



# National Federation of Federal Employees

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Local 2050

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Dear Dr. Moore:

This is to enter into the administrative record of the Carpet Policy Dialogue my Union's preliminary response to the events that transpired at the plenary meeting on September 27, 1991, and to provide a fuller background for understanding them than is available through the extant Dialogue minutes. I trust that you will see that these remarks find their way into the record.

I first must comment on the way in which your colleague, Ms. Smart, took notes during the exchange between me and Mr. Van Gelderen of the Carpet and Rug Institute concerning my involvement in news stories reporting on adverse effects of carpeting. She took what appeared to me to be copious notes on the remarks made by Mr. Van Gelderen concerning his opinion of my involvement, asking me to refrain from beginning my reply until she had finished transcribing his comments. Then when I made my reply, I was struck by what appeared to me to be her lack of interest in what I was saying, to the point of not writing at all until I pointed out her peculiar behavior regarding balanced recording of the exchange. I do not believe such behavior is consistent with that to be expected from a representative of a firm doing the job yours was supposed to be doing on that day.

During the plenary session of July 31, 1991, though not reflected in the minutes, the plenary accepted my self-nomination of Local 2050 as an information source to be listed on the public brochure, provided, as would all such listed sources, the Local approved of being listed as a participant in the brochure's development. I recall considerable emphasis being placed on the requirement for approval to be listed as a co-developer of the brochure, especially by EPA's Messrs. Axelrad and Auer, in order for an organization to be listed as an information source. (During the discussions on September 27 of our Union's being listed as an information source, it was again noted by several plenary participants that self-nomination was the mode of entry onto the information providers list.)

During the hour-long July 31 discussions of the brochure's language regarding health effects, I argued, virtually alone, for modification of that language. I sought to reflect the fact that there was some evidence of adverse effects, or, at minimum, that there was only a limited amount of research to date on the subject.

EPA's Messrs. Axelrad and Girman were among those leading the opposition to my point of view. Then, on September 27, as though they had spent time on the road to Damascus, Messrs. Axelrad and Girman miraculously converted to the "limited research" school of thought, supporting the American Lung Association's and the American Federation of State, County, and Municipal Employees' demand--prompted by their respective panels of scientific reviewers--to include the change they had opposed eight weeks before. (What prompted their shift in position? Possible answers flowing from an analysis of Mr. Axelrad's position on inclusion of the Union as an information source are intriguing, to say the least. Further, I note that the minutes of the July 31 meeting do not reflect the vigorous, hour-long debate that day, nor Mr. Axelrad's part in it, as though the fight had never occurred, and I wonder why. Granted that I missed an opportunity to send in comments on the minutes to that effect, but what is the purpose of the minute-taker if not to accurately record in the first place important events in a meeting? Further still, I note that when I objected to the minutes of July 31 not being subjected to a consensus call--for the first time ever in the Dialogue's operations-- Ms. Smart did not inquire whether anyone else was interested in a consensus call, but simply charged right ahead, again changing a past practice. This whole matter is, in my view, another example of very seriously biased work on the part of CDR in this project.) It was after the long and very intense debate on July 31 that Messrs. Axelrad and Auer made special note of the requirement to be listed as a co-developer of the brochure in order for an organization to appear as an information source. Why the special note of that requirement was made after the debate appears obvious.

On August 2, 1991 I sent a letter to Richard Leukroth, EPA's coordinator for the brochure, copy to Ms. Smart, explaining why I fought so hard for modification of the brochure's language on health effects. I also explained my understanding of why EPA and industrial interests fought for the contrary position, and I noted that recent work had moved some of the evidence for adverse effects beyond the "anecdotal" stage (Volume IV of the Indoor Air Quality and Work Environment Study of EPA Headquarters, though I did not cite it specifically in my August 2 letter, assuming that EPA was aware of that work). I mentioned EPA's reluctance to get involved in other field studies that might produce more evidence linking carpet with adverse effects, the existence of an epidemiology study (ignored by EPA and CDC) that showed excess leukemia deaths among carpet production workers in Georgia, and EPA's policy of not using 4-PC-containing products at Headquarters. In this letter, I was informed by several sources, discomfited by the evidence, and no doubt led them to understand what sort of information might be forthcoming if the Union were listed as an information source.

