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# Inside The Fishbowl

## Official Newsletter of NTEU 280

JUNE 2002, VOL. 18, NO. 4

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**NEW UNION TELEPHONE NUMBERS**

Jim Murphy, President -	202-566-2786
Dwight Welch, Executive Vice President -	202-566-2787
Bill Hirzy, Senior Vice President -	202-566-2788
Rosezella Canty-Letsome, Chief Steward -	202-566-2784
Main Union Number -	202-566-2785

(Remember you must dial "9" first in DC, and "9-202" in Virginia)

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**READER FEEDBACK**

(Note: Readership feedback is too extensive to publish every one, so here is a sampling of the best.)

"Holy horse apples batman! Some of the best stuff I've read in a long time. You have the brass of a tuba sending this stuff out. Have you no fear of retribution?"

(Name withheld by request)

Dear Robin,

You bet we fear retribution. Indeed, it is beginning to feel like it did when George Bush was President. Wait a minute.....

-Ed

[Apology to Tom Steeger](#)

Some long time members visited me to voice their comments on the John Jordan article last month. They told me that supervisor Tom Steeger was a really stand up guy, treated his people fairly, and wasn't the type to suck up to upper management. It seemed to me at the time that Mr. Steeger seemed to be complying with upper OPP management's vendetta to get John Jordan. But Mr. Steeger was new at the time, so perhaps he has learned since then to support his employees. Sorry Tom, we offer you the chance to voice your opinion in these pages. Unlike EPA management, we admit when we make mistakes, and this may have been one of them.

Lots of other members called and wrote, however, to say that my comments regarding Kevin Costello were on the money. We gather he is not well liked.

Kudos for May INSIDE THE FISHBOWL

I am glad you brought two specific discrimination cases to everyone's attention. As you know, concrete and specific are two of the principles good communicators use. Although I don't personally know any of the victims or any of the supervisors/managers you mention, the stories sound exactly like mine--only the names have been changed. "Getting people" is certainly an OPP specialty, although not limited to OPP.

I have assumed that part of supervisory/SES training includes sessions on getting rid of employees you don't like, for whatever reason. Too bad that the negative lessons are so much easier to learn than positive ones.

Keep up the great work.

(Name withheld by request)

Dear Kudos,

It is not often that we have grievants with the guts to speak out like Drs. Sylvester and Jordan; these are brave men and deserve the true credit.

-Ed

We Don't Publish Anonymous Letters

We also received a letter from an anonymous OIG employee complaining of racial bias in that Office, but since we do not publish letters when the sender does not identify him or herself, we cannot publish the letter now. But if that person will come forward and identify him or herself, we will publish the letter and withhold the name of the writer.

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HEADQUARTERS UNIONS REQUEST SUMMIT MEETING WITH  
ASSISTANT ADMINISTRATOR MORRIS X. WINN

Below is a joint memo by both NTEU 280 and AFGE 3331, signed by both Executive Boards. This is followed by Mr. Winn's reply. Which in turn is followed by a reply by EVP Dwight Welch. Of interest in Mr. Winn's memo is the "p" word, "partnership"; we thought it taboo under this administration.

MEMORANDUM      June 4, 2002

SUBJECT: Labor Relations - Headquarters Unions Conference

TO: Morris X. Winn, Assistant Administrator

OARM

FROM: Executive Boards (See signature page)

NTEU 280

AFGE 3331

We the undersigned officers of the EPA Headquarters Unions seek that you organize and chair a meeting between our unions and the Labor-Management Relations Office. In your meeting with Rosezella Canty-Letsome and Dwight Welch on March 8, 2002, you proposed a "summit conference" between LMR and the HQ Unions. Nearly three months have passed since your proposal, with no meeting in sight. Meanwhile, there are many problems and issues that we feel are being created/mismanaged by the Labor Relations Office and we feel it necessary to communicate about these issues in order to resolve them. Below is a list of issues we feel need to be discussed:

