10/31/21**
- Tier Two – **Existing contracts not-on-site***
  - Modifications shall be completed by **12/15/21**
- Tier Three – **existing task orders issued against external contracts** where the parent contract will not be modified by the servicing federal agency.
  - Modifications shall be completed by **12/30/21**

10/21/2021 OMS OFFICE OF MISSION SUPPORT 4

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**From:** Legare, Pamela
**Sent:** Thursday, October 21, 2021 8:57 AM
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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Morning,

Please use the attached slide with the corrected email address for the COVID Coordination Team—apologies for the error.

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

Thanks for your participation in today's meeting. Attached are the slides.

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Colleagues,

There is now once again 1 spreadsheet in the EO14042 channel. The NEW link is below. If you have challenges entering your mod date, please reach out and refrain from creating a new copy.

EO 14042 Clause Inclusion 10-19-21

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**Subject:** RE: EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Morning Everyone,

Please PAUSE updating the spreadsheet until I can address the multiple spreadsheet issue. Apparently there are 6 spreadsheets when there should only be 1.

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**Sent:** Tuesday, October 12, 2021 1:24 PM
**To:** OMS-ARM-OAS-CAD <OMS-ARM-OAS-CAD@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Vaughn, Celia

<Vaughn.Celia@epa.gov>; OMS-ARM-OAS-HQAD <OMS-ARM-OAS-HQAD@epa.gov>; OMS-ARM-OAS-ITAD <OMS-ARM-OAS-ITAD@epa.gov>; Scott, Raoul <scott.raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <valentino.thomas@epa.gov>; Chenkin, Howard <Chenkin.Howard@epa.gov>; Brown, Rayna <brown.rayna@epa.gov>; Bagocius, Maureen <Bagocius.Maureen@epa.gov>; Balsley, Leeanna <Balsley.Leeanna@epa.gov>; Banis, Elena <Banis.Elena@epa.gov>; Beery, Daniel <beery.daniel@epa.gov>; Bradford, Debora <Bradford.Debora@epa.gov>; Brown, Anthony <Brown.Anthony@epa.gov>; Cadeau, Letitia <cadeau.letitia@epa.gov>; Camerino, Rolando <Camerino.Rolando@epa.gov>; Campos, Marco <Campos.Marco@epa.gov>; Carpenter, Annette <Carpenter.Annette@epa.gov>; Chapple, Brandon <Chapple.Brandon@epa.gov>; Clemmens, Sarah <clemmens.sarah@epa.gov>; Cochran, Renae <cochran.renae@epa.gov>; Colbert, Chanel <Colbert.Chanel@epa.gov>; Cooper, TiffanyD <Cooper.TiffanyD@epa.gov>; Daggs, Pam <Daggs.Pam@epa.gov>; Dandy, Scott <Dandy.Scott@epa.gov>; Debo, Nancy <debo.nancy@epa.gov>; Dewit, Eric <Dewit.Eric@epa.gov>; Dickens, Mayya <Dickens.Mayya@epa.gov>; Dickerson, Shaneka L. <Dickerson.Shaneka@epa.gov>; Dixon, Prentiss <dixon.prentiss@epa.gov>; Douglas, Catherine <Douglas.Catherine@epa.gov>; Eastman, Kally <eastman.kally@epa.gov>; Epstein, Ian <Epstein.Ian@epa.gov>; Erickson, Jennifer <erickson.jennifer@epa.gov>; Fitzpatrick, Carol <fitzpatrick.carol@epa.gov>; Flynn, Rhonda <flynn.rhonda@epa.gov>; Fritz, Koni <Fritz.Koni@epa.gov>; Garcia, Virginia <Garcia.Virginia@epa.gov>; Gillespie, Tiffany <gillespie.tiffany@epa.gov>; Hallman, James <Hallman.James@epa.gov>; Harrison, Thomas <harrison.thomas@epa.gov>; Haye, Kellee <haye.kellee@epa.gov>; Hill, Stacy <Hill.Stacy@epa.gov>; Hill, Wanda <Hill.Wanda@epa.gov>; Houston, Maria <Houston.Maria@epa.gov>; Hurst, Arlo <hurst.arlo@epa.gov>; Jackson, Benita <Jackson.Benita@epa.gov>; Johnson, William <johnson.william@epa.gov>; Krieger, Geoffrey <krieger.geoffrey@epa.gov>; Krueger, Amber <krueger.amber@epa.gov>; Letellier, Thomas <letellier.thomas@epa.gov>; Livingston, Jacqueline <Livingston.Jacqueline@epa.gov>; Lyons, Linda <Lyons.Linda@epa.gov>; Mattos, Freya <Mattos.Freya@epa.gov>; McAvoy, Stacy <mcavoy.stacy@epa.gov>; Medeiros, Mena <Medeiros.Mena@epa.gov>; Merrill, Norvelle <Merrill.Norvelle@epa.gov>; Meyers, Carrie <meyers.carrie@epa.gov>; Mogg, Emily <Mogg.Emily@epa.gov>; Novello, Frank <Novello.Frank@epa.gov>; Obirek, Jeffrey <obirek.jeffrey@epa.gov>; O'Halloran, Jennifer <OHalloran.Jennifer@epa.gov>; Olsson, Daniel <olsson.daniel@epa.gov>; Onuwaje, Okpemitoritse <Onuwaje.Okpemitoritse@epa.gov>; Ottariano, Michael <Ottariano.Michael@epa.gov>; Owens, Pamela <owens.pamela@epa.gov>; Oxford, Russell <Oxford.Russell@epa.gov>; Ozer, Sidney <Ozer.sidney@epa.gov>; Powell, Sheri <Powell.Sheri@epa.gov>; Price, Karyn <price.karyn@epa.gov>; Richardson, Samuel <Richardson.Samuel@epa.gov>; Robb, John <robb.john@epa.gov>; Russell, Debra <russell.debra@epa.gov>; Sanchez, Nicolas <sanchez.nicolas@epa.gov>; Shifferaw, Rede <Shifferaw.Rede@epa.gov>; Simpson, Jan <Simpson.Jan@epa.gov>; Tao, Anthony <Tao.Anthony@epa.gov>; Taylor, Angel <Taylor.Angel@epa.gov>; Toland, Craig <Toland.Craig@epa.gov>; Tran, Christina <tran.christina@epa.gov>; Tremethick, Dennis <tremethick.dennis@epa.gov>; Tuches, Rebeca <Tuches.Rebeca@epa.gov>; Warren, Christine <warren.christine@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; Williams, Brandon <Williams.Brandon@epa.gov>; Williams, Latrice <Williams.Latrice@epa.gov>; Williams, Salim <Williams.Salim@epa.gov>; Wolper, Emanuel <Wolper.emanuel@epa.gov>

**Cc:** Stevens, Tanya <Stevens.Tanya@epa.gov>; Brunecz, Michelle <Brunecz.Michelle@epa.gov>; Brown, Dawn <Brown.Dawn@epa.gov>; Burnett-Bakr, Robbin <Burnett-Bakr.Robbin@epa.gov>; Growney, Matthew <Growney.Matthew@epa.gov>; Latson, Tanya <Latson.Tanya@epa.gov>; Williams, Bettina <Williams.Bettina@epa.gov>; Kelly, Delores <kelly.delores@epa.gov>; Guetat, Chantal <Guetat.Chantal@epa.gov>; Freeman, Hope <freeman.hope@epa.gov>; Brice, Tanya <Brice.Tanya@epa.gov>; Tyler, Ani <Tyler.Ani@epa.gov>; Williams, Louis <Williams.Louis@epa.gov>; Rechenberg, Kathleen <Rechenberg.Kathleen@epa.gov>; Tichacek, William <tichacek.william@epa.gov>; Denno, Donald <Denno.Donald@epa.gov>; Stearns, Keith <Stearns.Keith@epa.gov>; Sharp, Kasual <Sharp.Kasual@epa.gov>; Langett, Eric <langett.eric@epa.gov>; Pinney, Heather <Pinney.Heather@epa.gov>; Hawkins, Amber <Hawkins.Amber@epa.gov>; Karnley, Elsie <karnley.elsie@epa.gov>; Yates, William <Yates.William@epa.gov>; Hall, Tomeka <Hall.Tomeka@epa.gov>; Delaney, Benjamin <delaney.benjamin@epa.gov>; Marley, Shelley <Marley.shelley@epa.gov>; Cenova-Betts, Elizabeth <CenovaBetts.Elizabeth@epa.gov>; Ward, Eric <ward.eric@epa.gov>; Ford-Cannon, Cris <Ford-Cannon.Cris@epa.gov>; Flemming, Tongee <flemming.tongee@epa.gov>; Derby, Linda <Derby.Linda@epa.gov>; Easton, Louise <easton.louise@epa.gov>; Wentzel, Donald <wentzel.donald@epa.gov>; Lower, Angela <Lower.Angela@epa.gov>; Clarke, Denise <clarke.denise@epa.gov>; Jones, Sammie <Jones.Sammie@epa.gov>; Massie, William <Massie.William@epa.gov>; Plater, Lottie <Plater.Lottie@epa.gov>; Cannon, Stephen <Cannon.Stephen@epa.gov>;

Stanley, Cora <stanley.cora@epa.gov>; Scott, Elaine <Scott.Elaine@epa.gov>; Gann, Darren <Gann.Darren@epa.gov>; Plagge, David <Plagge.David@epa.gov>; Hahn, Sohyun <hahn.sohyun@epa.gov>; Meyer, Manuela <Meyer.Manuela@epa.gov>; Smith, Joel <Smith.Joel@epa.gov>; Neligan, Joseph <Neligan.Joseph@epa.gov>; Kreacic, Michael <Kreacic.Michael@epa.gov>; Ingram, Mark <Ingram.Mark@epa.gov>; Day, Harold <Day.Harold@epa.gov>; Ventura, Marisol <Ventura.Marisol@epa.gov>; Slater, Zachary <slater.zachary@epa.gov>; Atkins, Elaina (Atkins.Elaina@epa.gov) <Atkins.Elaina@epa.gov>; Thurman, Leah (Thurman.Leah@epa.gov) <Thurman.Leah@epa.gov>; Reynolds, Zachary <Reynolds.Zachary@epa.gov>; Clodfelter, Jeffery <Clodfelter.Jeffery@epa.gov>; Rogers, John <Rogers.John.C@epa.gov>; Jones-Banks, Dionna <JonesBanks.Dionna@epa.gov>; Christofel, Dave <Christofel.David@epa.gov>; White, Jessica <White.Jessica@epa.gov>; Parker, Charles <Parker.Charles@epa.gov>; Church-Mathis, Kimberley <ChurchMathis.Kimberley@epa.gov>; Simmons, Shon <Simmons.Shon@epa.gov>; Loesch, Kimberly <Loesch.Kimberly@epa.gov>; Davis, Christopher <Davis.Christopher@epa.gov>; Tyus, Renita <Tyus.Renita@epa.gov>; Cunningham, Patrice <cunningham.patrice@epa.gov>; Messer, David <Messer.David@epa.gov>; Kuykendall, Pamela <Kuykendall.Pamela@epa.gov>; Anthony Harris, Jazmine D. <AnthonyHarris.Jazmine@epa.gov>; Roe, Kathleen <Roe.Kathleen@epa.gov>; Donohue, Rachel <Donohue.Rachel@epa.gov>; Werwick, Brad <Werwick.Brad@epa.gov>; Whitehair, Sharon <Whitehair.Sharon@epa.gov>; Gifford, Sean <gifford.sean@epa.gov>; Gallion, Lynette <Gallion.Lynette@epa.gov>; Dehne, Andrea <dehne.andrea@epa.gov>; Huber, Matthew <Huber.Matthew@epa.gov>; McCune, Jenifer A. <mccune.jenifera@epa.gov>; Hingsbergen, Clare <hingsbergen.clare@epa.gov>; Wallace, Megan <Wallace.Megan@epa.gov>; Toole, Amanda <Toole.Amanda@epa.gov>; Rhoades, Andrew <Rhoades.Andrew@epa.gov>; Poku-Sarkodee, Tiffany <PokuSarkodee.Tiffany@epa.gov>; Dolan, Sheila <dolan.sheila@epa.gov>; Jones, Rodney-Daryl <Jones.Rodney-Daryl@epa.gov>; Courtney, Andrea <Courtney.Andrea@epa.gov>; Mills, Noelle <Mills.Noelle@epa.gov>; Houser, Kaela <Houser.Kaela@epa.gov>; Charlton, Candice <Charlton.Candice@epa.gov>; Liertz, John <Liertz.John@epa.gov>; Pfeffer, Keith <pfeffer.keith@epa.gov>; Elliott, Lenitra <Elliott.Lenitra@epa.gov>; Vogel, Lauranne <Vogel.Lauranne@epa.gov>; Rieger, Frederick <rieger.frederick@epa.gov>; Coates, Tasha <Coates.Tasha@epa.gov>; VanEnwyck, Adam <VanEnwyck.Adam@epa.gov>; Fox, Daniel <Fox.Daniel@epa.gov>; Forrest, Earnest <Forrest.Earnest@epa.gov>; Vollman, Jennifer <Vollman.Jennifer@epa.gov>; Bisher, Nicholas <bisher.nicholas@epa.gov>; Tharp, Scott <Tharp.Scott@epa.gov>; Ridder, Erin <ridder.erin@epa.gov>; Licis, Sandy <Licis.Sandy@epa.gov>; Rodriguez, Ryan <Rodriguez.Ryan@epa.gov>; Edelmann, Lawrence <edelmann.lawrence@epa.gov>; Heath, Brad <Heath.Brad@epa.gov>; Mason, Sharon <Mason.Sharon@epa.gov>; Johnson, Marsha <Johnson.Marsha@epa.gov>; Irvine, Timothy <Irvine.Timothy@epa.gov>; Dorsey, Sybil <dorsey.sybil@epa.gov>
**Subject:** EO 14042 Clause Discussion - Vaccination Requirements for Federal Contractor Employees

Good Afternoon,

For your reference, a Teams Channel is created to track modifications to existing awards (as applicable). Please include the date in the appropriate column of the spreadsheet. If an award that is eligible to be modified is not listed, please add it to the end of the list. Lastly, please do not change the format of the spreadsheet. The link to the spreadsheet is below.

EO 14042 Existing Award Clause Inclusion

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent:** 10/26/2021 2:44:58 PM
**To:** Hernandez, Arnulfo [Hernandez.Arnulfo@epa.gov]
**Subject:** RE: Follow up on EO14043

Hi Arnulfo,

I have submitted my first email outreach to affected employees.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Hernandez, Arnulfo <Hernandez.Arnulfo@epa.gov>
**Sent:** Thursday, October 14, 2021 3:06 PM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** Follow up on EO14043

Hello Pamela,

This is just a follow up from our conversation. Attached is the document that I shared with you during our call. Below is a copy of what next steps you are needing to take. When it says "Vaccine Attestation (or VA) lead" it refers to Yulia Kalikhman and myself. Please update us when you complete the 1st e-mail outreach and then the 2nd one in 5 working days. Again, please reach out to us should you have any questions.

Subject to send e-mail to employee: EO 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees."

1. First-line supervisors will receive a phone call from an approved Vaccine Attestation lead in their office or region identifying their employees who are unvaccinated, partially vaccinated, chose not to reveal their vaccination status, or declined to respond to the attestation. The VA leads **only share this information with supervisors of unvaccinated employees and not with senior leaders in their program/region.**
2. The VA lead will explain that the supervisor is simply to send the two emails per #4 below. Under no circumstance should the supervisor answer questions or engage employees on vaccination. **If the employee has questions, the supervisor should work with the VA lead to obtain answers.**
3. The VA leads will then email those supervisors (without mentioning employee names) the templates and instructions. **Upon receipt of this notification, first-line supervisors will send the first of two prepared emails** individually to the employees that have been identified to them. These emails contain

science-based vaccine facts. **Supervisors should not edit or make changes to the provided email templates.**

4. **The first email should be sent to employees as soon as possible** to allow employees the greatest opportunity to become compliant with Executive Order 14043.
5. **Emails must be sent individually** to each unvaccinated employee.
6. Each email **must include a Read and Delivery Receipt and supervisors must keep records** of all emails, delivery receipts and read receipts.
7. **Five (5) workdays after** sending the first email, the first-line supervisor will **send the second pre-drafted email** to their identified employees who remain unvaccinated.

Be the Change! Click Here.

