

**CHRONOLOGY--EPA AND ITS PROFESSIONALS' UNION
INVOLVEMENT WITH CARPET**

July 1987: Dealing with a long-standing concern, the Union and EPA conclude a collective bargaining agreement (CBA) on indoor air quality; CBA establishes Facilities Advisory Committee (FAC).

October 1987: EPA begins installation of carpet, manufactured by EBSCO Mills, Dalton, GA. Employees begin to complain to individual supervisors about feeling bad from fumes.

December 1987/January 1988: Serious employee health concerns arise; one woman is taken to hospital in respiratory collapse. Industrial hygiene consultant is hired to interview employees with complaints.

February, March 1988: EPA begins air monitoring, aiming at formaldehyde levels. Increasing numbers of supervisors complain to upper management/Facilities about air quality impacts on employees.

April 1988: Meeting of FAC ends in uproar as employees storm out, some in tears after Facilities management reports results of IH consultant interviews and air monitoring, saying, "What's the problem, the air is as good as your living room." Union writes to Assistant Administrator Grizzle asking for halt in carpeting and further study. Staff uncovers FYI letter (from U. of Arizona) to EPA dated 1987 fingering 4-phenylcyclohexene (4-PC) as causative agent in carpet-related problems in Arizona.

May 1988: Committee of Poisoned Employees (workers so sensitized they are unable to work in EPA offices any longer) forms and holds demonstration at EPA HQ with unions. Local 2050 begins distribution of health questionnaire. EPA forms task force to study carpet problem. 4-PC discovered in indoor air in carpeted spaces at ca. 3-6 parts per billion. Union asks EPA to begin regulatory investigation. Union asks for data on where carpet was installed. Media pick up the indoor air quality EPA story.

July 1988: Task force dominated by management downplays Union's concerns, refuses to recommend removing carpet, proposes research into airing out the offending carpet. Union asks IG to investigate use of public funds to fix defective carpet, files grievances over failure to remove carpet, asks OSHA intervention. June air monitoring shows slow decrease in 4-PC levels. Some employees, unable to tolerate indoor air at EPA, begin working at home under informal arrangements with supervisors; others begin looking for work elsewhere.

August 1988: EPA establishes policy of not using 4-PC containing products in HQ facilities; begins process of accommodating injured employees, while officially denying injuries are carpet-related, or even that the injuries are "real". Union begins documenting numerous calls and letters from citizens complaining that they, too, have been injured by carpeting. Having refused to provide

data to the Union on where carpet was installed, EPA comes under pressure from Federal Labor Relations Authority to provide data and does so. EPA does literal "back-of-the-envelope" risk assessment and decides not to remove carpet; refuses to provide Union with copy of the assessment.

October 1988: Union testifies before House Energy, Environment and Natural Resources Subcommittee on carpet problems, management's uncooperative stance and possible Toxic Substances Control Act (TSCA) remedies, and calls for a formal health study of EPA employees.

November 1988: 4-PC levels measured at non-detectable to 0.07 ppb; these are last detectable levels of 4-PC measured at EPA HQ. Union and management begin work on Indoor Air Quality and Work Environment Study. Styrene-Butadiene Latex Manufacturers Council (SBLMC) meets with EPA to outline health effect research plans for testing 4-PC and to go over SB latex manufacturing processes, etc. They do no quality control on 4-PC levels or odor, they say. Union President attends the meeting as Risk Analysis Branch senior scientist.

January 1989: Union and management sign agreement on alternative work place assignments for employees no longer able to enter Waterside Mall. Carpet manufactures brief EPA/CPSC on carpet manufacturing processes. Union President attends the briefing.

February 1989: Health survey (part of Study, above) administered. Union gives seminar on findings re: 4-PC, soliciting EPA feed-back on possible regulation/testing. EPA says, "Go fish".

May 1989: Injured employees testify before Senate Environment and Public Works Committee on IAQ Bill of 1989, telling of EPA HQ experiences. Union President/Risk Analysis Branch Senior Scientist ordered not to attend work group meetings on EPA/CPSC project to study carpet complaints. This occurs after he notes that the investigative strategy neglects data on EPA HQ employees/air monitoring. Management says it won't use data for fear of lawsuits. Management says Union president has conflict of interest because of a grievance over carpet removal, though no such objections were raised at his attendance of carpet and SBLMC briefings in previous months. (EPA's own conflict of interest goes un-noted.) He writes a memo to management pointing out the flawed strategy and the ethical problems of not using EPA data in the regulatory investigation because of fear of lawsuits. The memo generates no response.

June 1989: Union and management begin negotiating removal of carpet. More phone calls and letters from public continue to accumulate on carpet problems around the country. Media coverage of EPA case continues to grow; foreign press pick up the story.

September 1989: Carpet removal begins from "hot spots" revealed by health survey of February. In a Washington Times article on the removal, EPA's Director of Health and Safety say, "The freshly

manufactured carpet clearly caused the initial illness..". He is removed from that job with in a few weeks. Union ex-President testifies (pro bono) in a carpet tort action in Cincinnati, but is not permitted by the judge to tell the jury his analysis of 4-PC's role in injuring the plaintiffs is based on documented injuries to EPA employees from such carpeting. Jury finds for defendant; interviews with jurors reveals they would have found for plaintiffs had they been permitted to consider the prohibited testimony.