1. Management Accountability - While the Unions have been demanding this for years, and the current Administration pays it lip service, the plain fact is that there is no management accountability. Managers are free to violate law and regulation without fear of punishment. Indeed, many management violators of law and regulation are rewarded, promoted, and praised. The LMR office acts as the great enabler of this lack of accountability.
2. Principles of Scientific Integrity (PSI) - Although developed by the National Partnership Council in 1999 and issued as policy in March of 2000, the PSI have, to date, yet to appear on any EPA website. There are no mechanisms for enforcement or dispute resolution. Finally, LMR has repeatedly stated, contrary to law, regulation, and Collective Bargaining Agreement, that violations of these principles are not grievable.
3. Unequal discipline of black and white employees. Analysis of both the Unions' and EPA's own data indicate a consistent disparity of treatment when it comes to disciplining employees for the same infractions. The data indicate that black employees receive consistently harsher punishments than white employees for the same infractions, and as indicated in #1 above, managers receive no punishment at all.

4. Prohibited Personnel Practices - EPA's system of preselection and other prohibited personnel practices is illegal and must be dealt with. Job announcements need to be generic and not specially tailored to fit the qualifications of preselected individuals. OARM needs to cease and desist with its cooperation with program managers to implement this illegal practice.

5. Investigations and Hearing by Charged Managers - Managers who are currently charged with violations of law and regulation are consistently allowed by LMR to conduct investigations and hearings on themselves. Not surprisingly, these managers consistently find themselves "not guilty." At your meeting with Ms. Canty-Letsome and Mr. Welch, you promised you would "speak to Steve (Sharfstein)" about this policy and agreed it was "stupid." Thus far, it would appear that this conversation has not taken place, or that Mr. Sharfstein has completely ignored it. Grievances are continuously reaching advanced stages (Step 3 [NTEU] and arbitration [NTEU, AFGE]) because of this. The rationale often given by both managers and LMR is that they do not want the issues involved to go before the political appointees. It is time for Assistant Administrators and the Administrator to take some responsibility for their programs/agency. Responses to grievances against Mr. Sharfstein and his staff have been investigated and written by Mr. Sharfstein and his staff. There is no accountability for the often sleazy and sometimes illegal activities of LMR.

6. Inconsistent Treatment of the Unions - While NTEU 280 has been granted a meeting with both you and the Administrator, AFGE 3331 has been consistently denied this opportunity. Also, LMR inconsistently applies policies such as official time to AFGE's detriment.

7. Inconsistent Application of Policy by LMR - The LMR is consistently changing the rules of negotiation and grievance to suit itself. For instance, in a hostile work environment, if a chronology of events is given leading up to the most recent violation, all incidents over 28 days old are deemed "untimely." If only the most recent event is given, the grievance is deemed as "incomplete." No matter what the violation, nor how meritorious the complaint, there is no possibility of resolution satisfactory to the grievant under these continuously changing rules. Further, LMR has consistently tried to reverse past precedents.

8. Conspiracy to Deprive Employees of Representation - A conspiracy between former AFGE 3331 President Carolyn Lowe and Steve Sharfstein and his employees has served to deny representation to Darlecia Howard, Marsha Coleman-Adebayo, Anita Nickens and probably other employees. Although evidence exists to support these allegations, no one in your organization has taken responsibility for looking at the evidence.

9. Failure to Problem-Solve by LMR - Most Labor Relations Specialists not only do not engage in problem solving but actually aggravate on-going problems. As example, in many cases when the Unions and managers have been close to resolution, and then LMR gets involved, the situations get blown up all out of proportion. It is as if the office seeks to create additional work for itself and this is evidenced by its recent large increase in personnel. In the example stated in #7, the net effect of using the "untimely" strategy is to increase one grievance to many small ones.

10. Sharfstein Doing End Runs Around the Unions - Rather than to call up an officer or President of each Union to deal with specific problems, Mr. Sharfstein has exhibited the bad habit of complaining to the National Unions. This bad habit clearly demonstrates his inability or unwillingness to solve problems at the local level.

11. Confidential Information being Leaked by LMR - The evidence suggests that LMR leaks confidential information to the detriment of employees and the Unions.

12. Selection by Sharfstein of the Worst Possible LMR Specialist - Mr. Sharfstein seems to select the worst possible LMR Specialist for any given grievance. For instance Stewart Speck, who has been grieved against by for using racially offensive language is often selected in cases which are highly racially sensitive. Another instance is Tonya Hamlett being replaced by Matthew Green in a violence in the workplace grievance by President Petty-Callier, when charges by Ms. Petty-Callier against Green in another matter are still pending.