Arnulfo Hernandez III
Human Capital Analyst
Human Resources Division
Office of Resources and Business Operations
Office of Mission Support, US EPA Headquarters

OMS' HR Corner
Request HR Action
How to Submit an HR Request

Appointment

**From**: Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent**: 12/1/2021 10:28:27 PM
**To**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; OMS-ARM-OAS-CAD [OMS-ARM-OAS-CAD@epa.gov]; Gosnell, Jody [Gosnell.Jody@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; OMS-ARM-OAS-HQAD [OMS-ARM-OAS-HQAD@epa.gov]; OMS-ARM-OAS-ITAD [OMS-ARM-OAS-ITAD@epa.gov]; OMS-ARM-OAS_RAMS [OMS-ARM-OAS_RAMS@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; Chenkin, Howard [Chenkin.Howard@epa.gov]; Valentino, Thomas [valentino.thomas@epa.gov]; Bagocius, Maureen [Bagocius.Maureen@epa.gov]; Balsley, Leeanna [Balsley.Leeanna@epa.gov]; Banis, Elena [Banis.Elena@epa.gov]; Beery, Daniel [beery.daniel@epa.gov]; Boyd, Gina [Boyd.Gina@epa.gov]; Bradford, Debora [Bradford.Debora@epa.gov]; Brown, Anthony [Brown.Anthony@epa.gov]; Cadeau, Letitia [cadeau.letitia@epa.gov]; Camerino, Rolando [Camerino.Rolando@epa.gov]; Campos, Marco [Campos.Marco@epa.gov]; Chapple, Brandon [Chapple.Brandon@epa.gov]; Clemmens, Sarah [clemmens.sarah@epa.gov]; Cochran, Renae [cochran.renae@epa.gov]; Colbert, Chanel [Colbert.Chanel@epa.gov]; Cooper, TiffanyD [Cooper.TiffanyD@epa.gov]; Daggs, Pam [Daggs.Pam@epa.gov]; Dandy, Scott [Dandy.Scott@epa.gov]; Debo, Nancy [debo.nancy@epa.gov]; Dewit, Eric [Dewit.Eric@epa.gov]; Dickens, Mayya [Dickens.Mayya@epa.gov]; Dickerson, Shaneka L. [Dickerson.Shaneka@epa.gov]; Dixon, Prentiss [dixon.prentiss@epa.gov]; Douglas, Catherine [Douglas.Catherine@epa.gov]; Eastman, Kally [eastman.kally@epa.gov]; Epstein, Ian [Epstein.Ian@epa.gov]; Erickson, Jennifer [erickson.jennifer@epa.gov]; Fitzpatrick, Carol [fitzpatrick.carol@epa.gov]; Flynn, Rhonda [flynn.rhonda@epa.gov]; Fritz, Koni [Fritz.Koni@epa.gov]; Gillespie, Tiffany [gillespie.tiffany@epa.gov]; Hallman, James [Hallman.James@epa.gov]; Harrison, Thomas [harrison.thomas@epa.gov]; Haye, Kellee [haye.kellee@epa.gov]; Hill, Stacy [Hill.Stacy@epa.gov]; Hill, Wanda [Hill.Wanda@epa.gov]; Houston, Maria [Houston.Maria@epa.gov]; Hurst, Arlo [hurst.arlo@epa.gov]; Jackson, Benita [Jackson.Benita@epa.gov]; Johnson, William [johnson.william@epa.gov]; Krieger, Geoffrey [krieger.geoffrey@epa.gov]; Krueger, Amber [krueger.amber@epa.gov]; Letellier, Thomas [letellier.thomas@epa.gov]; Livingston, Jacqueline [Livingston.Jacqueline@epa.gov]; Lyons, Linda [Lyons.Linda@epa.gov]; Mattos, Freya [Mattos.Freya@epa.gov]; McAvoy, Stacy [mcavoy.stacy@epa.gov]; Medeiros, Mena [Medeiros.Mena@epa.gov]; Merrill, Norvelle [Merrill.Norvelle@epa.gov]; Meyers, Carrie [meyers.carrie@epa.gov]; Mogg, Emily [Mogg.Emily@epa.gov]; Novello, Frank [Novello.Frank@epa.gov]; Obirek, Jeffrey [obirek.jeffrey@epa.gov]; O'Halloran, Jennifer [OHalloran.Jennifer@epa.gov]; Olsson, Daniel [olsson.daniel@epa.gov]; Onuwaje, Okpemitoritse [Onuwaje.Okpemitoritse@epa.gov]; Ottariano, Michael [Ottariano.Michael@epa.gov]; Owens, Pamela [owens.pamela@epa.gov]; Oxford, Russell [Oxford.Russell@epa.gov]; Ozer, Sidney [Ozer.sidney@epa.gov]; Powell, Sheri [Powell.Sheri@epa.gov]; Price, Karyn [price.karyn@epa.gov]; Richardson, Samuel [Richardson.Samuel@epa.gov]; Robb, John [robb.john@epa.gov]; Russell, Debra [russell.debra@epa.gov]; Sanchez, Nicolas [sanchez.nicolas@epa.gov]; Shifferaw, Rede [Shifferaw.Rede@epa.gov]; Simpson, Jan [Simpson.Jan@epa.gov]; Tao, Anthony [Tao.Anthony@epa.gov]; Taylor, Angel [Taylor.Angel@epa.gov]; Toland, Craig [Toland.Craig@epa.gov]; Tran, Christina [tran.christina@epa.gov]; Tremethick, Dennis [tremethick.dennis@epa.gov]; Tuches, Rebeca [Tuches.Rebeca@epa.gov]; Warren, Christine [warren.christine@epa.gov]; Williams, Brandon [Williams.Brandon@epa.gov]; Williams, Salim [Williams.Salim@epa.gov]; Wolper, Emanuel [Wolper.emanuel@epa.gov]; Barton, Kathryn [Barton.Kathryn@epa.gov]
**CC**: Brown, Dawn [Brown.Dawn@epa.gov]; Burnett-Bakr, Robbin [Burnett-Bakr.Robbin@epa.gov]

**Subject**: Mandatory Meeting: EO 14042 Implementation Update
**Location**: Microsoft Teams Meeting

**Start**: 12/2/2021 5:00:00 PM
**End**: 12/2/2021 5:45:00 PM
**Show Time As**: Tentative

**Required Attendees**: Kimberly Patrick; OMS-ARM-OAS-CAD; Gosnell, Jody; Vaughn, Celia; OMS-ARM-OAS-HQAD; OMS-ARM-OAS-ITAD; OMS-ARM-OAS_RAMS; Blanding, Donna; Scott, Raoul; Chenkin, Howard; Valentino, Thomas; Bagocius, Maureen; Balsley, Leeanna; Banis, Elena; Beery, Daniel; Boyd, Gina; Bradford, Debora; Brown, Anthony; Cadeau, Letitia; Camerino, Rolando; Campos, Marco; Chapple, Brandon; Clemmens, Sarah; Cochran, Renae; Colbert, Chanel; Cooper,

TiffanyD; Daggs, Pam; Dandy, Scott; Debo, Nancy; Dewit, Eric; Dickens, Mayya; Dickerson, Shaneka L.; Dixon, Prentiss; Douglas, Catherine; Eastman, Kally; Epstein, Ian; Erickson, Jennifer; Fitzpatrick, Carol; Flynn, Rhonda; Fritz, Koni; Gillespie, Tiffany; Hallman, James; Harrison, Thomas; Haye, Kellee; Hill, Stacy; Hill, Wanda; Houston, Maria; Hurst, Arlo; Jackson, Benita; Johnson, William; Krieger, Geoffrey; Krueger, Amber; Letellier, Thomas; Livingston, Jacqueline; Lyons, Linda; Mattos, Freya; McAvoy, Stacy; Medeiros, Mena; Merrill, Norvelle; Meyers, Carrie; Mogg, Emily; Novello, Frank; Obirek, Jeffrey; O'Halloran, Jennifer; Olsson, Daniel; Onuwaje, Okpemitoritse; Ottariano, Michael; Owens, Pamela; Oxford, Russell; Ozer, Sidney; Powell, Sheri; Price, Karyn; Richardson, Samuel; Robb, John; Russell, Debra; Sanchez, Nicolas; Shifferaw, Rede; Simpson, Jan; Tao, Anthony; Taylor, Angel; Toland, Craig; Tran, Christina; Tremethick, Dennis; Tuches, Rebeca; Warren, Christine; Williams, Brandon; Williams, Salim; Wolper, Emanuel; Barton, Kathryn

**Optional Attendees**: Brown, Dawn; Burnett-Bakr, Robbin

Colleagues,

OMB has issued time-sensitive guidance regarding Implementation of *Executive Order 14042*. *The purpose of this meeting is to share with you the guidance and next steps.*

---

## Microsoft Teams meeting

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By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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Message

**From**: Legare, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=00FD945431C14699B03A8C48745E5E99-LEGARE, PAMELA]
**Sent**: 12/2/2021 7:01:19 PM
**To**: Stevens, Tanya [Stevens.Tanya@epa.gov]; Brunecz, Michelle [Brunecz.Michelle@epa.gov]
**Subject**: FW: Final Notice to Contractors for Posting
**Attachments**: Final notice to EPA contractors - 14042 Preliminary Injunction 12 2 21.pdf

Please post to sam.gov today. Thanks.

Pamela D. Legare, Deputy Director
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(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Sent:** Thursday, December 2, 2021 11:35 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** Final Notice to Contractors for Posting

See attached for posting.

***Kimberly Y. Patrick,***
***Senior Procurement Executive and Director***
EPA Office of Acquisition Solutions
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Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

***OAS…Advancing EPA's Mission Through Acquisitions!***

**MEMORANDUM**

**Date:** December 2, 2021

**Subject:** Preliminary Injunction Regarding Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors" in Kentucky (KY), Tennessee (TN), and Ohio (OH).

**FROM:** Kimberly Y. Patrick, Senior Procurement Executive and Director
EPA Office of Acquisition Solutions

**TO:** All EPA Contractors

On November 30, 2021, the U.S. District Court for the Eastern District of Kentucky issued a preliminary injunction halting implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors" in KY, TN, and OH.

This injunction applies to contracts performed in whole, or in part, in Kentucky, Tennessee, or Ohio. As a result, EPA Contracting Officers may contact EPA contactors to clarify if contractor performance includes personnel performing within the three referenced states (KY, TN, and OH). Please note, for this purpose, contractor performance includes activities performed by contractor personnel working in a telework status in the referenced states under an applicable EPA contract.

Contracting Officers, after confirming contract performance within the three referenced states, will inform the contractor, via email, that any clause in a contract implementing the requirements of EO 14042 (Clause 52.223-99) will not be enforced at this time. For issued EPA solicitations, Contracting Officers will issue an amendment that clarifies that any clause implementing the requirements of the EO 14042 (Clause 52.223-99) will not be enforced at this time.

If there are any questions regarding this issue, please contact your cognizant Contracting Officer. Thank you for your continued support as we navigate this process.

Message

**From**: Langett, Eric [langett.eric@epa.gov]
**Sent**: 12/3/2021 7:06:42 PM
**To**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; OMS-ARM-OAS-AcquisitionPolicy [OMS-ARM-OAS-AcquisitionPolicy@epa.gov]; EPA_COVID19_Coordination_Team@epa.gov
**CC**: Legare, Pamela [Legare.Pamela@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; Armstrong, Claudia [Armstrong.Claudia@epa.gov]; Miller, Ross [miller.ross@epa.gov]
**Subject**: RE: EO14042 Contractor Question

Hi Kimberly,

Thank you very much for the responses.

Have a great weekend,
Eric

Eric Langett
Contract Specialist
U.S. Environmental Protection Agency
Office of Acquisition Solutions (OAS)
Headquarters Acquisition Division (HQAD)
OLEM Mission & Laboratory Analysis Support
Phone: 202-564-0025

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**From:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Sent:** Friday, December 3, 2021 1:55 PM
**To:** Langett, Eric <langett.eric@epa.gov>; OMS-ARM-OAS-AcquisitionPolicy <OMS-ARM-OAS-AcquisitionPolicy@epa.gov>; EPA_COVID19_Coordination_Team@epa.gov
**Cc:** Legare, Pamela <Legare.Pamela@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Armstrong, Claudia <Armstrong.Claudia@epa.gov>; Miller, Ross <miller.ross@epa.gov>
**Subject:** RE: EO14042 Contractor Question

**Eric,**

**My answers are below in bold…**

**Contractor A:**

1. Bonner employee collects samples onsite (from one of the 3 states in preliminary injunction) and transports sample to Bonner for further testing by various Bonner employees. Does the preliminary injunction apply?

**Answer: The injunction would apply to any employees PERFORMING or SUPPORTING work under the EPA contract within Ohio, Kentucky or Tennessee. It would not apply to employees that are NOT performing within those states. In your scenario, the employee that is collecting the samples (performing) in one of the three states would not be subject to the EO 14042 requirements (the injunction would apply). The Bonner employees performing the further testing outside of the three states would be subject to the EO 14042 requirements (the injunction would NOT apply).**

2. Clientele collects and transships samples to Bonner for further testing by various Bonner employees. Does the preliminary injunction apply?

**Answer: Assuming that "clientele" means Bonner employees PERFORMING or SUPPORTING EPA contracts in the three states (KY, OH, TN), then "clientele" that are collecting and shipping samples (performing) for further testing by**

**Bonner would not be subject to EO 14042 (the injunction would apply). The Bonner employees performing the further testing outside of the three states would be subject to the EO 14042 requirements (the injunction would NOT apply).**

3. Specifically CLP related since sample sites are confidential… what happens to CLP samples collected in one of the states and sent to us?

**Answer: We would have no way of knowing where the sample is being collected. In situations where the place of performance cannot be determined, we must assume that the injunction applies to contractor employees collecting the samples in those instances…and they would NOT be subject to the EO 14042 requirements**

**Contactor B:**

4. We have an employee living in Ohio who supports the inorganics part of the contract.
    a. **Eric's question**: in this case, will the clause *not* be enforced for the whole company, even though only 1 employee is affected?

**Answer: It's not about where the employee LIVES…it's about where the employee PERFORMS or SUPPORTS work under the EPA contract. If the employee PERFORMS or SUPPORTS work under the contract in one of the three states (including teleworking), then the injunction applies to those employees. The injunction is applied at the contractor employee level…not at the corporate level. The whole company would not be impacted…only the contractor employees PERFORMING or SUPPORTING work under the EPA contract in the three states.**

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
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*OAS…Advancing EPA's Mission Through Acquisitions!*

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**From:** Langett, Eric <langett.eric@epa.gov>
**Sent:** Friday, December 03, 2021 12:37 PM
**To:** OMS-ARM-OAS-AcquisitionPolicy <OMS-ARM-OAS-AcquisitionPolicy@epa.gov>; EPA_COVID19_Coordination_Team@epa.gov
**Cc:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Armstrong, Claudia <Armstrong.Claudia@epa.gov>; Miller, Ross <miller.ross@epa.gov>
**Subject:** EO14042 Contractor Question
**Importance:** High

Good afternoon,

I received a few questions from contractors regarding the preliminary injunction.

**Contractor A:**

1. Bonner employee collects samples onsite (from one of the 3 states in preliminary injunction) and transports sample to Bonner for further testing by various Bonner employees. Does the preliminary injunction apply?

2. Clientele collects and transships samples to Bonner for further testing by various Bonner employees. Does the preliminary injunction apply?

3. Specifically CLP related since sample sites are confidential… what happens to CLP samples collected in one of the states and sent to us?

**Contactor B:**

4. We have an employee living in Ohio who supports the inorganics part of the contract.
    a. **Eric's question**: in this case, will the clause *not* be enforced for the whole company, even though only 1 employee is affected?

Thanks,
Eric

Eric Langett
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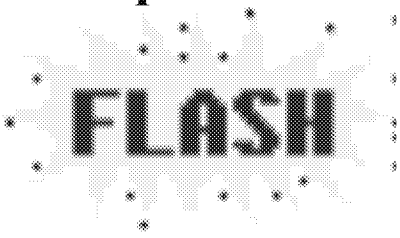
**From:** Blanding, Donna <Blanding.Donna@epa.gov>
**Sent:** Thursday, December 2, 2021 10:34 AM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS-EAS CORs A-K <OMS-ARM-OAS-EAS_CORs_A-K@epa.gov>; OMS-ARM-OAS-EAS CORs L-Z <OMS-ARM-OAS-EAS_CORs_L-Z@epa.gov>; OMS-ARM-OAS-PAC <OMS-ARM-OAS-PAC@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>; OMS-ARM-OAS-SACO <OMS-ARM-OAS-SACO@epa.gov>; OMS-ARM-OAS_SRO <OMS-ARM-OAS_SRO@epa.gov>; OMS-ARM-OAS_JRO <OMS-ARM-OAS_JRO@epa.gov>; OMS-ARM-OAS-ProcurementAttorneys <OMS-ARM-OAS-ProcurementAttorneys@epa.gov>; OMS-ARM-OAS-RAMS <OMS-ARM-OAS-RAMS@epa.gov>; OMS-ARM-OAS-DIVISION_DIRECTORS <OMS-ARM-OAS-DIVISION_DIRECTORS@epa.gov>
**Cc:** Benjamin-Sirmons, Denise <Benjamin-Sirmons.Denise@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Gillis-Massey, Martina <gillis-massey.martina@epa.gov>; Douglas, Arielle <Douglas.Arielle@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Kenealy, Timi <Kenealy.Timi@epa.gov>
**Subject:** Flash Notice - Preliminary Injunction - Executive Order 14042
**Importance:** High

# Office of Acquisition Solutions




## Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts

# Partial Suspension of Update-1 issued November 9, 2021

On November 30, 2021, the U.S. District Court for the Eastern District of Kentucky issued a preliminary injunction halting implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors" in Kentucky, Tennessee, and Ohio.

This injunction applies to contracts performed in whole, or in part, in Kentucky, Tennessee, or Ohio. The Office of Management and Budget has issued guidance to federal agencies on compliance with the preliminary injunction. This Flash Notice provides the OMB guidance and EPA-specific instructions for consistent implementation, as follows:

**OMB Guidance**

**I. For existing contracts and contract-like instruments (hereinafter "contracts"), including extensions and renewals, that are performed at least in part in Kentucky, Ohio, and/or Tennessee:**

If the contract includes a clause requiring compliance with guidance issued by the Safer Federal Workforce Task Force ("Task Force guidance"), the administering agency must take no action to enforce that clause and should inform the contractor that the clause will not be enforced absent further notice from the agency.

If the contract or order does not include a clause requiring compliance with Task Force guidance, the administering agency must refrain from attempting to insert such a clause into the document. The agency should not ask that the contractor voluntarily agree to the insertion of such a clause.

**II. For existing solicitations for services that may be performed at least in part in Kentucky, Ohio, and/or Tennessee:**

If the solicitation includes a provision that would require compliance with Task Force guidance, the issuing agency shall issue a solicitation amendment either removing that provision or providing that the provision would not be enforced in contracts subject to the court order. The agency should comply with all applicable legal requirements for full and open competition.

If the solicitation contains no clause requiring compliance with Task Force guidance, the agency shall not seek to add one, unless it provides that the provision would not be enforced in contracts subject to the court order.

**III. For future solicitations, contracts, and orders that may be performed at least in part in Kentucky, Ohio, and/or Tennessee:**

Absent further direction from OMB, agencies shall not include a clause requiring compliance with Task Force guidance in new solicitations, contracts, or orders, including extensions or renewals, that may be performed at least in part in Kentucky, Ohio, and/or Tennessee, unless the clause provides that it would not be enforced in contracts or orders subject to the court order. In some cases, agencies may be unable to determine in advance whether work under a given solicitation will be performed in any of those states. In those cases, the solicitation must not include a clause requiring compliance with Task Force guidance, unless the clause provides that it would not be enforced in contracts or orders subject to the court order.

**IV. For existing and future contracts and orders, including extensions and renewals, that are known to be performed entirely outside of Kentucky, Ohio, and/or Tennessee:**

No change in approach is required. The court order applies only to contracts that are performed at least in part in Kentucky, Ohio, or Tennessee. If contracting officers or other cognizant agency personnel are unsure whether performance on a given contract takes place at least in part in one of those three states, they should immediately request that information from the contractor. If still in doubt, they should treat the contract as if it is being performed at least in part in Kentucky, Ohio, and/or Tennessee, and follow the guidance above.

***Agencies must adhere to this guidance to ensure that the Government meets its legal obligations.**

**<u>EPA-Specific Guidance</u>**

**Below is EPA-specific instruction to assist Contracting Officers in communication with contractors/vendors that may be affected by the preliminary injunction. Please follow these instructions without deviation.**

a) Communication with Contractors to determine if place of support or performance is within Kentucky, Ohio, or Tennessee:

In some circumstances it may be necessary to contact existing contractors to determine if contractor performance, in whole or in part, is performed within the states of Ohio, Kentucky, or Tennessee. If this is necessary, authorized 1102 personnel shall communicate with the contractor's authorized representative as follows:

*"Please confirm if contract support or performance, under the terms and conditions of the EPA contract, are performed in whole or in part within the states of Kentucky, Ohio, or Tennessee. Performance includes contract/subcontract employees performing telework duties within the identified states."*

b) Communication to EPA contractors from the EPA Contracting Officer if the contractor confirms that support or performance of work is within Kentucky, Ohio, or Tennessee, AND the contract contains FAR clause 52.223-99:

If the contractor confirms support or performance of work is within Kentucky, Ohio, or Tennessee, the EPA Contracting Officer shall take the following steps AND communicate with the contractor as follows:

- Verify if the contract contains the deviated FAR clause 52.223-99.

