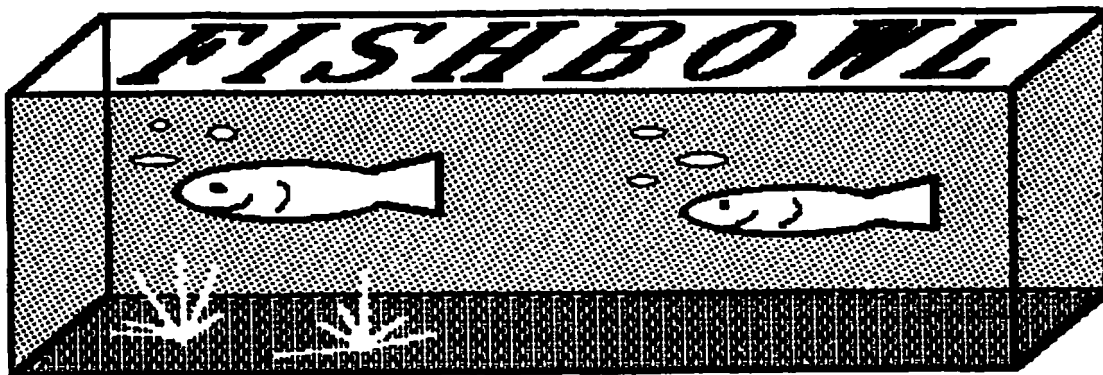


INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

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NFFE
EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

JANUARY--1990

INSIDE THIS ISSUE

VOLUME 6--No. 1

- LABOR-MANAGEMENT HEALTH AND SAFETY COMMITTEE
- SMOKE AND MIRRORS BY GRIZZLE? STAFF INDIFFERENCE?
 WHAT'S THE DIFFERENCE? - by Bill Hirzy
- NEW BUILDING SITE SURVEY
- ENVIRONMENTAL LAW INSTITUTE ARTICLE ON NFFE
- TOTAL QUALITY MANAGEMENT IS COMING !
- A WORD ON AWARDS
- TSCE SECTION 21 PETITION FILED BY NFFE ON 4-PHENYLCYCLOHEXENE
- EPA SITTING ON INFORMATION THAT FLUORIDE CAUSES BONE CANCER
- INDOOR-AIR NEWS . . .
- IS A UNION FOR PROFESSIONALS REALLY NECESSARY?
- CONTRARIAN'S CORNER - "AEROSOLS, ARSON, AND EPA" - by Dwight Welch
 "MEDALS" - by Salvatore Biscardi



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NFFE
LOCAL 2050

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FISHBOWL STAFF

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LABOR-MANAGEMENT HEALTH AND SAFETY COMMITTEE

At the November 21st press conference announcing results of the February, 1989, employee health survey, Charles Grizzle also announced formation of a new labor-management health and safety committee (LMHSC) which would be charged with the responsibility of making decisions on health and safety issues for Headquarters. (Video tape of the press conference can be viewed in EPA's Audio-Visual group viewing room, second floor of the Mall.) The LMHSC will be issuing periodic newsletters to inform employees of progress--and, based on employee responses at the press conference, **ACTION** is in high demand. Since a newsletter from the LMHSC has not yet been published, we feel free to give you Local 2050's views on where we stand re: **ACTION**.

Myra Cypser's column on ventilation news contains much information in this regard, so please be sure to read her material. This article focusses on progress toward lowering employee density at Waterside. Local 2050 proposed that managers begin surveying employees for those needing and willing to work at home until alternate office space can be obtained by EPA and the General Services Administration (GSA), and that definite numbers of people be moved out by the end of January. We posted notices of our proposal around WSM, and drew fire from management for doing so.

Apparently they felt it looked like they were in agreement with the proposal. Mr Grizzle was also unhappy with the posting. At the last LMHSC meeting in January, we seemed to be making progress toward the goal of getting people out of here, at least temporarily. The unions jointly agreed that, at minimum, we should immediately survey employees to see how many feel their health is being adversely affected by their present office environment and who are willing to volunteer for work at home on a temporary, emergency basis. With this information in hand, the unions say, we can at the very least see how big a management problem it might be to accommodate employees needing evacuation--are we looking at 50 people? 500? 2000? From the meeting on January 16th, it would appear that less than 50 employees might be involved.

Management remains nervous, fearing that employees will just want to work at home for the fun of it--the unions believe that employees are far more honorable than that. Local 2050 believes that we must **ACT** and act now, not 2 months or six months from now. Senior managers in OSWER have recommended "extraordinary" action to protect employees--not "ordinary" action; this means getting started on identifying who and how many work at home people we will have **NOW**. Call the Union to stay informed, and keep a lookout for the LMHSC newsletter.

We think management is playing straight with us; they are just not used to dealing with such a big problem in which employees are empowered to play so significant a role, and they are really nervous about that. Keep up the pressure through your management chain, and the union will do the same through the LMHSC. Power to the people.

SMOKE AND MIRRORS BY GRIZZLE? STAFF INDIFFERENCE? WHAT'S THE DIFFERENCE?

by Bill Hirzy

In an another article in this issue, we report on "progress" being made in the Labor-Management Health and Safety Committee, a creature of Charlie Grizzle formed in the aftermath of release of the devastating results of the employee health survey last November.

You will recall that during the November 21, 1989, press conference Charlie announced that health complaints at Headquarters were at an "unacceptable" level, and he conferred upon the LMHSC authority to make calls about getting people out of rooms that were affecting their health adversely.

Well, sad to say, the "progress" referred to earlier in this issue--on getting people out--was a figment of this reporter's imagination, and the "unacceptability" Charlie referred to seems to have been political unacceptability, and not health-related at all. His staff representatives on the LMHSC, Julius Jimeno (Director of Environmental Health and Safety), Mike Hamlin (Employee Participation and Communications Staff) and Rich Lemley (Director of Facilities and Services Management Division) flatly refuse to acknowledge that any space in WSM is dangerous enough to employee health to warrant evacuation. This was the outcome of yesterday's (1/18/90) meeting of the LMHSC. The management officials refused to endorse even a survey to see how many employees believe their health is adversely affected by their work rooms; Bob Axelrad, Director of ORD's Indoor Air program joins them in holding that no identifiable WSM space poses any undue risk to employees, and that employees who complain about health problems are probably sicker in the head than anywhere else.

Now that the November release of the politically hot results of the employee health survey is a fading memory, especially for the "environmental" President, its back to business--and obfuscation--as usual. Blame the employees (they're hysterical whiners and hypochondriacs), blame the unions (they keep putting too much on the plate for poor management's understaffed organizations to handle), blame the phase of the Moon, but for God's sake, don't look for hot spots in the building (owned by a guy who may sue our pants off if we do declare some work spaces hazardous to employees).

It looks like Bill Reilly gave Charlie the job of damage control for the health survey results release, and he did a fine job--foozling the unions and employees into thinking a new day had dawned, and that real progress and cooperation were at hand; he sure as hell had me fooled!

But yesterday's meeting was a real eye-opener. Management representatives closed ranks around the "unacceptability" issue, saying there already is a way to get people out--one by one, through the Alternative Work Space Policy, thus eliminating Grizzle's promise (and Clay's, Cannon's, Wayland's, Holmes' [and we hear now Bretthauer's] pleas) to move people out "expeditiously." Why shouldn't they, when the LMHSC management group knows Charlie's promises of November went void in December? In a town noted for its cynical political double-dealing, Charlie Grizzle appears to have set a new record for the fast shuffle.

As we in Local 2050 catch our breath over this disappointing turn of events (which some folks tried to warn us was inevitably coming), we are looking at remedies for endangered employees in addition to re-activating pressure from Capitol Hill. There is one thing we will do immediately and one thing you can do: we will run the survey that management refuses to endorse; and you can write to Bill Reilly to let him know how you feel--if you support the right of your colleagues whose health is in danger (even if you think yours isn't) to get out while ventilation and source problems are fixed--please write to Mr. Reilly and send a copy to Local 2050 at UN-200; and don't forget our co-workers represented by AFGE Local 3331.

SOLIDARITY FOREVER.



NEW BUILDING SITE SURVEY

Local 2050 is conducting a vote among its bargaining unit members to determine where they want the new building to be built. If you are a professional and have not received a ballot, please contact the Union office at 382-2383. The Agency has been circulating a news blurb in which they ask for your opinion on siting, etc. Please feel free to respond as you choose, but insofar as management really plans to use employee opinion (which is highly questionable based on past performance of the mid-level managers involved), in such decisions, they are obligated under the Civil Service Reform Act to get those opinions via the authorized representatives (the unions).

Local 2050 conducted a poll of its bargaining unit in November, 1987, on employee needs and desires for the new building and reported them to management and Congress. At the time of that polling, however, location was not as well defined an issue as it is now. That is why Local 2050 is conducting a systematic, democratic vote, which, if the Agency is serious about honoring your opinions, must form the basis for its decision.

A word of caution: there is another union here. Local 3331 of AFGE, and they have endorsed the Southeast Federal Center location (we do not know what process was used by our sister union to make this selection); further, management officials (all the GM employees) also may have a voice in the choice. So join with all professionals in voting your choice, and we will have as defensible and strong a say as we possibly can—we will be able to cite precise numbers of votes. Democracy in the work place is what we are all about.



NOTICE TO NEW MEMBERS

Local 2050 has recently received the official membership cards for new members. Please call Dahljit Sahwney at 382-4289, or any of the other Union officers listed elsewhere in this issue, to obtain your card.

ENVIRONMENTAL LAW INSTITUTE (ELI) ARTICLE

The journal of the ELI, Environmental Law Reporter, will publish an article in its February, 1990, issue titled, "The Other Voice From EPA: The Role of the Headquarters Professionals' Union." The piece gives a history of Local 2050, covering the reasons it was formed in the Gorsuch era, its accomplishments in the public interest as well as its bargaining unit's interests, and its vision for the future. For those of us here in the trenches it provides a comprehensive and concise look at where we came from, where we are, and where we hope to go that is sometimes hard to see clearly, given the day-to-day struggles in which we are so heavily engaged. We hope that the article will stimulate interest not only in the Union, but also in the possibilities for effective environmental action inside government, a work venue shunned by many dedicated environmentalists since 1981. The article is an expansion of the Institute For Policy Studies seminar article published in the September-October, 1989, issue of the Fishbowl.

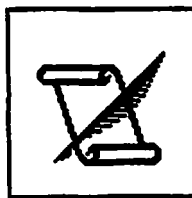
"TOTAL QUALITY MANAGEMENT (TQM) IS COMING!"

*(WILL IT BE BY MANAGEMENT FIAT
OR A TEAM APPROACH?)*

A revolution in management style is underway in EPA nationwide. There is apparently a solid commitment from Messrs. Reilly and Habicht to try to introduce the "quality circle" concept into EPA. While there have been some quiet experiments going on in OSWER and other offices, the Agency has decided to expand this effort. An EPA Total Quality Council (TQC) has been formed with representatives from the Regional Offices and Headquarters. The first meeting was held Dec. 19, 1989, in Room 1103 of the West Tower, with representatives from the Regional Offices and Headquarters. Dr. Bob Carton, President of NFFE Local 2050, is a member of the TQC.

TQM was described in one of the handouts at the meeting as "...a structured approach to problem solving and a participatory work style that involves input from every employee at every level to achieve total quality."

This is an idea that NFFE has long espoused. In one of the first statements of purpose for the union, participatory management was identified as a major goal. NFFE believes this is the only way to run a professional organization and applauds this step by Bill Reilly and Hank Habicht.



TSCA SECTION 21 PETITION FILED

We are concerned, however, that the process to implement TQM be fully participatory. In a letter to OARM, dated Dec. 30, 1989, NFFE asked that the Agency immediately set up a TQM Headquarters Council and mini-TQM councils in each AA-ship. Unlike the Human Resource Councils which are run mainly by managers, NFFE proposes an equal split between managers and professionals. And, as befits a concept of "democracy in the workplace", professionals on the mini-TQM Councils would be selected by their peers.

Look for an all-hands memorandum from Bill Reilly in the near future on this subject, and communications from NFFE. We would like your ideas and participation in helping to develop the process for implementing TQM in Headquarters. Please call Bob Carton at 382-2383 or drop us a line at UN-200.

A WORD ON AWARDS

Congratulations to our fellow employees honored at the all hands-meeting and awards ceremony this month!

At a meeting of the Total Quality Management work group in December, Bob Carton recommended that Mr. Reilly announce at this year's ceremony that next year there would be awards in which peer review would replace exclusive management domination of the process. A representative of the Administrator's Office commented to Bob that his idea "was great" and that he would pass it on to the boss.

While we didn't hear Mr. Reilly's announcement of such a process for next year, we hope that was just an oversight, and that peers will have some say in the award process next year.

On December 4, 1989, Local 2050 filed a petition with Administrator Reilly under provisions of section 21 of the Toxic Substances Control Act (TSCA) asking EPA to act forthwith to protect the public from the hazards that afflicted our colleagues here at Headquarters. In order to provide the Office of Toxic Substances time to work out the special problems posed by this filing, the Union withdrew the petition and re-filed it on January 11, 1990. EPA/OTS has 90 days in which to respond.

The petition asks that indoor air exposure levels for 4-phenylcyclohexene (4-PC) be limited to 5 ppt to protect against inducing multiple chemical sensitivity (MCS) and 17 ppt to protect against acute irritancy effects. These levels derive from the levels measured in Waterside Mall about six weeks after last installation of the toxic carpet and extrapolated back to levels to which employees were exposed who subsequently came down with MCS. Application of reference dose-like methodology to those exposure levels gives rise to the asked for exposure standards.

The petition further asks that industry be required to conduct tests to determine maximum levels of 4-PC in styrene-butadiene latex and in carpeting that would permit compliance with the indoor air standard, and that product content standards for 4-PC be set based on the results. Industry would be required to notify the public of risks associated with 4-PC levels above those standards and to buy back products containing 4-PC above those levels. (Continued on Page 5)

CALL FOR ASSISTANCE - - -

NFFE Local 2050 is calling for volunteers to man the Union office (302 NE Mall), answering the telephone, greeting visitors, and performing other vital tasks. If you can spare your lunch hour, or otherwise arrange to spend just one hour per week assisting the Union, please contact Bob Carton at 382-2325 or 382-2383.

Together we will make a difference!

Happy Valentine's from



NFFE



SECT. 21 PETITION---

(Continued from Page 4)

In addition to the TSCA section 6 remedies outlined above, the petition asks for testing and reporting activities under sections 4 and 8, respectively. The Union has asked Mr. Reilly to attempt to conduct negotiated rulemaking in this matter, in line with his reputation in this field. This kind of rulemaking would speed protection for the public and assure minimal use of public resources to get that protection in place.

Since the petition was filed in December, the Union has received notice from the public of over 30 additional cases of toxic reaction to new carpeting—from California alone. A copy of the petition can be obtained from the Union office.

EPA SITTING ON INFORMATION THAT FLUORIDE CAUSES BONE CANCER

According to the Dec. 28, 1989, issue of Medical Tribune, EPA was warned early last year by the National Toxicology Program that the long awaited animal bioassay on sodium fluoride was turning up positive. As of early December, no further communication by NTP had been received from EPA to contradict this initial evaluation. This news poses an interesting dilemma for EPA, since the Agency just asked the public for any information that would have an impact on the final rule published in Nov., 1985, as a possible prelude to setting a new standard. Should EPA go through the leisurely pace of standard setting and not warn the public about the possible carcinogenicity of fluoride? It seems unconscionable to

NFFE not to warn the public immediately and then go about standard setting. Public water supplies could shut down their fluoride pumps with the push of a button. What is more important, public health or the pride of the medical establishment? Besides, recent studies indicate that fluoridation is not responsible for the recent decline in tooth decay. (See Fishbowl, March, 1989, Vol.5, No.3.)

Footnote: The fact that there is legitimate controversy over the benefits and health effects of fluoride will be aired in the next issue of Science magazine. Copies will be available from NFFE, Local 2050.

**WATCH FOR FLYERS
ANNOUNCING
MEETINGS
OF THE FACILITIES
ADVISORY
COMMITTEE OR
UNION MEETINGS
DEALING WITH
INDOOR AIR AND
OTHER HEALTH-
RELATED ISSUES!**



INDOOR AIR NEWS - - -

--by Myra Cypser

VENTILATION DESIGN STUDY

The Agency hired Engineering Design Group, Inc. (EDG) to investigate the ventilation systems and to design system changes for Waterside Mall (WSM). The Unions discovered that EDG is currently employed by Charles Bresler, the owner of WSM. Naturally, the Unions were concerned about the possibility of a conflict of interest. At the Unions' request, the Agency issued a work order to obtain the services of a nationally recognized indoor air expert to review the EDG's draft report. The Unions have met with EDG and are not optimistic that their investigation will be comprehensive enough. EDG issued a draft report December 22, 1989, and it is now being reviewed.

MORE VENTILATION "IMPROVEMENTS"

The Agency continues to install additional air-handling equipment. However, there is no evidence that any air-handling systems now comply with the standard for outside makeup air set by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) which is 20 cubic feet per minute (cfm) per person. There is still no indication when the Agency will begin to comply with the standard, which is cited as the Agency's goal in its 1987 contract with the Unions. It is hard to imagine why the Agency continues to spend money on these "improvements" that do not address the critical issue of adequate fresh air.

INDOOR AIR MANAGEMENT PLAN

Another draft plan was delivered to Union representatives on December 15th; however, this plan is not acceptable to the Unions either. While this draft was more action-oriented than the previous one, it lacked key elements and had almost no information on when remedial actions would take place. The Unions were surprised to learn that three days before the Agency gave this plan to them, it had sent a radically different

plan, with a schedule, to Senator Barbara Mikulski with a cover that falsely implied that it was the product of joint Union and Agency interaction. Neither of these two plans come close to matching the scope of the plan outlines developed by Union members.

WORK-AT-HOME PROPOSAL

At an "all-hands" meeting on indoor air issues held by the Unions on December 7, 1989, approximately 70 employees were present and the vast majority indicated that they would like to have the option to work at home. Because of this charge by employees, NFFE gave the Agency a proposal to implement a voluntary work-at-home program on December 14th. The rationale for implementing this program is that the 1989 indoor air health survey results show an unacceptable level of illness and there is a need to get as many people out of Headquarters' "sick buildings" as quickly as possible, while the Agency ponders how to meet ASHRAE and negotiations continue with GSA to obtain additional space elsewhere. There has been no formal response by the Agency.

PROGRESS REPORT ON THE COMMITTEE

The Unions are disappointed with the progress made by the Labor-Management Health and Safety Committee set up by the Agency on November 3, 1989, to investigate and solve health and safety problems. Things are moving too slowly in key areas: a program for routinely monitoring employee health, strategies for controlling pollution sources, emergency evacuation plans, communication strategies, plans for moves and relocations. As noted earlier, there are concerns with the ventilation design study, the indoor air management plan, and the rate of carpet removal.



COMPLAINT ISSUED AGAINST EPA

On November 30, 1989, the Federal Labor Relations Authority (FLRA) issued a Complaint against EPA alleging that it had engaged in an "unfair labor practice" by withholding information on carpet and partitions from the employee union in Region IV. A hearing on this matter has been scheduled by the FLRA for January 9th. You may recall that NFFE Local 2050, here at Headquarters, had to turn to the FLRA in 1988 because EPA refused to release information relating to carpet, and on October 3, 1988, the FLRA issued a Complaint against EPA. NFFE Local 2050 eventually won the release of that information.

TOXIC CARPET NEWS

The carpet laid from October, 1987, through April, 1988, was associated with the illness of dozens of employees. In September of 1989, the Agency said it would begin to remove this carpet. A small portion has been removed and the Agency has announced plans for removing a tiny bit more carpet in January. Progress is very slow: NFFE Local 2050 officials have calculated that, at this rate, it will take 13 years to remove all of the toxic carpet! Other news: On December 4, 1989, NFFE submitted a Section 21 Petition under the Toxic Substances Control Act asking the Agency to regulate carpet emissions nationally, mainly because of the experience with toxic carpet at EPA.

PRESS COVERAGE

The Washington Times and the Federal Times continue to cover our story. The Washington Post and The Philadelphia Inquirer have published stories on EPA's indoor air in recent weeks. To date, there have been more than 84 articles in newspapers, magazines, and journals on EPA's indoor air. There have been eight national TV broadcasts on this subject. [Ed. Note: Inside Edition will broadcast a toxic-carpet segment including EPA information on January 25th. The Canadian Broadcasting Corp. did a 30-minute Marketplace show on the topic, too, also including EPA. Tapes can be viewed in the audiovisual viewing room.]

MEETINGS

The next Facilities Advisory Committee meeting is scheduled for Tuesday, January 30, at 10:00 a.m. in

the Crystal City Marriott. A reminder: the Unions and the Committee Of Poisoned Employees (COPE) hold regular meetings on EPA's indoor air. ■ ■ ■ ■

IS A UNION FOR PROFESSIONALS REALLY NECESSARY?

Many of us working at EPA have advanced degrees or extensive experience and training in a particular specialized area (for example: chemistry, law, accounting, biology, statistics, or toxicology, to name a few). As professionals, we have tended to believe that our training and backgrounds somehow insulated us from the concerns addressed by unions. In fact, professionals have generally tended to look with disdain on union activities, believing that their professional status made them somewhat indispensable and immune from the mundane concerns addressed by unions.