13. Mr. Sharfstein has repeatedly held the NTEU Collective Bargaining Agreement hostage to current situations of injustice here at EPA. For instance, Mr. Sharfstein delayed the opening of negotiations based upon e-mails calling for management accountability in instances of racial discrimination. Or another instance was taking the Principles of Scientific Integrity off of the bargaining table because Dr. J. William Hirzy filed a Union grievance on this issue.

14. Legitimate/Illegitimate Use of E-mail - While attempting to limit the Unions' legitimate use of e-mail for bargaining unit issues, Mr. Sharfstein has consistently looked the other way to the illegitimate (prohibited by law) use of e-mail for campaigning, internal union business by certain former Union officers.

15. Interference in Internal Union Business - Mr. Sharfstein has consistently interfered with internal Union business by supporting rival factions within the Unions and inserting his "back pocket" officers into issues in which they had no business. For instance, in a meeting between Administrator Browner and her staff and EPA VARD, NAACP, NTEU 280, and AFG 3331, Mr. Sharfstein inserted Mr. Alan Hollis who was purposely NOT invited to the meeting. When the Administrator insisted upon Hollis' presence, EPA VARD and the HQ Unions insisted that he sit on the management side of the table where he belonged.

The current situation is one of warfare between the Unions and LMR. We are unclear as to whether, LMR's directions are coming from the Office of the Administrator or Mr. Sharfstein is taking his own initiative in this, but the perception down in the ranks is that Administrator Whitman and, now increasingly, you are hostile to employees and their rights. We ask for a prompt meeting to resolve these issues rather than the current state of escalation. We are looking at other options to deal with what we believe are actions by agency officials which rise to the level of mismanagement, waste, bad faith and fraud. We will hold you, as the Assistant Administrator of OARM, accountable for the actions of your staff.

## MR. WINN'S RESPONSE

Mr. Winn's response to the group. However, the response is directed at Dwight Welch:

Dwight, I realize that my apparent silence signals the unfortunate and incorrect conclusion that I and this Administration lack interest in employee issues that are on the labor radar screen. Of course, employee issues and employee matters are and have been the cornerstone of my career. I have been concerned and very disappointed in the manner that this Office and this administration has been characterized in some of the communications from your office. Partners or groups working to build and foster partnerships do not add value to a relationship by such actions. In any event, I intended to (as you stated) have a "summit" meeting to address global and labor-management issues, some of which you referenced in your email.

I have asked my staff to contact your respective offices with a set of proposed dates for such a summit meeting. I believe that much benefit will be derived from this summit if we agree to have a facilitator conduct the meeting. We can prepare an agenda that reflects your concerns as well as concerns from management and this office. I am committed to fostering a work environment and relationship that works for our employees/your members and welcome all constructive input that will foster EPA remaining "the workplace of choice".

## EVP Dwight Welch's response to Mr. Winn:

Morris,

Thank you for your expeditious reply. I apologize for my impatience, however, you should consider where I am coming from. The well respected Representative F. James Sensenbrenner, as Chairman of the House Committee on Science in his hearings called EPA a "garbage can." Since these hearings, there have been no communications between the Administrator's Office and the employee leaders who brought EPA issues to Congressional attention. Rather, the sole communications have been between the political appointees and those who created the "garbage can." I also apologize if our memo and other Union communications hurt your feelings.

With almost no communication between the political appointees and the Unions, we have no idea whether Mr. Sharfstein's vendetta against the Unions is being taken on his own initiative or as a malevolent directive from above. The climate of labor relations has certainly declined precipitously since the change in Administrations, not that it was anything to write home about before. If your inputs are solely from career management, with none from the people actually doing the work in this agency, the chances of reform become practically hopeless.

When I first arrived at EPA some 26 years ago, one of the first things I noticed was that there was a lot of racial tension at EPA. I was unfamiliar and uncomfortable with such tension, perhaps because of where I came from. It took me a considerable while longer to realize that

people who act in a conscientious manner, who perform their job ethically, often become the object of intense retaliation--their lives and careers are literally destroyed.