- If yes, the Contracting Officer shall communicate, in writing via email, with the contractor as follows:

*"Clause 52.223-99 will not be enforced at this time and a contract modification is not necessary. Additional information or instructions will be provided if necessary"*

- The CO shall include documentation of the notification of non-enforcement of the referenced clause in the official contract file as supporting document in EAS.

c) Issued Solicitations that contain the FAR deviated clause 52.223-99 shall be amended as follows:

*"Clause 52.223-99 will not be enforced in any resultant contract that is performed at least in part in Kentucky, Ohio, or Tennesse at this time."*

If you have any questions regarding this flash notice, please contact the Policy, Training and Oversight Division at:

OMS-ARM-OAS-AcquisitionPolicy@epa.gov ; OR

Donna Blanding, (202)564-1130; Raoul Scott, (202)564- 5752; or Tom Valentino (202)564-4522.

*OAS Advancing EPA's Mission Through Acquisition*

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF GEORGIA**
**AUGUSTA DIVISION**

| | |
|---|---|
| THE STATE OF GEORGIA, et al.,<br><br>Plaintiffs,<br><br>v.<br><br>JOSEPH R. BIDEN, in his official capacity as President of the United States, et al.,<br><br>Defendants. | CIVIL ACTION NO.: 1:21-cv-163 |

**ORDER**

Plaintiffs, comprised of the States of Georgia, Alabama, Idaho, Kansas, South Carolina, Utah and West Virginia; the governors of several of those states; and various state agencies, including the Board of Regents of the University System of Georgia, filed this suit seeking declaratory and injunctive relief against enforcement of Executive Order 14042, which requires, *inter alia*, that contractors and subcontractors performing work on certain federal contracts ensure that their employees and others working in connection with the federal contracts are fully vaccinated against COVID-19. (Docs. 1, 54.) Upon filing the lawsuit, Plaintiffs requested that this Court issue a preliminary injunction. (Docs. 19, 55.) Additionally, Associated Builders and Contractors, Inc. (hereinafter, "ABC"), a trade organization, and one of its chapters, Associated Builders and Contractors of Georgia, Inc. (hereinafter, "ABC-Georgia"), (hereinafter, collectively, "Proposed Intervenors")) filed a Motion to Intervene in the action, (doc. 48), and also filed their own Motion for Preliminary Injunction, (doc. 50). The Court established an expedited briefing schedule and, following the submission of responses by the Defendants to all motions, (docs. 61,

63), and the submission of replies by Plaintiffs and by the Proposed Intervenors, (docs. 76–78), the Court conducted a hearing on the Motions on December 3, 2021.

As another Court that has preliminarily enjoined the same measure at issue in this case has stated, "[t]his case is not about whether vaccines are effective. They are." Kentucky v. Biden, No. 3:21-cv-55, 2021 WL 5587446, at *9 (E.D. Ky. Nov. 30, 2021). Moreover, the Court acknowledges the tragic toll that the COVID-19 pandemic has wrought throughout the nation and the globe. However, even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities. Indeed, the United States Supreme Court has recognized that, while the public indisputably "has a strong interest in combating the spread of [COVID-19]," that interest does not permit the government to "act unlawfully even in pursuit of desirable ends." Ala. Ass'n of Realtors v. HHS, 141 S. Ct. 2485, 2490 (2021) (citing Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 582, 585–86 (1952)). In this case, Plaintiffs will likely succeed in their claim that the President exceeded the authorization given to him by Congress through the Federal Property and Administrative Services Act when issuing Executive Order 14042. Accordingly, after due consideration of the motions, supporting briefs, responsive briefing, and the evidence and argument presented at the hearing,[1] the Court **GRANTS IN PART and DENIES IN PART** the Motion to Intervene, (doc. 48), **GRANTS** ABC's Motion for Preliminary Injunction, (doc. 50), and **GRANTS** Plaintiffs' Amended Motion for Preliminary Injunction, (doc. 55).

[1] On December 2, 2021, the American Medical Association, which is not a party to this case, was granted leave of Court to file an *amicus curiae* brief in opposition to Plaintiffs' Amended Motion for Preliminary Injunction. (Doc. 86.)



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## BACKGROUND

On January 20, 2021, President Biden signed Executive Order 13991, establishing the "Safer Federal Workforce Task Force" (hereinafter, the "Task Force"). 86 Fed. Reg. 7,045–48 (Jan. 20, 2021). The Task Force's stated mission is to "provide ongoing guidance to heads of agencies on the operation of the Federal Government, the safety of its employees, and the continuity of Government functions during the COVID-19 pandemic." Id. at 7,046.

On September 9, 2021, President Biden signed Executive Order 14042 (hereinafter, "EO 14042"). 86 Fed. Reg. 50,985–88 (Sept. 9, 2021). Therein, the President stated that his order would "promote[] economy and efficiency in Federal procurement by ensuring that the parties that contract with the Federal Government provide adequate COVID-19 safeguards to their workers performing on or in connection with a Federal Government contract or contract-like instrument," which would "decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at sites where they are performing work for the Federal Government." Id. at § 1. EO 14042 mandated that the Task Force provide, by September 24, 2021, guidance regarding "adequate COVID-19 safeguards," which must be complied with by federal contractors and subcontractors. Id. at 50,985. This executive order specified that the Task Force's guidance would be mandatory at all "contractor or subcontractor workplace locations" so long as the Director of the Office of Management and Budget (hereinafter, the "OMB") approved the guidance and determined that it would "promote economy and efficiency in Federal contracting." Id. EO 14042 states that it applies, with some specified exceptions, to "any new contract; new contract-like instrument; new solicitation for a contract or contract-like instrument;

extension or renewal of an existing contract or contract-like instrument; and exercise of an option on an existing contract or contract-like instrument." Id.

On September 24, the Task Force issued its Guidance for Federal Contractors and Subcontractors (hereinafter, the "Task Force Guidance") pursuant to EO 14042. See Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, available at https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf (last visited Dec. 4, 2021). The Task Force Guidance requires all "covered contractors"[2] to be fully vaccinated by January 18, 2022,[3] unless they are "legally entitled to an accommodation." Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Updated November 10, 2021), at p. 5, available at https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors_Safer%20Federal%20Workforce%20Task%20Force_20211110.pdf (last visited December 4, 2021). The Task Force Guidance applies to all "newly awarded covered contract[s]" at any

[2] "Covered contractor" means "a prime contractor or subcontractor at any tier who is party to a covered contract." Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, at p. 3.

[3] While the initial Task Force Guidance announced a deadline of December 8, 2021, on November 10, 2021, an updated version was issued which pushed the deadline for full vaccination to January 18, 2022. See Safer Federal Workforce Task Force, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Updated November 10, 2021), available at https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors_Safer%20Federal%20Workforce%20Task%20Force_20211110.pdf (last visited December 4, 2021). This means that covered contractors' employees would need to receive their Johnson & Johnson vaccine or the second dose of a Pfizer or Moderna vaccine by January 4 to be fully vaccinated by the deadline. See The White House, Fact Sheet: Biden Administration Announces Details of Two Major Vaccination Policies, https://www.whitehouse.gov/briefing-room/statementsreleases/2021/11/04/fact-sheet-biden-administration-announces-details-of-two-major-vaccination-policies/ (last visited Dec. 4, 2021).

location where covered contract employees work and it covers "any full-time or part-time employee of a covered contractor working on or in connection with a covered contract or working at a covered contractor workplace." Id. at pp. 3–5.

On September 28, the Director of the OMB issued a notice of her determination "that compliance by [f]ederal contractors and subcontractors with the COVID-19 workplace safety protocols detailed in th[e] [Task Force G]uidance will improve economy and efficiency by reducing absenteeism and decreasing labor costs for contractors and subcontractors working on or in connection with a Federal Government contract." 86 Fed. Reg. 53,691–92.

In order to implement the policies and requirements it established, EO 14042 directed the Federal Acquisition Regulatory Council (hereinafter, the "FAR Council") to "amend the Federal Acquisition Regulation to provide for inclusion in Federal procurement solicitations and contracts subject to this order [a] clause" requiring compliance with the Task Force Guidance (including the vaccination requirements). 86 Fed. Reg. 50,986. The Federal Acquisition Regulation (hereinafter, the "FAR") is the set of policies and procedures that governs the drafting and procurement processes of contracts for all executive agencies; it also contains standard solicitation provisions and contract clauses. See United States General Services Administration, Federal Acquisition Regulation (FAR), https://www.gsa.gov/policy-regulations/regulations/federal-acquisition-regulation-far (last visited Dec. 4, 2021).

On September 30, 2021, the FAR Council issued a memo to various agencies, providing direction on when and how to use the new clause, (hereinafter, the "FAR Memo"). See FAR Council Guidance, https://www.whitehouse.gov/wp-content/uploads/2021/09/FAR-Council-Guidance-on-Agency-Issuance-of-Deviations-to-Implement-EO-14042.pdf (last visited Dec. 4,

2021). The FAR Memo explains that EO 14042 directed the FAR Council to "develop a contract clause requiring contractors and subcontractors . . . to comply with [the Task Force Guidance] and to provide initial policy direction to acquisition offices for use of the clause by recommending that agencies exercise their authority under FAR subpart 1.4, Deviations from the FAR." Id. at p. 2. According to the FAR Memo, "[t]he FAR Council has opened a case (FAR Case 2021-021, Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors) to make appropriate amendments in the FAR to reflect the requirements of [EO 14042]," id. at p. 3, and it has "developed [a] clause"—which it included as an attachment to the memo—"pursuant to section 3(a) of the order to support agencies in meeting the applicability requirements and deadlines set forth in [EO 14042]," id. at p. 2. The attachment is entitled "FAR Deviation Clause . . . [52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors . . .]," and it states, *inter alia*:

> *(c) Compliance.* The Contractor shall comply with all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of this contract, for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force (Task Force Guidance) at *https:/www.saferfederalworkforce.gov/contractors/.*
>
> *(d) Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (d), in subcontracts at any tier that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas.

Id. at pp. 4–5. The FAR Memo lists the types of solicitations and contracts in which the agencies "are *required* to include" the new clause, id. at p. 2 (emphasis added), but it also states that, "[t]o maximize the goal of getting more people vaccinated and decrease the spread of COVID-19, the Task Force *strongly encourages* agencies to apply the requirements of its guidance broadly,



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consistent with applicable law, by including the clause in" other types of contracts that are not otherwise covered by EO 14042, id. at p. 3 (emphasis added).

Plaintiffs filed their Complaint initiating this action on October 29, 2021, (doc. 1), and they filed their initial Motion for Preliminary Injunction on November 5, 2021, (doc. 19). On November 10, 2021, the OMB Director issued a revised Determination that (1) revoked the prior OMB Determination; (2) provided additional reasoning and support for how the Task Force Guidance will promote economy and efficiency in government contracting; (3) gave covered contractors additional time to comply with the vaccination requirement; and (4) provided a public comment period through December 16, 2021. See 86 Fed. Reg. 63,418. In light of the revised OMB Determination, Plaintiffs filed an Amended Complaint, (doc. 54), and an Amended Motion for Preliminary Injunction, (doc. 55). Meanwhile, the Proposed Intervenors filed their Motion to Intervene as Plaintiffs, (doc. 48), and their Motion for Preliminary Injunction, (doc. 50). All parties were given an opportunity to file responsive briefs and to present evidence and argument during the hearing on December 3, 2021.

During the hearing, Plaintiffs presented testimony from representatives of three universities within the University System of Georgia: Augusta University, Georgia Institute of Technology (hereinafter, "Georgia Tech"), and the University of Georgia (hereinafter, "UGA"). (See also doc. 55-12, p. 4 (these three institutions' federal contracts generated approximately $736,968,899.00 in revenue in fiscal year 2021).) These witnesses each testified generally about their respective research institution's participation in and reliance on federal contracting, and they provided data regarding the number of employees who work on federal contracts at their institution and the amount of funds received by their institution as a result of its various federal contracts.

(See, e.g., Transcript of Dec. 3, 2021 Hearing (hereinafter, "Tr."), pp. 22–27 (testimony of Michael Shannon, Vice President and Deputy Chief Business Officer at Georgia Tech, that Georgia Tech has roughly 16,000 employees who work on contracts with the Department of Defense, the Department of Commerce, the Department of Transportation, the Department of Health and Human Services, the National Aeronautics and Space Administration (hereinafter "NASA"), the Centers for Disease Control, and other agencies, and, in fiscal year 2021, it received approximately $664 million in federal contracts, which constitutes approximately 68% of its externally sponsored revenue); id. at pp. 67–70 (testimony of Jason Guilbeault, Director of Post-Award Services at Augusta University, that his institution receives over $17 million per year on federal contracts, which represents about 10% of its total sponsored programs funding, and that it has roughly 5,802 employees working on federal contracts, which represents about 95% of its workforce); id. at p. 93 (testimony of Sige Burden, Senior Managing Director for Workforce Engagement at UGA, that UGA has 14,728 employees working on or in connection with federal contracts.) They also each provided even more detailed testimony about the laborious undertakings they have had to perform to comply with the mandate, particularly with the impending January 18 deadline. (See, e.g., id. at pp. 24–27 (testimony of Shannon that Georgia Tech had to "shift a tremendous amount of resources" in order to build a "team comprised of [members of the] information technology [department], [the human resources department], . . . medical and health services folks, [Georgia Tech's] legal team, [and its] emergency services folks" to "very, very rapidly" work to "create something that didn't exist"—a portal to "marry [human resources] data and medical data together"); id. at pp. 70 (testimony of Guilbeault about the data analytics he performed to identify the wide variety of employees who are covered by the mandate, and the software program he has

helped implement to permit employees to log in and enter their vaccination information and a scan of their vaccine card or to log in and submit questions).) Finally, they testified to having a number of employees who have not yet provided proof they are vaccinated or are in the process of becoming vaccinated, and the concern it causes them that many employees will ultimately decline to be vaccinated, meaning the institution will ultimately be non-compliant and may lose valuable employees. (See, e.g., id. at pp. 30–33 (about 20% of Georgia Tech's employees who may be covered have not provided proof they are vaccinated); id. at pp. 71–72 (about 39% of Augusta State employees who may be covered have not provided proof); id. at pp. 92–93 (fewer than half of the University of Georgia's employees who may be covered have provided proof of vaccination).) The Court, which heard testimony from each of these witnesses about their background and job experience and was able to observe them during both direct and cross-examination, found these witnesses to be credible.

## LEGAL AUTHORITY & DISCUSSION

### I. Motion to Intervene

Pursuant to Federal Rule of Civil Procedure 24(a)(2), a party is permitted to intervene as of right if (1) its application to intervene is timely; (2) it has an interest relating to the property or transaction which is the subject of the action; (3) it is so situated that disposition of the action, as a practical matter, may impede or impair its ability to protect that interest; and (4) its interest is represented inadequately by the existing parties to the suit. Tech. Training Assocs., Inc. v. Buccaneers Ltd. P'ship, 874 F.3d 692, 695–96 (11th Cir. 2017). Where a party is not entitled to intervene as of right, subsection (b) of Federal Rule of Civil Procedure 24 gives a court discretion to nonetheless permit the party to intervene, on timely motion, "when a statute of the United States

confers a conditional right to intervene," or "when [the] applicant's claim or defense and the main action have a question of law or fact in common." Fed. R. Civ. P. 24(b). Accordingly, when there is no right to intervene under Rule 24(a), it is wholly within the Court's discretion to allow permissive intervention under Rule 24(b). Worlds v. Dep't of Health & Rehab. Servs., 929 F.2d 591, 595 (11th Cir. 1991). Subsection (b) of Rule 24 instructs only that the Court must "consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

First, the Court finds that ABC, a trade organization representing tens of thousands of contractors and subcontractors that regularly bid on and work on federal contracts for services, (doc. 49-1, pp. 2–3), has an interest relating to the transaction which is the subject of the action. See N.Y. Pub. Interest Research Grp. v. Regents of Univ. of N.Y., 516 F.2d 350, 352 (2d Cir. 1975) (intervening organizations may properly assert the interests of their members). That interest is described in detail in Discussion Section II, infra, where the Court explains its conclusion that ABC has standing. Next, the Court finds that ABC's ability to protect its interests would be impaired without intervention. In ABC's own words, "in the event that the Proposed Intervenors cannot intervene[,] and this Court issues an adverse decision, the Proposed Intervenors will have no further recourse" and it members will have to comply with EO 14042, (doc. 49, p. 16), which—as explained throughout this Order—the Court finds costly, laborious and likely to result in a reduction in available members of the workforce. See Huff v. Comm'r of IRS, 743 F.3d 790, 800 (11th Cir. 2014) ("All that is required under Rule 24(a)(2) is that the would-be intervenor be practically disadvantaged by his exclusion from the proceedings."). Additionally, the Motion to Intervene was timely. ABC filed its Motion to Intervene roughly twenty days after Plaintiffs filed

suit and prior to any substantive decisions having been made by the Court. At the time the Motion to Intervene was filed, Defendants had not yet responded (or been required to respond) to any substantive requests for relief in the case. Indeed, the day after ABC filed its Motion to Intervene, Plaintiffs filed their Amended Complaint (and Amended Motion for Preliminary Injunction), superseding their prior pleadings. Finally, the Court finds that ABC's interests are represented inadequately by the existing Plaintiffs. ABC represents private entities, many of whom are considered small businesses, while the Plaintiffs are all governmental officials, entities, and agencies. ABC seeks to assert a clam for violation of the Small Business Regulatory Enforcement Fairness Act, which the existing Plaintiffs have not asserted (and may not be able to assert even if they desired to do so). (See doc. 48-1, p. 40.) Additionally, the evidence presented to the Court indicates that ABC's members generally bid on and perform different types of contracts as compared to the wider-ranging types of contracts the Plaintiffs typically bid on and perform, and Plaintiffs and ABC also have different administrative systems and costs when it comes to managing their employees and workforce. Accordingly, ABC's members (as private entities) have economic interests and concerns that differ from those of the Plaintiffs.[4] See, e.g., Kleissler v. United States Forest Serv., 157 F.3d 964, 973–74 (3d Cir. 1988) ("[T]he government represents numerous complex and conflicting interests in matters of this nature. The straightforward business interests asserted by intervenors here may become lost in the thicket of sometimes inconsistent governmental policies."); W. Energy Alliance v. Zinke, 877 F.3d 1157, 1168 (10th Cir. 2017)

[4] As a specific example, one differing interest and strategy that was readily apparent during oral argument concerned the scope of any preliminary injunction. The existing Plaintiffs indicated they would be satisfied if the Court issued a preliminary injunction only effective in Georgia, Alabama, Idaho, Kansas, South Carolina, Utah and West Virginia, while ABC, whose members work on contracts throughout the country, urged that any preliminary injunction would need to be nationwide in order to afford it adequate relief.



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("Also, we have held that the government cannot adequately represent the interests of a private intervenor and the interests of the public.").

ABC-Georgia, however, has failed to show that it has standing to bring the claims it seeks to assert in its proposed complaint. No evidence was presented to show that any specific member of the chapter would have standing (i.e., no evidence was presented showing that any member regularly bids on or performs contracts that would be covered under EO 14042, much less that any member wishes to bid on any upcoming contracts that would be covered by EO 14042 but believes it cannot feasibly do so due to the vaccine requirement).

In light of the foregoing, the Court finds that ABC is entitled to intervene as of right in this case pursuant to Federal Rule of Civil Procedure 24(a). Even if it were not permitted to intervene as of right, the Court would exercise its discretion pursuant to subsection (b) of Rule 24 to permit it to intervene because, for the reasons described above, its claims and the main action "have a question of law or fact in common," Fed. R. Civ. P. 24(b), and its intervention will not result in any undue delay or prejudice to the adjudication of the original parties' rights. The Court, however, finds that ABC-Georgia lacks standing to assert its claims and thus is not entitled to intervene. Accordingly, the Court **GRANTS IN PART and DENIES IN PART** the Motion to Intervene. (Doc. 48.)