NFFE suggests that these professionals consider the plight of highly experienced chemists, for example, who have found themselves without jobs and little pre-termination notice, when an industrial concern decided to eliminate their functions in a budget-tightening measure in response to a decline of the value of the company's stock on the New York Stock Exchange. The Professional Relations Division of the American Chemical Society hears such complaints on almost a daily basis---and publishes the "scorecard" for companies conducting reductions-in-force with respect to observance of ACS-developed guidelines for such layoffs. Some of the "scores" are dismally low, indeed!

The situation for professionals in the academic community is also far less stable than it used to be. Tenure is becoming increasingly rare, and the non-tenured position (from which one may be dismissed at any time) is becoming increasingly the norm. It is no wonder, then, that professional educators at both the university and secondary and lower levels have formed unions to represent their concerns.

With respect to the Federal Government, NFFE believes that the Civil Service Reform Act of recent past heralded a new era of instability with respect to the position of professionals within the Federal workforce. Essentially, all of the "Aces" were placed in Management's hand---save for one: the legal right for Federal employees to be (Continued on Page 12)



CONTRARIAN'S CORNER *

AEROSOLS, ARSON, AND EPA

by Dwight Welch

As some of you probably already know, I have been involved with the issue of extremely flammable propellents being used in pesticide aerosols for quite some years now. And for quite some years, I have been faithfully reporting accidents involving fires and explosions created by these products to the Registration Division (RD) Weekly Report. To my knowledge, not a single report of mine has ever been reproduced in the RD Weekly Report, so in the interest in getting out the truth, I have taken to the Fishbowl.

For those of you not familiar with the issue, I will give a brief description. In the mid 1970s, chlorofluorocarbons (CFCs) were no longer permitted for use in most aerosols due to the CFCs' effects on the ozone layer of the atmosphere. Before the ban, CFCs were the predominant propellant for these products. After the ban, the hydrocarbon propellents, such as propane, butane, and isobutane filled the gap created by the elimination of CFCs for this type of use. While the hydrocarbon propellents don't deplete ozone (indeed, they contribute to ground level ozone production through the production of photochemical smog), they are intensely flammable.

There seem to be no economically viable alternatives for the hydrocarbon propellents at the present time, and I have no objection to their use; however, I do feel the consumer needs to be warned of the potential danger posed by the use, storage, and disposal of aerosol cans. Due to a loophole in EPA regulations, pesticide aerosols are tested on the following two bases only (similar regulations under the Consumer Product Safety Commission regulate nonpesticide aerosols).

The first test is the flash point test, which tests the non-propellant portion of the product only. If the liquid portion of the product has a high enough flash point (over 80°F), the product is judged to be nonflammable, even if the product contains a high amount of propellant which has a flash point of well below zero.

The second test is the flame extension test. The product is held 6 inches from a burning candle and its spray is directed through the flame. The flame extension is any flame which extends from the candle outward. Flashback is when flame occurs between the candle flame and the product nozzle. If there is any flashback, the product is judged to be **EXTREMELY FLAMMABLE**. If the flame extension is greater than 18 inches, then the product is judged to be **FLAMMABLE**. If the flame extension is less than 18 inches, then the product receives no flammability warning. Indeed, if the flame extension is 20 feet (as might occur with a hornet killing spray), it is still judged to be **FLAMMABLE** and not **EXTREMELY FLAMMABLE**. The major problem is, however, that the intent of the test can easily be circumvented by the proper engineering of the valve. If the velocity of the spray exceeds the burning rate of the propellant (in feet per second) then there can be no flashback. The spray pattern can also be engineered to produce less than an 18-inch flame extension. The result of this is that a can of pure propane can "pass" EPA's (and CPSC's) tests and come out classified as nonflammable. For those of you who think I am pushing the point by talking about pure propane, there is at least one product which I know of which is 99% hydrocarbon propellant and 1% pesticide.

Hydrocarbon propellents have about an 85% market share of the aerosol market, and this share is growing. Dimethyl ether, another extremely flammable propellant, enjoys another 5% of the market. Between the two, about 90% of the aerosol products on the market have at least some potential for flammability. However, the warning appearing on a propane-powered can varies not one whit from a can propelled by nitrogen or some other nonflammable propellant.

The consumer is unaware of the danger he faces. The average 12 oz. can of fly spray contains an energy equivalent of 3 ozs. of gasoline. There is enough energy in this 12 oz. can to propel a subcompact car a mile. (Keep in mind, however, that a car engine is extremely inefficient, only one third of the energy mechanical, two thirds are lost as heat through the radiator and tail pipe, while in an aerosol explosion, the major output is heat.)

A typical scenario is the trapping of the propellant gases from an aerosol with a subsequent ignition and then fire or explosion. Pesticide foggers are often involved. A fogger is placed in a kitchen to control roaches, for instance. Since you are fogging, the room is closed up as tight as possible to retain the bug killing vapors. So with a closed up area holding in the flammable gas, combined with ignition sources, such as pilot lights, or running electrical motors, such as those in refrigerators (electrical motors create sparks from where the brushes make contact), you sometimes get a resulting fire or explosion.

These fires and explosions can and have killed people, destroyed property, and burned down homes. Fortunately, with the foggers, the area is usually vacated. With a conventional hand-held aerosol, however, an explosion or fire usually results in greater personal injury.

Fires and explosions are not just limited to use. Cans occasionally leak during storage and have resulted in fiery consequences and the disposed container can also present problems, particularly with incineration.

Over the years, some interesting cases have been reported. One explosion occurred as a result of a handicapped person dropping a can on the battery of their wheel chair. The short circuit caused a detonation. Another case involved a small child and his quest for the proverbial cookie jar. Attempting to gain access to the jar atop the refrigerator, the child accidentally knocked down a pesticide aerosol also put there to be out of the child's reach. The valve broke off the can causing it to leak. A running refrigerator motor provided ignition. The child was seriously burned; however, fortunately he lived. In yet another case, a woman was seriously burned while investigating a leaking aerosol can underneath her kitchen counter. One of the more interesting reports came from a Louisiana fire marshal who reported that arsonists in his county were using pesticide foggers to "legally" torch houses. They would simply set up a number of foggers in a kitchen, then let the pilot light do the rest. They then collected the insurance money and could not be prosecuted: they were applying pesticides in accordance with the product label.

For years, industry has claimed there were not enough incidents reported to EPA to warrant regulatory action.

And, for years, I have been replying that EPA is not the fire department, to which such incidents are usually reported. We are not even informed of all pesticide poisonings which take place, much less fires. Now comes an interesting twist to this story.

It seems even some fire departments are unaware of the aerosol/fire connection. After the Jack Anderson article on this issue, I received a number of calls. In two separate unrelated incidents, one in Montana and another in California, in what were apparent fogger explosion/fires--accidents--the owners of the homes have been charged with arson. The charges stem from the fire departments' apparent ignorance of the fogger/fire connection. Unable to determine the cause of the fire, the fire marshals relied on the spectrophotometric measurement of the presence of petroleum distillates in the fires' remains. With cause unknown, the presence of the distillates (often used by arsonists to accelerate a fire) precipitated the arson charges.

What has the Agency done? Precious little. For years, I "memo-ed" until my fingers turned blue. Ignored. I have also filed three grievances in connection with retaliations made against me because of this issue, also largely ignored.

In the mid 80s, as a result of one of my grievances and the threat of a release to the press on the Office of Pesticide Programs' inaction on this issue, I was put in charge of writing a PR Notice on the subject. Once the threat of a news story had passed, however, the subject was dropped. In 1986, Rick Tinsworth took over as the RD director. At the 1986 Christmas Party, I talked to Rick about this problem. Having witnessed a fogger explosion personally, Rick agreed to do something about it. In 1987, I authored PR Notice 87-8 which required manufacturers of these hydrocarbon powered products to put certain flammability warnings on the labels. Under intense pressure from industry, however, Mr. Tinsworth withdrew the notice and agreed to give further consideration to warning statements with greater participation by industry in the drafting of the precautionary labeling.

With a reorganization, it was once again up to me to get the ball rolling again. Although the previous managers had told me that they had informed their replacements of the progress on this

issue, previously set time frames had long slipped by. My reminding the appropriate managers of these commitments resulted in the retaliation of my being taken out of a technical job which I had been successfully performing for 6 years to a largely clerical one. My complaints and subsequent grievance resulted in the further retaliation of putting me into a position in which I am unqualified to perform. (This precipitated my third grievance.)

With the Jack Anderson article, the story was now out and the Agency is "committed" to do something about it. At first, RD alone was supposed to take action, however, now the Office of the AA, OPTS, has gotten involved. Victor Kim's strategy is to form a task force involving a number of other agencies. This may add years to anything getting done.

In the meantime, dear readers, be mindful of where you use and store these products. Treat them as if they were little cans of gasoline. However, with much lower flash points and being gaseous instead of liquid (much higher vapor pressures), the hydrocarbon propellents are much more dangerous than even gasoline. Remember, you could lose your home, you could lose your life, you may even be charged with arson.

Dwight Welch is a Vice-President of NFFE Local 2050 and works within the Registration Division, Office of Pesticide Programs.

MEDALS

by Salvatore Biscardi

Sometimes a question is put forth which makes more of a statement than asks a question. This writer is asking real questions in the hopes that there are answers. The questions are: Where but in EPA is it possible for an employee to receive three bronze medals and at the same time receive no grade or even a step increase in position? Where but in EPA is it possible for an employee to receive a cash award for outstanding service, in the same fiscal year receive a special achievement award in recognition of high-quality performance, and at the end of the same year receive a satisfactory performance rating in his professional performance appraisal?

Much has been said in the past about the shortcomings of the performance appraisal system, but doesn't the success of any system depend on the

seriousness with which supervisors appraise people? If we change the performance appraisal system, is there any reason that the new system will function any better than the present system? We can all tear down any system we wish, simply by doing what we want to do without regards to a system. No system will work if the people who control the system make a mockery of performance appraisal. Perhaps it just galls some people to see others with some sign of commitment to the environment get some awards. Perhaps I ought to listen to my wife, who says, "Don't get any more medals, they are putting too many holes in your pajama tops. Get some plaques, so we can hide some of the wall paper."

Sal Biscardi is a Vice-President of NFFE Local 2050 working within the Oncology Branch, Health and Environmental Review Division, Office of Toxic Substances.

* Views expressed by guest editors are their own and do not necessarily reflect those of NFFE Local 2050 or its members.

**PROUD
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NFFE**



Join Us in ACTION - - -

- ☐ Compressed Work Week Agreement For All Professionals
- ☐ Activities to Ensure A Healthful and Safe Work Place
- ☐ Activities to Ensure the EPA's NEW BUILDING Will Adequately Provide for Worker Health and Safety
- ☐ Testimony Before Congress on New Building, Health and Safety, and Other Issues
- ☐ Work On a Code of Ethics for Professionals and Their Managers
- ☐ Representation of Bargaining Unit Members in Grievances and Other Matters

(Continued from Page 8) represented by unions.

certainly fulfill this function for their constituents.

NFFE, Local 2050, is a very recent addition to the scene at EPA, but has effectively represented the interests of EPA professionals on many fronts. NFFE has worked together with EPA management on such issues as day-time child care, for example. On the other hand, on issues such as the carpeting-ventilation problem, NFFE has been compelled to take a stand opposite to that of EPA management--and in a very effective way. NFFE recognizes and, in many cases, lauds the activities of many other EPA groups (Women in Science and Engineering, Blacks in Government, Human Resource Councils, and the Committee of Poisoned Employees, for example), but there is a distinct legal difference between these EPA groups and the two unions at EPA (AFGE and NFFE): the unions are the only groups with which EPA management is legally bound to negotiate with under the terms of the union contracts. Management may entertain or disregard the suggestions of other EPA groups at its pleasure, but it must negotiate with the unions on matters falling within the scope of the union contracts.

One of the functions of unions is to act as a lobbying force in representing the interests of their members. One does not need to reflect for long to recall professional groups which have found the need for such a voice: the American Medical Association, the American Bar Association, the National Educational Association, for example,

Returning to the question forming the title of this article, NFFE believes that professionals at EPA should carefully consider the consequences of having--or not having---an effective union representing professionals working at EPA. Contrary to some perceptions, NFFE is decidedly not simply a bunch of disgruntled, lazy employees bent on disrupting Agency activities. On the contrary, an examination of NFFE's membership list will reveal a goodly number of employees with "Outstanding Performance Appraisals" who are recognized by their peers as having a passionate and enduring interest in the welfare of the environment and human health.

To be an even more effective force at EPA, NFFE will require the same two necessities which undergird all worthwhile projects: more time (in terms of professionals lending their aid to Union projects) and more money (as a result of more dues-paying members). NFFE dues are minimal, but they are vital to maintaining an effective voice for professionals within EPA.

Union membership is but a phone call away---see the list of the current NFFE officers and their telephone numbers to make that very important call!

NOTE: This article is reprinted from the July, 1988, issue of the **FISHBOWL**, - the issue EPA refused to deliver because of the article's presence!

CURRENT NFFE LOCAL 2050 OFFICERS

PRESIDENT:

PRESIDENT-ELECT:

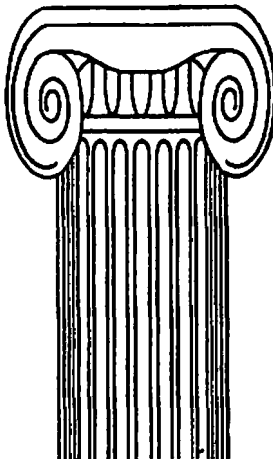
VICE-PRESIDENTS:

NFFE-PHONE
382-2383

SECRETARY:

TREASURER:

CHIEF STEWARD:



BOB CARTON 382-2325

BILL HIRZY 382-2327

MARK ANTELL 382-2878

SAL BISCARDI 382-4288

IRV MAUER 557-7430

RUFUS MORISON 382-4273

JIM MURPHY 382-7591

DWIGHT WELCH 557-2783

VACANT

DALJIT SAWHNEY 382-4289

HALE VANDERMER 557-7336

COMPLETE SECTIONS MARKED "X"

REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Standard Form No. 1187
Revised January 1979
Office of Personnel Management
FPM Chapter 550

Privacy Act Statement

Section 5525 of Title 5 United States Code (Allotments and Assignments of Pay) permits Federal agencies to collect this information. This completed form is used to request that labor organization dues be deducted from your pay and to notify your labor organization of the deduction. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of Treasury to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate Government agency if the Government is party to a legal suit; 4) an appropriate law enforcement agency if we become aware of a legal violation; 5) an organization which is a designated collection agent of a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identification).

Executive Order 9397 allows Federal agencies to use the social security number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that payroll deductions cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employee (Print—Last, First, Middle) X	2. Employee I.D. Number (SSN or Other) X	3. Timekeeper Number X
4. Home Address (Street Number, City, State and ZIP Code) X	5. Name of Agency (Include Bureau, Division, Branch or Other Designation) X	

Section A—For Use By Labor Organization

Name of Labor Organization (Indicate Local Branch, Lodge or Other Appropriate Identification)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL _____

I hereby certify that the regular dues of this organization for the above named member are currently established at \$_____ per (biweekly pay period) (calendar month). (Strike out whichever period is not appropriate, based on arrangement with the employee's agency.)

Signature and Title of Authorized Official

Date (Month, Day, Year)

Section B—Authorization By Employee

I hereby authorize the above named agency to deduct from my pay each pay period, or the first full pay period of each month, the amount certified above as the regular dues of the (Name of Labor Organization) _____ and to remit such amount to that labor organization in accordance with its arrangements with my employing agency. I further authorize any change in the amount to be deducted which is certified by the above named labor organization as a uniform change in its dues structure.

I understand that this authorization, if for a biweekly deduction, will become effective the pay period following its receipt in the payroll office of my employing agency; and that, if for a monthly deduction, it will become effective the first full pay period of the calendar month following its receipt in the payroll office of my employing agency. I further understand that Standard Form 1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my employing agency, and that I may cancel this authorization by filing Standard Form 1188 or other written cancellation request with the payroll office of my employing agency. Such cancellation will not be effective, however, until the first full pay period which begins on or after the next established cancellation date of the calendar year after the cancellation is received in the payroll office.

Signature of Employee

Date (Month, Day, Year)

X

X

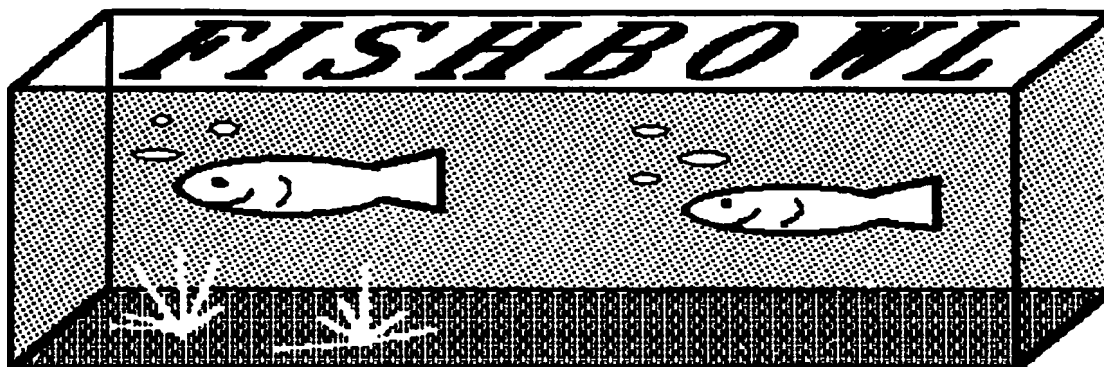
FOR COMPLETION BY AGENCY ONLY—The above named employee and labor organization meet the requirements for dues withholding. (Mark the appropriate box. If "Yes", send this form to payroll. If "No", return this form to the labor organization.)

YES NO

Power 10
~~15798~~

Return to VN 200
Not listed

INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES
P. O. BOX 76082
WASHINGTON, DC 20013
OFFICE: ROOM 302 NE MALL
NFFE
EPA HEADQUARTERS' PROFESSIONALS
LOCAL 2050
(202) 382-2383

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

FEBRUARY--1990

INSIDE THIS ISSUE

VOLUME 6--No. 2

- DEMOCRACY FOR EPA
- LOCAL 2050 ASKED TO TESTIFY ON PAPERWORK REDUCTION ACT
- SCIENCE, FREE SPEECH, AND THE OFFICE OF THE INSPECTOR GENERAL
- FLUORIDE AND BONE CANCER - THE HEAT IS ON! AND SO ARE THE DENIALS !
- GUEST EDITORIAL - "FLUORIDATION AND CANCER" -by John R. Lee, M.D.
- CLIPPINGS TO CONSIDER - "THE ROLE OF THE EPA HEADQUARTERS PROFESSIONALS' UNION" -by J.W. Hirzy (Reprinted from the ENVIRONMENTAL LAW REPORTER)
"REILLY: ENVIRONMENTAL COMMUNITY'S CRITICISM OF BUSH IS UNJUSTIFIED" -
by Dennis Wamsted (Reprinted from ENVIRONMENT WEEK)
- RESULTS OF THE BUILDING SITE SURVEY
- MINIMUM QUALIFICATION REQUIREMENTS FOR PROFESSIONAL OCCUPATIONS
- EMPLOYEE SELF-NOMINATION FOR EVACUATION
- INDOOR AIR NEWS ---
- NFFE NATIONAL'S ANNUAL LOBBY WEEK: FEBRUARY 25-28th
- CONTRARIAN'S CORNER - "CRAVING FOR FREEDOM" - by Alex Arce


LOCAL 2050

JOIN TODAY —

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REPORTERS FOR THIS ISSUE :

BILL HIRZY
BOB CARTON
DWIGHT WELCH
RUFUS MORISON



DEMOCRACY FOR EPA

by Dwight Welch

TQM. Total Quality Management. Participatory Management. Hmmm. A bunch of buzzwords? I tell it like it is: Democracy. Democracy in the workplace. An American idea for a long time ignored in America. An idea put into practice by the Japanese industrialists. This a good part of the reason why resource poor Japan has blown away resource rich United States in the world marketplace. This has happened even though Japan must import most of its raw materials, such as iron ore and coal, while the U.S. has these materials in abundance in its own country. Starting out with a handicap, Japan has used a superior system of management to put it in the winner's circle. (I realize that I am stretching a point here in indicating that the "Japanese system" is democratic. In many ways, their system is still quite repressive and feudal; however, the important aspect of democracy that they have adopted is participation by the worker.)

Using democracy in the workplace, ideas are able to filter up from the people involved in actually doing the work in Japanese corporations. Meanwhile in U.S. business, industry, and government, ideas only trickle from the top down. Here, in the home of modern democracy, the system used is basically authoritarian in nature.

In Japan, the workers of a certain leading electronics firm can proudly point to their president and boast, "Our president is an electrical engineer." Here at EPA, many a brilliant scientist hangs his/her head in shame saying, "My Director has a B.A. in English (or some other Liberal Arts degree)."

Theoretically, managers are supposed to direct work flow and keep work moving along in an efficient manner. In practical reality, managers often serve as bottlenecks slowing up the work flow. When you add to that nontechnical managers, who don't understand the work itself, the situation becomes much worse. Does this remind you of any situations you daily encounter? Maybe with a lot less managers, more work could get done and think of the money the taxpayers would save not only with increased workflow, but fewer managers' salaries to pay.