From then to now, things have not gotten any better, they have gotten far worse. Prohibited Personnel Practices, hostile work environments, and the like are practiced with a cavalier disregard of the rules and regulations. Managers know that they can do anything they like and nothing adverse will happen to them, indeed, in the ensuing cover-ups they often get rewarded, promoted, praised. Some Labor Relations specialists sit across the table from us with a cynical smile, proposing interpretations that would insult any intelligent person, knowing full well that their actions in defending the morally indefensible will be rewarded.

As I wrote to you early on, if you plan to be a reformer, consider me on your team. But for every month of delay in reform, that many more employees have their lives and careers destroyed, that many more suffer the medical consequences of stress induced illness. It is our job to advocate for employees. For us to remain silent in the face of injustice, would be us not doing our jobs. Consider, 15 out of 16 of the officers of both Unions heartily endorsed the Union memo. With such a strong consensus, can there be any doubt that serious problems exist within the Labor Relations office? I was not the creator of the memo, but rather the collector of the issues expressed by all. These are some of the worst of our problems and they are hardly trivial. Also, consider that we are still trying to work within EPA. Again, I apologize for my apparent impatience, but justice delayed is justice denied.

I look forward to working with you to make this "the workplace of choice." I imagine that we can accomplish far more working together than at odds. But until there is management accountability, until managers are subject to the same penalties for violating the rules and regulations as are the rest of us, no work group or conference will accomplish any meaningful reform.

-Dwight

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## **X-BYTES**

Dwight Welch, Executive Vice President

## **QUOTES OF THE MONTH**

"I appreciate the opportunity to bring a matter of public health threat to your attention. This does not refer to a threat from outside forces, but from within our own ranks. A number of times in



recent years, the setting of safe standards for different environmental toxins have been set by the EPA, based not on scientific data but rather on political expediency by mid-managers who had no scientific credentials.

“I find it particularly unpatriotic for someone to subvert the health of our people by way of fraudulently altering data. Who needs terrorists when we allow this behavior from a few ‘public servants.’”

Dr. Richard D Fischer, DDS to a letter to Senator John Warner regarding Administrator Whitman’s failure to support the “Principles of Scientific Integrity”

“The Office of Pesticide Programs has a chance here to make one of two distinct statements. It can take no corrective action against Williams in which case the message sent to all of the Office of Pesticide Program is that ageism, racism, retaliation, and prohibited personnel practices will be tolerated when committed by management. The preferred message that should be sent is that ageism, racism, retaliation, and prohibited personnel practices **WILL NOT** be tolerated in the Office of Pesticide Programs.”

Dr. Joseph Sylvester in Step 3 grievance against Branch Chief Arthur Jean Williams to Director Marcia Mulkey (See next article)

## The Continuing Saga of Dr. Joe Sylvester, Dr. S. Suggests Unique Resolution

As reported in the last issue of [Inside the Fishbowl](#), Dr. Joseph Sylvester of the Office of Pesticide Programs (OPP) filed a grievance charging discrimination and retaliation by his branch chief Arthur Jean Williams. On the same day as the grievance, we also went down to the EPA OIG to file charges concerning suspected misuse of government funds. A couple of days later the shredding machine was going full throttle in the branch office. Also reported was the fact that division director Anne Lindsay did not exactly bargain in good faith over this grievance. Dr. Sylvester has appealed the grievance to Step 3 which is OPP Director Marcia Mulkey and two program level managers outside of OPP.

We also reported that Joe did a very innovative approach to incriminating Ms. Williams, namely to have his case bolstered by an outside investigation. We continue on the cutting edge as this grievance contains unique ideas for relief.

But first a quote from the grievance of the charges against Williams (Accused Violations of the EPA Conduct and Discipline Manual and Penalties for First Offense):

#5. - Making false, malicious or unfounded statements against...subordinates...which tend to damage the reputation or undermine the authority of those concerned.

First offense - Written reprimand to removal.

#7 - Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.

First offense - Written reprimand to removal.

#16 - Deliberate misrepresentation, falsification, concealment or withholding of a material fact....

First offense - Written reprimand to removal.

#33 - Discrimination based on race, color, sex .....

First offense - Written reprimand to removal.