## II. Standing

"[The] standing doctrine . . . requir[es] plaintiffs to 'alleg[e] such a personal stake in the outcome of the controversy as to . . . justify [the] exercise of the court's remedial powers on [their] behalf.'" Town of Chester, N.Y. v. Laroe Estates, Inc., 137 S. Ct. 1645, 1650 (2017) (quoting Simon v. E. Ky. Welfare Rights Org., 426 U.S. 26, 38 (1976)). To establish Article III standing a

plaintiff must show that it: "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." Spokeo v. Robins, 578 U.S. 330, 338 (2016).

Defendants have focused much of their standing challenge on arguing that Plaintiffs have not "provide[d] [any] evidence that they are (1) parties to a federal contract that already has the challenged clause; or (2) parties to an existing covered contract that is up for an option, extension, or renewal that must include the clause," and that they have not "identif[ied] any specific, covered solicitations that they plan to bid on or contracts that they plan to enter into in the immediate future." (Doc. 63, p. 3.) Notably, however, prior to the hearing, Plaintiffs filed the "Supplemental Declaration of Michael Shannon," which shows that Georgia Tech is a finalist in response to a solicitation, in excess of $250,000, issued by NASA. (Hearing Exhibit (hereinafter, "Exh.") P-22 (also available at doc. 76-1).) According to the Declaration (and as confirmed during Mr. Shannon's live testimony at the hearing and supported by exhibits to his Supplemental Declaration), in October 2021, "the solicitation was amended to include Federal Acquisition Regulation (FAR) clause 52.223-99" and "Georgia Tech was required to agree to FAR clause 52.223-99 to maintain its eligibility for the contract award pursuant to the NASA solicitation." (Id.; see also Tr., pp. 23–24, 43) Accordingly, Plaintiff Board of Regents of the University System of Georgia has standing because it has shown that one of its institutions (Georgia Tech) is a finalist for a contract with NASA and it has been advised that, if it is awarded the contract, the at-issue clause must be included in the contract.[5]

[5] At the hearing, counsel for Defendants conceded that this bestows at least limited standing to certain Plaintiff(s), but she argued that the standing is "limited to that particular contract." (Tr., pp. 17–18.)

Additionally, ABC, which the Court permits, through this Order, to intervene as a Plaintiff, has standing. An organization may sue "on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." Greater Birmingham Ministries v. Sec'y of Ala., 992 F.3d 1299 (11th Cir. 2021). ABC, a construction industry trade association, has provided sworn declarations showing that at least two of its members "intended to bid" on specified upcoming federal construction projects, but, following EO 14042, have concluded that it is not practical for them to do so because they likely will not have sufficient employees to perform the job if they enter into a contract that requires all of the covered employees to be vaccinated. (See Exh. ABC-3 (declaration of President of McKelvey Mechanical, Inc., explaining that his company, which is a member of ABC, "traditionally bids many federal projects per year and usually performs 4–6 per year," but a majority of his employees are not vaccinated and many unvaccinated employees have stated that they will quit if they are required to be vaccinated); see also Exh. ABC-2 (declaration of Executive Vice President of Cajun Industries Holdings, LLC, explaining that there are "a number of forthcoming solicitations by the Army for construction projects of the type that Cajun would normally bid upon and perform, and which [it] desire[s] to bid for" but because the projects would fall under EO 14042, it will likely be unable to bid because it has reason to believe that many of its unvaccinated workers (over half its total workforce) will quit if they are required to be vaccinated).) ABC also provided evidence—using information gathered from the General Services Administration's Website for federal contracts—that the federal government frequently and routinely issues solicitations and pre-solicitations for bids on

construction contracts (which ABC's members would normally bid on and be qualified to perform) that would be covered by EO 14042. (Exh. ABC-4.) Coupling that evidence with the sworn testimony provided by ABC, the Court finds that ABC has members that would otherwise have standing to sue in their own right. The Court also concludes that, as a trade association for thousands of contractors, the interests ABC seeks to protect in this lawsuit are germane to its purpose. The Court also finds that neither the claims asserted nor the relief requested (declaratory and injunctive relief) require the participation of individual members in the lawsuit. Greater Birmingham Ministries, 992 F.3d at 1316 n.29 ("[P]rospective relief weigh[s] in favor of finding that associational standing exists."). Accordingly, ABC has standing.

It is well-established that, where there are multiple parties petitioning for injunctive relief, "[o]nly one petitioner needs to have standing to authorize review." Massachusetts v. E. P.A., 549 U.S. 497, 498 (2007); see also Town of Chester, 137 S. Ct. at 1650. Here, two parties petitioning for declaratory and injunctive relief (ABC and the Board of Regents of the University System of Georgia) have standing; accordingly, Defendants' challenge to the lawsuit on this ground fails.

Even without these showings about specific bids and/or contracts, the Court would be inclined to find that Article III standing exists based on the ample evidence (including declarations and live testimony presented at the hearing) showing that the State Plaintiffs (including many of their agencies) and members of ABC (as described in the preceding paragraph) routinely enter into contracts that would be covered by EO 14042,[6] have current contracts that could easily fall under

[6] According to the Declaration of Bill Anderson, the President and CEO of ABC's Georgia chapter, "[a]ccording to recent data posted on the government website www.usaspending.gov, ABC member general contractors compose a crucial segment of the construction industry's federal contracting base as ABC members won 57% of the $118 billion in direct federal U.S. construction contracts exceeding $25 million

the requirements of EO 14042 (if, for instance, they are renewed, modified, or have options that are exercised), and have shown that they would typically continue to seek out contract opportunities with the federal government that now will be covered by EO 14042. (See, e.g., doc. 55-6 (University of Idaho has federal contracts totaling approximately $22 million per year, based on average of last three years); doc. 55-10 (Utah Department of Health has federal contracts totaling $811,000); doc. 55-14 (Alabama Department of Agriculture and Industries has federal contracts and has leased land to the United States Department of Agriculture continuously for the past 26 years).) See Adarand Contractors, Inc. v. Pena, 515 U.S. 200, 211 (1995) (When a claim involves a challenge to a future contracting opportunity, the pertinent question for determining whether an alleged injury is sufficiently imminent is whether Plaintiffs "ha[ve] made an adequate showing that sometime in the relatively near future [they]will bid on another Government contract [of the type at issue in the case].").

Based on all the foregoing, the Court concludes that Plaintiffs have standing. The Court addresses the parties' debate over whether Plaintiffs have shown a sufficient injury-in-fact at length in Discussion Section III.C, infra, and, for the reasons provided therein, concludes that a sufficient injury has been shown.

## III. Motions for Preliminary Injunction

### A. Standard of Review

To be entitled to a preliminary injunction, Plaintiffs must show: (1) a substantial likelihood of ultimate success on the merits; (2) an injunction or protective order is necessary to prevent

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awarded during fiscal years 2009–2020." (Doc. 49-1, p. 4 (citing USASpending.gov data (accessed Dec. 22, 2020) cross-referenced with ABC membership).)



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irreparable injury; (3) the threatened injury outweighs the harm the injunction would inflict on the non-movant; and (4) the injunction or protective order would not be adverse to the public interest. Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225–26 (11th Cir. 2005). In the Eleventh Circuit, an "injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly established the 'burden of persuasion' as to the four requisites." Horton v. City of Augustine, 272 F.3d 1318, 1326 (11th Cir. 2001). If a plaintiff succeeds in making such a showing, then "the court may grant injunctive relief, but the relief must be no broader than necessary to remedy the constitutional violation." Newman v. Alabama, 683 F.2d 1312, 1319 (11th Cir. 1982).

### B. Likelihood of Success on the Merits

The likelihood of success on the merits is generally considered the most important of the four factors. Garcia-Mir v. Meese, 781 F.2d 1450, 1453 (11th Cir. 1986). If Plaintiffs cannot satisfy their burden with respect to this factor, the Court need not consider the other three factors. GeorgiaCarry.Org, Inc. v. U.S. Army Corps of Eng'rs, 788 F.3d 1318, 1329 (11th Cir. 2015). Although Plaintiffs raise multiple claims against Defendants, Plaintiffs need only show a substantial likelihood of success on the merits on one claim. See Schiavo, 357 F. Supp. 2d at 1383, *aff'd* 403 F.3d 1223 (11th Cir. 2005) (noting that "[t]o obtain temporary injunctive relief, [the plaintiffs] must show a substantial likelihood of success on at least one claim").

#### 1. Whether the Procurement Act Authorized the President to Issue EO 14042

The President expressly relied on the Federal Property and Administrative Services Act, 40 U.S.C. § 101 et seq. (hereinafter, the "Procurement Act"), for his authority to issue EO 14042 "in order to promote economy and efficiency in procurement by contracting with sources that provide adequate COVID-19 safeguards for their workforce." 86 Fed. Reg. 50,985–88. The

Procurement Act was "designed to centralize Government property management and to introduce into the public procurement process the same flexibility that characterizes such transactions in the private sector. These goals can be found in the terms 'economy' and 'efficiency' which appear in the statute and dominate the sparse record of the congressional deliberations." Am. Fed'n of Labor and Congress of Indus. Orgs. v. Kahn, 618 F.2d 784, 787–88 (D.C. Cir. 1979).[7] In Khan, the Court of Appeals for the District of Columbia Circuit examined the history of and apparent congressional intent behind the Procurement Act, and stated its belief that, "by emphasizing the leadership role of the President in setting Government-wide procurement policy on matters common to all agencies, Congress intended that the President play a direct and active part in supervising the Government's management functions." Id. at 788. The court acknowledged that, "To define the President's powers under Section 205(a) [(40 U.S.C. § 121(a))], some content must be injected into the general phrases 'not inconsistent with' the [Procurement Act] and 'to effectuate the provisions' of the Act." Id. After considering the Procurement Act's emphasis on promoting "economy" and "efficiency" and ensuring contracts are awarded on terms that are "most advantageous to the Government, price and other factors considered," the Kahn court stated that the Procurement Act "grants the President particularly direct and broad-ranging authority over those larger administrative and management issues that involve the Government as a whole. And that direct presidential authority should be used in order to achieve a flexible management system capable of making sophisticated judgments in pursuit of economy and efficiency." Id. at 789.

[7] The Court has been unable to find—and the parties have not pointed to—any relevant case law from the Court of Appeals for the Eleventh Circuit grappling with the scope of the authority granted to the President in the Procurement Act.

While the Procurement Act explicitly and unquestionably bestows some authority upon the President, the Court is unconvinced, at this stage of the litigation, that it authorized him to direct the type of actions by agencies that are contained in EO 14042. Pursuant to clear United States Supreme Court precedent, Congress is expected to "speak clearly" when authorizing the exercise of powers of "vast economic and political significance." Ala. Ass'n of Realtors v. HHS, 141 S. Ct. 2485, 2489 (2021) (quotations omitted); see also Utility Air Regul. Grp. v. E.P.A., 573 U.S. 302, 324 (2014). The Court has already described in detail the extreme economic burden the Plaintiffs have suffered and will continue to suffer in endeavoring to comply with EO 14042 (not to mention the impediment it will likely pose to some Plaintiffs' (in particular, ABC's members') ability to continue to perform federal contract work). Additionally, the direct impact of EO 14042 goes beyond the administration and management of procurement and contracting; in its practical application (requiring a significant number of individuals across the country working in a broad range of positions and in numerous different industries to be vaccinated or face a serious risk of losing their job), it operates as a regulation of public health. It will also have a major impact on the economy at large, as it limits contractors' and members of the workforce's ability to perform work on federal contracts. Accordingly, it appears to have vast economic and political significance.

The issue, then, is whether Congress, through the Procurement Act, has "clearly" authorized the President to issue the directives contained in EO 14042, or whether, instead, EO 14042 "bring[s] about an enormous and transformative expansion in . . . regulatory authority without clear congressional authorization," Utility Air Regul. Grp., 573 U.S. at 324. Looking to the Kahn court for guidance, the Court considers whether EO 14042 fits within Congress's grant

to the President, through the Procurement Act, of "particularly direct and broad-ranging authority over those larger *administrative and management issues* . . . that . . . should be used in order *to achieve a flexible management system* capable of making sophisticated judgments in pursuit of economy and efficiency." Kahn, 618 F.2d at 789 (emphases added). The Court finds that Plaintiffs have a likelihood of proving that Congress, through the language it used, did not clearly authorize the President to issue the kind of mandate contained in EO 14042, as EO 14042 goes far beyond addressing administrative and management issues in order to promote efficiency and economy in procurement and contracting, and instead, in application, works as a regulation of public health,[8] which is not clearly authorized under the Procurement Act.[9]

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[8] During oral argument, counsel for Defendants urged that vaccine mandates are needed in order to "efficiently manage our way out of this pandemic." (Tr., p. 153.) However, the issue here is far more nuanced and requires a finding that *Congress* clearly gave the *President* authority to require all individuals who work on or in connection with a federal contract (valued over $250,000) to be fully vaccinated against COVID-19.

[9] The Court acknowledges that, one day prior to the entry of this Order, the Eleventh Circuit Court of Appeals issued an opinion, in a separate case, refusing to preliminarily enjoin enforcement of an interim rule issued by the Secretary of Health and Human Services requiring facilities that provide health care to Medicare and Medicaid beneficiaries to ensure that their staff are fully vaccinated against COVID-19. See Florida v. Dep't of Health and Human Servs, No. 21-14098-JJ, 2021 WL 5768796, at *1 (11th Cir. Dec. 6, 2021), available at . Defendants in this case notified the Court that the Florida opinion "supplements their merits arguments" (though they neglected to elaborate as to how), but the Court finds the case at hand to be materially different, in numerous ways, from the case before the Eleventh Circuit. First, in the Florida opinion, the court addressed very different statutory and regulatory schemes, the Medicare and Medicaid statutes and the regulations governing conditions for facilities to participate in those programs. Id. at *1–2. Nothing in the Florida case bears on whether the President is authorized, under his authority pursuant to the Procurement Act, to require private companies that enter into federal contracts to, in turn, require virtually all of their employees to be vaccinated. Additionally, in the Florida case and unlike in the case at hand, the challenged directive is similar to the authorizing statutes, because they "both directly relate to efforts to prevent the spread of disease at facilities treating Medicare or Medicaid patients to protect the health and safety of those patients." Id. at *13; see also id. at *1–2 ("For both the Medicare and Medicaid programs, Congress charged the Secretary with ensuring that participating facilities protect the health and safety of their patients," and the at-issue interim rule issued by the Secretary "amend[ed] the infection-control regulations for facilities that participate in Medicare or Medicaid . . . [to] require[] that facilities certified to participate in Medicare or Medicaid ensure their staff are fully vaccinated against COVID-19, unless an employee is exempt . . . ."). By contrast, here, while EO 14042 relates to efforts to prevent the spread of disease in any place an individual is working on or in connection with a federal contract, the at-issue claimed authorizing statute relates to the President's authority to take actions to "achieve a flexible

Even if, however, EO 14042 did not trigger the specific requirement that Congress "speak clearly" in authorizing the challenged executive action, the Court additionally finds that Plaintiffs have a likelihood of proving that EO 14042 does not have a sufficient nexus to the purposes of the Procurement Act and thus does not fall within the authority actually granted to the President in that Act.

For essentially the same reasons recited in the preceding subsection, the Court finds that the directives contained within EO 14042 were not authorized by the Procurement Act. Defendants claim that, "[t]o anyone who has lived through the COVID-19 pandemic and its resulting economic turmoil, the nexus between reducing the spread of COVID-19 and economy and efficiency is self-evident." (Doc. 63, p. 16.) They emphasize EO 14042's explanation that "[the] safeguards [in the Task Force Guidance] will decrease the spread of COVID-19, which will decrease work absence, reduce labor costs, and improve the efficiency of contractors and subcontractors" and they argue that this "easily satisfies [the] lenient standard" of a sufficiently close nexus between the executive order and the purpose of the Procurement Act. (Id. (quoting 86 Fed. Reg. 50,985–88).) Defendants are correct that the President has typically been afforded deference when courts review executive orders issued pursuant to the Procurement Act. See, e.g., Chamber of Com. v. Reich, 74 F.3d 1322, 1333 (D.C. Cir. 1996) ("The President's authority to pursue 'efficient and economic' procurement . . . certainly reach[es] beyond any narrow concept

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management system capable of making sophisticated judgments in pursuit of economy and efficiency" in government procurement and contracting, see Kahn, 618 F.2d at 789. Put simply, the authorizing statute in the Florida case authorized the executive to implement a health and safety measure while the relied upon statute in this case does not. The differing results in this case, the Florida case, and other cases challenging governmental actions to address the COVID-19 pandemic underscore the point that the focus of these cases is not on the effectiveness of vaccines and other measures but rather the legality of the Government's actions.



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of efficiency and economy in procurement.") (collecting examples). However, that deference was expressly *not* intended to operate as "a blank check for the President to fill in at his will." Kahn, 618 F.2d at 793. The President's directives still must be "*reasonably* related" to the purposes of the Procurement Act, Liberty Mut. Ins. Co. v. Friedman, 639 F.2d 164, 170 (4th Cir. 1981) (emphasis added), and Defendants have not cited to a case upholding the use of the Procurement Act "to promulgate such a wide and sweeping public health regulation as mandatory vaccination for all federal contractors and subcontractors," Kentucky v. Biden, 2021 WL 5587446, at *9. Nor have Defendants cited to a case upholding some action or requirement undertaken pursuant to the Procurement Act that the Court finds analogous to the mandates in EO 14042. While the Court is aware of cases where courts have held that a variety of types of executive orders were authorized under the Procurement Act, none have involved measures aimed at public health and none have involved the level of burdens implicated by EO 14042, which has already required and will continue to require extensive and costly administrative work by employers and will force at least some individuals to choose between getting medical treatment that they do not want or losing their job (and facing limited job replacement options due to the mandate). Cf. UAW-Labor Emp. & Training Corp. v. Chao, 325 F.3d 360, 366–67 (D.C. Cir. 2003) (sufficiently close nexus between Procurement Act and executive order requiring federal contractors to post notices at all of their facilities informing employees of rights under federal labor law that protect employees from being forced to join a union or to pay mandatory dues for costs unrelated to representational activities); Kahn, 618 F.2d at 786–87 (sufficiently close nexus between Procurement Act and executive order that required certain federal contractors to comply with wage and price controls). Following the Defendants' logic and reasoning, the Procurement Act would be construed to give the President

the right to impose virtually any kind of requirement on businesses that wish to contract with the Government (and, thereby, on those businesses' employees) so long as he determines it could lead to a healthier and thus more efficient workforce or it could reduce absenteeism. Simply put, EO 14042's directives and resulting impact radiate too far beyond the purposes of the Procurement Act and the authority it grants to the President. Accordingly, the Court concludes, based on the limited record before it, that Plaintiffs are more likely than Defendants to succeed on the issue of whether there is a sufficiently close nexus between EO 14042 and the purposes of the Procurement Act.