Can you imagine a system where the workers nominate other workers for awards? Such a system might be more equitable than one in which managers are able to reward sycophants. The former might be more likely to award achievement, while the latter is more likely to deteriorate into a spoils system. Which awards system is like the one most familiar to you here at EPA?

Can you imagine a system where ideas come from those actually doing the work? Such a system might work better

than the ideas coming from the top down. Who is able to design a better carburetor, the guy who builds carburetors or the vice president in charge of the engine department?

Can you imagine a system where the managers are elected rather than appointed? Would not such a system be more responsive? How many managers would keep their jobs here at EPA? Can you imagine even a system where the managers were held truly accountable for their decisions? How about a system where a portion of a manager's pay increase is derived from employees' evaluations of the manager's leadership and productivity? And how about a system where professionals are rewarded on the same basis?

How about a system where scientific decisions are made by a group of scientists, rather than a system where a nontechnical manager gets input from the scientists and then overrules the scientific consensus to make his/her own decision? Sound farfetched?

The 1980s were in many ways exciting times. We witnessed the overthrow of dictators such as Baby Doc and Marcos. We witnessed students demonstrating for democracy in China. We witnessed the overthrow of Communist Regimes in Eastern Europe. In the 1990s, the trend seems to be continuing. Even South Africa seems to be on the way to doing away with Apartheid.

So I'm sitting here thinking if Gorbys can bring democracy to the USSR, then perhaps Mr. Reilly and Mr. Habicht can bring democracy to EPA. Mr. Reilly has the toughest job in the world right now: saving the world from environmental catastrophe. Mr. Reilly cannot do this alone. Mr. Reilly cannot do this so long as the many layers of management insulate him from the scientific ideas bubbling at the bottom level of this Agency.

Mr. Reilly has expressed an interest in meeting with NFFE, Local 2050. As of this writing, and after 13 months on the job, it hasn't happened yet. But when and if he does, it will be an historic occasion. It will be the first time an EPA Administrator has ever met with our union. If this meeting is merely for show, then nothing much will be accomplished. However, if Mr. Reilly really desires our help in his Herculean task, then perhaps together we can save the world.

History has proven that democratic systems work better than authoritarian ones. Democracy at EPA--coming soon to a program near you, sponsored in part by NFFE 2050, a quality union.

**LOCAL 2050 ASKED TO
TESTIFY ON PRA BY
SENATOR GLENN**

Local 2050's long-standing interest in having EPA's job done in the open, with minimal interference from anonymous special interests focussed

through the Office of Management and Budget will again be the subject of Congressional testimony. Staff of Senator Glenn's Government Affairs Committee reviewed the Local's testimony on the Paperwork Reduction Act (PRA) given last year before the House Government Operations Committee and asked that it be presented to the Senate as well. Bill Hirzy will testify on February 22nd. Copies of the testimony can be obtained from the Union by calling 382-2383.

SCIENCE, FREE SPEECH, AND THE OIG

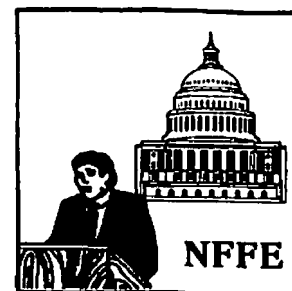
by Rufus Morison, Ph.D.
Vice President, Local 2050

In the course of community activity as a private citizen, a scientist employed at EPA performed an ecological risk analysis on a pesticide and its environmental effects. The privately held opinion he/she stated at public meetings and in newspaper articles did not happen to agree with the EPA's position on the risk. A hotline complaint to EPA's Office of the Inspector General (OIG) was made anonymously about these public statements of private opinion. The news media subsequently assumed responsibility for the article and opinions. Nonetheless, the OIG continued the investigation for another six months!

Does any of this sound familiar?

The Agency attempts to market the idea that one can go to the OIG to investigate wrong doing. It is increasingly apparent that they also involve themselves in abetting and aiding the suppression of private opinion and free speech.

Free speech under the First Amendment to our Constitution includes the right to be wrong and hold unpopular opinions.



Our question is who is watching the watchers?

Want to do something about this type of abuse? Do you have problems with the OIG?

Congressman John Dingle is interested! Contact Ms. Debra Jacobson, House Committee on Oversight and Investigations, 2323 Rayburn HOB Washington, DC 20515, (202) 225-4441, or call NFFE at 382-2383.

FLUORIDE AND BONE CANCER - THE HEAT IS ON! AND SO ARE THE DENIALS!

by Bob Carton, Ph. D.

It was comforting to hear the Director of the Office of Drinking Water tell the nation on Cable News earlier this month that viewers shouldn't worry about the results of the NTP study which showed that fluoride causes bone cancer. NFFE concludes from this news story that animal tests are only believable and useful for decisionmaking if you get the right answer. In this case, the "right" answer was not forthcoming.

The American Dental Association also distinguished itself with a press release on January 29th, stating in no uncertain terms that "Water fluoridation remains the safest, most effective and most economical public health measure to prevent tooth decay and to improve oral health for a lifetime." Powerful argumentation from the premier promoter of water fluoridation.

Not to be outdone, the U.S. Department of Health and Human Services announced on February 6th that rats and mice were exposed "...to very high doses of sodium fluoride...", doses that "...greatly exceed the amount used in the treatment of water.", and the study found "...only five male rats affected by bone cancer (osteosarcoma) and a small number of squamous carcinomas, tumors of the oral cavity, in male and female rats." In a small oversight, they neglected to mention that the rate of osteosarcoma was 1 in 20, and that the incidence in the controls was zero. The "high doses" they referred to was 79 ppm in water, which is 500 times less than the dose used in animal experiments of Red Dye #3, which is now banned.

Both organizations in their press releases apparently believe in thresholds for carcinogens and the inadvisability of extrapolating animal data to humans - especially if you don't like the answer.

GUEST EDITORIAL*

FLUORIDATION AND CANCER by John R. Lee, M.D.

[Note: The following are excerpts taken from a speech given by Dr. Lee at the Cancer Forum of the Foundation for Advancement in Cancer Therapy, Newark, NJ, August, 1989. In 1972, Dr. Lee was asked by the Marin County (California) Medical Society to chair a committee of physicians to study fluoridation. After this study, the medical society refused to endorse fluoridation. Dr. Lee stated: "Fluoride does not work as proponents claim, it is not needed in the public water, and it is toxic at varying degrees to individuals within the population that must drink the water through out their lives under ever-changing conditions of age, health, and illness."]

Thirty years ago, the renowned geneticist, H.J. Muller, included fluoride in the number of substances that injure genetic material of cells. In 1968, A.H. Mohamed showed that hydrogen fluoride, even at doses too low to produce visible tissue injury, induces significant mitotic and meiotic chromosome alterations in tomato plants and maize. In that same year, R. N. Mukherjee and F. H. Sobels showed that fluoride enhances the production of recessive mutations by X-radiation in *Drosophila* (fruit flies). In 1970 and 1971, A.H. Mohamed and R.A. Gerdes, respectively, independently showed that fluoride increases lethal and sublethal genetic damage to *Drosophila*. In 1975, Gileva *et al.* demonstrated the mutagenic activity of inorganic fluoride compounds in female white rats. Here in the U.S. in 1974, Jagiello and Lin found sodium fluoride induces mutagenic damage to mammalian ova from sheep and cows, affecting meiosis drastically. In 1976, Mohamed found highly significant increases in the frequency of chromosomal changes in bone marrow cells and spermatocytes of male adult mice given sodium fluoride in their drinking water. The evidence of chromosome damage by fluoride seems clear.

Circumstantial evidence linking fluoride to cancer is found in the increased lung cancer that occurs among

fluorspar miners. Similarly, increased cancer mortality among aluminum plant pot-room workers, especially for cancers of the lungs, pancreas, and lymph glands. Cancer death rates are higher among those living close to large aluminum plants when compared to persons 4-5 miles away. In Japan, scientists found increased stomach cancer mortality in areas with high-fluoride levels in rice.

Experimental evidence clearly demonstrates the cancer-enhancing effect of fluoride. In rats, G. W. H. Schepers showed that beryllium fluoride was carcinogenic at a dose only 1/10th that of beryllium phosphate. In 1963, I. H. Herskowitz and I. L. Norton observed that sodium fluoride increased the incidence of melanotic tumors in *Drosophila*. As early as 1954, A. Taylor reported that mammary cancer-prone mice fed fluoridated water succumbed earlier than did similar rats fed un-fluoridated water. He later (1956) confirmed this finding using 360 mice fed a special low-fluoride grain diet. In 1965, Taylor and Taylor found that low-dose fluoride stimulated growth of implanted tumors using 991 mice and 1,817 embryonated chicken eggs. At much higher doses, tumor growth paradoxically decreased.

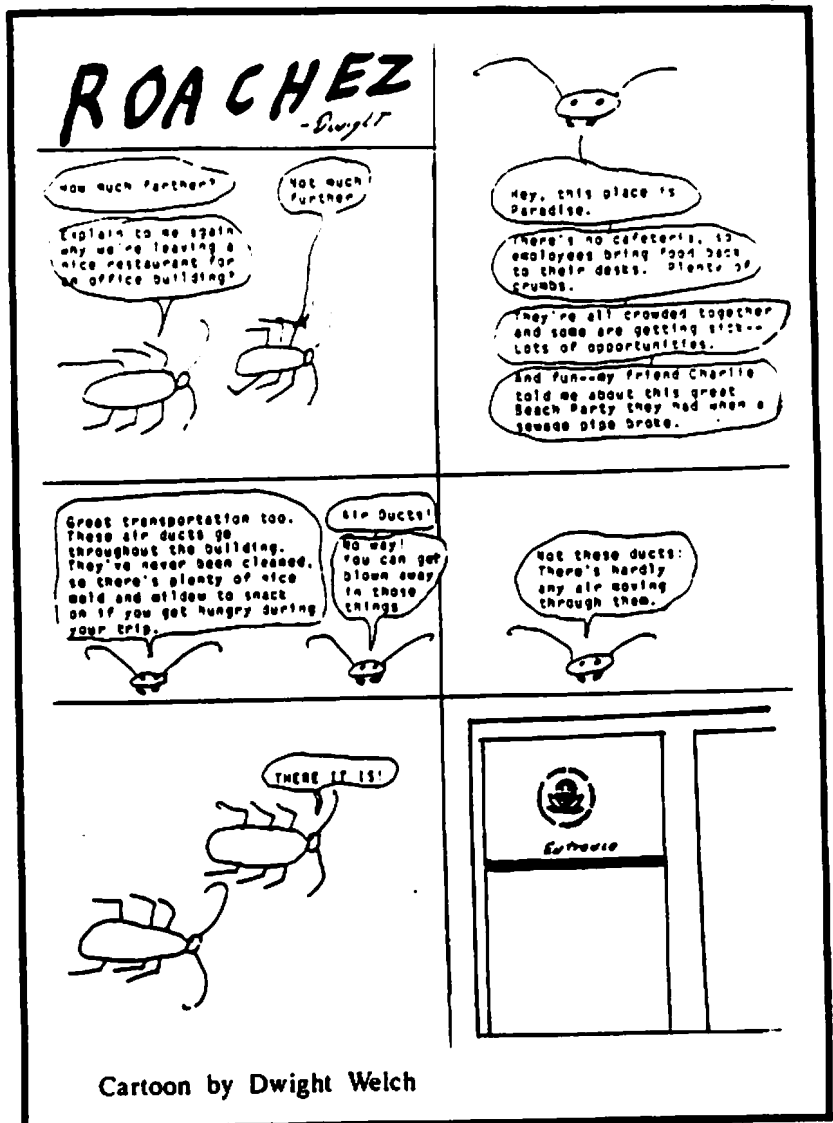
Epidemiologic evidence is also impressive. In 1974, a British study reported higher stomach cancer mortality in high-fluoride areas. An Italian study in 1964 had reported higher cancer deaths in four volcanic (high fluoride) areas than in neighboring low-fluoride ones. In 1975, L. Kinlen of Oxford claimed he found no significant differences in age-adjusted incidence of cancer between fluoridated and non-fluoridated areas. However, when the fluoridated cities of Anglesey, Watford, and Birmingham-Solihull were compared with nearly by unfluoridated areas, the incidence was appreciable higher in six of nine cancer categories. We are all familiar with the famous Burk-Yiamouylannis cancer death rate study comparing the rising rate in the 10 largest fluoridated U.S. cities with that of the 10 largest non-fluoridated U.S. cities. Their data showed that fluoridation increased the cancer death rates by approximately 15%. Subsequently, Erickson of the Center for Disease Control (CDC) published data derived from death certificates which, after adjustment

for age-sex-race, revealed an increase in cancer death rates in fluoridated cities of approximately 8-10%. Erickson, however, claimed that these extra deaths correlated with a factor he created from education level and housing density. To my knowledge no other investigator lists this factor as a cause of cancer. It is unclear why Erickson prefers this explanation over fluoride.

*Views expressed by guest authors are their own and do not necessarily reflect those of NFFE Local 2050 or its members.



Remember to
RECYCLE !





CLIPPINGS TO CONSIDER - - -

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ENVIRONMENTAL LAW REPORTER

20 ELR 10057

NEWS & ANALYSIS DIALOGUE

The Other Voice From EPA: The Role of the Headquarters Professionals' Union

by J. W. Hirzy

The Environmental Protection Agency (EPA) is a creature of the 1960s' social activism and environmental awakening. The national mood at the time demanded environmental improvement. The government responded by promising more environmentally sensitive policies, such as those articulated in the National Environmental Policy Act (NEPA):

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation¹

EPA was created in 1970 to oversee the government's new policies, partly by joining existing offices from other government departments. Many people then outside government joined the new agency to help achieve the national goals laid out in NEPA and to satisfy personal commitments to the same principles.

With this heady beginning and a national consensus for action, EPA set to the task of administering the new environmental laws flooding from Congress. At the outset, EPA headquarters was the center of frenetic, exhilarating, and often confused activity.

For a while in the 1970s, agency scientists had largely free rein to investigate problems and to recommend solutions to them. But it soon became apparent that political toes were being stepped on. Bureaucratic fiefdoms were threatened by unfettered investigation and the consequent regulatory jeopardy into which some industrial interests were placed.

J. William Hirzy is President-Elect of Local 2030 of the National Federation of Federal Employees, a union of professional employees at the Environmental Protection Agency. He is on the staff of EPA's Office of Toxic Substances as a senior scientist. He holds B.S. and Ph.D. degrees in chemistry from the University of Missouri, and did research and environmental management work for Monsanto Company for 19 years before joining EPA in 1981.

The ideas expressed here, as well as the principles on which the union was founded and is operated, are equally attributable to local officers Bob Carton (President, and an environmental scientist), William Coniglio (Past President, and a biologist), and Rufus Monson (Senior Vice President, and an ecologist).

1. Pub. L. No. 91-190, 42 U.S.C. §§4321-4370a (1969), ELR STAT. NEPA 001-012.

So already during the 1970s the reins began to be pulled in. Somewhere along the line a decision was made to limit the caliber and number of scientists employed by the Agency. Rule writing was emphasized over scientific investigation. In effect, the science element of EPA became not only subordinate but *subservient* to the legal element.

Among other problems of this law-over-science operating philosophy is the fundamental difference between the ethics of scientists and the ethics of lawyers. Lawyering has a much larger political element to it. As explained succinctly by former General Counsel and Deputy Administrator A. James Barnes after union-led protests over EPA's failure to pursue asbestos regulations under the Toxic Substances Control Act (TSCA),² "Lawyers generally help policymakers go where they want to go." The scientist's duty, on the other hand, is to uncover nature's secrets and publish his or her findings, irrespective of any "client's" desires.

When the elections of 1980 were over, putting in place an Administration avowedly hostile to environmental regulation, it looked like further erosion of science's role in favor of more political control at EPA was unavoidable. Anne Gorsuch, who was appointed EPA Administrator, became the public face of the EPA; John Hernandez was made Deputy Administrator, overseeing the day-to-day operation of the Agency.

The Reagan appointments were greeted with (as it turned out, well-founded) trepidation by the career staff. Letting the public in on scientific findings that indicated problems requiring regulatory response was not exactly to be a high priority of the Reagan/Gorsuch/Hernandez EPA. EPA epidemiologists were fired *en mass*. Public information staff members were let go. Enforcement activities were diminished and piecemealed into program offices. Tight new controls were placed on publication and on speaking to the press. Even lawyers were told, "If you can't serve this Administration in conscience, get out!"

Anne Gorsuch and John Hernandez set a tone of "cleansing the temple" and "us versus them." Indeed, many career employees fled along with the Democratic appointees of Jimmy Carter, fearing massive cutbacks in staff

2. 15 U.S.C. §§2601-2671, ELR STAT. TSCA 001-036.

as well as fundamental changes in Agency philosophy as part of the expected "Reagan Revolution."

The Union Is Formed

Some of us who chose to stay were activists with organizing experience, and the need to protect ourselves through organization at headquarters was obvious. We were not looking just to cover our own personal backsides from reductions-in-force. Writings from the New Right, of which many on the Gorsuch team were leading lights, showed that open, representative government was in jeopardy along with the environment and our jobs. Effective organization with legal protections was what we clearly needed, and a labor union looked like an awfully good choice, though some sort of professional association not affiliated with labor was also considered.

A representational election had been held at EPA headquarters several years earlier, and professionals decided at that time not to join nonprofessionals in a local of the American Federation of Government Employees.¹ But after several months of experience with Gorsuch/Hernandez leadership and study of what protection a professional association could give us, we decided to organize a labor union for professionals at EPA headquarters.

Among the reasons for choosing a labor union over a professional association were the provisions of the Civil Service Reform Act that laid out specific rights and operating ground rules for federal labor organizations and their bargaining unit members. In the Act, Congress declared that collective bargaining for federal employees is in the national interest. And we viewed the implicit relationships established in the Act among labor organizations, the Congress, and the public as providing a whole new dimension for public service activism.

We met with representatives from several national unions. We were struck by the fact that the National Treasury Employees Union (NTEU) represented only non-defense workers. NTEU thus had a clear path for strong lobbying on behalf of domestic programs when they conflicted with defense programs; none of its locals would be pitted one against another in terms of appropriations. However, NTEU is controlled rather tightly by its national office; locals have less autonomy than in some other unions. But we would be creating a "nontraditional" labor union, requiring flexibility and autonomy for our local. So we chose affiliation with the more decentralized National Federation of Federal Employees (NFFE).

Ten of us at EPA obtained a charter from the NFFE national office as Local 2050 in 1983. The local spent much effort in defining itself by developing a statement of purpose, in which we made plain our commitment to foster and protect the community of interests of EPA's professionals, to open communications, and to achieve EPA's missions. We communicated these principles to our colleagues and then, under terms of the Civil Service Reform Act, we obtained signatures of over 30 percent of them on a petition to the Federal Labor Relations Authority ask-

ing for a representational election. The election was held in June 1984 and, by a startling majority of 91 percent, NFFE was chosen by EPA professionals as their exclusive bargaining agent.

The ease with which we were able to gather petition signatures and the size of the election victory showed not only the staff's agreement with the union local's statement of purpose but also the atmosphere at EPA at that time. We had just passed through the purge of the Gorsuch group by a new Administrator, William Ruckelshaus. The "us versus them" philosophy was fresh in mind and the need to lock in permanent protection was clear. We adopted Ruckelshaus's observation about EPA's need to conduct its business as though it were "in a fishbowl" as the guiding concept of our local, and we named our newsletter "Inside the Fishbowl." Who could argue with an operating philosophy like that? From such a source? In a Republican Administration? Following the Gorsuch debacle?

The Union's Accomplishments

Asbestos

It wasn't long before we faced the first test of our commitment to EPA's mission and of our willingness and ability to act. By mid 1984, EPA's decade-long effort to ban many asbestos-containing products culminated in draft rules under TSCA §6 to ban certain products and to phase down asbestos production and importation. The rules cleared all levels of agency review, including General Counsel review of possible use of TSCA §9 to "refer" the risk control efforts to the Occupational Safety and Health Administration and the Consumer Product Safety Commission. Use of §9 was ruled out as insufficiently protective. With the review completed, the rules went to the Office of Management and Budget (OMB) for clearance in the late summer of 1984. Bill Ruckelshaus presciently resigned at the end of the year.

At a February 1985 press conference, EPA announced that TSCA §9 would be used after all to keep EPA from acting. Rumors of OMB pressure were seemingly everywhere. The branch chief in charge of the rules stormed into my office after the press conference demanding to know what the union was going to do about this "double cross."

We did two things: first, we talked with friends on the Hill; second, we circulated, delivered, and published a petition and open letter to Administrator Lee Thomas describing OMB's back-door attempt to subvert the rules. Within days, Congress had halted the §9 referral, subpoenaed documents, and started an investigation. The investigation ultimately resulted in severe congressional criticism of EPA's and OMB's actions and a memorandum from OMB promising new OMB procedures.⁴ The memorandum specified that no off-the-record meetings would be held by OMB and that EPA would be invited to all

3. Under the Civil Service Reform Act, a "professional employee" serves in a job requiring a specific course of study in an institution of higher learning. Typical "professionals" include chemists, toxicologists, and lawyers, for example. "Nonprofessional employees" includes everyone else except management employees.

