

From: [REDACTED]@apple.com
Subject: Re: Questions about speech related to Apple's buildings on chemical release sites
Date: April 27, 2021 at 1:58 PM
To: Ashley Gjovik ashleygjovik@apple.com

JC

On Apr 27, 2021, at 1:56 PM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

FYI - still trying to sort out Apple's expectations of whether I'm even allowed to tell coworkers I work on an EPA Superfund site. Had a demoralizing call with ER today. Notes below about what appears to be free speech restrictions, even to co-workers.

Meanwhile, our HR BP essentially insisted I file a workers comp claim last week, about my fainting spell in my office in Sept 2019, now due to suspected chemical exposure from the Superfund site. I called Sedgwick expecting them to laugh me out of the room — but they were appalled and all over it. I talked to the investigator for 2.5hr yesterday. She's setting the claim to delayed so she has at least 90 days to look into it. Apparently when she called the Apple workers comp folks after an initial read she asked if Apple really has offices on Superfunds and they said "of course not, Apple would never do that" and then they googled my building address and Google literally says "active superfund." They were like, wtf.

The investigator wants to call the claim "continuous trauma" for ongoing exposure at my building — and after I told her Apple has other Superfund buildings and I spent time at them too — she said she wants to include my time at the other buildings as well, perhaps even starting from 2015 when I joined Apple.

Attaching a PDF w/ some notes. Please don't panic, otherwise I'll apparently get in trouble with ER/EHS. Also, I'm doing my own research since Apple doesn't publish anything about this, so it's probably not "complete" or "accurate" either. But if EHS refuses to tell anyone about these sites and complete/accurate requires EHS telling people about these sites... then....

<IMG_5621.png>

<Apple Offices - Release Sites - Gjovik full.pdf>

—
Ashley M. Gjovik
Apple Engineering Program Manager
(408) 204-9976

Begin forwarded message:

From: Jenna Waibel <jwaibel@apple.com>
Subject: Re: Questions about speech related to Apple's buildings on chemical release sites
Date: April 27, 2021 at 1:38:13 PM PDT
To: Ashley Gjovik <ashleygjovik@apple.com>
Cc: Michael Steiger <msteiger@apple.com>

Hi Ashley,

Michael and I will discuss your questions below and get back to you. I wanted to clarify a few things now from your email below, and the rest we will revisit in the near future:

- 1) I didn't say you aren't allowed to share concerns at any time during our conversation. I didn't comment on the difference in sharing concerns internally or externally. I said you have a right to discuss the terms and conditions of employment. We ask that you ensure the information you share is as accurate and complete as possible when doing so.
- 2) I wasn't present in your conversation with Dave, so I can't say what he did or didn't say. However, Dave seemed confident that he did not use the terms "warning" or "mental health issues" related to your right to speak about your concerns. He said that it wasn't a warning and he did not forbid you from speaking to others. He said that the intention of his message was aligned with my message above. He said he encouraged you to work with EHS to understand the data available fully.
- 3) I shared today that if others have concerns, they can connect with me or EHS directly- we are not asking you to broker those conversations. Rather, we would like to speak individually with each employee who is interested to allow them to address their concerns privately.

Thanks again for our call today. We will be in touch soon on the other clarifications.

Jenna Waibel

Apple Corporate Employee Relations

Corporate Employee Relations
510-396-7823 mobile
jwaibel@apple.com

This Electronic Mail (e-mail) contains confidential and privileged information intended only for the use of the individual or entity to which it is sent. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please immediately notify the sender by reply e-mail or telephone.

On Apr 27, 2021, at 10:27 AM, Ashley Gjovik <ashleygjovik@apple.com> wrote:

Hi,

Hi Michael and Jenna,

I'm looking for some clarity on what I'm officially allowed and not allowed to say about Apple's offices/buildings on chemical release sites.

I chatted with Jenna this morning and she said I'm allowed to speak about any concerns about the terms and conditions of my employment — but I can only share information that is “complete and accurate.” Further, she said I should not cause “panic” if there’s “no reason for panic.” In addition, she said if there’s any risk to employees safety, that communication would need to come directly from EHS. (Jenna, please confirm if this is a correct summary or not, and if not please clarify).

I mentioned to Jenna I'm still confused as to what that means. I had raised the issue weeks ago that my boss gave me “employee feedback” about my email with questions about the building and the VI testing, implied it was a “warning” because I was having “mental health issues,” and forbid me from talking to anyone about the Superfund status of SD01 or any of my concerns about working in SD01 related to the building other than to him and EHS. Jenna said he denied he said this, but he hasn't followed up with me directly to clarify anything. (Jenna, please note if that is not correct per your convo with him).

Michael the script you read when we first met was great and that's why I called out what Dave told me to Jenna, because it seemed in direct contradiction to what you said. So I'd really appreciate clarity here. When I talked to Jenna, I asked if I could even talk openly about the Superfund status of SD01 and she said only if EHS confirms that is complete and accurate information. I told her I think it would be best if I have you confirm some key points so I don't get in trouble later. So Michael, I have some questions for you below about what is “complete and accurate” — as well as some general questions, perhaps for both of you.

Questions for Michael (to confirm if complete and accurate)

- Y or N: The Stewart 1 is an EPA Superfund site called “TRW Microwave,” part of the EPA “Triple Site”
- Y or N: TRW Microwave is an active Superfund site.
- Y or N: The EPA calls the area “Triple Site” because three groundwater aquifers were contaminated with industrial chemicals, and all three became active EPA Superfund sites, and at some point all three groundwater plumes merged and/or overlapped into a triple-groundwater plume (including TRW's original plume, as well as the other two plumes now impacting TRW Microwave)
- Y or N: Until 2021, the latest indoor air vapor intrusion testing inside SD01 was in Dec of 2015.
- Y or N: Do you consider the EPA, DTSC, and/or Water Boards documentation on the TRW Microwave site (SD01) to be complete and accurate?
- Y or N: Does my building assignment (aka “my official desk is in SD01”) constitute part of the “terms & conditions” of my employment?
- Y or N: Do the other Apple buildings I visit for meetings also constitute part of the “terms & conditions” of my employment? (Aka the Siemens and Intersil Superfund sites)
- Y or N: Tantau 8 is on an active EPA Superfund site called “Intersil”
- Y or N: Homestead 1 is on an active EPA superfund site called “Siemens”
- Y or N: The Siemens groundwater plume is known to have contaminated the groundwater of the property that is now “Apple Park”
- Y or N: Apple Park is on several state water boards clean up sites (aka “HP”)

General Questions

- If Michael says a building on a Superfund is “safe,” (which I think is already implied because it sounds like EHS hasn't acted on SD01 recently), am I still allowed to express concerns about working on a Superfund or that specific Superfund? Or if Michael says the building is “safe,” am I not allowed to raise any of my own concerns about the safety or Apple's oversight?
- Do the criteria of — 1) complete & 2) accurate & 3) do not cause panic — apply only to sharing information internally with other Apple employees — or does that also apply to me speaking externally?
- Do your speech restrictions apply to me talking to the government about my concerns?
- How do we measure “do not cause panic”? A lot of people seem very concerned about working or living on/near Superfunds generally. Arguably, as they should be. If there is a fact that is complete and accurate (such as if Michael confirms SD01 is on an Active Superfund), am I still not allowed to share it if “it could cause panic.”? I'm confused how to navigate this one. The facts alone could cause panic, but that doesn't seem like it should be my fault. At the same time, I don't want to get in trouble.



Thanks,
-Ashley

—
Ashley M. Gjøvik
🍏 Engineering Program Manager
(408) 204-9976