**2. Other Grounds Upon Which Plaintiffs Challenge EO 14042**

In further support of their request for a preliminary injunction, Plaintiffs also claim that Defendants issued the Task Force Guidance and the FAR Deviation Clause, which they claim constitute final agency action, without complying with the Administrative Procedure Act's notice-and-comment requirements. (Doc. 55, pp. 17–22.) The Court declines to wade into this issue given its determination that Plaintiffs have a likelihood of success on the merits on other grounds.

Additionally, Plaintiffs allege that, if the Procurement Act does indeed authorize the directives issued in EO 14042, then the Procurement Act and EO 14042 are unconstitutional under the non-delegation doctrine and because they exceed Congress's authority and intrude on state sovereignty. This Court need not and does not issue any determination as to those challenges to resolve the motions before it. However, it is worth noting that other Courts have either expressed agreement with or at least concern about these arguments, see, e.g., BST Holdings, LLC v. Occupational Safety and Health Admin., 17 F.4th 604, 616–18 (5th Cir. 2021); Kentucky, 2021 WL 5587446, at *9.



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### C. Irreparable Injury Requirement

In order to satisfy the irreparable injury requirement, a party must show that the threat of injury is "neither remote nor speculative, but actual and imminent." Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville, 896 F.2d 1283, 1285 (11th Cir. 1990) (quoting Tucker Anthony Realty Corp. v. Schlesinger, 888 F.2d 969, 973 (2d Cir. 1989)); see also Church v. City of Huntsville, 30 F.3d 1332, 1337 (11th Cir. 1994) (In order to obtain injunctive relief, a plaintiff must show "a real and immediate—as opposed to a merely conjectural or hypothetical—threat of future injury.").

Defendants argue that losing contracts would not be irreparable harm—because there are administrative processes through which Plaintiffs can seek to challenge the contractual provision and to recover losses on contracts—and they claim that Plaintiffs have not "demonstrated that the compliance costs they claim to have incurred are in fact tied to such contracts." (Doc. 63, p. 4.) As referenced previously in this Order, the Court heard from three witnesses who described the incredibly time-consuming processes they have undertaken (typically requiring major input and assistance from numerous other departments across their institution) to identify the employees covered by the mandate and to implement software and technology to ensure that those employees have been fully vaccinated (or have requested and been granted an accommodation or exemption) by the deadline in January. Not only must Plaintiffs ensure that their own employees satisfy the mandate, but they also must require that any subcontractors' employees working on or in connection with a covered contract are in compliance. The declarations of representatives of ABC members Cajun Contracting and McKelvey show similar administrative burdens and costs—though on a smaller scale. (See Exhs. ABC-2, ABC-3.) Moreover, "complying with a regulation

later held invalid almost always produces the irreparable harm of nonrecoverable compliance." BST Holdings, 17 F.4th at 618 (citing Texas v. EPA, 829 F.3d 405, 433 (5th Cir. 2016)). The Court finds that the time and effort spent on these measures in the past—and going forward—constitute compliance costs resulting from EO 14042, which appear to be irreparable. See id. ("[T]he companies seeking a stay in this case will also be irreparably harmed in the absence of a stay, whether by the business and financial effects of a lost or suspended employee, compliance and monitoring costs associated with the Mandate, [or] the diversion of resources necessitated by the Mandate . . . ."); see also Odebrecht Constr., Inc. v. Sec'y, Fla. Dep't of Transp., 715 F.3d at 1289 ("[N]umerous courts have held that the inability to recover monetary damages . . . renders the harm suffered irreparable.").

**D. Balancing of the Harms**

Defendants contend that, even assuming Plaintiffs have shown a risk of irreparable injury, no injunction should issue because more harm would result from enjoining EO 14042 and further delaying the vaccination of the thousands of currently-unvaccinated individuals working on federal contracts (thereby permitting the continued spread of COVID-19). The Court disagrees. Enjoining EO 14042 would, essentially, do nothing more than maintain the status quo; entities will still be free to encourage their employees to get vaccinated, and the employees will still be free to choose to be vaccinated. In contrast, declining to issue a preliminary injunction would force Plaintiffs to comply with the mandate, requiring them to make decisions which would significantly alter their ability to perform federal contract work which is critical to their operations. Indeed, it appears that not granting an injunction could imperil the financial viability of many of ABC's members. Additionally, requiring compliance with EO 14042 would likely be life altering for many of

Plaintiffs' employees as Plaintiffs would be required to decide whether an employee who refuses to be vaccinated can, in practicality, be reassigned to another office or another task or whether the employee instead must be terminated. "[A]ny abstract 'harm' a stay might cause . . . pales in comparison and importance to the harms the absence of a stay threatens to cause countless individuals and companies." BST Holdings, 17 F.4th at 618. Accordingly, the Court finds that the balancing of the harms weighs heavily in favor of enjoining the enforcement of EO 14042.

**E. Public Interest**

"For similar reasons, a stay is firmly in the public interest. From economic uncertainty to workplace strife, the mere specter of [EO 14042] has contributed to untold economic upheaval in recent months" and "the principles at stake when it comes to [EO 14042] are not reducible to dollars and cents." Id. at 619.

**F. Scope of Injunctive Relief**

The Court now must determine the appropriate scope of the injunctive relief. Generally, the Court treads lightly when issuing injunctive relief and resists the entry of "universal" or "nationwide" injunctions, and recognizes the need to "allow legal questions to percolate through the federal court system," Kentucky, 2021 WL 5587446, at *14 (citing Trump v. Hawaii, 138 S. Ct. 2392, 2424 (2018) (Thomas, J., concurring) and Dep't of Homeland Sec. v. New York, 140 S. Ct. 599, 600 (2020) (Gorsuch, J., concurring)). While the original Plaintiffs to this case are (or are based in) a limited number of states, the Court has, in this Order, permitted ABC, a trade association with members "all over the country," (doc. 50-1, p. 3), to intervene as a Plaintiff. Not only is the geographic scope of ABC's membership broad, their involvement in federal contracts is as well. As noted above, they were awarded 57% of federal contracts exceeding $25 million

during fiscal years 2009–2020. Accordingly, if the Court were to enjoin the enforcement of the mandate only in the Southern District of Georgia or only in Georgia, Alabama, Idaho, Kansas, South Carolina, Utah and West Virginia, then ABC's members would not have injunctive relief as to covered contracts in other states.[10] Furthermore, given the breadth of ABC's membership, the number of contracts Plaintiffs will be involved with, and the fact that EO 14042 applies to subcontractors and others, limiting the relief to only those before the Court would prove unwieldy and would only cause more confusion. Thus, on the unique facts before it, the Court finds it necessary, in order to truly afford injunctive relief to the parties before it, to issue an injunction with nationwide applicability.

## CONCLUSION

In light of the foregoing, the Court **GRANTS IN PART and DENIES IN PART** the Motion to Intervene, (doc. 48), **GRANTS** ABC's Motion for Preliminary Injunction, (doc. 50), and **GRANTS** Plaintiffs' Amended Motion for Preliminary Injunction, (doc. 55).[11] Accordingly, the Court **ORDERS** that Defendants are **ENJOINED**, during the pendency of this action or until further order of this Court, from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in any state or territory of the United States of America. The Court further **DIRECTS** the Clerk of Court to **UPDATE** the docket to reflect the addition of Associated Builders and Contractors, Inc., as a Plaintiff in this case. Because the proposed

[10] The Court is mindful of the fact that at least some of ABC's members are already able to benefit from the injunctive relief recently afforded by the District Court for the Eastern District of Kentucky as to covered contracts in Kentucky, Ohio, and Tennessee. See Kentucky, 2021 WL 5587446, at *14.

[11] Plaintiffs' initial Motion for Preliminary Injunction, which was superseded by the Amended Motion for Preliminary Injunction that they later filed, is **DENIED AS MOOT**. (Doc. 19.)

Complaint filed on the docket includes ABC-Georgia (which has not been allowed to intervene) as a plaintiff, the Court **ORDERS** Associated Builders and Contractors, Inc., to file a revised version of its Complaint within **SEVEN (7) DAYS**.

**SO ORDERED**, this 7th day of December, 2021.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA



ED_006849B_00016938-00028

Message

**From**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent**: 12/7/2021 6:48:57 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]
**Subject**: Getting Ahead of Newest Preliminary Injunction
**Attachments**: FlashNotice-Contractor_Vaccinations_update2_FULL Suspension-120721-KP Final.docx

All,

We have a new injunction our of the US District for the Southern District of Georgia that applies to all US states and territories. OMB has not sent anything (the injunction was issued at 12:30 today). However, I went ahead an made edits to the FN and modified OMB's guidance (of course we will paste in the actual guidance when it comes....but I took a shot at it 😊). Please start reviewing now.

I am also amending my SAM posting now so we have it ready to go when OMB is ready.

***Kimberly Y. Patrick,***
***Senior Procurement Executive and Director***
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

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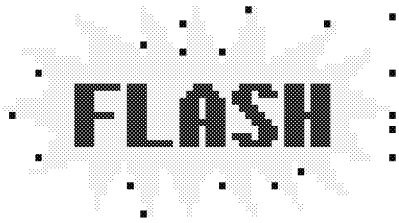
# Office of Acquisition Solutions




## Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts

## Full Suspension of Update 1 issued November 9, 2021

On December 7, 2021, the U.S. District Court for the Southern District of Georgia issued a [ HYPERLINK "https://ag.ky.gov/Press%20Release%20Attachments/DN%2050%20OPINION%20AND%20ORDER%20granting%20PI.pdf" ] halting implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors" in all U.S. state and territories.

This injunction applies to contracts performed in whole, or in part, in all U.S. states and territories. The Office of Management and Budget has issued guidance to federal agencies on compliance with the preliminary injunction. This Flash Notice provides the OMB guidance and EPA-specific instructions for consistent implementation, as follows:

**OMB Guidance**

**I. For existing contracts and contract-like instruments (hereinafter "contracts"), including extensions and renewals:**

If the contract includes a clause requiring compliance with guidance issued by the Safer Federal Workforce Task Force ("Task Force guidance"), the administering agency must take no action to enforce that clause and should inform the contractor that the clause will not be enforced absent further notice from the agency.

If the contract or order does not include a clause requiring compliance with Task Force guidance, the administering agency must refrain from attempting to insert such a clause into the document. The agency should not ask that the contractor voluntarily agree to the insertion of such a clause.

**II. For existing solicitations for services:**

If the solicitation includes a provision that would require compliance with Task Force guidance, the issuing agency shall issue a solicitation amendment either removing that provision or providing that the provision would not be enforced in contracts subject to the court order. The agency should comply with all applicable legal requirements for full and open competition.



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If the solicitation contains no clause requiring compliance with Task Force guidance, the agency shall not seek to add one, unless it provides that the provision would not be enforced in contracts subject to the court order.

**III. For future solicitations, contracts, and orders:**

Absent further direction from OMB, agencies shall not include a clause requiring compliance with Task Force guidance in new solicitations, contracts, or orders, including extensions or renewals, unless the clause provides that it would not be enforced in contracts or orders subject to the court order. The solicitation must not include a clause requiring compliance with Task Force guidance, unless the clause provides that it would not be enforced in contracts or orders subject to the court order.

*****Agencies must adhere to this guidance to ensure that the Government meets its legal obligations.**

**<u>EPA-Specific Guidance</u>**

**Below is EPA-specific instruction to assist Contracting Officers in communication with contractors/vendors that may be affected by the preliminary injunction. Please follow these instructions without deviation.**

a) Communication to EPA contractors from the EPA Contracting Officer where the contract contains FAR clause 52.223-99:

   The EPA Contracting Officer shall take the following steps AND communicate with the contractor as follows:

   - Verify if the contract contains the deviated FAR clause 52.223-99.

   - If yes, the Contracting Officer shall communicate, in writing via email, with the contractor as follows:

     *"Clause 52.223-99 will not be enforced at this time and a contract modification is not necessary. Additional information or instructions will be provided if necessary"*

   - The CO shall include documentation of the notification of non-enforcement of the referenced clause in the official contract file as supporting document in EAS.

b) Issued Solicitations that contain the FAR deviated clause 52.223-99 shall be amended as follows:

   *"Clause 52.223-99 will not be enforced in any resultant contract at this time."*



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If you have any questions regarding this flash notice, please contact the Policy, Training and Oversight Division at:

[ HYPERLINK "mailto:OMS-ARM-OAS-AcquisitionPolicy@epa.gov" ] ; OR

Donna Blanding, (202)564-1130; Raoul Scott, (202)564- 5752; or Tom Valentino (202)564-4522.



ED_006849B_00016947-00003

Message

**From:** Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent:** 12/8/2021 7:49:01 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]
**Subject:** RE: EO14042 Contractor Question

I will draft a message now. I just need to know the email groups to send it to.

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

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**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Wednesday, December 08, 2021 2:48 PM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>
**Subject:** FW: EO14042 Contractor Question

**Ex. 5 Deliberative Process (DP)**

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

**From:** Werwick, Brad <werwick.brad@epa.gov>
**Sent:** Wednesday, December 8, 2021 2:24 PM
**To:** EPA COVID-19 Coordination Team <EPA_COVID-19_Coordination_Team@epa.gov>
**Cc:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Mills, Noelle <Mills.Noelle@epa.gov>; Lower, Angela <Lower.Angela@epa.gov>
**Subject:** RE: EO14042 Contractor Question

Good Afternoon,

I received the following question regarding the recent ruling that suspended the federal contractor vaccine mandate nationwide.

"Does the EPA have any official position, information and/or resources regarding the suspension of the vaccine mandate for Federal contractors? As you know, I signed and returned the FAR modification referenced below and we imposed the mandate on our employees. We had a number of employees get the vaccine in spite of strong personal opposition in order to keep their jobs and we had other employees leave employment as of yesterday based on the original deadline (the deadline that was imposed by the document which I signed).

I am hoping the Federal Government can provide some information to help support our position of complying with the original mandate, since we signed formal documentation attesting such. Please pass this email along if there is somebody more appropriate to address this."

Thank you,

*Brad Werwick*
Team Lead
Pre-Award Team for OW & OAR Mission Support
Cincinnati Acquisition Division (CAD)
U.S. Environmental Protection Agency
513-487-2018

Message

**From:** Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent:** 12/9/2021 4:24:55 PM
**To:** Brown, Dawn [Brown.Dawn@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]
**Subject:** RE: PLEASE RESPOND: OMS DAA Weekly Report
**Attachments:** PRAC Data Call Info and Plan of Action for Contract Specific Response.docx

Please add this into the **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**


*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
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1300 Pennsylvania Avenue, NW
Washington, DC 20004
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Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov


*OAS…Advancing EPA's Mission Through Acquisitions!*

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**From:** Brown, Dawn <Brown.Dawn@epa.gov>
**Sent:** Thursday, December 09, 2021 10:59 AM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** PLEASE RESPOND: OMS DAA Weekly Report
**Importance:** High

Hi again,

I'm finally OAS's weekly report to send to OMS. Checking in on whether you have anything to share for the following:

- Key successes/accomplishments or major challenges/concerns needing elevation

- Top priorities for next week or major priorities/events for the month (I've added the Champions Forum)
- Leadership needs/awareness

Thanks,

*Dawn N. Roman*
Account Manager & Special Assistant to the OAS Director
Office of Acquisition Solutions
Environmental Protection Agency
(w) 202-564-4672
(m) 202-306-1207