4. Memorandum from Wendy L. Gramm to Heads of Departments and Agencies Subject to Executive Order Nos. 12291 and 12498 (June 13, 1986) (entitled "Additional Procedures Concerning OIRA Reviews Under Executive Order Nos. 12291 and 12498"). This Memorandum has been updated. See "Administrative Agreement Outlining Procedures Governing OIRA Review of Regulations Under Executive Order Nos. 12291 and 12498," reprinted in 135 Cong. Rec. E1925 (daily ed. Nov. 17, 1989).

meetings scheduled between OMB and parties interested in EPA rules under review.

We in the union and all EPA employees felt some satisfaction because of our part in this improvement in government operations.

Fluoride

Within a few months of press stories on the union's role in the asbestos matter, we were approached by an outside scientist concerned about EPA's proposal to raise the recommended maximum contaminant level (RMCL) drinking water standard for fluoride. The RMCL is scientifically mandated, as opposed to the maximum contaminant level (MCL), which takes cost and other feasibility factors into account.¹ An EPA staff scientist had also called us to express concern for what he thought was an unethically high proposed RMCL. "The Agency is saying it's OK to have teeth that look like you've been chewing on rocks and tar balls—getting moderate to severe dental fluorosis—it's only a cosmetic effect," this employee complained.

We asked the outside scientist to give a seminar for EPA staff on fluoride in early 1985. After hearing the disturbing issues raised at the seminar, we asked the Agency to arrange a like seminar by those who prepared the Technical Support Document for the new, more lenient proposed RMCL. We wanted to see both sides of the issues raised by the first seminar. The Agency refused to put on that seminar and defended the Technical Support Document (prepared by a contractor and not reviewed by any EPA staff member expert in fluoride health effects) as having been put together properly. "Put together properly" in Agency parlance meant put together in any old way, followed by notice-and-comment in the *Federal Register*. In the science community, by contrast, proper preparation means use only of primary literature, followed by peer review.

After a futile, year-long struggle to get open debate on the merits of the Support Document, on the full range of risks of fluoride exposures, and on the process by which such documents are prepared, the union was forced to challenge the Agency's decision to promulgate the new standard in court. The Natural Resources Defense Council filed suit against EPA over the standard,² and the union filed a petition to join as an *amicus*. The District of Columbia Circuit Court of Appeals denied our petition to file as *amicus*, making light of the fluoride controversy during oral arguments. But that is not the end of the story. We continued to expose the tactics of the pro-fluoridation power block inside and outside government. This power block's tactics included making personal attacks on the integrity and qualifications of opponents, suppressing data and public debate on health risks from fluoride exposures, and using "spokesperson science." A journalist took our material as a start, did extensive research on her own, and published a special report on fluoride in the news weekly of the American Chemical Society, *Chemical and Engineering News*.³ As a result of the article (which stimulated great

interest in the scientific community) and continued probing by the union and other journalists and scientists, the Agency is re-opening the fluoride case, and the union has been asked by management to propose a process that assures impartiality for the new assessment.

Indoor Air Pollution

More recently, we have been addressing a serious indoor air pollution problem at EPA headquarters, one that we have found we share with much of the public. Several hundred EPA employees were made sick by new carpeting installed in 1987 and 1988. About 20 of these employees have acquired multiple chemical sensitivity from their exposures. The Agency for nearly two years denied the connection between the carpet and employee illness, but on September 15, 1989, EPA's Director of Environmental Safety and Health admitted that the "newly manufactured carpet clearly caused the initial illnesses," and the Agency is now starting to remove it.

The union began its work on clean air long before the "carpet crisis," concluding a clean air contract with EPA in July 1987, but the spate of multiple chemical sensitivity cases appearing during 1988 put a whole new light on our efforts. National media covered our story, and we were then flooded with letters and phone calls from people telling us of similar problems in their homes and offices.

Even as we were calling on the Department of Labor, filing a grievance under our collective bargaining agreement, and organizing affected workers into a Committee of Poisoned Employees, we used our scientific training to assess data collected by EPA and the union. This assessment included information obtained from complaining citizens and from industry groups, and we published it at the Society for Risk Analysis meeting in October 1989. This assessment is being used as the support document for a petition the union has filed under TSCA §21, asking the Agency to regulate the level of the chemical that caused EPA employees to get sick. The union believes that the suffering of our fellow workers, terrible and life-altering as multiple chemical sensitivity is, can be used to benefit our fellow citizens by getting action quickly on this problem.

EPA and the Consumer Product Safety Commission have a joint investigation under way on the issue of carpet/4-phenylcyclohexene (4-PC), the chemical involved, but given that it took EPA from 1973 until 1989 to regulate asbestos under TSCA, there is little reason for optimism that 4-PC will be regulated before the turn of the century by the "regular" process.

EPA's Unionized Future

What these three examples of our union's activism point out is that there is enough technical competence—and plenty of will—to do the job of protecting the environment and public health at EPA. What is lacking is a managerial concept that properly brings that competence and that will to bear on problems. (This is not to say that there is no room for improvement in the composition and operation of the professional community of EPA—there is, aplenty!) The recent experience of the "carpet crisis" has taught management the wisdom of listening to its professionals and of incorporating their suggestions more meaningfully into crucial decisions. As I write this, the unions and

1. In 1986 amendments to the Safe Drinking Water Act, RMCLs became "MCL goals." See generally Gray, *The Safe Drinking Water Act of 1986: Now A Tougher Act to Follow*, 16 ELR 10338 (1986).

2. See *Natural Resources Defense Council, Inc. v. Environmental Protection Agency*, 812 F.2d 721, 17 ELR 20418 (1987).

3. Hileman, *Fluoridation of Water*, *CHEMICAL & ENGINEERING NEWS*, Aug. 1, 1988, at 26.

management are crafting a charter for a new labor-management organization that will exercise significant managerial authority over the work environment at EPA. The unions envision this development as bringing a much greater degree of democracy—and ultimately efficiency—to the EPA workplace. Once democracy's value in workplace decisionmaking is clear, the way will be open for its expansion into more program-oriented arenas.

What does the appearance of this nontraditional labor organization mean for the future of EPA's operations? There has been a significant—perhaps revolutionary—change at EPA by the establishment of a labor organization dedicated to protecting the environment and its bargaining unit members. This labor organization establishes new relationships with the administration, Congress, and citizens that will affect how environmental matters are dealt with in the future. The process of managing environmental affairs can be much more professional and nonpartisan if these new relationships are nurtured and brought together appropriately.

The Appropriate Role of Professional Staff

We civil service professionals recognize that our form of government gives Congress and the Executive the power to make and faithfully execute laws, and it gives courts the authority to interpret them. As professional staff, our role is to advise the constitutionally mandated branches in matters of our professional competence. If the Congress, the Executive, or the courts choose to ignore our advice, that is their right, and the citizens can take corrective action, if they choose, at the polls.

By creating and protecting an independent voice of professionalism, a voice that cannot be distorted or silenced or intimidated, our union in a unique way makes it easier for citizens to assess how well or how poorly the federal government is carrying out their wishes. If, over the next few years, the EPA union can show sustained and growing effectiveness, other unions in other segments of government can do it too.

If those in elective or appointive office recognize the long-term value of having sworn-to-duty independent, ethical, and competent professional staff, and if the public takes advantage of the open avenues of communication with this professional community, the contention and distrust that have so marked the relationship between government and the environmental movement can be softened, perhaps markedly. The union, as an independent advocate of environmental professional excellence, can serve as a bridge, a builder of trust in government.

In testimony in 1989 on cabinet status for EPA, in its contribution to the Blueprint for the Environment project, and in its comments to Administrator William Reilly on Future Risk (a long-range plan for research and develop-

ment in EPA), the union pointed out that reorganizing EPA, giving it cabinet rank, or shifting research emphasis among programs will have but limited effect on how well the Agency can meet public expectations. Without a major change in the professional work environment at EPA, the same old issue of trust—of who are those faceless bureaucrats of unknown competence in EPA really working for?—will bedevil the Agency's efforts to meet the challenges it faces.

More Participatory Government Is More Effective Government

Unless EPA, acting as a highly visible example, can trust its professional employees to participate more fully in decisions that affect their work environment, we will never solve the problems of rain forest destruction, ozone layer erosion, groundwater pollution, acid deposition, toxics-induced loss of immune function, and scores of other serious environmental health problems facing us, no matter how high on the Agency's action agenda we place them. The potential for contention is just too high. If you doubt, just look at where we stand today on all those issues: nowhere close to solutions. We frankly believe that EPA can and will provide just that example.

If we as a society choose to look at the implications of professionally competent analyses of environmental problems as too frightening, preferring instead to listen to the blandishments of the unlimited development and band-aid-as-environmental-fix schools, the program our union is advocating will only buy delay, not a solution. There is no escape.

History teaches that we can succeed. For World War II, as a nation we organized ourselves into an efficient social entity with clear goals and we set about accomplishing them in a rational, professional way. We recognized a clear and present danger and we went to work to overcome it. We can do the same today, facing another awful set of consequences if we fail.

At all levels of society we must organize to become efficient users of our resources, to make recycling and energy conservation a way of life, the way we did in the 1940s. We cannot continue to throw away the products of our industry, creating mountains of trash that have to be put into the ground, ocean, or air as toxic gases and incinerator ash. We must learn to live in harmony and equilibrium with each other and with the Earth. Local, state, and federal governments, private organizations, and individuals must marshal the will and the resources to confront the task. It can and must be done unless we are prepared to abandon this planet. It means cooperation on a revolutionary scale. Perhaps EPA's new administration and its new union can help show the way.

Reilly: Environmental Community's Criticism Of Bush Is Unjustified

The environmental community's criticism of the Bush administration's policies, particularly on global warming and clean air, is completely unjustified. It is time for the environmental community to let go of the "us versus them" mentality that characterized the 1980s and realize that the 1990s are a new era. "The question is no longer whether, but how" the U.S. will protect its environmental resources.

Comments from White House Chief of Staff John Sununu? No, in fact, these comments were made by Environmental Protection Agency Administrator William Reilly in an interview at EPA headquarters last week.

Reilly was sharply critical of the environmental community's negative reaction to President Bush's global warming speech before the Intergovernmental Panel on Climate Change, which met in Washington last week. "I am very pleased" with the president's speech, Reilly told a group of reporters. The speech was "fully responsive to the issues of climate change. He furthered the right process."

The president's speech before the IPCC meeting was the first ever by any head of state among the organization's 56 members, Reilly said. Beyond that, the president has proposed a 57 percent increase in the U.S. global climate change research budget and has agreed to host a global change conference in Washington this year. "All are measures, I think, of a president who's committed, engaged and will be a participant, and a constructive one, for the long run."

Those in the environmental community that had hoped the president would propose specific reductions in carbon dioxide "misgauged both the moment and the reality of our situation, of that of other countries, and of what negotiations will involve," Reilly continued. The U.S. and the other members of the IPCC process have not yet completed the necessary analyses of the potential effects of climate change, options to address the potential changes, the cost of the available remediation measures and what are the various trade-offs. "I cannot imagine that any large country will commit itself to policies [CO₂ reductions] the

BY DENNIS WAMSTED

"I think environmentalists...need to be responsible and recognize cost-effectiveness is more important than ever before...."



economic consequences of which they don't understand."

The EPA chief also criticized the environmental community's insistence on backing the Clean Air Act reauthorization bill passed by the Senate Environment and Public Works Committee, instead of the administration's proposal. The bill reported out by the committee would be twice as costly as the Bush proposal, but it would only provide 2 percent more pollution protection. "That is to me an unreasonable allocation of cost to achieve those benefits," Reilly said.

"I think environmentalists and others need to be responsible and recognize cost-effectiveness is more important than ever before, because we really will address the problem," the EPA chief continued. "I would say to them: Let's not spend it all on one issue."

There are a lot of other environmental problems that need federal attention, Reilly said. But if the country spends \$40 billion on a clean air bill, in addition to the \$32 billion now spent each year, the reaction from the business community and others will be obvious: There is no more money for other envi-

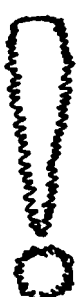
ronmental clean-up.

Moving to other issues, Reilly admitted to being slightly disappointed with EPA's recently issued agreement with the Army Corps of Engineers on wetlands management. "There is a certain amount of disappointment, I think, on the part of, certainly the environmental community and some others," Reilly said, with the difference between the initial Memorandum of Agreement, which was released in November, and the final MOA. Still, even the final agreement is a step forward, he said.

Never before have EPA and the Corps followed the same approach to wetlands preservation issues.

On another issue, Reilly said he was unhappy with the abuse of risk assessments in environmental protection issues. Risk assessments are nothing more than a theoretical accumulation of worst case scenarios, he said, adding: "It's a misuse of risk assessment to attribute to it a precision sufficient to shut down plants, and to put people out of work on any large scale." Instead, what EPA proposes is to assess environmental risks on a case-by-case basis using real-world data.

Finally, Reilly admitted what everyone in the environmental community has known for the past several months: that comprehensive reauthorization of the Resource Conservation and Recovery Act is unlikely this year. Congress and the administration have been preoccupied with the clean air debate, Reilly said, adding that any proposals from EPA are unlikely to be sent to Congress for at least another 90 days. And even then, the proposals will not be comprehensive, but rather will focus on pollution prevention and recycling measures.





RESULTS OF BUILDING SITE SURVEY

The results of Local 2050's bargaining-unit referendum on preferences for the location of EPA's new building, which was conducted on January 10th, are reported below. These same results were communicated to the Administrator in memorandum from Bob Carton, President of Local 2050, on January 31st. In addition to expressing strong opposition to the South East Federal Center (SEFC) as a building site, the memorandum also expressed the view that the current Waterside Mall complex is unhealthy and unsafe and requested the Administrator to consult with the General Services Administration (GSA) to secure temporary quarters until the new building is constructed. The memorandum also indicated bargaining-unit concerns with respect to the SEFC as a building location, including: personal health and safety, lack of definite private and public commitment to the project site, the length of time before occupancy (1995-1997 at the earliest), and the disruption bound to accompany continuous development and construction, which will last for 20 years.

SURVEY RESULTS

CHOICE

	FIRST	SECOND	THIRD
SE Federal Center	31 (8.2%)	54 (14.5%)	243 (71.5%)
Portals	198 (52.4%)	156 (41.9%)	24 (7.0%)
Union Plaza Center	141 (37.3%)	161 (43.2%)	73 (21.4%)
Other*	8 (2.1%)	1 (0.3%)	---
Totals**	378	372	340

* Although sites outside DC have been precluded by Mr. Reilly, some respondents selected suburban locations.

** Totals differ, since some respondents did not select three choices.

MINIMUM QUALIFICATION REQUIREMENTS FOR PROFESSIONAL OCCUPATIONS

NFFE receives many questions about who belongs to the NFFE bargaining unit and who does not, or to put it in legal terms, who is a "professional" and who is not. The Civil Service Reform Act (CSRA) has a lengthy definition which ends up identifying the following GS occupations as "professional". Please note Environmental Protection Specialists are not among them, which is a result of the CSRA - not NFFE! For a description of the work performed in these occupations, refer to the series definitions in the Handbook of Occupational Groups and Series of Classes and/or to individual position classification standards.*

GS-020 Community Planning	GS-193 Archeology
GS-101 Social Science	GS-401 General Biological Science
GS-110 Economist	GS-403 Microbiology
GS-130 Foreign Affairs	GS-405 Pharmacology
GS-131 International Relations	GS-408 Ecology
GS-150 Geography	GS-410 Zoology
GS-170 History	GS-413 Physiology
GS-180 Psychology	GS-414 Entomology
GS-184 Sociology	GS-415 Toxicology
GS-185 Social Work	GS-430 Botany
GS-190 General Anthropology	

GS-434	Plant Pathology	GS-861	Aerospace Eng
GS-435	Plant Physiology	GS-871	Naval Architecture
GS-437	Horticulture	GS-881	Petroleum Eng
GS-440	Genetics	GS-890	Agricultural Eng
GS-454	Range Conservation	GS-892	Ceramic Eng
GS-457	Soil Conservation	GS-893	Chemical Eng
GS-460	Forestry	GS-894	Welding Eng
GS-470	Soil Science	GS-896	Industrial Eng
GS-471	Agronomy		
GS-475	Agricultural Management		
GS-480	General Fish & Wildlife Administration.	GS-I 015	Museum Curator
GS-482	Fishery Biology	GS-I 221	Patent Advisor
GS-486	Wildlife Biology	GS-I 301	General Physical Science
GS-487	Animal Science	GS-I 306	Health Physics
GS-493	Home Economics	GS-I 310	Physics
GS-510	Accounting	GS-I 313	Geophysics
GS-511	Auditing	GS-I 315	Hydrology
GS-601	General Health Science	GS-I 320	Chemistry
GS-630	Dietitian and Nutritionist	GS-I 321	Metallurgy
GS-635	Corrective Therapist	GS-I 330	Astronomy and Space Science
GS-637	Manual Arts Therapist	GS-I 340	Meteorology
GS-638	Recreation/Creative Arts Therapist	GS-I 350	Geology
GS-639	Educational Therapist	GS-I 360	Oceanography
GS-690	Industrial Hygiene	GS-I 370	Cartography
(GS-800	Engineering Group)	GS-I 372	Geodesy
GS-801	General Engineering	GS-I 373	Land Surveying
GS-803	Safety Engineering	GS-I 380	Forest Products Tech.
GS-804	Fire Prevention Eng.	GS-I 382	Food Technology
GS-806	Materials Eng.	GS-I 384	Textile Technology
GS-807	Landscape Architecture	GS-I 386	Photographic Tech.
GS-808	Architecture	GS-I 420	Archivist
GS-810	Civil Eng.	GS-I 510	Actuary
GS-819	Environmental Eng.	GS-I 515	Operations Research
GS-830	Mechanical Eng.	GS-I 520	Mathematics
GS-840	Nuclear Eng.	GS-I 529	Mathematical Statist.
GS-850	Electrical Eng.	GS-I 530	Statistician
GS-854	Computer Eng.	GS-I 550	Computer Science
GS-855	Electronics Eng.	GS-I 701	General Education and Training
GS-858	Biomedical Eng.		

EMPLOYEE SELF-NOMINATION FOR EVACUATION

In the last issue of the Fishbowl, the Union reported management's refusal to consider evacuation of certain work locations based on employees' reports of adverse health effects from air quality. Management's position is that employees have to get sick enough to have medical certification of illness before evacuation. The fact, for instance, that two employees have become sensitized while working in the M-3225 suite, and a third is showing early signs of sensitization, cuts no ice with Mr. Grizzle and his staff with respect to having any other employees moved out before they get sensitized. (The two sensitized employees are young lawyers whose careers are in serious jeopardy now; they cannot tolerate most indoor environments--where are they going to practice their profession?)

* This list was supplied to NFFE by the EPA Personnel Office.

We said in the last Fishbowl that we would start the process of emergency, temporary removal from regular duty station work spaces anyway (in the hope of management's eventually seeing the light) by surveying our bargaining unit for those who believe they need to be working somewhere else. The survey would let us know how big a management problem we could have in setting up the program. Questionnaires went out to ca. 1100 Headquarters' professionals on February 12th. As of February 16th, we have received 16 responses, most of whom identified themselves even though the survey form stated anonymity at this stage of the process was acceptable. One employee who prefers not to work at home, but in "some location...as determined by EPA union/EPA management" also wrote, "...I do think we should be placed in another work space due to the abominable conditions found

throughout the history of this place. They're not getting any better, nor do I anticipate the ad hoc improvements will make the slightest difference. Tell them to quit wasting my tax dollars and rent new space. They did it in San Francisco pretty quick after the earth quake, why can't they do it here!!"

The 16 responses are distributed thus: 5 each in M-2 and the East Tower; 3 in SE Mall; 2 in Crystal Mall-2; and 1 from M-3.

Some respondents cited specific health problems they are now suffering; these include reproductive system effects and acute irritancy of the eyes and respiratory tract.

In recent conversations with Dr. Mark Bradley, who blew the lid off the apparent cover-up last July in a letter to Mr. Reilly, Dr. Bradley continues to state his belief that employee density is too high, and evacuation is a rational, minimal response.



All this information is being passed to management representatives on the Labor-Management Health and Safety Committee, but its rather like sending certain regulatory packages to OMB for review--it seems to go into a black hole.

We have appointments on the Hill later this month to keep up the struggle on your behalf. If you have a spare half-hour or so to help out, please call us at 382-2383 (and we need your membership too!).

CALL FOR ARTICLES

NFFE Local 2050 welcomes submission of articles of general interest to bargaining unit members or letters to the Editor for publication in its newsletter, Inside the Fishbowl. If you have such an article, please submit it through EPA mail to: Editor, Inside the Fishbowl, NFFE Local 2050 (UN-200), or leave it at the Union office (302 NE Mall). Please indicate if you wish to be listed as the author. All articles will be considered for publication.

**REMEMBER THE
HOMELESS
AND NEEDY --**





INDOOR AIR NEWS - - -

--by Myra Cypser

VENTILATION INVESTIGATION

At the Labor Management Health and Safety Committee (LMHSC) meeting on January 11th, the Agency agreed that the building owner's contractor would no longer have the lead on investigating the ventilation systems because of Union concerns about a possible conflict of interest and because the Unions thought the contractor's draft report was unacceptable. (The Agency also found this report disappointing.) The Agency agreed to fulfill a promise made earlier, that is, in the event the draft report was unacceptable, the Agency would sign a contract drafted by the Unions. A draft Union contract for a comprehensive investigation of all the Headquarters' buildings is now before the LMHSC.

