



March 11, 2026

VIA ELECTRONIC MAIL

Kathryn Smith
Director, Workforce Integrity Division
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Purported Termination of Collective Bargaining Agreement

Dear Director Smith:

Yesterday, you sent a memorandum to the National Treasury Employees Union (NTEU) that purported to terminate the Environmental Protection Agency's (EPA) collective bargaining agreement (CBA) with NTEU. The EPA cannot lawfully terminate its CBA with NTEU because NTEU remains the exclusive representative of some of its bargaining unit employees.

Litigation over Executive Order No. 14,251, *Exclusions from Federal Labor-Management Relations Programs*, continues. A federal district court judge ruled that the Order is likely unlawful and preliminarily enjoined its implementation.¹ While NTEU's preliminary injunction was stayed pending appeal, it was not vacated—and whether it will be put into effect again remains a live issue. That is likely one reason why OPM previously advised, back in August 2025, that agencies should not attempt to terminate or repudiate their CBAs with NTEU.² While OPM's view changed on February 13, the status of NTEU's litigation against the Executive Order has not. It remains to be seen whether NTEU's challenge to the Executive Order's legality will succeed.

While the EPA has purported to terminate its CBA with NTEU, it cannot lawfully do so, and that CBA remains in effect. The EPA cannot unilaterally end a CBA with an exclusive representative of its bargaining unit employees; to the contrary, the EPA must have a CBA with that exclusive representative. 5 U.S.C. § 7114. And regardless of whether the EPA continues to *recognize* NTEU as the exclusive representative of some of its bargaining unit employees, there is no dispute that the Federal Labor Relations Authority has *certified* that status and has taken no action to undo it. So, under Section 7114 of Title 5, the EPA must maintain its CBA with NTEU and cannot purport to end it. The CBA will thus remain in force.

Sincerely,

A handwritten signature in black ink, appearing to read "Doreen P. Greenwald", is written over a light blue horizontal line.

Doreen P. Greenwald
National President

cc: Paras Shah, General Counsel
Dan Kaspar, Director of Field Operations & Organizing
Ken Moffett, Director of Negotiations

¹ *NTEU v. Trump*, 780 F. Supp. 3d 237 (D.D.C. 2025).

² Gov't Br. at 9 n.2, *NTEU v. Trump*, 25-5157 (D.C. Cir. Sept. 9, 2025) (quoting OPM guidance).