October 1989: Management makes overtures toward (finally) working cooperatively on solving IAQ problems at HQ (based on advance knowledge of results of February health survey). Appointment of a new Director of Health and Safety is announced.

November 1989: Results of health survey are released; findings include "unacceptably high levels of complaints", comments from physicians and IAQ researchers that some employees are in imminent danger. Labor-Management Health and Safety Committee (LMHSC) is formed to study and make recommendations to management on IAQ issues. Assistant Administrator Grizzle tells employees he should have listened to the Union when it recommend carpet removal. Union decides after much soul searching to file a petition under section 21 of TSCA, asking for regulation and testing, based largely on EPA's own data; the petition is filed in December.

December 1989: TSCA section 21 petition is filed. LMHSC begins meetings. Office of Toxic Substances calls a meeting with Union officials to go over process for considering the petition. Union objects to inclusion of two people on the petition work group who have already expressed negative opinions on the merits. Objections not honored.

January 1990: TSCA petition is re-filed on the 11th. No opportunity is given Union to present its case to petition work group. Carpet and Rug Institute and the Styrene-Butadiene Latex Manufacturers Council make presentations to the group.

March 1990: EPA tells the Union "off the record" that its petition could potentially cost the carpet industry "billions of dollars", and that it will not grant the petition. Instead, it proposes, in response to Union overtures to negotiate, to convene a "carpet policy dialogue", involving carpet-related industries, EPA CPSC, OSHA, NIOSH, and a host of others (except representatives of carpet layers and people with multiple chemical sensitivity), to look at alternatives to regulating. EPA asks the Union if it wants to participate. We say, "Sure".

April 1990: EPA denies the petition in the FR, citing a lack of scientific certainty (which is not the standard required by TSCA to take regulatory action) of 4-PC's, or even of carpet's, involvement in any adverse health effect. The FR notice establishes the Dialogue, restricting it from considering health effects, and tasking it with characterizing the total volatile organic emissions for carpet systems and with looking for ways to control emissions.

EPA's Indoor Air Division Director privately tells attendees at an indoor air conference in Virginia that, "Everyone knows the new carpet made people sick", while publicly making disingenuous denials.

June 1990: Union files suit, through two of its officers, over the petition denial to protect options. Plaintiffs later petition court to withdraw prejudice; this is granted, but subsequently EPA moves to kill the suit and the court grants EPA's motion.

August 1990: Carpet industry representatives brief EPA, CPSC, NIOSH, OSHA, Union and others on their approach to addressing issues raised in the petition; a preview of the dialogue which begins later this month. Springfield (VA) High School gets new carpet. Through the Fall and into the following Spring, numerous faintings occur there, and a student suddenly dies in April 1991.

September 1990: Data are flashed on an overhead projector screen showing results of testing 19 different SB-latex-backed carpet systems. The data show that after a very few days virtually the only compound emitting from these carpets is 4-PC. Union rep notifies meeting that he is likely to be testifying in tort actions and that he doesn't want to be exposed to any confidential business information. The presentation of data continues, but industry will not provide hard copy of the overhead slides. Four months later the data are given in hard copy form, and recipients sign a confidentiality agreement. Argument arises over whether emissions test results will include identification ("speciation") of compounds emitted. Industry says to do so will lead to health hazard assessments, which "falls outside the scope" of the dialogue's charter. Little pressure is put on industry to provide speciation data as a test agreement is discussed.

November 1990: Industry continues to state, as it had throughout August and September (and before) that there is no "credible" case of anyone's being injured by carpet emissions, and health assessment-related activities, such as speciation, are therefore not needed. Union representative is deposed for a carpet tort trial. He makes a presentation to the dialogue plenary on the need for speciation data to discharge the dialogue's duty to seek ways to control emissions. Dialogue plenary accepts CRI test proposal with some modifications; Union, Hal Levin and AFSCME rep file minority report objecting to lack of call for speciation in the test agreement. Union contacted by employee of New York school unable to work following installation of new carpet--more later on this.

January 1991: Union consults with EPA and dialogue facilitator re: engaging dialogue reps in investigating the New York school case. EPA says, "Keep it out of the dialogue, send EPA a letter." This is done. Four months later EPA responds saying its too late to do anything, and it wouldn't have been worth the effort anyway since no scientific negative control was employed during the installation.

March 1991: EPA informs Union rep that it is illegal for him to be using official time for dialogue work, citing 18 USC 205. Union rep asks guidance on accepting travel expense to testify (pro bono) in a carpet trial, under subpoena. Ethics official first says EPA would move to quash the subpoena, then says "Don't write that down, I'll deny having said it". The ethics official later provides written permission to accept a train ticket to Philadelphia for the trial, writing that Union testimony does not involve official EPA policies etc. The suit "goes away" the day before testimony is to begin.