On September 5, 1991 I sent a memorandum to Union members calling for a vote on whether to be listed as a participant in the development of the brochure and as an information source. In calling for the vote, a copy of which call went into the hands of

the EPA's Office of General Counsel, I noted that in order for the Union to be listed as an information source, it had to approve its listing as a participant in development of the brochure. I explained the nature of the brochure, its intended audience, etc., and noted my disagreement with its language on health effects. I pointed out that, given the composition of the Dialogue group, the language finally accepted on July 31 was about as forthcoming as could be expected, and that having the Union listed as an information source would provide a mechanism for making available a view of carpet toxicity not shared by the industry and the current Administration. The vote was 94.6 % for listing, 5.4% against.

On September 13, 1991, I informed EPA through Rich Leukroth that the Union had voted to be listed as an information source and co-developer of the brochure.

On September 18, 1991, I was informed that EPA's General Counsel was looking into whether the Union could be listed as an information source (as though it had authority to do that), and the reason cited at that time was concern over the possible use of official time by the Union to take and respond to inquiries.

On September 19, 1991 I sent a letter to the General Counsel of EPA explaining why the official time dispute should not preclude the Union's listing, and noting that in the hypothetical case in which the Union might use no official time whatsoever for activities related to the brochure EPA would be hard pressed to rationalize an attempt to prohibit our listing. (I simultaneously submitted a Freedom of Information Act request for copies of communications to various EPA Offices from any participant in the Dialogue regarding the Union and its role in the Dialogue.)

Apparently having taken note of the Union's argument that its listing was not a matter for EPA, but for the Dialogue plenary, to decide, and having taken note of the fact that the official time dispute was not a matter in which the Dialogue plenary had standing to participate, EPA came up with another rationale for excluding the Union. This was more or less articulated by Mr. Auer on September 27, to the effect that the "special" relationship between the Union and the Agency might lead to some "confusion" on the part of those seeking information; this, based on the difference between the Agency's and the Union's beliefs about problems with some carpeting. But, perhaps anticipating another argument from the Union that the "special" relationship did not seem to present any problem to EPA during the course of the dialogue, when the Union and the Agency were often at odds, Mr. Axelrad apparently could not resist giving the real reason for the move to cut the Union out of the information program. Mr. Axelrad's "letting the cat out of the bag" seemed to occur in response to the stimulus of Mr. Van Gelderen's complaints (so studiously recorded by CDR, cited above) about the information already given by the Union about its experience with carpet toxicity.

Mr. Axelrad asked what information the Union planned to give out, and I responded that the paper which Dr. Morison and I co-authored would be the principle instrument. Mr. Axelrad then noted that some of the information given out by the Union met with his displeasure (as well as that of the Carpet and Rug Institute). That is, he stated that if the Union were included as an information source CRI would refuse to distribute the brochure.

To finally get the Agency's prime reason for wanting the Union out of the information program into the light of day was refreshing, if ominous for the future of the "dialogue" process for other Agency projects.

The issue of whether the Union will be listed as an information source is still outstanding according to Mr. Auer, it being under review by EPA's General Counsel. I noted that the Union considered an agreement to exist between itself and the Dialogue, to the effect that our self-nomination was sufficient to get us listed as an information source, provided we sign on as co-developers of the brochure, which we have done. I noted that EPA has no role to play in that agreement. I stated that if the agreement were abrogated by the Dialogue, it would be my recommendation to the Union that the bad faith so evidenced should render all agreements between the Union and the Dialogue null and void.

The Dialogue then ended its year's work at the conclusion of the September 27 meeting. The ending seemed appropriate. Speaking only for myself, the insult to the legitimacy of the dialogue process as a whole and to those who devoted so much energy to its major public communication instrument, the official brochure, was remarkable when Mr. Van Gelderen proudly displayed an already completed public information brochure produced by CRI and distributed copies around the table.

What amusement he and others around the table who were aware of this brochure's existence must have felt during the protracted day and a half "debate" and "negotiations" among CRI, EPA, the American Lung Association and the American Federation of State, County and Municipal Employees over inclusion of the "limited research" language for the health effects section in the official brochure!

Some interesting questions arise from this display of arrogance. Who else knew of the CRI brochure's existence before September 27? What arrangements exist among various parties around the table regarding the two brochures? Which, if either, brochure will the various parties to the dialogue distribute? What commitments exist for parties that signed on to the official brochure regarding its exclusive use by those parties for public communication? How much public money was wasted in developing the official brochure? What are the implications of this kind of practice--and the special relationships it implies--for future "dialogues"? And on and on.