**OAS...Achieving EPA's Mission Through Acquisition!**

Message

**From:** Legare, Pamela [Legare.Pamela@epa.gov]
**Sent:** 12/10/2021 12:02:55 AM
**To:** OMS-ARM-OAS-ALL [OMS-ARM-OAS-ALL@epa.gov]; OMS-ARM-OAS_RAMS [OMS-ARM-OAS_RAMS@epa.gov]; OMS-ARM-OAS-RCO [OMS-ARM-OAS-RCO@epa.gov]
**CC:** Scott, Elaine [Scott.Elaine@epa.gov]; Krieger, Geoffrey [krieger.geoffrey@epa.gov]; Mills, Noelle [Mills.Noelle@epa.gov]; McAvoy, Stacy [mcavoy.stacy@epa.gov]; Hahn, Sohyun [hahn.sohyun@epa.gov]; Logan, Kevin [Logan.Kevin@epa.gov]; Kandambath, Pradeep [Kandambath.Pradeep@epa.gov]; Tremethick, Dennis [tremethick.dennis@epa.gov]; Church-Mathis, Kimberley [ChurchMathis.Kimberley@epa.gov]; Plater, Lottie [Plater.Lottie@epa.gov]; Brown, Alexander [Brown.Alexander@epa.gov]; O'Halloran, Jennifer [OHalloran.Jennifer@epa.gov]; Fritz, Koni [Fritz.Koni@epa.gov]; Ford-Cannon, Cris [Ford-Cannon.Cris@epa.gov]; Denno, Donald [Denno.Donald@epa.gov]; Karnley, Elsie [karnley.elsie@epa.gov]; Pinney, Heather [Pinney.Heather@epa.gov]; Stanley, Cora [Stanley.Cora@epa.gov]; Hill, Wanda [Hill.Wanda@epa.gov]; Barnes, Kevin [Barnes.Kevin@epa.gov]; Ridder, Erin [ridder.erin@epa.gov]; Medeiros, Mena [Medeiros.Mena@epa.gov]; Johnson, William [johnson.william@epa.gov]; Neely, Rodney [Neely.Rodney@epa.gov]; Lower, Angela [Lower.Angela@epa.gov]; Onuwaje, Okpemitoritse [Onuwaje.Okpemitoritse@epa.gov]; Brown, Dawn [Brown.Dawn@epa.gov]; Brown, Anthony [Brown.Anthony@epa.gov]; Clodfelter, Jeffery [Clodfelter.Jeffery@epa.gov]; Armstrong, Claudia [Armstrong.Claudia@epa.gov]; Valentino, Thomas [Valentino.Thomas@epa.gov]; Ventura, Marisol [Ventura.Marisol@epa.gov]; Callaghan, Francis [Callaghan.Francis@epa.gov]; Tuches, Rebeca [Tuches.Rebeca@epa.gov]; Fischer, Andrew [Fischer.Andrew@epa.gov]; Piard-Hylton, Rose [Piard-Hylton.Rose@epa.gov]; Olsson, Daniel [olsson.daniel@epa.gov]; Waugaman, Lisa [Waugaman.Lisa@epa.gov]; Werwick, Brad [werwick.brad@epa.gov]; Shifferaw, Rede [Shifferaw.Rede@epa.gov]; Rechenberg, Kathleen [Rechenberg.Kathleen@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Dandy, Scott [Dandy.Scott@epa.gov]; Guetat, Chantal [Guetat.Chantal@epa.gov]; Clarke, Denise [clarke.denise@epa.gov]; Cannon, Stephen [Cannon.Stephen@epa.gov]; Dawkins, Richard [Dawkins.Richard@epa.gov]; Cherry, Linear [Cherry.Linear@epa.gov]; OMS-ARM-OAS-SACO [OMS-ARM-OAS-SACO@epa.gov]; Houston, Maria [Houston.Maria@epa.gov]; Growney, Matthew [Growney.Matthew@epa.gov]; Madison, Tommie [Madison.Tommie@epa.gov]; Coates, Tasha [Coates.Tasha@epa.gov]; Mason, Sharon [Mason.Sharon@epa.gov]; Fox, Daniel [Fox.Daniel@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; McCants, Amber [McCants.Amber@epa.gov]; Hall, Tomeka [hall.tomeka@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Whitehair, Sharon [Whitehair.Sharon@epa.gov]; Massie, William [Massie.William@epa.gov]; Wentzel, Donald [wentzel.donald@epa.gov]; Parker, Charles [Parker.Charles@epa.gov]; Clemmens, Sarah [clemmens.sarah@epa.gov]; Bivins, Marneice [Bivins.Marneice@epa.gov]; Brice, Tanya [Brice.Tanya@epa.gov]; Freeman, Hope [freeman.hope@epa.gov]; Meyer, Manuela [Meyer.Manuela@epa.gov]; Robinson, Latonya [Robinson.Latonya@epa.gov]; Chandler, Lemile [chandler.lemile@epa.gov]; Jones, Sammie [Jones.Sammie@epa.gov]; Yates, William [Yates.William@epa.gov]; Bivins, Marques [Bivins.Marques@epa.gov]; Johnson, Marsha [Johnson.Marsha@epa.gov]; Cranford, Jennifer [Cranford.Jennifer@epa.gov]; Tharp, Scott [Tharp.Scott@epa.gov]; Plagge, David [Plagge.David@epa.gov]; Richardson, Karen [Richardson.Karen@epa.gov]; Scott, Inethia [SCOTT.INETHIA@EPA.GOV]; Debo, Nancy [debo.nancy@epa.gov]; Gillespie, Tiffany [gillespie.tiffany@epa.gov]; Wallace, Megan [Wallace.Megan@epa.gov]; Easton, Louise [easton.louise@epa.gov]; Fox, Michael [fox.michael@epa.gov]; Koehler, Alfred [koehler.alfred@epa.gov]; Tonsil, Pauline [tonsil.pauline@epa.gov]; Guerry, Jacqueline B [Guerry.Jacqueline@epa.gov]; Miller, Ross [miller.ross@epa.gov]; Robb, John [robb.john@epa.gov]; Semien, Nona [Semien.Nona@epa.gov]; Marley, Shelley [Marley.Shelley@epa.gov]; Neligan, Joseph [Neligan.Joseph@epa.gov]; Wilson, Robert [Wilson.Robert@epa.gov]; Sahli, William [sahli.william@epa.gov]; Slater, Zachary [slater.zachary@epa.gov]; VanEnwyck, Adam [VanEnwyck.Adam@epa.gov]; Krueger, Amber [krueger.amber@epa.gov]; Owens, Pamela [owens.pamela@epa.gov]; Dickens, Mayya [Dickens.Mayya@epa.gov]; Vollman, Jennifer [Vollman.Jennifer@epa.gov]; Richardson, Chanel [Richardson.Chanel@epa.gov]; Irvine, Timothy [Irvine.Timothy@epa.gov]; Heath, Brad [Heath.Brad@epa.gov]; Flowers, Rob [Flowers.Rob@epa.gov]; Leftrict, Pamela [leftrict.pamela@epa.gov]; Cooper, TiffanyD [Cooper.TiffanyD@epa.gov]; Licis, Sandy [Licis.Sandy@epa.gov]; Kane-Sharp, Bonnie [Kane-Sharp.Bonnie@epa.gov]; Porter, Anthony [porter.anthony@epa.gov]; Johnson, Allen G. [johnson.alleng@epa.gov]; Chappelka, Arthur [Chappelka.Arthur@epa.gov]; Roe, Kathleen [Roe.Kathleen@epa.gov]; Young, Gerold [Young.Gerold@epa.gov]; OMS-ARM-OAS-PTOD [OMS-ARM-OAS-PTOD@epa.gov]; Marusak, Kirk [Marusak.Kirk@epa.gov]; Delaney, Benjamin [delaney.benjamin@epa.gov]; Barton, Michael [Barton.Michael@epa.gov]; Bell, Ron [Bell.Ron@epa.gov]; Gatling, Tia [Gatling.Tia@epa.gov]; Helson-Monastro, Juliana [helson-monastro.juliana@epa.gov]; Langett, Eric [langett.eric@epa.gov]; Bristol, Meonii [bristol.meonii@epa.gov]; Cubacub, Saray [cubacub.saray@epa.gov]; Dixon, Prentiss [dixon.prentiss@epa.gov];

Flynn, Rhonda [flynn.rhonda@epa.gov]; Harrison, Thomas [harrison.thomas@epa.gov]; Obirek, Jeffrey [obirek.jeffrey@epa.gov]; Russell, Debra [russell.debra@epa.gov]; Topp, Natalie [Topp.Natalie@epa.gov]; Tran, Christina [tran.christina@epa.gov]; Warren, Christine [warren.christine@epa.gov]; Belec, Heidi [Belec.Heidi@epa.gov]; Carey, Angela [Carey.Angela.L@epa.gov]; Haman, Lance [Haman.Lance@epa.gov]; Davis, Christopher [Davis.Christopher@epa.gov]; Messer, David [Messer.David@epa.gov]

**Subject**: SAM.GOV Special Notice: Update – Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

**Importance**: High

Hi Everyone,

Below is the link to the Special Notice posted today in Sam.gov from Kimberly Patrick to the EPA Contractor Community.

https://sam.gov/opp/be726d6a671a4db0bd8a16a2735e8ade/view

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
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Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From**: Blanding, Donna [Blanding.Donna@epa.gov]
**Sent**: 12/10/2021 5:12:52 PM
**To**: Broder, Michael [Broder.Michael@epa.gov]
**CC**: Scott, Raoul [Scott.Raoul@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Chenkin, Howard [Chenkin.Howard@epa.gov]
**Subject**: RE: Flash Notice - Preliminary Injunctions Update - Executive Order 14042

Hi Michael, yes at this time since "another court has issued a nationwide injunction—an order that bars enforcement of the Executive Order in any state or outlying area of the United States." However, "both court orders are preliminary and may be supplemented, modified, or vacated, depending on the course of ongoing litigation." Therefore, please follow the " instructions provided in this updated guidance to ensure compliance with currently applicable court orders."

I hope this helps, please reach out if you have any further concerns.

Regards/

Donna S. Blanding,
Branch Chief
Environmental Protection Agency
Office of Acquisition Solutions (OAS)
Policy, Training & Oversight Division (PTOD)
Acquisition's Policy and Training Branch (PTB)
(202)564-1130 ofc. ☎
(202)570-9205 cell

***OAS Advancing EPA's Mission Through Acquisition***

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**From:** Broder, Michael <Broder.Michael@epa.gov>
**Sent:** Friday, December 10, 2021 11:54 AM
**To:** Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** RE: Flash Notice - Preliminary Injunctions Update - Executive Order 14042

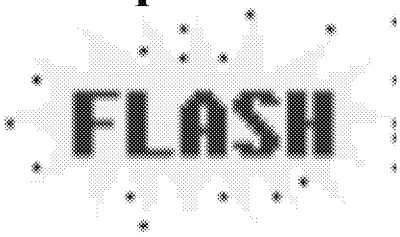
To be clear: this means that we do not enforce any of the covid protocols regardless of location: correct? i.e., it doesn't only apply to contractors located in Ohio, Kentucky and Tennessee?

---

**From:** Blanding, Donna <Blanding.Donna@epa.gov>
**Sent:** Friday, December 10, 2021 10:59 AM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS-EAS CORs A-K <OMS-ARM-OAS-EAS_CORs_A-K@epa.gov>; OMS-ARM-OAS-EAS CORs L-Z <OMS-ARM-OAS-EAS_CORs_L-Z@epa.gov>; OMS-ARM-OAS-PAC <OMS-ARM-OAS-PAC@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>; OMS-ARM-OAS-SACO <OMS-ARM-OAS-SACO@epa.gov>; OMS-ARM-OAS_SRO <OMS-ARM-OAS_SRO@epa.gov>; OMS-ARM-OAS_JRO <OMS-ARM-OAS_JRO@epa.gov>; OMS-ARM-OAS-ProcurementAttorneys <OMS-ARM-OAS-ProcurementAttorneys@epa.gov>; OMS-ARM-OAS-RAMS <OMS-ARM-OAS-RAMS@epa.gov>; OMS-ARM-OAS-DIVISION_DIRECTORS <OMS-ARM-OAS-DIVISION_DIRECTORS@epa.gov>
**Cc:** Benjamin-Sirmons, Denise <Benjamin-Sirmons.Denise@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Gillis-Massey, Martina <gillis-

massey.martina@epa.gov>; Douglas, Arielle <Douglas.Arielle@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Kenealy, Timi <Kenealy.Timi@epa.gov>
**Subject:** Flash Notice - Preliminary Injunctions Update - Executive Order 14042
**Importance:** High

# Office of Acquisition Solutions




**12/10/21 Update # 3**

## Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts

## Full Suspension of Update 1 Issued November 9, 2021

On December 1, 2021, OMB issued initial guidance on implementing requirements of Executive Order 14042 while ensuring compliance with a court order covering the States of Kentucky, Ohio, and Tennessee. That guidance is hereby rescinded. Since the issuance of that initial guidance, another court has issued a nationwide injunction—an order that bars enforcement of the Executive Order in any state or outlying area of the United States. Both court orders are preliminary and may be supplemented, modified, or vacated, depending on the course of ongoing litigation. Given the uncertainty surrounding the court orders, OMB has formulated this updated guidance to be applicable even if the existing court orders change or new orders are issued.

Agencies should follow the instructions provided in this updated guidance to ensure compliance with currently applicable court orders.

**OMB GUIDANCE:**

**I. For existing contracts or contract-like instruments (hereinafter "contracts") that contain a clause implementing requirements of Executive Order 14042**

Agencies shall notify the contractor of the following:

The Government will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, "Excluded State or Outlying Area"). In all other circumstances, the Government will enforce the clause, except for contractor employees who perform substantial work on or in connection with a covered contract in an Excluded State or Outlying Area, or in a covered contractor workplace located in an Excluded State or Outlying Area. A current list of such Excluded States and Outlying Areas is maintained at https://www.saferfederalworkforce.gov/contractors/.

Agencies may provide that notification, as well as any other contractor notification required by this guidance, by posting the necessary information in a centralized location monitored by contractors, such as sam.gov.

**II. For existing contracts that do not include a clause implementing requirements of Executive Order 14042**

A. If the work under such a contract is performed entirely in an Excluded State or Outlying Area, the agency must not attempt to add a clause implementing requirements of the Executive Order into the contract.

B. For all other contracts to which the Executive Order applies, when exercising an option, issuing a new order under the contract, or extending the term of the contract, the agency must pursue bilateral modification of the contract to include the clause. If the agency is not exercising an option, issuing a new order, or extending the contract's term, the agency *may* pursue bilateral modification to include the clause. In either case, when requesting that a contractor agree to the addition of the clause, the agency must inform the contractor of the following:

> The Government will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, "Excluded State or Outlying Area"). In all other circumstances, the Government will enforce the clause, except for contractor employees who perform substantial work on or in connection with a covered contract in an Excluded State or Outlying Area, or in a covered contractor workplace located in an Excluded State or Outlying Area. A current list of such Excluded States and Outlying Areas is maintained at https://www.saferfederalworkforce.gov/contractors/.

III. **For solicitations (existing or future), including solicitations for new orders to be issued under existing indefinite delivery/indefinite quantity contracts not containing a clause that implements requirements of Executive Order 14042**

A. If the solicitation indicates that work under the contract to be awarded will be performed entirely in an Excluded State or Outlying Area, the solicitation should not include a clause implementing requirements of Executive Order 14042. If the solicitation does include such a clause, the agency must remove it through an amendment to the solicitation.

B. For all other solicitations to which Executive Order 14042 applies, the agency must include a clause implementing requirements of the Executive Order and a provision stating as follows:

> The Government will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, "Excluded State or Outlying Area"). In all other circumstances, the Government will enforce the clause, except for contractor employees who perform substantial work on or in connection with a covered contract in an Excluded State or Outlying Area, or in a covered contractor workplace located in an Excluded State or Outlying Area. A current list of such Excluded States and Outlying Areas is maintained at https://www.saferfederalworkforce.gov/contractors/.

If an existing solicitation to which Executive Order 14042 applies does not contain both the implementing clause and the provision described above, the agency must amend the solicitation to add those terms.

**Note**: The court orders only apply to the application of requirements pursuant to Executive Order 14042. There is no change to the Safer Federal Workforce Task Force's guidance for COVID-19 workplace safety protocols for Federal agencies. Federal agency workplace safety protocols for Federal buildings and Federally controlled facilities still apply in all locations. Contractor employees working onsite in those facilities must still follow those Federal agency workplace safety protocols.

**EPA SPECIFIC GUIDANCE FOR CONTRACTING OFFICERS:**

A. For existing EPA contracts that contain the clause 52.223-99, Contacting Officers will take no action. Note: Under a separate special notice, EPA contractors have been notified via sam.gov that EPA will not take any action to enforce EO 14042 at the present time.

B. For existing EPA contracts that do not contain the clause 52.223-9, Contracting Officer will follow the guidance as identified under paragraph (II) above, as applicable.

C. For issued solicitations that contain the clause 52.223-99, Contracting Officers will follow the guidance as identified under paragraph (III.A) above. When applicable, per the guidance under paragraph (III.A) above, this requires an amendment to remove the clause from the solicitation. However, when the requirements of EO 14042 apply, Contracting Officers shall follow the instructions under paragraph (III.B) above.

D. For un-issued solicitations regarding the inclusions of clause 52.223-99, Contracting Officers will follow guidance as identified under paragraph (III) above, as applicable.

If you have any questions regarding this flash notice, please contact the Policy, Training and Oversight Division at:

OMS-ARM-OAS-AcquisitionPolicy@epa.gov ; OR

Donna Blanding, (202)564-1130; Raoul Scott, (202)564- 5752; or Tom Valentino (202)564-4522.

Message

**From:** Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent:** 12/10/2021 9:16:19 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]
**CC:** Scott, Raoul [Scott.Raoul@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]
**Subject:** Re: Internet Document Post Request

I'm good with it!

On Dec 10, 2021, at 3:56 PM, Legare, Pamela <Legare.Pamela@epa.gov> wrote:

Please see what I had Suzette post. Let me know if you want to make edits.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.go

Begin forwarded message:

**From:** "Creed, Suzette" <Creed.Suzette@epa.gov>
**Date:** December 10, 2021 at 2:47:35 PM EST
**To:** "Legare, Pamela" <Legare.Pamela@epa.gov>, "Rodriguez, Victor" <Rodriguez.Victor@epa.gov>, "Brunecz, Michelle" <Brunecz.Michelle@epa.gov>, "Stevens, Tanya" <Stevens.Tanya@epa.gov>
**Subject: RE: Internet Document Post Request**

Hi,

I've updated the contracts homepage with the information provided.

Regards,

*Suzette Creed*

IT Specialist
USEPA/OMS/OAS
202-564-4341

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Thursday, December 9, 2021 8:51 PM
**To:** Creed, Suzette <Creed.Suzette@epa.gov>; Rodriguez, Victor <Rodriguez.Victor@epa.gov>; Brunecz, Michelle <Brunecz.Michelle@epa.gov>; Stevens, Tanya <Stevens.Tanya@epa.gov>
**Subject:** RE: Internet Document Post Request

Please post as follows:

# Special Notice: Update – Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

The subject Special Notice advises contractors and potential vendors / contractors about EPA's Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors."

<< File: Updated Notice to EPA contractors - EO 14042 - Injunction 12 9 21.pdf >>

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Legare, Pamela
**Sent:** Thursday, December 9, 2021 7:48 PM
**To:** Creed, Suzette <Creed.Suzette@epa.gov>; Rodriguez, Victor <rodriguez.victor@epa.gov>; Brunecz, Michelle <Brunecz.Michelle@epa.gov>; Stevens,

Tanya <Stevens.Tanya@epa.gov>
**Subject:** Internet Document Post Request

Hello Suzette,

Can you post the following link
https://sam.gov/opp/be726d6a671a4db0bd8a16a2735e8ade/view
and document to the OAS Internet page listed below?

https://www.epa.gov/contracts

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From**: Scott, Raoul [Scott.Raoul@epa.gov]
**Sent**: 12/13/2021 10:17:17 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]
**Subject**: RE: Internet Document Post Request

I good with it also.

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, December 10, 2021 3:57 PM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Cc:** Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** Fwd: Internet Document Post Request

Please see what I had Suzette post. Let me know if you want to make edits.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.go

Begin forwarded message:

> **From:** "Creed, Suzette" <Creed.Suzette@epa.gov>
> **Date:** December 10, 2021 at 2:47:35 PM EST
> **To:** "Legare, Pamela" <Legare.Pamela@epa.gov>, "Rodriguez, Victor" <Rodriguez.Victor@epa.gov>, "Brunecz, Michelle" <Brunecz.Michelle@epa.gov>, "Stevens, Tanya" <Stevens.Tanya@epa.gov>
> **Subject: RE: Internet Document Post Request**
>
> Hi,
>
> I've updated the contracts homepage with the information provided.
>
> Regards,
>
> *Suzette Creed*
> IT Specialist
> USEPA/OMS/OAS
> 202-564-4341

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Thursday, December 9, 2021 8:51 PM
**To:** Creed, Suzette <Creed.Suzette@epa.gov>; Rodriguez, Victor <Rodriguez.Victor@epa.gov>; Brunecz, Michelle <Brunecz.Michelle@epa.gov>; Stevens, Tanya <Stevens.Tanya@epa.gov>
**Subject:** RE: Internet Document Post Request

Please post as follows:

# Special Notice: Update – Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors"

The subject Special Notice advises contractors and potential vendors / contractors about EPA's Implementation of Executive Order 14042 – "Ensuring Adequate COVID Safety Protocols for Federal Contractors."

<< File: Updated Notice to EPA contractors - EO 14042 - Injunction 12 9 21.pdf >>

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

**From:** Legare, Pamela
**Sent:** Thursday, December 9, 2021 7:48 PM
**To:** Creed, Suzette <Creed.Suzette@epa.gov>; Rodriguez, Victor <rodriguez.victor@epa.gov>; Brunecz, Michelle <Brunecz.Michelle@epa.gov>; Stevens, Tanya <Stevens.Tanya@epa.gov>
**Subject:** Internet Document Post Request

Hello Suzette,

Can you post the following link https://sam.gov/opp/be726d6a671a4db0bd8a16a2735e8ade/view and document to the OAS Internet page listed below?

https://www.epa.gov/contracts

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Brown, Dawn [Brown.Dawn@epa.gov]
**Sent:** 12/15/2021 7:39:16 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Subject:** RE: PLEASE RESPOND: Agenda for Bi-Weekly w/ OAS

Thanks! I'll share the information you both provided with Barbara.