MORE VENTILATION "IMPROVEMENTS"

At the January 30th Facilities Advisory Committee meeting, employees were told that the Agency installed new air-handling equipment for another corridor in the mall area. So far, not one air-handling system has been shown to meet the standard for outside makeup air set by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) which is 20 cubic feet per minute (cfm) per person. This standard is cited in the Agency's 1987 contract with the Unions. The building owner has designed and constructed these new systems and the Agency has not been able to tell employees if they comply with ASHRAE standard.

SPACE ACQUISITION

GSA will renegotiate the leases for WSM which expire in 1992. At the January 30th Facilities Advisory Committee meeting, employees were told that the Unions would be involved in these negotiations. Hopefully, there will be new lease provisions that will help protect employee health. In a January 31st letter to the Administrator, NFFE Local 2050 said that Union members consider the Waterside Mall (WSM) facility "unhealthy." The letter asked for EPA to

move to temporary quarters until the new Headquarters building is ready. Four floors will be available in Crystal City in a few months; however, other space will not be available for a full year.

USE OF CHEMICALS

The Unions discovered that the Agency was discussing the use of a disinfectant on condensate pans in the WSM towers with the building owner. (The pans catch dripping water under the air-conditioning equipment.) The Unions had a lot of questions: what is the risk from microbial contamination? what would be the impact of the disinfectant on indoor air quality? on employee health? what environmentally sound alternative exist to the use of chemicals? NFFE Local 2050 was able to obtain the assistance of the National Coalition Against the Misuse of Pesticides (NCAMP) and the Agency has agreed to consult with the integrated pest management group in OPTS. Any use of new chemicals or any increase in the use of chemicals that is a "change in working conditions" must be negotiated between the Agency and the Unions.

INDOOR AIR MANAGEMENT PLAN

The Unions reviewed several drafts of the Agency's indoor air management plan in January. Drafts continue to lack some of the key elements of an indoor air program. Also, drafts tend to focus almost exclusively on WSM. An indoor air management plan was first promised in a desk-to-desk memorandum on July 22, 1988. It is discouraging that we still do not have a comprehensive plan. Despite the lack of a plan, the Agency appears to be taking steps to clean all the ventilation ductwork in WSM and to install air-exhaust systems in some of the WSM copy centers.

REPORT TO SENATOR

The Agency sent Senator Barbara Mikulski a progress report on January 26th. This report discusses the ventilation "improvements," the removal of

a portion of the toxic carpet, and space acquisition. Like the Agency's December report, it does not address a key issue in her November 7, 1989, letter to the EPA Administrator. That letter asked for quarterly reports that "address such issues as whether employee illness associated with indoor air problems is abating." There is no indication that the Agency has procedures in place for monitoring employee health and producing the type of analysis she requested. Considering the results of the employee health survey, it is very important to have adequate procedures in place for monitoring employee health on a routine basis. Employees continue to become ill and seek alternative workspace or ask to work at home.

PRESS COVERAGE

On January 25th, Inside Edition showed a documentary on indoor air pollution featuring the problems at EPA Headquarters. This show was narrated by Congressman Joe Kennedy. The Canadian Broadcasting Corporation told our story on January 9th. To date, there have been more than 86 articles in newspapers, magazines and journals on EPA's indoor air. There have been at least ten national/international TV broadcasts on this subject. NFFE continues to receive calls and letters from people around the country asking for help and reporting indoor air problems in offices and private homes.

MEETINGS

At and "all-hands" meeting on January 16th, there were approximately 100 employees and NFFE Local 2050 asked for employee input on a variety of issues: work-at-home, toxic carpet removal, ventilation, the new building location, etc., to formulate bargaining positions. A reminder: the Unions and the Committee Of Poisoned Employees (COPE) hold regular meeting on EPA's indoor air.

Union representatives continue to meet with managers in the Office of Administration and Resources Management. There have been weekly meetings of the Labor Management Health and Safety Committee (LMHSC) for a few months now. The LMHSC meetings are very useful for defining issues and for establishing better communication. Subcommittees have been formed to work on an indoor air management plan, a communication strategy, the use of chemicals, and the needs of "affected employees." Typically, there are some subcommittee meetings each week. Employees are welcome to participate in these subcommittees to develop solutions

for building problems. Call NFFE to volunteer: 382-2383. ■ ■ ■ ■

**WATCH FOR FLYERS
ANNOUNCING
MEETINGS
OF THE FACILITIES
ADVISORY
COMMITTEE OR
UNION MEETINGS
DEALING WITH
INDOOR AIR AND
OTHER HEALTH-
RELATED ISSUES!**

**NFFE NATIONAL'S ANNUAL LOBBY
WEEK: FEB. 25-28th**

The 1991 budget has not yet been released by the President, and what it holds for Federal employees is a big question mark. With a \$30 billion deficit to deal with, the portents for us Feds are not bright. While we are 28% behind the private sector in pay, the President is asking for a mere 3.5%. The Federal Employees Health Benefits Program is critically ill. It does not give adequate service at reasonable prices.

These are among the major issues that NFFE people will discuss with members of Congress, asking for their support for programs to benefit all Federal workers. During this annual week of lobbying Congress, Local 2050 will be there, too, speaking on your behalf.



**Happy
Presidents'
Day**



**From
NFFE !**

Hope It Was a Good One!





CONTRARIAN'S CORNER *

CRAVING FOR FREEDOM

by Alex Arce

A bad law is as useless as no law at all, and sometimes more harmful! When man (refers to the human race, both genders) is oppressed by rule and regulations in excess, he rebels and breaks the law. There are laws so old and contradictory that they can no longer be applied. Such laws are a nuisance, and are not obeyed by anyone.

Bureaucrats have been known for being apathetic about changing rules or regulations. Although there is much complaining and gossiping in the hallways of government buildings, it seldom changes anything in the Federal Government. So, although the grumbling accomplishes very little in concrete terms, it does make the other bureaucrats aware of the malcontentment of the majority.

The Hatch Act, at 5 U.S.C. 7324 (whatever all these little numbers mean), prohibits Federal employees from: 1) using official authority to interfere with or affect the results of any election, and 2) taking an active part in political management or in political campaigns. However, intermittent (part-time) employees are subject to this restriction only on the days they actually work, and Presidential appointees are not subject to restriction at all [(2). 5 C.F.P. § 733.123]. Reading further into the Act, more and more restrictions are presented for regular Government workers---known also as "bureaucrats," "civil servants," and other (unmentionable) names.

It is hilarious to read that, according to the Hatch Act, political appointees are not subject to restriction. Every time we elect a new President, political appointees will be nominated as (generally speaking) new bosses, or, at least they will reach a position that the "regulars" would have to fight and toil for many years to obtain. Is this democratic, fair, or sensible way to "run the shop"? The answer to this question varies with one's particular situation. If you or I happen to be political appointees, the answer is, of course, YES. However, most likely, you and I are not appointees, and we do get discouraged, even if we know that some political appointees do bring some innovations and positive traits to the bureaucracy. Political appointees are good, bad, or ugly, but this is really not

the point. What many hard-working "regulars" resent is that political appointees often enter Government as green as a Granny Smith, learn everything they know about a given area from the "regulars", and then leave quickly for greener pastures (also known as better, higher-paying jobs)---for the most part, having used the Civil Service and its "regulars" for their own personal benefit.

Since we "regulars" must work under political appointees, why can't we have a greater say in who appoints them than the simple right to vote? Why can't we have the freedom to campaign for our preferred candidates or, like any other citizen, run for political office? How does Congress view us, as a bunch of demented children unable to control our own destiny?

Congress should remove its head from the ostrich-hole and look around! The Russians have changed---the whole world has changed, yet we (meaning Congress) refuse to change a despotic system---a system that doesn't even give Civil Servants "a turkey for Christmas" (some may believe that an extra day of leave suffices) as they do for blue-collar workers in industrial factories.

The point is this: the HATCH ACT MUST BE REPEALED! After leaving the office, each and every Government worker should be able to do as he or she pleases, just like every other citizen in this democratic Country! This means that, after leaving work, I should be able to campaign for any candidate of my choice. It means that, during the weekend and other off-duty hours, I should be able to (and legally could), if I wished, run for political office in my state, county, or any other governmental unit. It means that, if I decided to run for the office of Mayor, Governor, Congressman, or Senator, I should be able to do so without losing my source of income: my job as a Federal employee. It would appear to me to be more "honest" for a Federal employee who wishes to run for political office to remain employed (paying bills and obligations from one's own pocket) rather than to resign and be forced to depend upon unsavory contributions of the "good old boys" for daily expenses and campaign expenses.

Take a look at the "other Federal employees", employees of the "Beltway Bandits"---the "quasi-Federal" contractors: 1) they are being paid by the Government to do Government work, many times even more secret and of higher caliber (classification) than the work the

"regulars" do, but 2) they can and do campaign for the political candidate of their choice! Contractors' employees are frequently quite effective in the political arena, yet they are being handsomely paid by the U.S. Treasury by means of the Army, Navy, Air Force, Department of Commerce, Agriculture, EPA, or other Federal agency. Why can these "other Federal employees", who are paid by the Government, have full participatory rights in the political arena in this country, while we "regulars" cannot? Is anyone, in Congress or elsewhere, prepared to answer this question in a credible manner?

WHEN ARE WE GOING TO CHANGE THIS UNFAIR SYSTEM? The whole world is changing—! Do Federal workers need to tear down a "Berlin Wall" to effect change? Does the President need to espouse "Glasnost"?

WHAT FEDERAL WORKERS NEED TO DO IS TO LET THEIR FEELINGS BE KNOWN TO THEIR ELECTED OFFICIALS—SENATORS, CONGRESSMEN, AND OTHERS—AND FOLLOW UP ACTION (OR INACTION) BY THE APPROPRIATE VOTE AT THE BALLOT BOX!

Alex Arce is a Toxicologist working within the Registration Division, Office of Pesticide Programs.

TOGETHER--

We **WILL** Make a **DIFFERENCE !**

**PROUD
TO BE
NFFE**



Join Us in **ACTION** - - -

- ☐ Compressed Work Week Agreement For All Professionals
- ☐ Activities to Ensure A Healthful and Safe Work Place
- ☐ Activities to Ensure the EPA's NEW BUILDING Will Adequately Provide for Worker Health and Safety
- ☐ Testimony Before Congress on New Building, Health and Safety, and Other Issues
- ☐ Work On a Code of Ethics for Professionals and Their Managers
- ☐ Representation of Bargaining Unit Members in Grievances and Other Matters

CURRENT NFFE LOCAL 2050 OFFICERS

PRESIDENT:

PRESIDENT-ELECT:

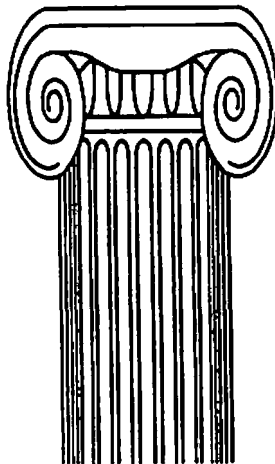
VICE-PRESIDENTS:

NFFE-PHONE
382-2383

SECRETARY:

TREASURER:

CHIEF STEWARD:



BOB CARTON 382-2325

BILL HIRZY 382-2327

MARK ANTELL 382-2878

SAL BISCARDI 382-4288

IRV MAUER 557-7430

RUFUS MORISON 382-4273

JIM MURPHY 382-7591

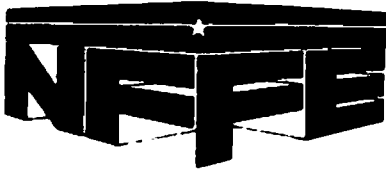
DWIGHT WELCH 557-2783

MYRA CYPSE 382-2872

DALJIT SAWHNEY 382-4289

HALE VANDERMER 557-7336

National Federation of Federal Employees



Local 2050

FEB - 3 1990

Hon. William K. Reilly
Administrator
U.S. Environmental Protection Agency
Washington, D.C. 20013

Dear Mr. Reilly,

The interview with you reported in ENVIRONMENT WEEK (2/15/90) is raising eyebrows around Headquarters. Your statements about more cost-effective pollution control and an apparent denigration of EPA's use of risk assessments in decision making are disquieting. We would appreciate knowing the specific cases of the abuse of risk assessments to which you were referring. It is difficult to determine if your comments are meant to apply to risk assessments in general, or only to a few embarrassing examples which are the exception rather than the rule. If your answer is the former, please be advised that we strongly disagree. If, however, you are referring to such abuses as the decision in 1985 to raise the level of fluoride in drinking water, then we are much relieved.

We stand ready as always to assist you in doing all that we can to promote a professional and ethical environment in EPA. As we have said many times before, poor science or "political" science undermines the reputations of the professionals who work here, and therefore, the credibility of the Agency.

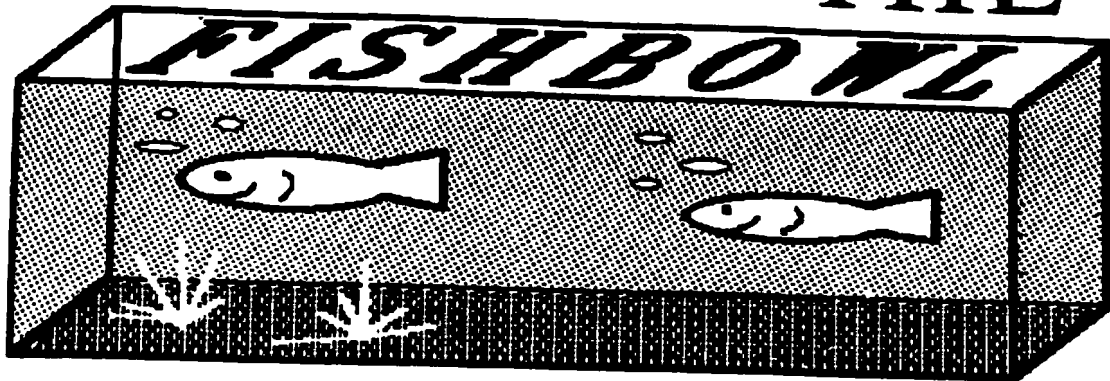
We look forward to receiving your response.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert J. Capton', is written over a horizontal line.

Robert J. Capton, Ph.D.
President
NFFE Local 2050

INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

P. O. BOX 76082

WASHINGTON, DC 20013

OFFICE: ROOM 302 NE MALL

NFFE

LOCAL 2050

(202) 382-2383

EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

MARCH-1990

VOLUME 6--No. 3

INSIDE THIS ISSUE

- * From the Editor
- * LEAD STORY: NFFE 2050 Executive Board meet with EPA Administrator Bill Reilly
- * MANAGER OF THE MONTH - Submit your nominations now
- * Roachez (Reprinted)
- * More Roachez
- * Union Member is Witness at DC Recycling Hearing
- * Aerosol Flammability Update
- * Landmark Racial Discrimination Case - Guest Editorial by Tyrone R. Aiken
- * Indoor Air News
- * NFFE to the Rescue - Program Office Attorneys vs. OGC

 **NFFE**
LOCAL 2050 JOIN TODAY —

FROM THE EDITOR

Ray Locke has resigned as editor of INSIDE THE FISHBOWL. Although I did not know Ray that well, I could readily see that he was as dedicated, hardworking and conscientious as they come. He turned INSIDE THE FISHBOWL into a first class publication. I'm sure all of us at NFFE Local 2050 are going to miss his contribution greatly.

I know that Ray has had all of you regular readers spoiled by the fine craftsmanship he had put into previous issues of the FISHBOWL. I am, however, computer illiterate so you may have to, for at least a while, bear with a less visually pleasing format. However, I feel that content is what is important and what we may have lost in journalistic craftsmanship, we hope to make up for in innovation. As Jesse Jackson has said, "First, be bold."

Many of you have complained that the cartoon "Roachez" was reduced to the point of illegibility. We are therefore going to rerun this strip along with the next installment. We hope to continue our regular features such as "INDOOR AIR NEWS" and "CONTRARIAN'S CORNER". We would also like to introduce a "LETTERS TO THE EDITOR" section so feel free to write in about whatever concerns you. We are also introducing "MANAGER OF THE MONTH", please see the COMING IN FUTURE ISSUES for details. In addition, I will be soliciting more articles from people who are environmentally involved outside the Agency.

We will also be continuing in our struggle for Democracy here at EPA. Think about it. The executives of EPA are appointed, the executives of NFFE 2050 are democratically elected by you the members. Decisions in the Agency are made by the highest ranking manager, in 2050 the President of the Board is just another voting member, decisions are voted upon democratically. Agency managers receive more pay as an incentive to their position, 2050 managers receive no additional pay but do their work out of their dedication to the environment. The Agency keeps its decision making machinery in the dark, out of the worker's view, workers opinions are not solicited and suggestions offered by workers are often rejected with no explanation; 2050, makes its decisions in the light of day, publishes them in the FISHBOWL, and regularly invites input from the workers. EPA is a huge agency, NFFE 2050 is quite small, with almost no budget, yet 2050 on a per capita basis is accomplishing more positive output that benefits the environment, in addition to acting as a regular labor union. Democratic organizations by encouraging input from the rank and file are much more efficient than authoritarian institutions which discourage input from the rank and file. The key phrase here is input, involvement, and participation from the rank and file. So please join and participate; democracy can only succeed if you are willing to work to make it work.

Please be reminded that the deadline for the April issue of INSIDE THE FISHBOWL is April 12, 1990. Items submitted after that date will appear in the next issue. All articles submitted must be approved by the editorial board. With future issues, please submit articles as early as possible. Submission deadlines for the next issue will be published in the preceeding issue. Submit your articles to NFFE 2050, UN-200 or to me, Dwight Welch, Room 206, Crystal Mall 2, H7505C.

Editorial Board: Dwight Welch, Bill Hirzy, Jim Murphy, and Bob Carton


Dwight Welch
Editor

Administrator Meets with NFFE 2050 Executive Board
by Dwight Welch & Bill Hirzy

Attendees: Bill Reilly
 Henry Habicht
 Jesse Baskerville

Bill Hirzy - Chemist
 Hale Vandermer -Epidemiologist
 Jim Murphy - Toxicologist
 Daljit Sawhney - Pathologist
 Myra Cypser - Biologist
 Rufus Morison - Ecologist
 Marc Turgeon - Chemist
 Dwight Welch -Entomologist

It was an historic occasion both for this union and the EPA as Bill Reilly met with the executive board. Immediately prior to the meeting many of us felt skeptical, we worried that it might turn out to be a mere "tea party", a polite and cordial meeting, with no substance, with no substantial issues discussed. It certainly was polite and cordial, however, it was anything but superficial; some real issues were discussed.

Mr. Reilly set the initial tone of the meeting by opening with a question for the board. He wanted to know why there was such an overwhelming lack of support among the employees for the Southeast Federal Center for the site of EPA's future building. Mr. Reilly was surprised to hear, for openers, that the SE Federal Center might possibly be a potential superfund site; that the area was used as an area for decanting PCBs from old transformers, that the area may also be contaminated with pesticides and other toxins. (See the next issue of the FISHBOWL for Hale Vandermer's investigative report on this issue.) He claimed that was one he had not heard before. Rufus Morison and Hale Vandermer indicated that the SE Center, lacking development improvements in the surrounding area, might make the new EPA site an island amidst a sea of urban squalor; that EPA employees did not want to become pioneers or prey.

A large portion of the meeting was dedicated to toxic carpet and indoor air. Myra Cypser provided the backbone of the information on indoor air and Bill Hirzy supplied a lot of the information regarding toxic carpet, supplemented with contributions from other members. Mr. Reilly was taken to task regarding the current carpet situation and his testimony the previous day on Capitol Hill. (The Agency's position in the Sen. Mikulski hearings was that all of the toxic carpet had been removed. He was informed that only 8% of the carpet had been removed, that people were still getting sick, and that the problem was far from over. Apparently Mr. Reilly has been misled by the very same people trying to mislead the bargaining unit. Mr. Reilly informed us that his office had received numerous complaints about carpet removal and felt that not all employees supported this action. Dr. Hirzy responded that the union had also received similar complaints, but that these were complaints of inconvenience, however, the overwhelming issue is the health risk. Hirzy also volunteered that Local 2050 was willing to take any heat regarding carpet removal; he made an analogy to cigarette smoking, that one person complaining in a office was enough to get the carpeting removed for the whole office. He indicated that it is only some people who are sensitive to the carpeting and only some carpeting was toxic, however, the health of these sensitive people was compromised severely enough to warrant action. Rufus Morison also pointed out that the Administrator had toxic carpet in the hallway leading to his office.

We pointed out that after the November release of health survey data, we expected employees who were teetering on the brink of becoming chemically sensitive to be moved out of the work spaces they occupied. We then pointed out that OARM has been stalling, requiring employees to be certifiably, falling down sick before they could be moved out. We told Mr. Reilly of our survey for self-nominated evacuations and that about 30 employees needed to be moved out. (The following Monday morning, the Union was contacted by the Facilities Division, who called at Mr. Reilly's request, to see what can be done to help these 30 people. Now that, folks, is speedy, affirmative action. Thanks, Mr. Administrator.)