#44 - Willful concealment, removal, mutilation or destruction of a public record. (Note: Shortly after I filed my grievance and reported her suspected misconduct to the EPA OIG, Ms. Williams and an accomplice were observed by a number of witnesses shredding a large number of documents.)

First offense - Removal.

Depending upon the outcome of the OIG investigation, additional charges such as misuse of government money and conducting personal business while on duty may be appropriate.”

Next comes Dr. Sylvester’s suggestions for corrective actions of the branch chief for her alleged illegal activities:

“Ms. Williams - As suggested above, could be removed from service as outlined in the EPA Conduct and Discipline Manual. This, I feel, would destroy her life and career. Even though she has attempted to destroy my life and career, unlike her I am a compassionate and forgiving person, and therefore, believe that something short of the extreme would be warranted. I submit the following suggestions:

1. Removal from supervisory duties and/or,
2. A suspension without pay and/or,
3. Put Ms. Williams on a (management) Performance Assistance Plan and/or,
4. Management training.”

The idea of a PAP is an intriguing one. Perhaps the Union could negotiate with OPP management some performance goals such as treating all employees with dignity and respect despite their age, race, etc. Another performance goal would involve knowledge of what constitutes Prohibited Personnel Practices.

Senator John Warner, the Senior Senator from Virginia and the sponsor of the NO FEAR law in the U.S. Senate has written a letter of inquiry on Dr. Sylvester's behalf. It will be interesting to read the response.

Meanwhile Joe reports he is being ostracized in his division. The scene reminds me of a Discovery Channel special. On the African Savannah, while a clan of hyenas is busy ravaging a hapless zebra, the other members of the herd seem immune to, and ignore, the victim's cries of pain, not realizing that their combined kicking power could shortly dispatch the unsavory clan. But we as EPA and OPP professionals are not a bunch of mindless ungulates. So next time you see Joe, tell him "Hello" and offer him some comfort and support. For you may very well be the next victim of the "clan."

## What's Wrong with Government

### (And the Administration is Not Fixing It)

By now everyone is aware of the disclosures of FBI whistle-blower Coleen Rowley. Agent Rowley claims that mid-level management blocked her efforts to foil some of the 9/11 hijackers. Ms. Rowley further claims the manager who did this was promoted! Sound familiar? The news makes no mention of the manager being fired, but rather a massive reorganization is proposed by the Administration. Sound familiar?

What's wrong with the U.S. Government can be summed up in four words. We've used them so many times, it's becoming tiring, but one more time, in unison, "LACK OF MANAGEMENT ACCOUNTABILITY."

A few years back, a wildfire destroyed much land and many homes in the western states. The fire was the result of a managed burn. The line scientist said at the time, "It's too windy for a controlled burn." The manager overruled the scientist and order the burn anyway leading to millions of acres of destruction. What happened to the manager? Nothing I suspect.

More recently, Linda Lewis, a whistle-blower in the U.S. Department of Agriculture wrote a memo, long before 9/11, indicating that our food supply was vulnerable to terrorism. Ms. Lewis was also part of a FEMA team examining a nuclear reactor in New Jersey. According to Ms. Lewis, the reactor is vulnerable to terrorism, again pre-9/11. USDA's response? They sent her to a shrink, took away her security clearance, and put her on extended paid suspension. USDA is now moving to have her fired. Though not as sexy an issue as Ms. Rowley's, perhaps it may one day be if terrorists poison our food supply or blown up a nuclear reactor.

Closer to home, a good many EPA whistle-blowers have warned, to no avail, Administrator Whitman, about the dangers of the WTC area, citing asbestos, dioxins, PCBs, and other carcinogenic and unhealthy by-products of the intense combustion of a skyscraper and tens of thousands of pounds of jet fuel. Indeed, on 9/12, I cautioned Ms. Whitman about radio reports I had heard claiming that the EPA claimed the smoke was not that dangerous. A very prominent whistle-blower in this regard was Cate Jenkins of OSWER. OSWER's Robert Martin had also added his voice to this chorus, and for his efforts was forced to resign rather than to be

transferred to the OIG where he believed he would have his efforts neutralized. And, given the EPA OIG's performance record, this is far from being an unrealistic expectation.