*Dawn N. Roman*
Account Manager & Special Assistant to the OAS Director
Office of Acquisition Solutions
Environmental Protection Agency
(w) 202-564-4672
(m) 202-306-1207

**OAS...Achieving EPA's Mission Through Acquisition!**

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Wednesday, December 15, 2021 2:11 PM
**To:** Brown, Dawn <Brown.Dawn@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>
**Subject:** RE: PLEASE RESPOND: Agenda for Bi-Weekly w/ OAS

EO 14042 Injunction Update
IPP/UEI Status
BIL Activities

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Brown, Dawn <Brown.Dawn@epa.gov>
**Sent:** Wednesday, December 15, 2021 2:06 PM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** PLEASE RESPOND: Agenda for Bi-Weekly w/ OAS

Hi Kimberly and Pam,

Do you have any agenda topics for your biweekly with Arron tomorrow?

Best,

*Dawn N. Roman*
Account Manager & Special Assistant to the OAS Director
Office of Acquisition Solutions
Environmental Protection Agency
(w) 202-564-4672
(m) 202-306-1207

**OAS...Achieving EPA's Mission Through Acquisition!**

---

**From:** Tanner, Barbara <Tanner.Barbara@epa.gov>
**Sent:** Wednesday, December 15, 2021 2:05 PM
**To:** Brown, Dawn <Brown.Dawn@epa.gov>
**Cc:** Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>
**Subject:** RE: Agenda for Bi-Weekly w/ OAS

Good afternoon Daawn,

Please provide me with your agenda for tomorrow's bi-weekly with Arron at 3:30 pm.

Thank you,

*Barbara Tanner*
Executive Administrative Assistant (SEE)
*Office of Mission Support, (IO), U.S. Environmental Protection Agency*
*tanner.barbara@epa.gov | 202-564-7334 | WJC North 3330*
*Mailing Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460*

Appointment

**From**: Lee, Eugene [Lee.Eugene@epa.gov]
**Sent**: 12/16/2021 4:43:36 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]

**Subject**: Declined: Preliminary Injunction on the Implementation of EO 14042
**Location**: Microsoft Teams Meeting

**Start**: 12/16/2021 7:00:00 PM
**End**: 12/16/2021 7:45:00 PM
**Show Time As**: Busy

# U.S. Environmental Protection Agency

## Class Deviation to FAR Part 52.2
## Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts

### FINDINGS

1. To maximize the goal of getting more people vaccinated and decrease the spread of COVID-19, [ HYPERLINK "https://www.federalregister.gov/documents/2021/09/14/2021-19924/ensuring-adequate-covid-safety-protocols-for-federal-contractors" ], *Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts*, requires agencies to include a clause requiring contractors and subcontractors at any tier to comply with all guidance for contractor workplace locations as published by the [ HYPERLINK "https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf" ] (Task Force Guidance).

2. Consequently, the Federal Acquisition Regulation (FAR) Council has issued Civilian Agency Acquisition Council (CAAC) Letter 2021-03 authorizing agencies to deviate from the FAR by using new FAR clause 52.223-99, *Ensuring Adequate COVID-19 Safety Protocols for Federal Contracts*, until the FAR has officially been amended through FAR Case 2021-021, *Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors*.

3. Executive agencies are given the authorization to issue a class deviation, in accordance with FAR 1.404, under Civilian Agency Acquisition Council (CAAC) Letter 2021-03. The CAAC Letter also constitutes consultation with the Chair of the CAAC as required by FAR 1.404(a)(1).

### DETERMINATION

1. Under the authority of FAR 1.404 and based upon the above findings, I grant a class deviation to FAR Part 52.2 as detailed in the attached FAR deviation text. The FAR text deviation is taken directly from CAAC Letter 2021-03.

2. This deviation is effective at the date of signature below, and shall remain in effect until incorporated into the FAR, superseded, or is otherwise rescinded.

_____ _____

Kimberly Y. Patrick, Director — Date
Office of Acquisition Solutions

Attachments:
FAR 52.223-99 Prescription and Text Deviation Text
CAAC Letter 2021-03

Message

**From**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent**: 10/5/2021 10:09:03 PM
**To**: Scott, Raoul [Scott.Raoul@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Valentino, Thomas [Valentino.Thomas@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]
**CC**: Odend'hal, Julianne [OdendHal.Julianne@epa.gov]
**Subject**: RE: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Attachments**: FAR 52.223-99 deviation clause KYP Edits 100521.docx

All,

Please find my edits attached. We can caucus tomorrow to discuss any additional changes. Thanks everyone!!

BTW…Raoul, who is it at the CDC you sent your original message to? I deleted them on this response.

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

*OAS…Advancing EPA's Mission Through Acquisitions!*

---

**From:** Scott, Raoul <Scott.Raoul@epa.gov>
**Sent:** Tuesday, October 05, 2021 4:01 PM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>
**Cc:** Odend'hal, Julianne <OdendHal.Julianne@epa.gov>; fyip@cdc.gov
**Subject:** FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

FYI for our discussion today

---

**From:** Scott, Raoul
**Sent:** Tuesday, October 5, 2021 3:47 PM
**To:** Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>
**Subject:** FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

---

**From:** Scott, Raoul
**Sent:** Tuesday, October 5, 2021 2:42 PM

**To:** Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

---

**From:** Blanding, Donna <Blanding.Donna@epa.gov>
**Sent:** Friday, October 1, 2021 1:12 PM
**To:** Scott, Raoul <Scott.Raoul@epa.gov>
**Cc:** Valentino, Thomas <Valentino.Thomas@epa.gov>; Odend'hal, Julianne <OdendHal.Julianne@epa.gov>
**Subject:** FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

Hi Raoul, attached are all of the updated documents with my review comment. Please note in the FN and the deviation clause a clarification comment from me and one from Julianne (in the FN). I have seen the signed memo sent out today by CAAC and we could include it as an attachment in the FN, let us know your preference.

Regards/

Donna S. Blanding,
Branch Chief
Environmental Protection Agency
Office of Acquisition Solutions (OAS)
Policy, Training & Oversight Division (PTOD)
Acquisition's Policy and Training Branch (PTB)
(202)564-1130 ofc. ☎
(202)570-9205 cell

*OAS Advancing EPA's Mission Through Acquisition*

---

**From:** Odend'hal, Julianne <OdendHal.Julianne@epa.gov>
**Sent:** Friday, October 01, 2021 12:08 PM
**To:** Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>
**Subject:** Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors

Here are all of the updated documents:

SF-30
Flash Notice
FAR Deviation D&F
EPAAG Change Notice
FAR Clause 52.223-99 with prescription

Message

**From**: Scott, Raoul [Scott.Raoul@epa.gov]
**Sent**: 10/5/2021 11:20:19 PM
**To**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Valentino, Thomas [Valentino.Thomas@epa.gov]
**Subject**: Pls check the files per our conversation.
**Attachments**: FAR 52.223-99 deviation clause KYP Edits FINAL 100521.docx; FARDeviation-On-SiteContractorVaccinations D and F for Deviation rds 10 5 21.doc; Flash-On-SiteContractorVaccinations revised by PL RDS TV KYP DB 10 5 21.docx

Message

**From**: Scott, Raoul [Scott.Raoul@epa.gov]
**Sent**: 10/6/2021 1:08:04 AM
**To**: Rutland, Jade [Rutland.Jade@epa.gov]
**CC**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Valentino, Thomas [Valentino.Thomas@epa.gov]
**Subject**: RE: Request expedited review the of the attached documents
**Attachments**: SF30 mod for COVID 2021 above the simplified acquisition threshold 10 5 21.pdf; SF30 for COVID page 2 2021 Oct 1.docx

Jade, another correction. Please disregard and replace my last email with this one. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) If you have any questions, pls let me know.

Thanks—Raoul

---

**From:** Scott, Raoul
**Sent:** Tuesday, October 5, 2021 8:25 PM
**To:** Rutland, Jade <Rutland.Jade@epa.gov>
**Cc:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; 'Legare, Pamela' <legare.pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>
**Subject:** RE: Request expedited review the of the attached documents

Jade, I forgot to attached the following: 1) Executed Modification SF 30 PDF; and page 2 of the SF 30 as a Word document. These documents are referenced in the flash notice attachment included with the first email.

If you have any questions, pls let me know.

Thanks—Raoul

---

**From:** Scott, Raoul
**Sent:** Tuesday, October 5, 2021 7:34 PM
**To:** Rutland, Jade <Rutland.Jade@epa.gov>
**Cc:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <legare.pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>
**Subject:** Request expedited review the of the attached documents

Hello Jade, the attached documents have been reviewed internally by PTOD and the OAS-IO. The documents follow our discussions regarding EO 14042. I'm requesting an expedited review due to time being of the essence for implementation of the documents.

Thanks—Raoul

---

**From:** Scott, Raoul
**Sent:** Tuesday, October 5, 2021 7:20 PM

**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <legare.pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>; Valentino, Thomas <Valentino.Thomas@epa.gov>
**Subject:** Pls check the files per our conversation.

Message

**From:** Valentino, Thomas [Valentino.Thomas@epa.gov]
**Sent:** 10/6/2021 10:11:04 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Thomas, Bridgette [thomas.bridgette@epa.gov]
**CC:** Scott, Raoul [Scott.Raoul@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]
**Subject:** Re: here is the COVID FAR clause package for HCA approval

no problem that will take me five minutes and then the database will update overnight. But I thought Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)


Tom Valentino, CPCM

Procurement Analyst

Acquisition Policy and Training Branch

Policy, Training and Oversight Division (3802R)

Office of Acquisition Solutions (OAS)

Phone: 202-564-4522


**OAS Advancing EPA's Mission Through Acquisition**

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Wednesday, October 6, 2021 6:08 PM
**To:** Valentino, Thomas <Valentino.Thomas@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Thomas, Bridgette <thomas.bridgette@epa.gov>
**Cc:** Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** RE: here is the COVID FAR clause package for HCA approval

Hi Tom,

We will need you to enter the clause in the EAS clause database as a local clause.


Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

**From:** Valentino, Thomas <Valentino.Thomas@epa.gov>
**Sent:** Wednesday, October 6, 2021 5:55 PM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>; Thomas, Bridgette <thomas.bridgette@epa.gov>
**Cc:** Scott, Raoul <Scott.Raoul@epa.gov>; Blanding, Donna <Blanding.Donna@epa.gov>
**Subject:** here is the COVID FAR clause package for HCA approval

Good evening Kim, attached for your review and signature is the complete package implementing the FAR Deviation Clause as a result of EO 14042 regarding COVID safety protocols for federal contractors. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thank you, Tom

The documents listed below are attached.

Attach A – D&F for HCA signature
Attach B – clause prescription and FAR deviation clause (for reference)
Attach C – Page 1 of SF30 mod signed by PTOD DD (for reference)
Attach D – Page 2 of SF30 mod with FAR deviation clause text (for reference)
Attach E – Flash Notice (for reference)
Attach F – PTOD route slip
Attach G – IO route slip

Tom Valentino, CPCM
Procurement Analyst
Acquisition Policy and Training Branch
Policy, Training and Oversight Division (3802R)
Office of Acquisition Solutions (OAS)
Phone: 202-564-4522
OAS Advancing EPA's Mission Through Acquisition

Message

**From**: Scott, Raoul [Scott.Raoul@epa.gov]
**Sent**: 10/7/2021 4:47:46 AM
**To**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]
**Subject**: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Attachments**: Attach A - FARDeviation-ContractorVaccinations D and F for Deviation rds 10 6 21.pdf; Attach B - FAR 52.223-99 deviation clause KYP Edits FINAL 10 06 21.pdf; EPAAG CN21-16 10 6 21 .docx; SF30 bilateral mod for COVID 2021 above the simplified acquisition threshold signed rds 10 6 21.pdf; SF30 for COVID page 2 2021 10 6 21.pdf; Flash-Contractor Vaccinations 10 6 21.docx

**Importance**: High

Attached are the latest updates to the listed documents per our discussions on 10/6/21. The following documents are attached above:

- Attachment A – FARDeviation-Contractor Vaccinations D and F ....
- Attachment B- 52.233-99 deviation clause KYP Edits Final 10 6 21 ....
- Flash-Contractor Vaccinations 10 6 21 .... (Note: this document contains updated language for review and must be finalized by Tom)
- EPAAG CN21-16 10 6 21 .... (Note: This document must be finalized by Tom)
- SF30 bilateral mod .... (Note, Bilateral mods are usually signed by the CO after the "K" signs, however, in this case we can make an exception)
- SF30 for COVID page 2....

Upon approval, I will send the documents to Tom and Donna to issue in the following order:

- "Attach A" and "B" to the CAAC POC, William Wise
- Finalize the FN and EPAAG CN and issue to the acquisition community in PDF versions; bilateral SF 30 will be included with the FN along with any other referenced attachments identified in the FN and EPAAG CN

Message

**From:** Scott, Raoul [Scott.Raoul@epa.gov]
**Sent:** 10/7/2021 2:57:22 PM
**To:** Vaughn, Celia [Vaughn.Celia@epa.gov]
**CC:** Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]
**Subject:** RE: COMMENTS/QUESTION RE: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety ProtMocols for Federal Contractors
**Attachments:** SF30 bilateral mod for COVID 2021 above the simplified acquisition threshold signed rds 10 7 21.pdf

Thanks for the comments. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I will check to see if there are any additional comments from Kim or Pam to address. The corrected document is attached.

Thanks—Raoul

---

**From:** Vaughn, Celia <Vaughn.Celia@epa.gov>
**Sent:** Thursday, October 7, 2021 2:11 AM
**To:** Scott, Raoul <Scott.Raoul@epa.gov>; Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** COMMENTS/QUESTION RE: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors

Hello Raoul,

I have the following comments/questions/correction: (See Attached).

Ex. 5 Deliberative Process (DP)

Celia Vaughn

---

**From:** Scott, Raoul <Scott.Raoul@epa.gov>
**Sent:** Thursday, October 7, 2021 12:48 AM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>; Vaughn, Celia

<Vaughn.Celia@epa.gov>
**Subject:** Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

Attached are the latest updates to the listed documents per our discussions on 10/6/21. The following documents are attached above:

- Attachment A – FARDeviation-Contractor Vaccinations D and F ....
- Attachment B- 52.233-99 deviation clause KYP Edits Final 10 6 21 ....
- Flash-Contractor Vaccinations 10 6 21 .... (Note: this document contains updated language for review and must be finalized by Tom)
- EPAAG CN21-16 10 6 21 .... (Note: This document must be finalized by Tom)
- SF30 bilateral mod .... (Note, Bilateral mods are usually signed by the CO after the "K" signs, however, in this case we can make an exception)
- SF30 for COVID page 2....

Upon approval, I will send the documents to Tom and Donna to issue in the following order:

- "Attach A" and "B" to the CAAC POC, William Wise
- Finalize the FN and EPAAG CN and issue to the acquisition community in PDF versions; bilateral SF 30 will be included with the FN along with any other referenced attachments identified in the FN and EPAAG CN

Message

**From**: Scott, Raoul [Scott.Raoul@epa.gov]
**Sent**: 10/7/2021 3:48:57 PM
**To**: Valentino, Thomas [Valentino.Thomas@epa.gov]
**CC**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]
**Subject**: FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Attachments**: Attach A - FARDeviation-ContractorVaccinations D and F for Deviation rds 10 6 21.pdf; Attach B - FAR 52.223-99 deviation clause KYP Edits FINAL 10 06 21.pdf

**Importance**: High

Tom, only send attachments A and B to the CAAC Rep. Pls "cc" Kim, Pam, Celia, Donna and me on what you send to the CAAC. Pls send immediately to the CAAC.

Thanks—Raoul

---

**From:** Scott, Raoul
**Sent:** Thursday, October 7, 2021 11:43 AM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <legare.pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>
**Subject:** FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

Hello All, per my conversation with Pam a few minutes ago, the following attachments have been removed: SF 30, and SF 30 page 2. The following attachment has been revised: Flash-Contractor Vaccinations, note—we will wait until after the today 12:00pm training session to finalize the document.

Next: For Tom, I will only provide the signed FAR Deviation and prescription/clause attachments. I will ask Tom to issue only these document to the CAAC rep, William Clark. Agreed?

Raoul

---

**From:** Scott, Raoul
**Sent:** Thursday, October 7, 2021 11:08 AM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <legare.pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>
**Subject:** FW: Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

Thanks Celia for the comments. The SF 30 has been corrected and revised accordingly. The corrected/revised document is attached. Kim and Pam, do I have authorization to issue?

Thanks—Raoul

**From:** Scott, Raoul
**Sent:** Thursday, October 7, 2021 12:48 AM
**To:** Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <legare.pamela@epa.gov>; Vaughn, Celia <Vaughn.Celia@epa.gov>
**Subject:** Implementation of Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors
**Importance:** High

Attached are the latest updates to the listed documents per our discussions on 10/6/21. The following documents are attached above:

- Attachment A – FARDeviation-Contractor Vaccinations D and F ....
- Attachment B- 52.233-99 deviation clause KYP Edits Final 10 6 21 ....
- Flash-Contractor Vaccinations 10 6 21 .... (Note: this document contains updated language for review and must be finalized by Tom)
- EPAAG CN21-16 10 6 21 .... (Note: This document must be finalized by Tom)
- SF30 bilateral mod .... (Note, Bilateral mods are usually signed by the CO after the "K" signs, however, in this case we can make an exception)
- SF30 for COVID page 2....

Upon approval, I will send the documents to Tom and Donna to issue in the following order:

- "Attach A" and "B" to the CAAC POC, William Wise
- Finalize the FN and EPAAG CN and issue to the acquisition community in PDF versions; bilateral SF 30 will be included with the FN along with any other referenced attachments identified in the FN and EPAAG CN

Message

**From**: Scott, Elaine [Scott.Elaine@epa.gov]
**Sent**: 10/7/2021 5:54:59 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]
**Subject**: RE: Suggestion for modifying contracts to include EO#14042

# Ex. 5 Deliberative Process (DP)

Upload a copy of the email on the contract file in EAS.

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Thursday, October 7, 2021 1:43 PM
**To:** Scott, Elaine <Scott.Elaine@epa.gov>
**Subject:** RE: Suggestion for modifying contracts to include EO#14042

That was my suggestion, but Raoul couldn't wrap his mind around it! That's why you saw on the original slide about attaching a mass mod.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Scott, Elaine <Scott.Elaine@epa.gov>
**Sent:** Thursday, October 7, 2021 1:41 PM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** Suggestion for modifying contracts to include EO#14042

So if we have a "boiler" template that everyone in the agency can use to modify the contracts, we only have 4 steps to take:

1. Upload the template in your contract mod
2. Send to contractor for signature
3. Get it back sign it
4. Release in EAS

Doesn't take a rocket scientist for this. Nor should it take any "strategic" thinking to do it. 😊😊😊 (had to add a lil spin on it)

Elaine Scott,
Associate Division Director
OMS/OAS/HQAD

Message

**From**: Patrick, Kimberly [Patrick.Kimberly@epa.gov]
**Sent**: 10/7/2021 7:58:03 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; Vaughn, Celia [Vaughn.Celia@epa.gov]; Blanding, Donna [Blanding.Donna@epa.gov]; Valentino, Thomas [Valentino.Thomas@epa.gov]
**Subject**: FINAL Package for FBO Posting
**Attachments**: EPA Faciities Guidance for OnSite Contractors and Visitors 100721-FINAL2.pdf; EPA_CertificationVaccinationPRAv7.pdf; FAR 52.223-99 deviation clause FINAL 10-07-21.pdf

These are the FINAL documents for the FBO posting.