Indoor air questions to Mr. Reilly indicate that he had visited the lower floors and was appalled by what he had seen; never had he supervised such terrible facilities. He also expressed his frustration at the progress in this issue. Myra Cypser recounted much of her struggle in obtaining progress on indoor air. (Ms. Cypser will report on this part of the meeting in more detail in her monthly column "Indoor Air News." Mr. Reilly seemed to be very aware of the indoor air problem, indeed the air quality in the Administrator's own office was quite poor. (It was hot and stuffy with very little circulation.

Rufus Morison raised the issue of middle management's technical illiteracy and scientists being treated as second class citizens. He complained of retaliations being taken against many scientists for merely expressing their scientific positions. He recounted his own harrassment by the Inspector General's Office. (See Feb 1990 FISHBOWL, "Science, Free Speech, and the Office of the Inspector General) Dr. Morison also expressed concern that too few ecologists were employed by the world's premiere environmental organization (EPA) and that much of middle management could not solve problems because they were more interested in their own career advancement and certainly unwilling to take any risks in attacking problem. (Morison used the term "risk aversive" which drew a hearty laugh from Mr. Reilly.)

I followed up Morison's accounting of the unresponsiveness of middle management to solve problems by recounting my own story of flammable aerosols. (See Jan. 1990 FISHBOWL, "Aerosols, Arson and EPA".) I indicated to the Administrator that due to a loophole in EPA regulations (and I might here add a similar loophole in CPSC regulations) allowed most of the 90% of the 4 billion aerosols produced yearly in the U.S. which contain extremely flammable propellents to not be labeled as such. That these aerosols were burning people, burning down houses, killing people, and indeed there were at least a couple of cases where people were facing criminal charges for arson for merely trying to control pests in their homes with pesticide foggers.

Mr. Reilly indicated that what we were claiming was totally contrary to what he envisioned that his EPA should be like. He called science "the secular religion" of the American people and indicated his desire to make scientifically based decisions. And the other hand, Mr. Reilly went on to indicate that he was upset to see EPAers debating opposite opinions on the malathion issue in California. He felt EPA should make up its mind before going to the public. Bill Hirzy chimed in endorsing a Total Quality Management (TQM) style that would effectively involve employees in program decisions, and pointed out the Union's proposals on a code of ethics and mechanisms for resolving professional disagreements. Mr. Reilly and

Mr. Habicht both seemed quite pleased that the Union endorsed the concept of TQM. (Unfortunately, they are probably unaware of subtle plans on the part of some to undermine these plans for TOM. Also, NFFE is not sure that the Agency is really committed to democracy in the workplace. Is TOM to be employee oriented or management oriented?) We emphasized the need for input from the Union as being vital to the successful implementation of TQM. Further discussion of TQM with the Administrator's Office seems likely. (See February 1990 FISHBOWL, "Democracy for EPA"; also expect to see a lot more on this subject in future issues of INSIDE THE FISHBOWL.)

The flight of science from EPA was also briefly discussed. For instance that there was only one oncologist left in the oncology section of the Office of Toxic Substances. We suggested the conducting of exit interviews; asking outgoing scientists why they were leaving EPA.

A penetrating discourse was given by Marc Turgeon who indicated that he had no specific environmental cause to foster, but that for the last 12 years he had been highly involved with trying to get management just to follow the rules. He indicated great corruption in the personnel process. He indicated that the preselection rate at EPA was about 90%. He reflected the Union's view that employees should be hired, promoted, and given awards on the basis of merit not on the basis of cronyism. He further stated that it is imperative that Civil Service and Merit Promotion rules should be followed and not flagrantly abused as they are now.

In general we were all quite impressed with Mr. Reilly. He seemed sincerely dedicated to the cause of protecting the environment. He indicated that he felt that it was science which can accomplish this. He also seemed quite concerned with our building problems. He indicated a strong advocacy of participatory management (TQM). In short, the Administrator's views seemed quite similar to those of the Union. The Administrator's major problem seems to be that he has been "foozled"* by middle management. We at the Union can relate to that; many are the times we have been "foozled". The biggest difference is that Mr. Reilly is a relatively new guy on the block, but we have been around for quite some time. We're not as easily foozled anymore. Hmmm, maybe Bill should consider an associate membership.

*Foozled - Exact origin of this word is unknown; probably derived from fooled plus bamboozled or possibly fooled plus Grizzled.

Coming: MANAGER OF THE MONTH

Send in your nominations now for MANAGER OF THE MONTH. Do you know of a manager who makes responsible environmental decisions? Do you know of a manager who has saved the government money? Do you know of a manager who would serve as a good example of the best of EPA? Send in your nominations along with the reasons why you feel he or she is a manager who you feel represents the EPA that you would like to see. We here at Local 2050 feel it is now enough just to criticize what is bad about EPA, but we also need to encourage that which is good about EPA. Write to: Manager of the Month, UN-200. Nominations will be judged by the Executive Board.

ROACHEZ

-Page 11

How much farther?

Explain to me again why we're leaving a nice restaurant for an office building?

(Not much further)



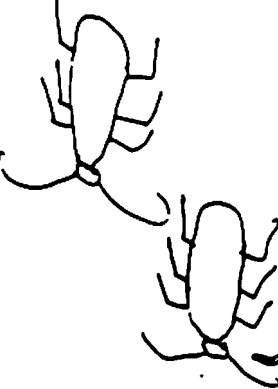
Great transportation too. These air ducts go throughout the building. They've never been cleaned, so there's plenty of nice mold and mildew to snack on if you get hungry during your trip.

Air ducts!

No way! You can get blown away in those things.



THERE IT IS!



Hey, this place is paradise.

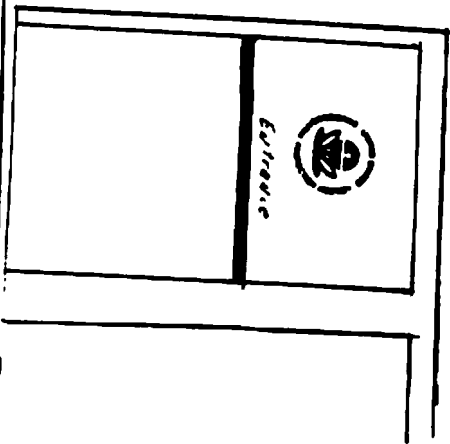
There's no cafeteria, so employees bring food back to their desks. Plenty of crumbs.

They're all crowded together and some are getting sick-- lots of opportunities.

And fun--my friend Charlie told me about this great beach party they had when a sewage pipe broke.



Not these ducts: There's hardly any air moving through them.



ROACHEZ

-Page 12

EPA -- EPA! You're some kind of crazy cockroach. They got scientists there--chemists, entomologists, toxicologists...

They'll figure out ways to kill us!

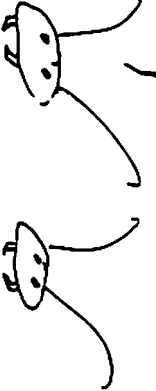
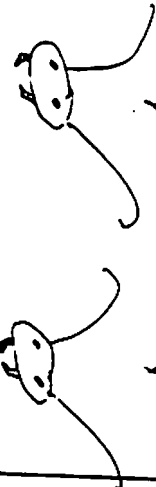
No sweat, Roach.



They have a subspecies here called managers. There's layers and layers of them. They out number the scientist subspecies.

Sort of like the dumpster on a summer night.

You're getting the picture. They don't know anything about science. They keep the scientists down. The scientists have too much to worry about with these managers to care about us.



Hey, I want to be like this manager subspecies. Let's multiply like they do and take over the place.

Yea, I'm in the mood to oviposit.



UH, OH!!

UNION MEMBER IS WITNESS AT DC RECYCLING HEARING

On January 24, 1990, National Federation of Federal Employees Local 2050 member Charlie Garlow acted as a witness at the DC City Council hearing on bill 8-418. Bill 8-418 is commonly known as the "Newspaper, Paper and Paper Products Recycling Incentives Amendment Act of 1989". If passed, newspaper publishers with a daily, weekly, or biweekly circulation of more than 30,000 in the District (e.g., The Washington Post, The Sun, The Washington Times and The New York Times) would be required to have a recycled post-consumer paper content of no less than 40 percent. All paper vendors having annual gross receipts that exceed \$100,000 for all paper or paper products (e.g., xerox paper and stationery) will be mandated to do the same. Those failing to comply on or before January 1, 1992, will be fined a percent of their sales, starting with 4 percent in 1992.

Why do we believe that this bill should be passed? Currently there is a very limited market for recycled newspaper. This law would effectively create one. Without the purchase of the recyclable items, recycling cannot effectively exist. We have proven that we are willing to do our part in reducing the pollution and unnecessary waste encountered when a perfectly reusable item is thrown into the landfill or littered in the oceans and parks. We are doing this by diverting recyclable items from our waste stream. Presently we recycle 25% (500 tons per week) of the newspaper consumed in the District. The percent is increasing at a fair rate. Now is the time for industry to show they are responsive to the citizens' needs and desires. They are clenching the key to a successful recycling program tightly in their fat hands with no intentions of releasing the grasp.

Think of recycling as a circle: the consumer buys a product, empties the contents, separates the product to be reused which industry then buys back, remakes it into a product, sells that end result to the consumer, and we are back at the beginning. Presently the circle has a gap in it. The industry's refusal to do their part in the recycling circle has caused the price per ton of collected, recycled newspaper (to be re-used) to drop from \$40 in 1983 to figures in the red this year. The paper sorted by the citizens of the District is sitting in a warehouse (the "pit"), as it has been for months, because of the difficulties in finding a buyer. At the time of the hearing, 5,000 tons of newspaper were lying idle in the "pit" with no where to go, except to a landfill for an extremely high price. If this continues, the enthusiastic participation in the recycling program will suffer. Quite frankly, the failure of the mandatory recycling law, which is not even a year old, is in sight.

Bo Jones, Vice President of The Washington Post, was the only witness at the hearing who did not support the bill. He claims that the procurement of recycled paper should be on a voluntary basis. He contends that he, too, is concerned with the health of the environment, but does not see mandatory procurement as reasonable. Perhaps this results from the Post's financial interest in a forest and a paper mill from which they receive most of their paper supply. Presently, on the voluntary basis advocated by the Post their paper contains less than 10 percent recycled paper. They complain of poor quality, but this argument does not "float." The L.A. Times, a paper with just as large a circulation as The Post's, consists of 82 percent recycled paper. It is possible.

Nadine Winter, Chairperson of the Committee on Public Works, was not swayed by Jones' smooth talk. His attempt to paint a different picture of the present issue was in vain. Winter was relentless in her attempts to get a straight answer out of Jones. She pulled out all stops. She even suggested that perhaps the financial repercussions The Post may endure, as a result of the loss of sales from their mill and forest, are a motive for The Post's opposition of the Bill. I do not believe he walked away from the stand feeling as if he were successful in making any converts.

This bill, although not legally, affects the whole Nation. What we are doing here in the District is setting a trend, an example that other advocates of recycling across the country can refer to when trying to convince their local government to pass such a law. The hearing of bill 8-418 was no exception. All of the witnesses including Jones referred to the recycled paper procurement laws in the two States that have such a law, California and Connecticut. So for those of you members who do not live in the District, this does affect you!

We, as NFFE Local 2050 members, see this bill as a means to ensure that the recycling circle is complete. This bill needs all the support you can give it. Call your local DC Council Member, even if you don't know his/her name, at 724-8179.

[Submitted by an EPA Student Intern from Michigan State University, Hillary Wray (475-7091)]

AEROSOL FLAMMABILITY UPDATE by Dwight Welch

Recently, 3 million cans of "aerosolized string" (confetti-like material for party and other use) were recalled by the manufacturer due to complaints of

children being burned after the string was sprayed in the area of birthday cakes with candles. The recall took place as a result of reports of six children being burned this way to the Consumer Product Safety Commission (CPSC). As recently as two months ago, the CPSC was claiming that they were not aware of any problems regarding flammable aerosol propellents; this, despite the fact that CPSC's own records showed in excess of 165 fires, explosions, and can burstings resulting from aerosol products. These data included records of ten human deaths. (CPSC only indicated problems with paints due to the solvents in the products.) In spectacular home video footage, a home movie at one of these fires showed a child's hair catching fire as a result of using this aerosolized string. The company has now reformulated the product using a nonflammable propellant.

I recently received three reports of insecticide aerosol fires from the state of New York. Two of these fires occurred at the same address. In the first of the two, an excessive number of foggers resulted in an explosion which lifted the rafters of the building. About three months later, another barrage of foggers started a fire which left eight families homeless. The third incident involved an insect repellent. In a New York country club, several friends were playing a game of cards. Since the bugs were quite bothersome, they had a citronella candle going to repel the insects. One of the ladies then sprayed her legs with some repellent using an aerosol product. The cloud of repellent caught fire severely burning the woman's legs. According to her attorney, the burns will require extensive plastic surgery. The can bore a warning "FLAMMABLE. Do not use near heat, sparks, or open flame."; however, the attorney claims that the print was so small he was unable to read this warning without the aid of a magnifying glass.

Three insecticide fogger fires were reported from the State of California. All three were a typical scenario. The homeowners set off some foggers, left their homes to let the products kill the insects, and upon returning found their homes damaged or destroyed by fire and/or explosions. Interestingly, one of these fogger fires was reported to me by a Congressional aide to Rep. Jerry Lewis. Rep. Lewis is head of the budget subcommittee for EPA in the House. Congressman Lewis' office has also asked me to testify as an expert witness in the California arson trial mentioned in last month's Fishbowl (which very well may have been an accidental fogger fire).

In a spectacular fire reported by the LEXIS system, two cases of household insecticide, stored in a garage, caught fire. Not only did an intense fire and explosions occur, but exploding aerosol cans were propelled like

rockets into the neighborhood. These projectiles caused other fires. The local fire department had to cordon off a one city block area to fight these fires.

Meanwhile in a February 1, 1990, memo from Douglas D. Campt, Director of the Office of Pesticide Programs (OPP), to Victor J. Kimm, DAA of the Office of Pesticides and Toxic Substances (OPTS), subject "Aerosol Propellant Workplan (Flammability)", Mr. Campt outlined the following schedule:

- 3/15/90 Prepare FR Notice outlining new tests and labeling with a 60-day comment period
- 4/15/90 Establish Aerosol Propellant Task Force
- 5/1/90 Schedule first Task Force Meeting

So it seems that the dangers I predicted 12 years ago are coming to pass. It seems that after all this time OPP has begun to realize that this is a legitimate problem. However, it seems that the relief I have sought in my grievances, namely relief from the retaliation I believe has been taken against me for merely performing my duty as an Agency scientist, is still unresolved. Although I am chief advisor to the Aerosol Flammability Work Group, I am no longer allowed to review the very products I am advising on. Sort of like asking a doctor to develop new surgical procedures, but not letting him operate on any patients.

LANDMARK RACIAL DISCRIMINATION CASE
by Tyrone R. Aiken

The recent case of Tracy Morrow, based on the discrimination by a black woman that was darker in skin tone than she but of the same race, is a milestone in the history of anti-discrimination laws. The case vindicates the victims of race on race discrimination based on skin color. This problem is based on the slavery mentality of some blacks that light skinned people of the black race are more advantageous in this society because they are closer to the color of white Americans and therefore closer to the color or race that power is associated with. Racism is not a comfortable issue for white Americans and black on black racism is not a comfortable issue for black Americans. Most blacks expect white employers to be discriminatory, however, it is frustrating to learn that some blacks are just as racist or discriminatory toward other blacks because of their skin tone. Much too often in the federal government, black male and female managers pass over other blacks to hire white women in order to please their superiors and to prevent any chance of another black person threatening their position. They justify their decisions by using such cliches as, "The black people I have interviewed do not possess the people skills." In common terms, they really mean that they were too dark or too typical of what the upper echelon does not desire. Many blacks have been frustrated after being denied a promotion by another black person for some subjective reason that the law, until now, could not address. The victory of Tracy Morrow is a victory for all black Americans of any skin tone.

Tyrone R. Aiken is Director of The Legal Committee, Coalition of Concerned Citizens for a Better D.C., he is also a chemist in the Office of Pesticide Programs

INDOOR AIR NEWS

by Myra Cypser

FEBRUARY 1990

Ventilation Study: Everything is ready for the Agency to issue a contract for a comprehensive study of the ventilation systems in the three Headquarters' buildings. Members of the Labor Management Health and Safety Committee (LMHSC) agreed on a statement of work for the contract in January and in February, there were several meetings to discuss contractor qualifications.

It is puzzling that official Agency documents describe the study EPA received from the building owner's contractor (EDG) as if no other study was planned. There were questions about a possible conflict of interest with the EDG study and the Agency and the Unions were disappointed with it.

Compliance With ASHRAE: Even if the Agency issues a contract for a new ventilation study, there is no guarantee they will use the results of the study to make meaningful changes. The Agency has been giving money to the building owner to make "improvements" to air handling systems since April 1989 or earlier; however, there has been no apparent effort to ensure that the modified ventilation systems meet the ASHRAE standard for makeup air, the goal in the 1987 Union contract. There's no explanation for why the Agency hasn't demonstrated compliance in at least some air handling systems by now.

Renegotiation Of Leases: While employees were told in the January Facilities Advisory Committee meeting that the Unions would be involved in the renegotiation of the Waterside Mall (WSM) leases which expire in 1992, Facilities management was less than enthusiastic about having Union participation

when asked about this at the LMHSC meeting on February 15. The Unions want to ensure that there are new lease provisions to guarantee a minimum amount of outside makeup air, control pollution sources and prevent toxic releases like the June 16, 1989 and the January 31, 1990 xylene and TDI releases in the East Tower.

"Affected" Employees: Employees continue to become sick and seek alternative workspace or ask to work at home. NFFE sent out a survey questionnaire February 11 to the NFFE bargaining unit asking if people needed to work at home because of health concerns. By the end of February, more than two dozen employees had responded affirmatively that they needed to get out of WSM. The Agency does not have any more alternative workspace available outside WSM and does not have procedures in place for letting people work at home; although a few people have been able to make individual arrangements with their supervisors.

Suitable Alternative Workspace: The current alternative workspace is not really suitable for affected employees. The air is recirculated in the building and employees have to tape over the air vents and keep windows open all year to avoid being exposed to contaminants in the building. The Committee Of Poisoned Employees (COPE) sent a letter to Facilities on February 12, detailing the needs of affected employees: "good air quality free from toxic and irritating chemicals and biological agents and efficient ventilation meeting the ASHRAE standard and full integration into the daily operation of EPA." Members of COPE want the Agency to hire a technical expert to

design new alternative workspace that is suitable for affected employees.

Report To Senator: The Agency's February progress report to Senator Barbara Mikulski says that the Agency completed an Indoor Air Management Plan and also says that they are negotiating with the Unions on this plan. The Unions will not sign off on the plan because it is not complete: It does not commit the Agency to removing all the problem carpet, it does not provide for routine monitoring of indoor air related health complaints or a neutral investigation of the ventilation systems, it does not have acceptable procedures for identifying pollution sources, and it does not address all three Headquarters' buildings. A good management plan is particularly important in view of the results of the 1989 health survey that documented levels of "sick building" symptoms among employees.

Employee Participation: The Agency has tried to restrict employee participation in the LMHSC subcommittee meetings. In a February 14 memorandum to NFFE, Julius Jimeno, the Director of the Environmental Health and Safety Division, said that only one person from each Union could attend these meetings. NFFE did not agree to this limitation because it was more restrictive than the provisions of the Union contract.

Problem Carpet Removal: Carpet removal continues at a snail's pace. Less than 10 percent of the toxic carpet has been removed since the Agency started taking out the carpet in September 1989. NFFE's position is that carpet that was flooded or old/dirty carpet which could be a source of mold or bacteria should also come out in a timely fashion. Facilities now says they will only take out the carpet in areas where people ask to have it removed. NFFE sent a formal information request to the Agency February 9 to find out how decisions are being made about the carpet.

Negotiation On Move: NFFE is negotiating with the Agency on moving people into new

space in Crystal City. In a February 21 memorandum, NFFE asked for evidence that Crystal facilities meet the ASHRAE standard cited in the Union contract and that newly acquired equipment and furnishings would not emit toxic chemicals or otherwise be harmful to employees.

Press Coverage: The Washington Times continues to cover our story. To date, there have been more than 89 articles in newspapers, magazines and journals on EPA's indoor air. There have been at least ten national/international TV broadcasts on this subject. The February issue of the Environmental Law Reporter had an article that discussed NFFE activities related to EPA's indoor air.

Progress Made: While there are concerns with the way indoor air issues are being addressed, the positive side to this is that Facilities has been upgrading ventilation equipment in selected areas, and seems to have definite plans for cleaning the ductwork and exhausting copy centers. Progress has been made in controlling pollution sources, i.e., smoke, pesticides and paint (painting is only done at night). They have been working closely with the Unions, holding frequent meetings, to reach agreement on indoor air issues.

Meetings: There will be a NFFE all-hands meeting on March 21, at noon in the EPA Auditorium. There will be an indoor air conference at the Holiday Crown Plaza Hotel in Arlington, Virginia, April 17 - 19. Call NFFE at 382-2383 for more information. A reminder: the Unions and the Committee of Poisoned Employees (COPE) hold regular meetings on EPA's indoor air.

NFFE to the Rescue: Program Office Attorneys vs. OGC

NFFE has come to the aid of program office attorneys who are being bullied by the Office of General Counsel (OGC).