Everyone outside the government complains about the stereotypical lazy and inefficient government worker. While the stereotype is not undeserved for a few individuals, a much larger problem is the dysfunctional manager. If a worker is dysfunctional, his or her coworkers learn to manoeuvre around him or her to get the job done. But when the manager is dysfunctional, they cannot be manoeuvred around and the whole local organization becomes dysfunctional. Worse, non-performing employees can be gotten rid of. I cannot think of a single dysfunctional manager ever to get fired or otherwise be disciplined here at EPA HQ.

For the intelligence agencies, the President proposes a reorganization into a Homeland Security Agency. Not a bad idea from the standpoint of sharing intelligence information, but it won't work if there continues to be no management accountability. Similarly, Ms. Whitman has undertaken senior management rotations. Let me say it once again, there are many fine managers here at EPA. However, an evil empire of dysfunctional cronies have increased, over time, their unsavory grip on this Agency. By rotating managers, without any management accountability, Ms. Whitman is now allowing the opportunity for those managers who have made other organizations inefficient and dysfunctional, a chance to make dysfunctional, healthy organizations within EPA, which still work.

## ASSAULT ON SOUND SCIENCE, LET'S EDUCATE MORRIS WINN

At the National Partnership Council Meeting on June 13, 2002, Assistant Administrator of OARM, Morris Winn, indicated that he didn't know of any managers who did not support the Principles of Scientific Integrity. (See below e-mail response) Either Mr. Winn is extremely naive or at the other end of the spectrum, how can I put this politely, quite the politician. Since Morris is relatively new, let's give him the benefit of the doubt. First off, Mr. Winn is not a scientist. Secondly, one would be hard pressed to find a lot of managers who are even educated in science and thus wouldn't know good science if it bit them on the butt. Though unfortunately, these people actually believe they know good science. Finally, among the scientific managers, some have sold their souls long ago and scarcely can distinguish good from evil, much less good science from junk. In their moral relativism, what they want is classified as "good" and what they don't want is classified as "bad". There is no higher authority other than the upper chain of command and the next promotion or award.

Finally, Mr. Winn gets most of his input from the managers and not from us, the people actually doing the work. But we, in the Union, hear complaints of bogus science on a weekly basis. Thus, I came up with the idea of informing Mr. Winn of examples of breaches of scientific integrity. Breaches would include: not only being pressured to alter your scientific conclusions, but also when others present your work instead of you. You can either e-mail Morris (winn.morris@epa.gov) directly, copying (welch.dwight@epa.gov) or if you fear retaliation, and this is a very realistic fear, you may e-mail me directly. I will sanitize your comments and

forward them to Mr. Winn for you. So even if Mr. Winn is blowing smoke, the written record will document the many examples of junk science.

For those of our readers on the outside, you've probably also had run-ins with EPA junk science; your participation is invited also. For instance a couple of years ago, I was most embarrassed by EPA. A number of NYC area residents were concerned about exposure to malathion met with a bunch of managers from OPP and OECA. The concern of the citizens was that the malathion had degraded to more toxic by-products due to storage for a year or more in a hot warehouse. The citizens knew, from the label, that such storage caused the generation of these toxic by-products, but the EPA managers hadn't a clue. Embarrassing when the knowledge of science by ordinary citizens exceeds that of our management.

#### Dwight Welch e-Mail to Morris Winn

Dear Morris:

Since Bill Hirzy is on vacation, I had to patch him into today's National Partnership Meeting. Since I am not on the NPC Executive Board, I did not actively participate, but could hear the discussion over the speaker phone. It took considerable restraint not to hit the mute button and chime in when you indicated that you had not met any managers in EPA who didn't support the Principles of Scientific Integrity. Earth to Twilight Zone! You were sitting in the room with one. Ask Dr. William Sanders about assigning epidemiology work to political scientist Dr. Marsha Coleman-Adebayo. Ask him about the letter he got from Congressman Sensenbrenner about this. Is assigning a non-scientist scientific work an example of integrity? Dr. Coleman-Adebayo's assignment was to identify every pollutant which can be found in the human body. Is this something a political scientist normally does?

You also indicated at the meeting that breaches of scientific integrity could be dealt with with the mechanisms at hand. Why then, do your friends Steve Sharfstein and Stewart Speck keep on insisting that violations of scientific integrity are not grievable?

