

United States Senate

WASHINGTON, DC 20510

July 30, 2025

The Honorable Lee M. Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW Washington, DC 20460

Dear Administrator Zeldin:

We write to you with deep concerns regarding recent reporting that you placed more than 140 Environmental Protection Agency (EPA) employees on administrative leave after they signed a “Declaration of Dissent” on June 30, 2025.¹ Federal employees are permitted to speak out on matters of public concern in their personal capacities, and even when they do so in dissent, the First Amendment protects their speech.² In fact, across the federal government, federal agencies have developed mechanisms to ensure federal workers can express alternative viewpoints without fear of reprisal, understanding that dissent improves policy outcomes, increases accountability, and improves morale; in that spirit, the EPA employees sought to raise issues of public concern to senior officials. We urge you to restore these employees to active service immediately and affirm your employees’ ability to express their viewpoints without fear of retaliation, because debate and dissent are valuable policymaking tools.

The Supreme Court has repeatedly “recognized the right of employees to speak on matters of public concern, typically matters concerning government policies that are of interest to the public at large, a subject on which public employees are uniquely qualified to comment.”³ In a long series of cases dating back to the seminal *Pickering* decision, the Court has “recognized that speech by public employees on subject matter related to their employment holds special value precisely because those employees gain knowledge of matters of public concern through their employment.”⁴ Here, the Declaration was published on a public-facing website and sent to lawmakers; it details matters of public concern including the perceived politicization of EPA and deterioration of public trust, perceived threats to objective and science-based decision-making, and apprehensions over EPA’s ability to serve communities which bear high pollution and climate change risk burdens.⁵ The signatories of the Declaration urge you to reconsider policy

¹ See “Declaration of Dissent,” Stand up for Science, accessed July 3, 2025, <https://www.standupforscience.net/epa-declaration>; Kevin Bogardus and Robin Bravender, “EPA puts 139 employees on leave who criticized administration,” *E&E News by Politico* (July 3, 2025), <https://subscriber.politicopro.com/article/eenews/2025/07/03/epa-puts-139-employees-on-leave-who-criticized-administration-00439120>; Maxine Joselow, “E.P.A. Suspends 144 Employees After They Signed a Letter Criticizing Trump,” *The New York Times* (July 3, 2025), <https://www.nytimes.com/2025/07/03/climate/epa-letter-administrative-leave.html>.

² *Pickering v. Board of Education*, 391 U.S. 563, 571-572 (1968).

³ *San Diego v. Roe*, 543 U.S. 77, 80 (2004).

⁴ *Lane v. Franks*, 573 U.S. 228, 240 (2014) (citing *Pickering v. Board of Education*, 391 U.S. 563, 571-572 (1968)).

⁵ While one of the “Primary Concern[s]” raised in the letter addresses EPA’s personnel management decisions, that discussion concerns Agency-wide personnel policy, elimination of entire categories of employees, and the long-term

decisions that conflict with EPA’s core mission of “protect[ing] human health and the environment”—a mission you promised to uphold at your confirmation hearing and that is embodied in numerous statutes that Congress has directed EPA to implement. Notably, the Declaration states on its face that it was written “in [employees]’ personal capacity, on our own time, and without Agency resources,”⁶ reaffirming that they were exercising their First Amendment rights to comment on matters of public concern and outside of their official duties.

In announcing that you placed the employees on administrative leave and had begun an investigation, you indicated that the inquiry would conclude on July 17, 2025, and recent reporting indicates that the investigation has been extended through August 1, 2025. We trust that once your investigation is complete, you will reinstate the EPA employee signatories to active service immediately and take steps to protect workers from retaliation when exercising their First Amendment rights.

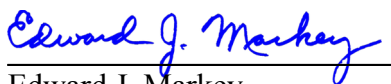
Sincerely,



Chris Van Hollen
United States Senator



Cory A. Booker
United States Senator



Edward J. Markey
United States Senator



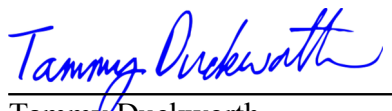
Tina Smith
United States Senator

institutional impacts of firing probationary employees—not any individual’s idiosyncratic employment grievance. Compare *Connick v. Myers*, 461 U.S. 138, 148 (1983) (“The questions posed by Myers to her co-workers do not fall under the rubric of matters of ‘public concern.’ [...] Myers did not seek to inform the public that the District Attorney’s Office was not discharging its governmental responsibilities in the investigation and prosecution of criminal cases. Nor did Myers seek to bring to light actual or potential wrongdoing or breach of public trust. [...] [T]he questionnaire, if released to the public, would convey no information at all other than the fact that a single employee is upset with the status quo.”).

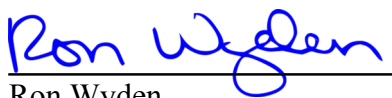
⁶ See “Declaration of Dissent,” *supra* note 1. In your statement to reporters, you alleged that “employees signed onto a public letter, written as agency employees, using their official work title.” But the mere use of employee’s organizational affiliation in a letter signature line does mean that the employee signed the letter pursuant to an official duty. See *Lane*, 573 U.S. at 240 (“[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question . . . is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.”).


Jeffrey A. Merkley
United States Senator


Bernard Sanders
United States Senator


Tammy Duckworth
United States Senator

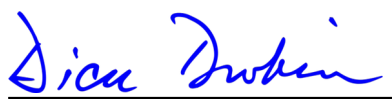

Martin Heinrich
United States Senator

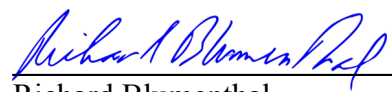

Ron Wyden
United States Senator


Kirsten Gillibrand
United States Senator

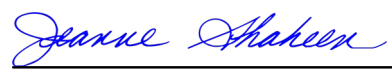

Mazie K. Hirono
United States Senator


Sheldon Whitehouse
United States Senator


Richard J. Durbin
United States Senator


Richard Blumenthal
United States Senator


Peter Welch
United States Senator


Jeanne Shaheen
United States Senator


Angela Alsobrooks
United States Senator