April 1991: New York's Attorney General petitions CPSC to require warnings to consumers that some carpet may cause adverse health effects. In June EPA's Indoor Air Division Director writes to New York Attorney General, copy to CPSC, saying his petition is not needed. (Questions about whether the letter was solicited by a third party remain unanswered.) In July the Union writes to the New York Attorney General and CPSC condemning EPA's letter saying warnings are not justified. EPA tells the Union it is illegal to use official time to talk to the public about the carpet issue. Union appeals to citizens to whom it has provided information on EPA's carpet case for help by writing Congress.

June 1991: Union President/dialogue rep appears on Larry King Live and, among other things, expresses his concern that the recent (April) death of a Springfield High School student might be related to carpet emissions. CRI asks EPA to do something about this person. Union man explains basis for concern to EPA, and asks EPA how it can explain persistent complaints in carpeted spaces coupled with CRI's data showing only 4-PC is emitting after a few days without invoking 4-PC as a principal suspect. EPA says it "Can't". EPA tells Senators and Representatives inquiring about EPA attempts to silence the Union that the Union is using official time to "represent" these citizens, a violation of law. Union contends it has the right/duty to inform inquiring citizens about working conditions of its bargaining unit, including IAQ problems. The issue goes to the Federal Labor Relations Authority.

July 1991: Dialogue begins finalizing its public communications instrument, a brochure for distribution in carpet retail outlets. Union gets clearance from the dialogue to be listed on the brochure as a source of further information. After this happens, EPA and industry fight for language on health effects to the effect that there is no evidence linking adverse health effects to levels of chemicals emitted from carpet. Union fights to modify the language to no avail. The EPA Indoor Air Quality and Work Environment Study, Vol. IV, which makes the link between adverse effects and presence of carpet or carpet fumes, is dated June 1991. EPA makes the point that information providers are going to have to sign on as participants in developing the language of the brochure.

August 1991: Montpelier (VT) High School gets new carpet in several rooms.

September 1991: Union votes to sign on as participant in developing brochure language as the price to be paid for listing as an information source. EPA, after learning of the Union vote, tells the Union that OGC has a problem with the Union's listing because it might use official time to answer questions from citizens. Union de-fuses this objection by having its National office handle calls. The dialogue ends with EPA and industry still trying to keep the Union off the information list, saying that the "special: relationship between EPA and the Union will confuse people. EPA and industry relent on the "no link between carpet emissions and adverse effects" to the extent of adding that there is only limited research on the subject. However, EPA at this time knows of ASTM Method E 981, the mouse pulmonary suppression assay, and that some carpet has shown potent irritancy in the assay. EPA's Indoor Air Division Director states that if the Union is listed as information source CRI will not distribute the brochure. Union submits FOIA request for records of communications among EPA, CRI, SBLMC, etc regarding Union's role in dialogue and as an information source; EPA promises a reply by Oct. 31, fails to do so; Union turns documents over to attorney for lawsuit in January. Several students at Montpelier HS get sick in carpeted rooms; one has history of carpet-related illness.

October 1991: CPSC refuses to docket the New York Petition to mandate warnings to consumers about carpet, citing alleged deficiencies in the petition and work the dialogue is doing to study the problem.

November 1991: EPA's General Counsel opines that there is no legal basis for keeping Union off the information providers list.

December 1991: EPA asks for Union approval of minor changes in brochure text, for Union distribution plans, and whether 5000 copies is enough. Samples of carpet and room air from Montpelier HS are analyzed. Significant levels of 4-PC are found. In response to requests for information, EPA sends to school officials copies of its denial of the Union's petition and its letter to New York Attorney General re: carpet warnings not needed. No mention of EPA IAQ study or of its policies re: non-use of 4-PC products, replacement of 4-PC carpet with polyurethane-backed carpet and no complaints about this product. New York rebuts CPSC's refusal to docket its petition; Attorneys General of 25 more states, including Oklahoma and Vermont, join New York in asking CPSC to take action.

January 1992: EPA asks Union if it will voluntarily withdraw from information providers list as others have done, to get around the controversy by letting EPA and CPSC handle info requests. Union asks EPA and CPSC what they will tell inquirers. the agencies reply with information that does not include EPA's IAQ Study results or its policies and experiences with 4-PC carpet; CPSC relies it will send out its "no cause-and-effect relationship has been found between carpet and adverse effects" information. Union proposes MOU listing info to be provided by EPA/CPSC that includes results of Vol. IV of EPA Study plus EPA's policies and experiences

on carpet. EPA says it would have to give other dialogue participants a chance to have "their point of view" represented too, so it won't sign the MOU. EPA issues Vol. IV of its IAQ Study with a covering memo to employees that doesn't use the word "carpet" in discussing Vol. IV findings.

Union contacted by Anderson Labs, Dedham MA. They are studying IAQ problems using mouse pulmonary suppression assay, ASTM Method 981 E, and finding that some, but not all, carpet causes pulmonary suppression in mice. EPA knows of their work, they say.

In April, Anderson Labs reports mice having died from repeat exposures to "complaint" carpets sent in by consumers; mice also die from repeat exposure to 4-PC alone, and the pattern of response is similar to that of "complaint" carpet.