Office of the Chief Counsel
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

October 15, 2026

Paras N. Shah
General Counsel
National Treasury Employees Union
800 K Street N.W., Suite 1000
Washington, D.C. 20001

VIA EMAIL

Dear Mr. Shah:

Thank you for your correspondence dated October 9, 2026, which referenced FDA's prior communication of August 28, 2026. We appreciate the opportunity to provide clarification on FDA's current obligations and workplace expectations.

As previously communicated, pursuant to 5 U.S.C. § 7103(b) and the applicable Executive Order, FDA is no longer subject to the collective bargaining requirements set forth in Chapter 71 of Title 5 (5 U.S.C. §§ 7101–7135).

In light of this, we want to take the opportunity to clarify expectations for FDA employees:

- **Work focus during duty hours:** Employees are expected to dedicate their duty time to mission-critical work, using only FDA-approved technology, networks, and devices.
- **Labor-related activities:** Consistent with Executive Order 14251, employees are not permitted to engage in labor-related activities during duty time or while using FDA networks or devices beyond the limited personal use authorized by the HHS Rules of Behavior. This policy does not affect employees' rights to engage in such activities outside of duty hours and on personal time and resources.
- **Agency resources:** In accordance with guidance from OPM and the Executive Order, taxpayer-funded resources — including union time, office space, and agency resources — are to be redirected to official agency business.

Sincerely,

SEAN R. KEVENEY -S

Digitally signed by SEAN R. KEVENEY -S
Date: 2026.10.15 09:43:30 -04'00'

Sean Keveney
Chief Counsel
U.S. Food and Drug Administration

Cc: Kyle Diamantas
Melanie Keller