One example given to you at the meeting, by Dr. Hirzy, was that of Dr. Brian Dementi. Dr. Dementi is classified as a "scientific dissenter" here at EPA. However, in the real world of toxicology, such as the peer review panels on malathion or cholinesterase inhibitors, Dr. Dementi's views are supported as being correct, whereas only in the EPA, the toxicology of these respective subjects are twisted to reflect something other than science.

Scientific fraud is almost a daily complaint here at NTEU 280. Indeed, I originally got involved when certain managers told me "Propane is not flammable." After they thought about it for a bit, they realized that ordinary people, not just chemists knew of propane's flammability, and backed off to the position, "Well, OK, propane is flammable but not as a propellant in pesticide aerosols." So when I gave them a physical demonstration, they again backed off with, "Well, OK, but accidents involving these products are not happening in the real world." When I supplied them with extensive documentation in the form of hundreds of CPSC accident reports, metropolitan fire investigator reports, etc., they then, as with Dr. Coleman Adebayo, assigned me

to a discipline in which I was untrained to perform. As with Dr. Coleman-Adebayo, the consequences of doing this put the American public at risk.

How many examples do you need before you can see that scientific fraud is rampant within EPA?

-Dwight

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## **UPDATE ON SCIENTIFIC INTEGRITY**

By Bill Hirzy

In late April, after EPA management failed to respond to the union's grievance over a manager's statement that an employee's duty was to support the manager, even if the manager said  $2+2=7$ , we took the matter outside the Agency. We asked some, but not all, of our friends and allies to write to their Congressional delegations and to Administrator Whitman about Ms. Whitman's refusal to repudiate  $2+2=7$  orders and her refusal to warn managers of disciplinary consequences if such orders were given to professional staff.

The union has received many messages from our friends indicating that letters and e-mails have gone to Congress and to EPA, including the Labor Relations Office and to Morris Winn, Assistant Administrator for Administration and Resources Management. Apparently these messages are having some, albeit limited, effect.

We hear from Mr. Winn that the Administrator is going to re-issue the Principles of Scientific Integrity, with a cover memo explaining her views on the Principles.

What Ms. Whitman Needs to Say While it is good news that the Administrator is going to issue a statement on the Principles, exactly what she says is critical to whether the Principles will come alive as an enforceable code of professional ethics, or remain mere window dressing for EPA political leadership to boast about while still getting away with  $2+2=7$  orders.

Ms. Whitman needs first and foremost to say that there will be an enforcement mechanism in place for the Principles and sooner rather than later. She needs to say that managers who issue orders to fudge the numbers will be fired. She needs to say that there will be a process for distinguishing cases of real ethical violations that require discipline from cases in which there is only a difference of professional opinion. She needs to assure employees who insist on performing their work to the highest ethical standards will be honored and protected and not punished, as so often has occurred in the past.

Why This Article? On June 13, the EPA National Partnership Council Executive Board met by conference call, and the issue of implementing the Principles of Scientific Integrity was discussed. This union and its sister organizations asked Morris Winn for the opportunity to work

collaboratively with management, in partnership if you will, to develop the enforcement process for the Principles, to work out a mechanism for distinguishing ethical violations from differences of opinion and to review the message Ms. Whitman will send to employees in re-issuing the Principles.

Mr. Winn, eschewing partnership and ignoring the fact that the Principles are a creature of the Partnership Council in the first place and should therefore have implementation plans developed by the Partnership Council, told us in essence to “go fish.” He said that his management staff will

benchmark what other science agencies do, without help from the unions, and he ignored our request to review and comment on Ms. Whitman’s draft statement on the Principles.

What Next? For you, we suggest that you read whatever Ms. Whitman says about the Principles with care. Note whether the key elements cited above are in her statement, or whether her statement is empty rhetoric. What we in the union office intend is to reach out to constituencies, friends and allies not yet contacted, and request that they add their voices to those sounding in Mr. Winn’s ears from literally around the world that we need an effective professional ethics program at EPA, and that, while we have made progress, we don’t yet have one.

We also now know for certain, based on Mr. Winn’s actions in this matter, that any pretense of this Administration of an intent to “partner” with the elected representatives of EPA employees is a joke.