*Kimberly Y. Patrick,*
*Senior Procurement Executive and Director*
EPA Office of Acquisition Solutions
1300 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 564-4310
Cell: (202) 816-1928
Fax: (202) 565-2475
Email: Patrick.kimberly@epa.gov

*OAS…Advancing EPA's Mission Through Acquisitions!*

**MEMORANDUM**

**SUBJECT:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

**FROM:** Kimberly Y. Patrick, Senior Procurement Executive and Director
EPA Office of Acquisition Solutions

**TO:** All EPA Contractors

In Executive Order 13991, President Biden established the Safer Federal Workforce Task Force to oversee the development and implementation of agency COVID-19 workplace safety plans across the federal government. On September 13, 2021, the Task Force issued updated model safety principles (previously updated July 29, 2021) for federal agencies to incorporate into their existing COVID-19 workplace safety plans. The Task Force guidance is tailored to three categories of persons: (1) federal employees and contractors, (2) general visitors, and (3) members of the public obtaining and/or seeking a service or benefit.

The Task Force has directed federal agencies to incorporate principles on vaccination attestation—and, in the case of federal contractors and visitors, testing status—into their workplace safety plans. To that end, the Federal Protective Service (FPS) recently provided guidance to standardize the implementation of these workplace safety efforts at FPS-protected federal facilities. Through this memo, EPA is extending this guidance to ***all*** facilities with controlled access.

In accordance with the guidance, signage will be posted at each facility entry point to notify all occupants and the public that a completed Certification of Vaccination form is required for entry unless the individual is obtaining a public service or benefit. GSA has begun posting signs in GSA-owned facilities.

Key Points:

- EPA federal contractors (prime contractors and subcontractors) and visitors seeking access to an EPA facility must print and bring with them a completed "Certificate of Vaccination" form (attached).
- Documentation of a negative COVID test taken within 3 days of arrival to the facility is required for anyone who is **not** fully vaccinated (click here for a definition of "fully vaccinated").
- Local security personnel will verify with the individual requesting entry to the facility that they have read the posted signage, have the appropriate documentation and, upon affirmation, will allow the visitor, grantee, or contractor to enter the facility.
- Federal contractors and subcontractors may be asked to show (not submit) their required documentation to a federal employee who oversees their work.

- Visitors may be asked to show (not submit) their required documentation to the federal employee with whom they are visiting.
- If a contractor, subcontractor, or visitor discloses that they are not fully vaccinated or declines to complete the "Certification of Vaccination" form, those individuals will be treated as not fully vaccinated for purposes of implementing safety measures according to CDC guidance, which require mask wearing, physical distancing and proof of a negative COVID-19 test.
- Individuals who are not fully vaccinated must wear a mask that covers their nose and mouth, and that is in accordance with current CDC guidance regardless of community transmission level.
- To the extent practicable, individuals who are not fully vaccinated should maintain a distance of at least six feet from others at all times, consistent with CDC guidelines, including in offices, conference rooms, and all other communal and workspaces.
- In areas of high or substantial transmission, fully vaccinated people must wear a mask in public indoor settings.
- Fully vaccinated individuals might choose to wear a mask regardless of the level of transmission for a variety of reasons.

The requirements related to the provision of information about vaccination and proof of a recent negative COVID-19 test do not apply to members of the public entering EPA space for the purpose of obtaining a public service or benefit. If those seeking service from EPA are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people. Examples of public services or benefits offered by the EPA include the following:

- EPA Docket Center and Reading Room
- Use of Library Facilities
- Use of Credit Union or Childcare facilities contained within EPA space and not accessible outside of the EPA facility.

**These procedures will be effective by October 15, 2021, or sooner, and are in place pending the full implementation of Executive Order 14042.**

Please note that EPA intends to fully implement the Task Force's COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors resulting from the issuance of Executive Order 14042, including modifying its existing contracts above the Simplified Acquisition Threshold. Contractors should expect to receive a modification incorporating the attached clause within the coming weeks from their cognizant contracting officer.

Thank you for your continued support as we navigate this process.

Message

**From:** Legare, Pamela [Legare.Pamela@epa.gov]
**Sent:** 10/8/2021 5:57:03 PM
**To:** OMS-ARM-OAS-ALL [OMS-ARM-OAS-ALL@epa.gov]; OMS-ARM-OAS_RAMS [OMS-ARM-OAS_RAMS@epa.gov]; OMS-ARM-OAS-RCO [OMS-ARM-OAS-RCO@epa.gov]
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Attachments:** EPA Facilities Guidance for OnSite Contractors and Visitors 100721-FINAL2.pdf; FAR 52.223-99 deviation clause FINAL 10-07-21-1.pdf; EPA_CertificationVaccinationPRAv7.pdf

**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the **interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Tharp, Scott [Tharp.Scott@epa.gov]
**Sent:** 10/12/2021 1:49:01 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]
**CC:** Mills, Noelle [Mills.Noelle@epa.gov]
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

We had a question come in regarding the interim guidance and access to the facility in emergency situations.

1) Under what clause are emergency facility subvendors/visitors authorized access to facilities exempting them from the attached protocols? For example, amidst a mission critical failure and situation which may require emergency access to facilities, i.e. authorizing firefighters into the facilities and/or subvendors to handle refrigerant leaks—we will not have the time to validate such protocols.

I responded the paragraph regarding public service or benefit would most likely apply:

The requirements related to the provision of information about vaccination and proof of a recent negative COVID-19 test do not apply to members of the public entering EPA space for the purpose of obtaining a public service or benefit. If those seeking service from EPA are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people. Examples of public services or benefits offered by the EPA include the following:
• EPA Docket Center and Reading Room
• Use of Library Facilities
• Use of Credit Union or Childcare facilities

In my opinion **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

Our Branch Provides Contracting Solutions for Consolidated Mission Support (OCFO, OECA, OGC, OIG, OITA, OMS), Architect and Engineering, Construction, Facilities Management, and Furniture.

***OAS: Advancing EPA's Mission Through Acquisitions***

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the **interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From**: Watkins, Erica [Watkins.Erica@epa.gov]
**Sent**: 10/12/2021 2:35:06 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]
**Subject**: FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Attachments**: EPA Facilities Guidance for OnSite Contractors and Visitors 100721-FINAL2.pdf; FAR 52.223-99 deviation clause FINAL 10-07-21-1.pdf; EPA_CertificationVaccinationPRAv7.pdf

**Importance**: High

Hi Pam,

I sent this to quickly. We are also trying to gain clarity ( our Facilities Manager is checking in with FPS) on who is the responsible party for evaluating the completed form and if they checked anything other than "fully vaccinated" and needs to make a decision about entry. If it is not EPA and falls to EPA personnel is there any concern about an EPA POC? With respect to it not possibly being a COR ( as the COR may not be working on site)?

Thanks
Erica

Erica Watkins (she/her/hers)
Director, Business Operations and Resources Center
Immediate Office Room C186
Office of Transportation and Air Quality
Ph:734-214-4415
Cell: 734-646-3830

OTAQ DIAC
OTAQ Diversity & Inclusion Advisory Council

**From:** Watkins, Erica
**Sent:** Tuesday, October 12, 2021 10:29 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Hi Pam,

As we are trying to coordinate our approach and put in place this directive for NVFEL I was wondering if this approach is being applied across all the OAS offices. Will HQAD and ITAD be sending this out to all Vendors and if so is this going out today.

Thanks

Erica Watkins (she/her/hers)
Director, Business Operations and Resources Center
Immediate Office Room C186
Office of Transportation and Air Quality
Ph:734-214-4415
Cell: 734-646-3830

OTAQ DIAC
OTAQ Diversity & Inclusion Advisory Council

**From:** Schenk, Ruth <schenk.ruth@epa.gov>
**Sent:** Tuesday, October 12, 2021 9:59 AM
**To:** Henning, Julie <henning.julie@epa.gov>; Watkins, Erica <Watkins.Erica@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Information from CAD.

---

**From:** Tharp, Scott <Tharp.Scott@epa.gov>
**Sent:** Tuesday, October 12, 2021 8:59 AM
**To:** Ahlgren, Russell <Ahlgren.Russell@epa.gov>; Lafferty, Shawn <Lafferty.Shawn@epa.gov>; Pittman, Rick <Pittman.Rick@epa.gov>; Dantin, Darrin <Dantin.Darrin@epa.gov>; Brothers, Terry <Brothers.Terry@epa.gov>; Geeting, Michael <geeting.michael@epa.gov>; Skender, John <Skender.John@epa.gov>; Warhol, Stephanie <warhol.stephanie@epa.gov>; Loesch, Elizabeth <Loesch.Elizabeth@epa.gov>; Norland, Shelly <Norland.Shelly@epa.gov>; Knight, Primo <Knight.Primo@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>; Pankey, Herbert <Pankey.Herbert@epa.gov>; Glazier, Kelly <Glazier.Kelly@epa.gov>
**Cc:** CI-NWD-OAM-CPOD-SSC <CI-NWD-OAM-CPOD-SSC@EPA.GOV>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

We will be providing the attached interim requirements documents very soon to all contractors that either perform work onsite and/or may come onsite.

If you have any questions, please let me know.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

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***OAS: Advancing EPA's Mission Through Acquisitions***

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

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Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From**: Scott, Raoul [Scott.Raoul@epa.gov]
**Sent**: 10/12/2021 2:58:07 PM
**To**: Legare, Pamela [Legare.Pamela@epa.gov]
**CC**: Blanding, Donna [Blanding.Donna@epa.gov]; Valentino, Thomas [Valentino.Thomas@epa.gov]
**Subject**: Corrected Flash Notice language
**Attachments**: Flash-Contractor Vaccinations 10 12 21 v1.docx

Pam, attached is the corrected FN language that addresses Renae's points identified in her email dated 10/8/21. I will call you now to go over it , then have Tom issue the correction if you concur.

Next: There is another correction to the CN EPAAG information that was sent out. The wrong version of our prescription/clause was attached. It contained language referencing unilateral modifications.

Note: The correct version was sent to the CAAC regarding our prescription and clause D&F that Kimberley signed.

Raoul D. Scott Jr., Director
Policy Training & Oversight Division
Office of Acquisition Solutions
202-564-5752

Message

**From:** Taylor, Angel [Taylor.Angel@epa.gov]
**Sent:** 10/12/2021 6:08:00 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

Thanks, Pam! I did receive this on Friday's distribution.

And thank you all for putting together this great guidance and clear language. 😊

---

**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Tuesday, October 12, 2021 1:57 PM
**To:** Barton, Kathryn <Barton.Kathryn@epa.gov>; Taylor, Angel <Taylor.Angel@epa.gov>
**Subject:** FW: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Legare, Pamela
**Sent:** Friday, October 8, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors
**Importance:** High

Colleagues,

Yesterday evening a memorandum signed by Kimberly Patrick, EPA's Senior Procurement Executive and Director of the Office of Acquisition Solutions, was posted as a Special Notice in sam.gov. That memorandum outlines the **interim** requirements related to entry into EPA facilities for on-site contractors and visitors and are in place **pending the full implementation of Executive Order 14042.**

Contracting officers and contract specialists are being asked to share the attached posted documents with their contractors immediately. Please let me know if you have any questions.

Pamela D. Legare, Deputy Director
Office of Acquisition Solutions (OAS)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

Message

**From:** Stevens, Tanya [Stevens.Tanya@epa.gov]
**Sent:** 10/12/2021 7:25:31 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]
**CC:** Brunecz, Michelle [Brunecz.Michelle@epa.gov]
**Subject:** RE: Instructions for EAS Modification to Incorporate 52.223-99 - Version 6
**Attachments:** EAS Modifications to Incorporate 52.223-99 Covid-19 Safety v7.docx

Ok – Ex. 5 Deliberative Process (DP)

Tanya Stevens
EAS Support
OMS/ARM/OAS
MC: 3801R
1200 Pennsylvania Ave NW
Washington, DC 20460
OAS/EAS Service Desk: 202-564-2327 Online OAS Service Desk
To learn more about EAS, visit the EAS Resource Center
Pronouns: she, her, hers

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**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Tuesday, October 12, 2021 3:19 PM
**To:** Stevens, Tanya <Stevens.Tanya@epa.gov>
**Cc:** Brunecz, Michelle <Brunecz.Michelle@epa.gov>
**Subject:** RE: Instructions for EAS Modification to Incorporate 52.223-99 - Version 6

# Ex. 5 Deliberative Process (DP)

Pamela D. Legare, Deputy Director
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(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

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**From:** Stevens, Tanya <Stevens.Tanya@epa.gov>
**Sent:** Tuesday, October 12, 2021 3:16 PM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Cc:** Brunecz, Michelle <Brunecz.Michelle@epa.gov>
**Subject:** RE: Instructions for EAS Modification to Incorporate 52.223-99 - Version 6

I know the milestone plan instructions tell them to link it to the PR, but in the Mod instructions I said to link it to the award. Ex. 5 Deliberative Process (DP)

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**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Tuesday, October 12, 2021 3:14 PM
**To:** Stevens, Tanya <Stevens.Tanya@epa.gov>
**Cc:** Brunecz, Michelle <Brunecz.Michelle@epa.gov>
**Subject:** RE: Instructions for EAS Modification to Incorporate 52.223-99 - Version 6

Tanya,

Looks good. Given there will be no PR to link the mod, will that change the milestone instructions?

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(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

---

**From:** Stevens, Tanya <Stevens.Tanya@epa.gov>
**Sent:** Tuesday, October 12, 2021 2:17 PM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Cc:** Brunecz, Michelle <Brunecz.Michelle@epa.gov>
**Subject:** Instructions for EAS Modification to Incorporate 52.223-99 - Version 6

Pam – I'm sorry it took me so long to finish this. I had to make additional changes to the process.

# Ex. 5 Deliberative Process (DP)

Let me know if there are any other changes that need to be made for this.

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Message

**From:** Tharp, Scott [Tharp.Scott@epa.gov]
**Sent:** 10/13/2021 3:13:57 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]
**CC:** Mills, Noelle [Mills.Noelle@epa.gov]
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

We received the following question:

What kind of Covid test will be required?

We reviewed the FAQs and did not see it addressed. I don't think it matters as long as its documented as negative and within the previous 3 days for entry.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

Our Branch Provides Contracting Solutions for Consolidated Mission Support (OCFO, OECA, OGC, OIG, OITA, OMS), Architect and Engineering, Construction, Facilities Management, and Furniture.

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**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Tuesday, October 12, 2021 5:39 PM
**To:** Tharp, Scott <Tharp.Scott@epa.gov>
**Cc:** Mills, Noelle <Mills.Noelle@epa.gov>
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

Hi Scott,

The answer to that question needs to be cleared through the COVID Coordination Team. Please forward future questions to me.

Pamela D. Legare, Deputy Director
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Email: legare.pamela@epa.gov

**From:** Tharp, Scott <Tharp.Scott@epa.gov>
**Sent:** Tuesday, October 12, 2021 9:49 AM
**To:** Legare, Pamela <Legare.Pamela@epa.gov>
**Cc:** Mills, Noelle <Mills.Noelle@epa.gov>
**Subject:** RE: Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities for On-site Contractors and Visitors

We had a question come in regarding the interim guidance and access to the facility in emergency situations.

1) Under what clause are emergency facility subvendors/visitors authorized access to facilities exempting them from the attached protocols? For example, amidst a mission critical failure and situation which may require emergency access to facilities, i.e. authorizing firefighters into the facilities and/or subvendors to handle refrigerant leaks—we will not have the time to validate such protocols.

I responded the paragraph regarding public service or benefit would most likely apply:

The requirements related to the provision of information about vaccination and proof of a recent negative COVID-19 test do not apply to members of the public entering EPA space for the purpose of obtaining a public service or benefit. If those seeking service from EPA are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people. Examples of public services or benefits offered by the EPA include the following:
• EPA Docket Center and Reading Room
• Use of Library Facilities
• Use of Credit Union or Childcare facilities

In my opinion, emergency situations take precedence over all requirements, but may be a good idea to include something more specific about access to a facility for emergency situations in the final requirements.

Thank You,

Scott Tharp, CPCM
Chief, Facilities and Specialized Support Branch (FSSB)
Cincinnati Acquisition Division (CAD)
Tel: 513-487-2020
Cell: 513-814-0392
Email: tharp.scott@epa.gov
CAD Intranet: https://intranet.epa.gov/oamintra/CPOD/orgchart.html

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**From:** Legare, Pamela <Legare.Pamela@epa.gov>
**Sent:** Friday, October 08, 2021 1:57 PM
**To:** OMS-ARM-OAS-ALL <OMS-ARM-OAS-ALL@epa.gov>; OMS-ARM-OAS_RAMS <OMS-ARM-OAS_RAMS@epa.gov>; OMS-ARM-OAS-RCO <OMS-ARM-OAS-RCO@epa.gov>
**Subject:** Interim Guidance on COVID-19 Vaccination Attestation and Testing Requirements for Entry into EPA Facilities

for On-site Contractors and Visitors
**Importance:** High

Colleagues,

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Email: legare.pamela@epa.gov

Message

**From:** Hernandez, Arnulfo [Hernandez.Arnulfo@epa.gov]
**Sent:** 10/14/2021 7:05:41 PM
**To:** Legare, Pamela [Legare.Pamela@epa.gov]
**Subject:** Follow up on EO14043
**Attachments:** SUPERVISORY AND EMPLOYEE VACCINE EMAILS FOR UNVACCINATED EMPLOYEES.docx

Hello Pamela,

This is just a follow up from our conversation. Attached is the document that I shared with you during our call. Below is a copy of what next steps you are needing to take. When it says "Vaccine Attestation (or VA) lead" it refers to Yulia Kalikhman and myself. Please update us when you complete the 1st e-mail outreach and then the 2nd one in 5 working days. Again, please reach out to us should you have any questions.

Subject to send e-mail to employee: EO 14043. "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees."

1. First-line supervisors will receive a phone call from an approved Vaccine Attestation lead in their office or region identifying their employees who are unvaccinated, partially vaccinated, chose not to reveal their vaccination status, or declined to respond to the attestation. The VA leads **only share this information with supervisors of unvaccinated employees and not with senior leaders in their program/region.**
2. The VA lead will explain that the supervisor is simply to send the two emails per #4 below. Under no circumstance should the supervisor answer questions or engage employees on vaccination. **If the employee has questions, the supervisor should work with the VA lead to obtain answers.**
3. The VA leads will then email those supervisors (without mentioning employee names) the templates and instructions. **Upon receipt of this notification, first-line supervisors will send the first of two prepared emails** individually to the employees that have been identified to them. These emails contain science-based vaccine facts. **Supervisors should not edit or make changes to the provided email templates.**
4. **The first email should be sent to employees as soon as possible** to allow employees the greatest opportunity to become compliant with Executive Order 14043.
5. **Emails must be sent individually** to each unvaccinated employee.
6. Each email **must include a Read and Delivery Receipt and supervisors must keep records** of all emails, delivery receipts and read receipts.
7. **Five (5) workdays after** sending the first email, the first-line supervisor will **send the second pre-drafted email** to their identified employees who remain unvaccinated.

Be the Change! Click Here.

Arnulfo Hernandez III
Human Capital Analyst
Human Resources Division
Office of Resources and Business Operations
Office of Mission Support, US EPA Headquarters

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