Before program offices can hire, reassign, detail, or promote their attorneys, OGC insists on concurring in these personnel actions. Program offices have battled OGC with little success, as OGC has repeatedly refused to concur. Program offices have been left with unfilled FTE's resulting in their inability to accomplish program goals. The result of OGC interference has had a dramatic effect on individual attorneys in the affected offices. OGC has delayed program-attorney promotions for up to six months, and denied program attorneys the OGC concurrence required for hiring and/or reassignment, playing havoc with their careers.

Once apprised of OGC's inexplicable domination over personnel matters, NFFE jumped into the fray. NFFE has sent two letters and two information requests to Deputy Administrator Hank Habicht, in support of the program office attorneys and in furtherance of the goal to get OGC out of the personnel business. Now, instead of the individual battles fought by attorneys and their offices, all program attorneys can unite under the banner of NFFE!

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382-2325

President-Elect:

Bill Hirzy
382-2383

Vice Presidents:

Mark Antell
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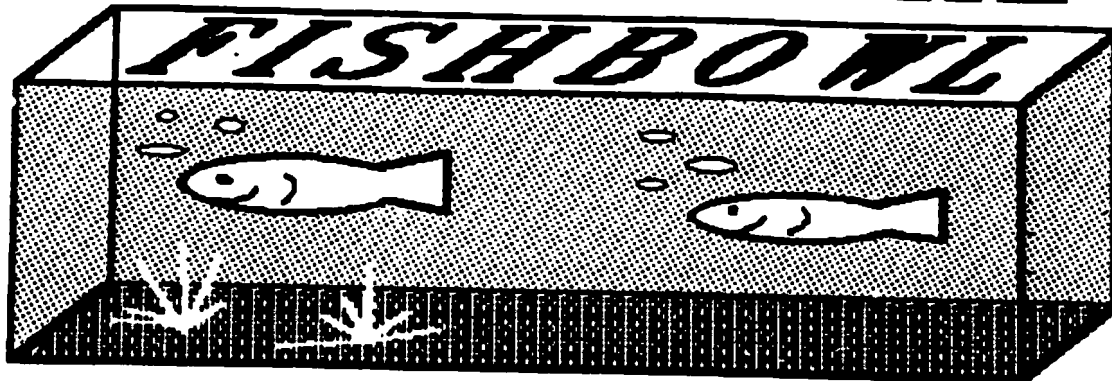
Steward:

Marc Turgeon
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COMING IN FUTURE ISSUES

- * NEW WHISTLEBLOWER LAW-SAME OLD OFFICE OF SPECIAL COUNSEL - Read about the sham which passes for an investigation by the OSC. The OSC in investigation of the cases to be cited cannot have done even the most rudimentary investigation. The OSC's misstatement of the facts are appalling.
 - * IS THE S.E. FEDERAL CENTER A POTENTIAL SUPERFUND SITE? - Find out the facts in an exclusive investigative report by Hale Vandermer, next issue.
 - * SELF IGNITING INCENDIARY DEVICES? - New information emerges concerning pesticide foggers, next issue.
 - * HOMEOWNERS CLEARED OF ARSON CHARGES - Update on the plight of these insecticide fogger victims, next issue.
 - * GUEST EDITORIAL by Jay Feldman, National Coalition Against the Misuse of Pesticides (NCAMP) future issue.
 - * MANAGER OF THE MONTH - future issues - We all have plenty of complaints about managers here at EPA, but we also have a lot of good managers. Do you know of a manager who has made responsible environmental decisions? Let us know your nominations. Write: Manager of the Month, UN-200
 - * More INDOOR AIR NEWS, more on DEMOCRACY AT EPA, more ROACHEZ, and more surprises.
- INSIDE THE FISHBOWL - Where else can you get the facts?

INSIDE THE



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 EPA HEADQUARTERS' PROFESSIONALS

LOCAL 2050
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"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

APRIL 1990

INSIDE THIS ISSUE

VOLUME 6--No. 4

- 2 FROM THE EDITOR
- 3 MASTER PLAN FOR THE SOUTHEAST FEDERAL CENTER: SUPERFUND SITE OR
 EPA HEADQUARTERS? - Dr. A. Hale Vandermere
- 4 NEW WHISTLE BLOWER LAW--SAME OLD OFFICE OF SPECIAL COUNSEL (OSC) -
 Dwight Welch
- 6 INDOOR AIR NEWS - Myra Cypser
- 9 AN OPEN LETTER TO ADMINISTRATOR WILLIAM K. REILLY - Maria B. Brin
- 10 ON RISK - Sal Biscardi
- 11 AEROSOL FLAMMABILITY UPDATE - Dwight Welch
- 12 MANAGER OF THE MONTH
- 13 ROACHEZ
- 13 FIRE AND SAFETY AUDIT - Mark Antell
- 14 CONTRARIANS CORNER
 HABEAS CORPUS AND THE BODY COUNT - Dr. Rufus Morison
 FRIEND, IS IT TRUE? - Alex Arce
- 17 FURTHER COMMENT ON THE NEW BUILDING SITE
- 18 TIDBITS - Humor / REQUEST FOR INFORMATION / NFFE OFFICERS
- 19 COMING IN FUTURE ISSUES


LOCAL 2050

JOIN TODAY —

FROM THE EDITOR

April 1990

A Thousand Pardons Please - To NFFE, Local 2050 President, Bob Carton. In the last issue in "Administrator Meets with NFFE 2050 Executive Board", I failed to mention that our President came down with the flu and couldn't make the meeting with the Administrator. Sorry Bob, to us, you were there in spirit.

An Update: Myra Cypser has suggested firmer procedures whereby FISHBOWL articles mentioning member's names will be cleared with those members.

DEMOCRACY AT EPA MARCHES ON

The lead article, "DEMOCRACY FOR EPA" appearing in the February 1990 FISHBOWL was no vague philosophical or political treatise folks, it's a for-real goal: just like flexitime and compressed work week were. NFFE 2050 is devoting major time to democracy at EPA as a means to bring integrity back to EPA's science and to bring Environmental Protection back to the Environmental Protection Agency.

Science is EPA's major product, we are the scientists, therefore we are the real EPA. Consider the following. If God were to unleash a lightning bolt that suddenly killed all of the managers, would science at EPA still get done? Of course it would; we are all responsible professionals and we would continue to do our work. Indeed, without management interference, more science would probably get done than ever before.

Now consider the converse situation. Were the bolt to strike only the scientists, would the science still get done? No. Or at least not very much would. Therefore, they need us, we don't need them. Why then are we treated as third class citizens, while management seems to have this very patrician attitude?

Forget this attitude of servility. No need to get down on your knees and beg for bones from management. WE ARE THE REAL EPA. Stand on your feet. Look them straight in the eye. Tell them, "Science is my job and you will let me do science, free from harrassment. I am part of THE REAL EPA."

This has been recently put to a test by a group of scientists in one of EPA's programs. A group of scientists just said "NO" to a reorganization which would undermine the integrity of their discipline. Administrator Reilly is being informed of the progress of this democratic revolution. This will really test whether our Administrator is speaking mere rhetoric when he talks about the integrity of science and of worker participation in management decisions, or whether he is prepared to act upon his pronouncements.

(To all you folks who are lawyers, economists, etc., no offense meant by this article. You are important to the mission of this agency also, but science is the bread and butter.)

Deadline for the May Issue - May 10, 1990. Since last month's was a transitional issue (change in editorship), I allowed some slippage. That was it. Anything past May 10, 1990 and it goes into next month's file.

Editorial Board: Dwight Welch, Bill Hirzy, Jim Murphy, and Bob Carton

Dwight Welch
Editor

MASTER PLAN FOR THE SOUTHEAST FEDERAL CENTER:
 SUPERFUND SITE OR EPA HEADQUARTERS? A. Hale Vandermer, NFFE

The Southeast Federal Center is located on the bank of the Anacostia River at the end of New Jersey Avenue and 3rd Street, S.E.; this site is about 55 acres in size. A keystone piece for the development of the Southeast Federal Center is the location of EPA Headquarters at this site. Apparently, this is a commitment made by the General Services Administration to the White House. However, there are several problems with this decision by GSA, not the least of which is the fact that your Union has not been consulted or even advised on this matter.

Problem number one, quoting from GSA's own Master Plan for the site, "Polychlorinated biphenyl (PCB) is very much present at the SEFC...." The SEFC has served for many years as a transformer decanting and storage facility for the handling of PCBs. Quoting further, "With regard to the current PCB storage buildings, it is certain that spills have occurred.....Thus there is some likelihood that there is contamination of the existing building floor slab and, if PCB spills occurred, in the soil below." In the section of this GSA Master Plan for the SEFC discussing storm water runoff, some additional insight into the extent of this problem is gained: "The estimated runoff from the Southeast Federal Center site is about 50 million gallons per year." In addition, much of the existing storm sewer system is in questionable condition. In my professional opinion, the GSA seems to be describing a potentially serious environmental problem, which may presently be a threat to human health. The issue is not only whether EPA should relocate at the SEFC site, but why GSA has not reported these serious environmental problems to EPA (Region 3) and why neither the Navy nor GSA bothered to get the appropriate permits from EPA for the storage and transport of PCBs from this site.

A second problem may exist at this site: It has been an armaments and munitions manufacturing site since before World War I and contains unknown amounts of hazardous waste and underground storage from previous eras. Irrespective of future development, I seriously ask the question, why hasn't this site been listed as a Superfund site? Or has it?

GSA and the Navy do not plan to complete their PCB transformer replacement programs in the Washington area until sometime in 1992. Considering the fact that EPA needs a new headquarters building immediately, not much time is available for cleanup of the SEFC. The GSA plans to locate 23,000 employees at this site. Nothing less than a complete environmental assessment of the site and cleanup where appropriate, together with an assessment of the potential health impact/risk resulting from long term exposure will fully justify the kinds of commitments that GSA has apparently already made. My only conclusion is that people are terribly ignorant of environmental matters at GSA or they are playing fast and loose with your health and the health of your families.

NEW WHISTLEBLOWER LAW--SAME OLD OFFICE OF SPECIAL COUNSEL (OSC)
by Dwight Welch

Not so long ago, Congress passed a new "Whistleblower" law designed to protect the whistleblowing employee. The new law was supposed to transfer the burden of proof from the employee to the government. I, and others like me, in good faith, submitted our complaints to the Office of Special Counsel.

My complaint was submitted along with the complaint of another employee. Together we charged that an illegal reorganization and preselection process was going on in our office. Separately, he further charged Asian-American discrimination and a threat of violence, against him by his branch chief. I charged retaliation for whistleblowing in relation to my work on aerosol flammability.

In addition to the OSC complaints, we also separately filed grievances and complaints with the Federal Labor Relations Authority (FLRA). The grievances accomplished little, however, the FLRA complaints triggered charges against our immediate supervisors. There was a Notice of Hearing issued but just before the hearing was scheduled to take place, the hearing was cancelled. Part of the reason for this cancellation was that management made certain concessions to the union, most notably, the reorganization was cancelled and the preselected candidate had to relinquish his position and other employees were given the opportunity to serve as "group leader".

Here are the interesting results returned to me after many months of supposed investigation by OSC. "Preselection per se, is not a prohibited personnel practice, unless it constitutes an unauthorized preference...there is insufficient evidence of unauthorized preference. You informed the OSC that one employee had been preselected for a position, but you admitted that the position in question was merely planned for creation in the future, and has never been formally created or filled. You also stated that as a result of your appeal to the Federal Labor Relations Authority, other employees, including yourself, have been allowed to rotate into the informal group leader position."

Let me get this straight, OSC, the union and the FLRA stepped in to prevent an illegal reorganization and an illegal preselection, while in turn the Agency reversed itself and tried to correct their wrongdoing, and yet the OSC finds "insufficient evidence of unauthorized preference"? Since the people who prepared this case seem to be in possession of only rudimentary intelligence, let me make my point with an analogy. A bank robber walks into a bank, points a .44 magnum at the teller, and says, "Give me the cash." The bank guard, seeing this, kicks the gun out of the robber's hand, wrestles him to the floor, and calls the police. Would the District Attorney then drop the case because the bank robber had been unsuccessful in robbing the bank?

The OSC says, "... that as a result of your appeal to the Federal Labor Relations Authority, other employees, including yourself, have been allowed to rotate into the informal group leader position." (Underscore added for emphasis.) Well excuse me OSC. Had you done a real investigation, instead of this sham you try to pass for an investigation, you would have discovered that I have never had such an opportunity, indeed, I was transferred out of that section.

The OSC goes on to state in my coworker's letter, "You alleged that one of your supervisors made a threat of physical violence toward you during the recent past. However, the evidence is that the supervisor was speaking in jest..." What evidence? The supervisor's say so? Immediately after the threat the employee came to me; he was genuinely and quite noticeably shaken by the threat. I asked him if he wished me to call the police, however, he asked me not to, fearing further reprisal. I'm a Viet Nam veteran. I've seen fear before. This employee was definitely in fear for his safety. Did the OSC come to me for evidence? No.

In my letter, "The OSC inquiry revealed that you have been involved in a campaign over a ten year period to toughen EPA regulations regarding the flammability of propellants in pesticides.....it appears that you have been involved in a professional disagreement with your colleagues and superiors over this matter over an extended period of time.....You state that you were reassigned in April of 1989 to a position you are allegedly unqualified to perform...there is no evidence of causal connection between any protected activity and...the reassignment, and no evidence of retaliatory intent."

Again, the OSC has done a very poor job of its homework. Had they, as I have, looked up the OPM requirement for my "alleged" illegal position assignment, they would have discovered that I lack the 12 credits in toxicology that is required to do toxicology for the government. There is no "allegedly unqualified" about it. I am unqualified to perform this function.

Furthermore, it is not a professional disagreement. Fact one, propane, butane, and other hydrocarbon propellents are extremely flammable. Not theory, not opinion, but fact. Fact two, using current EPA regulations, a cylinder of propane or a case of gunpowder (the latter is also found in pesticides) would be found to be nonflammable and nonexplosive. I did my job, reporting these facts, which none of my colleagues nor supervisors dispute. However, management in the Office of Pesticide Programs and those in charge of writing regulations have done nothing to change the regulations in all of these years. Writing the regulations is not my job, doing the science is. I did my part, but others, who are either too incompetent and/or too arrogant have not. My reporting of this is whistleblowing; I reported mismanagement.

"...there is no evidence of causal connection between any protected activity and...the reassignment, and no evidence of retaliatory intent." Tell me OSC is it no violation of the rules to assign a person to a job they are unable to perform? I write a memo pointing out the incompetency of my supervisor, am reassigned within the week to a job I am unqualified for, and you find "no evidence of retaliatory intent"? Are you saying people are routinely reassigned to jobs they cannot do?

Interestingly, in a complaint I filed years ago they also found no causal connection. This despite the fact that their investigation found that not only had my original memo regarding aerosol flammability been utterly disregarded, but that a totally independent (and unknown to me at the time) memo from another chemist, regarding the flammability of sulphur, to the same manager, had also been completely disregarded.

Either there is some corruption going on here or the investigators at OSC are in possession of very marginal intelligence. I believe both to be true. They have obviously totally assumed management's point of view, without consideration of any other evidence. And if they think that I am going to believe what they are saying, to stand still for that, they are of only marginal intelligence.

INDOOR AIR NEWS

Editor: Myra Cypser

INDOOR AIR NEWS

MARCH 1990

OSWER Move Planned:

In a March 17 letter to all employees in the Office of Solid Waste and Emergency Response (OSWER), Don Clay, the Assistant Administrator for OSWER, said that 158 employees will be relocated to a new Crystal City facility. The move will be in July or August. He said that indoor air issues would be addressed in the new space. He noted that the inconvenience of having a separate location for some employees will be negligible when compared to the overall benefits to employee health and well-being. He expressed appreciation for the personal involvement of Charles Grizzle, the Assistant Administrator for Administration and Resources Management (OARM), and the efforts made by the Facilities division to acquire the space.

Letter To Senator:

One of NFFE's officials sent a letter to Senator Barbara Mikulski on March 6, commenting on the Agency's February report to her on Headquarters' indoor air issues.

Senate Hearing And Inquiry:

At a March 8 Appropriations Committee hearing on EPA's budget, Senator Barbara Mikulski asked Bill Reilly, the EPA Administrator, questions about EPA's indoor air, the "toxic carpet" and ventilation. Her office later sent EPA written questions on EPA's indoor air as part of the proceedings for the hearing.

Finding "Affected" Employees:

More than thirty employees responded affirmatively to NFFE's work-at-home survey concerning the need to get out of Waterside Mall (WSM) and the other Headquarters' buildings. Facilities asked

NFFE for the names of these employees, apparently in response to NFFE's March 9 meeting with Bill Reilly. However, employees had been given the option of responding anonymously to the NFFE survey and most of them did. On March 15, NFFE asked the Agency again to conduct a survey of employees to find those who need alternative workspace or work-at-home arrangements. NFFE would like employees to be able to get out of the building before illness becomes debilitating or possibly irreversible.

Alternative Worksites Not Available:

There is no more alternative workspace available outside Headquarters' facilities and the Agency does not have routine procedures in place for allowing employees to work-at-home; however, a few employees have been able to make arrangements on an individual basis with their supervisors. Nine employees now work in the Agency's alternative workspace and at least 12 work at home.

NFFE has heard informally that space for a half dozen or so employees may become available soon near Jenny's Restaurant in WSM; however, there is no indication that this space would be any better for affected employees than any other part of WSM. NFFE sent a letter to Charles Grizzle, the Assistant Administrator for OARM, on March 28, asking to negotiate with the Agency on whether employees should be moved into this space.

Renegotiating Leases:

The Unions want to ensure that there are new lease provisions at WSM to protect employee health. In a March 21 letter to Charles Grizzle, the Assistant Administrator for OARM, NFFE asked to be involved in renegotiating the WSM leases. The Agency

has not yet responded.

Indoor Air Plan Incomplete:

The Unions have not received any drafts of the Agency's indoor air management plan for two months; however, at a March 13 meeting with Agency representatives, the Unions were assured that another draft would be delivered soon. All the drafts seen so far have lacked key elements of an indoor air program. The Agency's first written promise to develop this plan was in a July 22, 1988 memorandum to all Headquarters' employees.

NFFE Leaves Committee:

On November 3, 1989, Charles Grizzle, Assistant Administrator for OARM, established the Labor Management Health and Safety Committee (LMHSC) to make recommendations to him on employee health and safety. The LMHSC met almost every week after that; however, because of non-cooperation by OARM managers, the LMHSC did not write even one recommendation to Mr. Grizzle. NFFE Local 2050 was disappointed with the progress made by the LMHSC and on March 27, NFFE withdrew from that committee. Negotiations will still be possible in another forum under the NFFE contract. AFGE Local 3331 will continue to try to reach agreements with the Agency in the LMHSC.

Duct Cleaning Planned:

On March 20, the Unions were given a proposed statement of work for cleaning the ventilation ductwork in WSM by the Agency. This cleaning is long overdue. The ducts have never been cleaned. However, the Unions have several concerns: The Unions need to be given the opportunity to evaluate the toxicity of the cleaning agents to be used. There should be administrative leave available to employees after the cleaning while dust settles/gets flushed out of the building. The Agency should take precautions when cleaning ducts behind asbestos ceilings on the second floor of the Mall area. The Unions are also asking if the other Headquarters' buildings will be cleaned.

Control Of Copy Centers:

The Agency has begun work on installing

separate air exhaust systems for some of the copy centers. It is not clear how many copy centers have been included in this effort or what fraction of the total emissions from copy machines are controlled by this. What will be done about emissions from the dozens of small copiers that proliferate throughout the Headquarters' buildings?

Carpet Removal:

Facilities now says they will only take out the carpet in areas where managers ask to have it removed. At a March 19 OSWER/Facilities meeting, employees were told that OSWER had asked to have the "toxic carpet" removed from all OSWER locations.

Health Data Requested:

At the March 1 meeting of the LMHSC, NFFE asked the Environmental Health and Safety Division (EHSD) for compilations of indoor air complaints reported to the Health Unit. At the next LMHSC meeting on March 15, the Unions were given a report showing the number of initial employee visits to the Health Unit on a monthly basis; however, the report did not show repeat visits or the total number of visits, nor did it discuss health symptoms or give the building locations with the most complaints. Are there Agency procedures for reviewing and analyzing the Health Unit data, and are remedial actions taken based on the data?

Documenting Illness Levels:

The level of indoor air related complaints recorded by the Health Unit is not representative of overall levels of employee complaints because employees have not been routinely informed by the Agency that they should go to the Health Unit if they have complaints. The 1989 health survey documented levels of "sick building" symptoms among employees. (Up to 50% of the employees reported symptoms.) The Agency has not given any indication when they plan to do a follow-up study to determine if illness levels have improved.

Ventilation Study Still Pending:

In October 1989, the Agency hired ENG, a firm that was working for the WSM owner, to

conduct an investigation of the ventilation systems in that building. The Unions questioned if there was a conflict of interest. At a December 14 meeting of the LMHSC, the Unions were told they could have a separate investigation and draft the statement of work for it, if they were not satisfied with EDG's draft report. When EDG's draft report was reviewed a few weeks later, the Agency and the Unions were all disappointed with it. Then the Unions asked for the separate investigation they had been promised.

In January, members of the Labor Management Health and Safety Committee (LMHSC) agreed on a statement of work for a separate investigation of the ventilation systems in all three Headquarters' buildings. Later, in February, there were several meetings of a LMHSC subcommittee to discuss contractor qualifications. Everything was ready for Facilities to send the contract to the contracts division on February 27. However, four weeks later, at the monthly Facilities meeting on March 27, employees were told that Facilities had not even contacted the contracts division. At a March 26 OECM/Facilities meeting, employees were promised their own indoor air study, just as the Unions were promised one in December.

Compliance With The ASHRAE Standard:

The Agency has been giving money to the building owner to make "improvements" to air handling systems since April 1989 or earlier. At a March 13 meeting of a LMHSC subcommittee, the Unions were told that Facilities did not know if these system changes would allow them to meet the ASHRAE standard for outside makeup air, the goal in the 1987 Union contract; however, they hoped to meet the standard just by opening the air intake dampers wider. The reason given for why the Agency hadn't demonstrated compliance with the ASHRAE standard in even one of the "improved" systems over the past year was that they simply hadn't made the necessary air flow measurements.

It is not known if the ventilation systems have enough heating and cooling capacity to allow us to meet the ASHRAE standard by opening the dampers wider. Also, the Agency has not determined what damper settings would provide compliance with the

standard. We need the ventilation study (mentioned earlier) to make these determinations. There is also the question of whether we can always rely on the building operators to have the dampers at the proper setting. The advantage to meeting ASHRAE in this manner is that there is no need to rebuild the existing systems to accommodate greater total air flow. Hopefully, we will have compliance with the ASHRAE standard soon. Employees have been asking Facilities about outside makeup air for four and a half years.

Chemical Sensitivity:

On March 26, EPA's Indoor Air Division hosted a seminar by Nicholas Ashford and Claudia Miller, authors of a landmark report on chemical sensitivity. The report makes observations on the phenomenon of chemical sensitivity: some people who have been subjected to exposures of toxic chemicals subsequently experience a wide range of debilitating medical symptoms from exposure to very low levels of other chemicals. The study was commissioned by New Jersey at the request of Mary Lamielle, president of the National Center for Environmental Health Strategies (NCEHS), an environmental action group specializing in indoor air and related issues.

For copies of the Ashford/Miller report or copies of the NCEHS newsletters, write to NCEHS at 1100 Rural Avenue, Voorhees, New Jersey 08043.

What Does It Take?

There have been more than 93 articles in newspapers, magazines and journals and at least ten national/international TV broadcasts on EPA's indoor air. There have been two employee rallies, three employee petitions to Administrators with more than 500 signatures each, and six Congressional hearings where EPA's indoor air was discussed. Twenty Congressmen and Senators have sent inquiries to EPA on its indoor air quality. Despite all this and despite the results of the employee health survey, the Agency has not acted quickly to establish an indoor air program for Headquarters' buildings.

The Honorable William K. Reilly
 Administrator
 U.S. EPA
 401 M. Street, S.W.
 Washington, D.C. 20460

Dear Administrator Reilly:

When EPA was formed I was 10 years old. I knew then that someday I would work here and defend our environment. Now I'm 30, and after some years of education and experience, I have realized my goal. I started work here on February 26 as an attorney/advisor.

On February 27, my excitement turned to dismay and then downright fear. I have always been healthy as a horse, and very alert and active--swimming daily, lifting weights, sailing, camping, etc. After working here only one day, I was covered with a rash and hives. My eyes were twitching and burning as if I'd been exposed to a cloud of smoke. As time passes, I've had increasing difficulty concentrating on my work, and often my difficulty focussing turns into difficulty even staying awake! All of these strange symptoms improve on the weekends, and reemerge with a vengeance by Tuesday afternoons.

I have now been informed that there are problems with this building, and that our new building will not be available until 1995.

I believe we all deserve to work in a safe and even pleasant work environment. I can not believe that any changes made to this building will be more than band-aids, given that there are 6000 people using office equipment requiring toxic chemicals, in this space created for 1000 people with no office equipment. All of the discussions and endless meetings, memos, newsletters and more meetings devoted to removing carpeting, doing ventilation study after ventilation study, etc., seem to me to be nothing but spinning our wheels.

If our new building is not going to be available until 1995, then it seems to me we need to move into appropriate rented space well before then. If the government needs to suffer the cost of breaking our lease here, then so be it. I know there is an office glut here in the Washington area. It will not be difficult to find space. Yes, it's an onerous task--but necessary. And I know that while the wheels of government must needs turn slowly for many good and sound reasons, there are emergency measures for situations like ours. As in the 1989 San Francisco earthquake, when the EPA needed to find new space, or in the case of the U.S. Embassy in Moscow that is going to be razed due to government mistakes in effective security measures, it is possible and necessary for us to take immediate action to

relocate this agency to safe quarters until our new building can be built.
My good health is essential to me so I can do the work I came here to do. That I should be asked to sacrifice it to work here is an abomination. That I risk, with each day of further exposure, becoming chemically sensitive so that my life and my ability to use chemicals in my artwork or around my home are destroyed, is an outrage.

I urge you to end the focus on temporary "fixes" to this building that can not be fixed to appropriately house 6000 workers. Please move on to using emergency regulations to relocate us quickly, so that I and all of us here can follow our desires to protect our environment without being required to sacrifice our health and possibly our lives.

Thank you for your time and consideration.

Yours sincerely,

Maria B. Brin

Maria B. Brin
Attorney/Advisor
Office of Enforcement-Water

cc: Senator Barbara Mikulski

ON RISK by Sal Biscardi

EPA goes to a lot of trouble to get risk assessment accepted as a useful tool in regulating chemical risks to humans and the environment. At first risk assessment was limited to use in cancer risk control, but now the methodology is called upon to play a much wider role. I don't mean to determine here whether risk assessment is a useful tool or not, though some of us believe that predicting the future--which is the essence of risk assessment--is a fruitless exercise, the use of computers and sophisticated mathematics notwithstanding. The issue I raise is, rather: do those who use risk assessments in decisionmaking do so as a matter of convenience--employing them when it suits a personal or political purpose and ignoring assessments when they do not suit those purposes? For example, about 49 pesticides which appear as residues on raw agricultural products cause cancer in laboratory animals. Risk assessments are used to establish that the level of cancer risk for each product is of no toxicological importance. Yet despite years of experience with this process, no one at EPA seems to get at the level of risk when more than one pesticide shows up in our foods. Recently outside pressure forced EPA to reconsider risks to children, who weigh less than the "standard" 70 kilogram human. Why was this outside pressure necessary? Or do you even want to ask that question? And what about the rest of the population weighing less than 70 kg? Are they at greater risk too? Yes, there is great emphasis here and in Europe in promoting the use of risk assessments in this kind of risk control, but there hasn't been enough done to show that risk assessments are nothing but a dialectic approach to excusing the use of carcinogens.

Aerosol Flammability Update - Self Detonating Incendiary Devices?
by Dwight Welch

Static electricity sparks are most often observed when taking off a sweater in a darkened room or in the discharge occurring between clouds and less often between clouds and the ground during a rainstorm. The latter situation is usually referred to as lightening and is static electricity at its most awesome.

According to M. A. Johnson in The Aerosol Handbook, the aerosol industry's bible, an aerosol can discharging its product also produces a static electricity charge. The can itself becomes charged in one direction (either positive or negative), and the cloud of released product contains an opposite but equal charge. The charges can become equalized when the negative charge sparks to the positive. When this happens a snap of static electricity occurs.

According to Johnson, if a charge of greater than 4,000 volts or a sparking energy of 0.15 millijoules (mJ) occurs within 4 seconds of discharge, the product is considered to be potentially dangerous. 4,000 is not that much when you consider that taking off your sweater is producing voltages in the 10,000 volt range. Since greater than 90% of the aerosol products produced in this country contain extremely flammable propellant, we have the possibilities for some self detonating "bombs".

In spraying a hand held aerosol, such as a fly spray, the human body normally grounds out a static charge. However, with a pesticide fogger, placed, say, on vinyl flooring, the can may be electrically insulated. This would allow for greater static potentials to develop. I have some preliminary suspicions that "leaking" cans (cans not discharging properly) may develop a greater potential than properly operating cans.

Has autoignition occurred? Maybe. In the case of Jerri Jenkins, of San Bernardino, CA (she was charged with arson as I reported in "Aerosols, Arson, and EPA" Jan/1990), one of the foggers she used was reported to have malfunctioned and been put aside. There may have been a source of electrical ignition in this case and this is what I assumed at the time. However, another case was reported to me from New Jersey. In this case there was no source of ignition; the homeowner wisely turned off the pilot light and it wasn't near an electrical source. When the subject fogger malfunctioned, the homeowner picked up the fogger in an attempt to deactivate the locking nozzle. At this point the can erupted into flame, severely burning him. With my advice, the attorney in the case is investigating the static electricity tie in with lab tests. The fire expert employed by this attorney has also indicated he suspects a static ignition. I will report these results in future issues.

Does EPA require testing of static buildup? No. Does industry test for it? Most companies are not equipped to do so, but there are a few labs capable of testing these products.

What precautions does industry take at its own facilities. Well, stuff like grounded metal conveyor belts and grounded workers standing on floors impregnated with fine strands of copper wire. And that 55 gallon drum where the leakers are tossed? It's grounded with a ground wire.

Fogger Users Charged with Arson Freed

As I reported in "Aerosols, Arson, and EPA" two homeowners, one in Montana and another Jerri Jenkins of San Bernardino, CA were charged with arson after setting off insecticide foggers in their homes. These foggers had apparently ignited and caused their homes to burn.

I have good news to report. In the Montana incident, in a trial by jury, the jury found the defendant innocent of all charges. The attorney claims that what really helped his case was testimony from "experts" from competing companies. Each company claimed the other's product was dangerous. Nonetheless, the poor defendant is out about \$35,000 in legal fees.

In the second case, the case of Jerri Jenkins, the attorney, Mr. Philip Kassel had a subpoena served on me to testify that the subject products used were extremely flammable and that the labeling contained inadequate warning language. Prior to the trial I received a call from an investigator with the San Bernardino District Attorney's office. We discussed the flammability of insecticide foggers containing extremely flammable hydrocarbon propellents. Later that day, the DA's office dropped the felony arson charge carrying a mandatory 5 year prison sentence to a misdemeanor negligence charge. There was no fine or sentence, and if Ms. Jenkins doesn't burn down anymore houses in the next 6 months, her record will be expunged. Mr. Kassel hailed the settlement of the case as a first in San Bernardino legal history.

About 10 days after Ms. Jenkins prevailed, I got a memo from EPA's Office of General Council. OGC informed me that I could not testify in the Jenkins trial, as it was not in the best interest of the Agency for me to do so.

Additional Reports

Another seven incidents have been reported to me. All of them pretty routine stuff like pilot light and electrical ignition. Nothing really interesting.

Grievance

As for my grievance filed in connection with retaliation against me for pursuing the flammable aerosol loophole in the regulations, I am, as of this writing, still not allowed to review the product chemistry of these products. It has been about a year now. However, Chief Steward Dr. A. Hale Vandermer is meeting with Registration Division Director Anne E. Lindsay and Sharon Ellis from Personnel, on April 20, 1990, to perhaps decide my fate.

MANAGER OF THE MONTH

No nominations were entered for MANAGER OF THE MONTH. Come on people, there must be a manager out there somewhere worthy of this honor. Remember, he or she must have made responsible environmental decisions. Write:
Manager of the Month, UN-200

KOACHEZ

-Dwight

Bill Reilly

BILL REILLY

BILL
REILLY

We just wanted
to get your
attention Bill.

But we're not
going to goof
on you....

YET.

You've got an
important job...

Saving the
world...

From Environmental
Catastrophe.

You need some input
from your scientists.

You need some
Democracy.

Democracy for EPA
DEMOCRACY FOR EPA
**DEMOCRACY
FOR
EPA**

FIRE AND SAFETY AUDIT by Mark Antell

During the week of April 2, GSA reviewed fire and safety procedures at EPA headquarters. An NFFE request to participate in the audit was denied.

Sit back; ask yourself, 'Why the denial?'

Distrust? Fear? Arrogance?

Every possible explanation is obnoxious or scary.



By Rufus Morison, Ph.D.

Habeas corpus and the Body Count-1

The lawyer's phrase Habeas corpus has a long history since the Magna Carta and certainly was a major step toward establishing some degree of equity for the masses as I understand it from my colleagues in the Fifth Estate.

Now enter from stage right, politicians and from extreme nowhere, management at EPA, since the advent of the trickle downers and the later arrivals, the blue stocking environmentalists. Stage set, this gang of no-public-advocacy polity instituted a twist on an honored foundation of civil liberty. Their novel interpretation of the time honored tradition of Habeas corpus has oozed into practice.

First, some thoughts supporting the hypothesis about this new meaning for Habeas corpus....

In the 1970's we became aware of the importance of energy sources and their ability to alter the biosphere, in particular, the regional ecosystems. This was replaced by a headlong rush to assure the country that coal burning and, in particular, its consequence, acid precipitation, needed further study. (This specious nonsense was acceptable to pols, managers and some scientists despite the majority of expert scientific opinion and research evidence that indicated that the problem was immediate and potentially devastating to ecosystems) That bit of Electric Power Research Institute orchestrated self-serving Sci-prop¹ fit the Reagan Gang's agenda or vice versa. After much wrangling a small amount of money was rewarded to further studiers.

This hypothesis about the alternative Habeas corpus is stated: Significant probability of harm is insufficient for action under specific mandate. The Body Count-1 is an hypothesis that refers to the inverse of the infamous use of the same term in Vietnam. At EPA the management cry has been to keep the Body Count down.

Recently, however, not exclusively, here at Headquarters we have encountered yet another example of this new interpretation of the foundations of jurisprudence. The legal milestone to which I refer is the EPA administration 'mandate' from the political team and 'the environment president' that DEAD bodies be produced when such issues as pesticides, the toxic carpet and fluoride are probably causitive. The management of EPA introduced this new meaning to the term as a stall and to "study the problem" in the rodent and likely in the belief that the problem studied becomes the problem integrated in the fogs of time to collect dust in the bin of forgotten promises.

The attitude of the Grizzle-Chamberlin axis is that the promises² of November 21, 1989 will correct the problem and perpetual inaction is satisfactory for the rest of us. Mr. Grizzle your idea of Habeas corpus is a cynical rejection of humane treatment: at least 30 employees' health has been permanently damaged and there are more each month. How much workplace caused disability, and how much economic and career damage is necessary to warrant a solution?

Furthermore, the meaning is that the body that the agency selects may be yours if you continue to work in the HQ buildings. Ask the members of COPE and a multitude of others who suffer in silence. Yes, Habeas corpus has a new meaning and it is that EPA management has to have a moribund body before they will even mouth vacuous platitudes about their dedication to a healthy workplace.

Perhaps this new meaning should at least be given some coverage in a reputable legal forum. Although I am not a reader of the legal press, I seriously doubt if this milestone of bureaucratic legal inertia has surfaced.

1 Sci-prop is defined as science propaganda: that form of "communication releases from the orifices of those beings known as spokespersons (although their personhood may be in the same category as lawyers for some of the same reasons). Sci-prop also known to be synonymous with Sci-hype which is used by such responsible corporate giants as Exxon, W.R. Grace and Union Carbide ('The old fishin' hole is a lot better since the oil riggs came')

2 Cypser, Myra. EPA's Indoor Air Story; A Chronology of Events. April 10, 1990.

FRIEND, IS IT TRUE?

by Alex Arce

March 1990, the first weekend of the month, what wonderful weather: the sunshine, the clean air, the light rain, perhaps lighter than is desired. Washington, DC, the capital of the world, the city in which major decisions are made every day, the city where the future of the whole world can be decided. The city where the biggest mistakes are made, a glamorous city; my city and yours too.

Is it true? Are we witnessing "The Greenhouse Effect"? Or is it just an unusual mild change in the climatic pattern of the continent? Are the trees and the animals going crazy? Why, I just saw a cherry tree blossoming, just as if it was the middle of Spring. The little squirrels are playing in the parks again. It has been said that the first step of the Greenhouse Effect is the "erratic changes in temperature. Very cold one day, very warm the next day, no snow in the right places, and much snow in New York City. Erratic, very erratic.

As erratic as the stock market, as erratic as the recession that we are entering into very rapidly, with gigantic steps. As erratic as our news or the television, including, of course, the weather reports. If we are entering into the Greenhouse Effect, I will be the first one to be concerned about it.

I work for the Environmental Protection Agency; I am supposed to know more about the environment than the men or women on the street. The question is: what are we doing about the problem, other than producing statistical charts, having meetings, writing memorandums, and the wasteful "task forces"?

Are we saving paper? Are we saving energy? Are we avoiding the unscheduled usage of computers? What are we doing? What are the real environmentalists, the ones that come to the EPA every day in car pools, or the ones who like to work, what are we doing about it besides collecting our pay checks? Are we limited to punching computers and producing "reports or reviews" on clean paper? Is the Agency successful in its effort to curtail the pollution in the country or in the world? What are we doing? How can we justify our existence? Answers, does anyone have an answer?

By now, the Environmental Protection Agency should have come out of the closet and informed the citizens of our country and the whole world if we are indeed entering "The Greenhouse Effect". We could divide it into several parts, as we always do and title it "The First Phase of the Greenhouse Effect". Later on, since these days most things have a "Regular" and a "Lite", we could have phase II "Greenhouse Effect - Lite". And following the Agency's philosophy, we could appoint a "Deputy Assistant Administrator for the Greenhouse Effect". In the future he or she could be promoted to a regular AA....; forget the Deputy thing. And we could create divisions, branches and go to meetings, conventions allocate funds and...produce more paper.

While we have the largest production of cars in the world, we will not be able to (morally) tell the Brazilians to stop defoliating the tropical rain forest. Please, let's not continue to blame our shortcomings on others. It is repulsive, it is old fashioned, it is immoral, and it does not belong to us.

Are we going to mobilize our population by mass, rapid, efficient transportation, or are we going to allow "The Ugly American" to use one extra large car for one person. Are we going to continue to produce more cars and make more fumes? Are we going to cool our homes and offices by opening windows, or are we going to allow our architects to design inefficient buildings without windows? Are we going to continue to spread Legionella thru our heating/cooling ducts in our homes and offices? If we really are the most developed country in the world, then why are we still poisoning our people with fumes from cars, inefficient buildings, and wanton waste?

Our problems are multiple and self created. Our illnesses are grave and self inflicted. We do not have to allow the Japanese or the Germans to sell us more cars, the American car manufacturers are doing a good job of it, but at least they are Americans and employ Americans and serve America. We do not have to produce more cars or do we? We are choking with air pollution. We do not have to cut more of our forests to supply other countries with our wood. We do not have to break all the records in air transportation when we know that the sky cannot take more abuse from our 747s or 757s or whatever.

We do have to grow; we do have to mature. We are a big country; we are no longer "Good Ole Country Boys". We are or pretend to be a "Civilized Nation". Let us act like that. Our country has run out of enemies, but we have created other types of enemies. We have created the biggest enemy of all--ourselves and our arrogant, gluttonous ways of life. Are we proud of consuming more than any other country in the world? I need answers.

FURTHER COMMENT ON THE NEW BUILDING SITE

The following is the text of a letter written by an EPA employee who wishes to remain anonymous. This employee was held up at gun point, under a bright security light, and had her purse and car stolen. Copies of this letter were sent to Bill Reilly, Congress, New Buildings Subcommittee, the Federal Times, and the Washington Times.

" The purpose of this letter is to bring to your attention an incident which involved one of our employees and to request your assistance in pursuing measures which might prevent this from happening again.

"Enclosed is an article which describes the crime which occurred at the Metro station. Our employee was lucky; she was not shot, raped, or killed. The next victim may not be so lucky.

"It is our understanding that one of the requirements for the new building site is proximity to the Metro system. Part of Metro's popularity is that the system is perceived as a safe and secure system. This is not the case. Metro has only one security officer per 5 stations. Metro attendants are not properly trained to handle security/safety incidents. In addition to our employee's incident, just last month a woman was attacked on the platform at the Metro station. There were no security officers at the station and the attendants did not respond to the attack.

"As we employ 6,000 employees, we represent a large percentage of potential and actual Metro patrons. We request that you voice your concerns to the appropriate sources during the new building acquisition process to ensure that security throughout the Metro system be enhanced.

"Thank you for your attention to this matter."

TIDBITS - Humor

"If EPA gets cabinet status, will EPA scientists come out of the closet?"
-Tyrone Aiken

(Comment on the new automatic sliding doors being installed at Waterside)
"What a joke, automatic doors on a rathole."
-Rufus Morison


"While EPA management is saying 'Let them eat cake', the peasants are busily sharpening the blade of the guillotine."
-Dwight Welch

REQUEST FOR INFORMATION

If you feel that you have been retaliated against for publishing with us or if you feel that you have received official discouragement from publishing with us, please let us know. We do not claim that the above actions are happening; we hope they are not. However, if we receive proof of any wrongdoing or any infringement upon First Amendment rights, we will expose any wrongdoing as soon as we have verifiable proof.


CURRENT NFFE LOCAL 2050 OFFICERS

President:



Bob Carton
382-2325

President-Elect:



Bill Hirzy
382-2383


Vice Presidents:



Mark Antell
382-2787



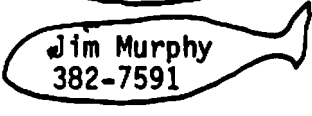
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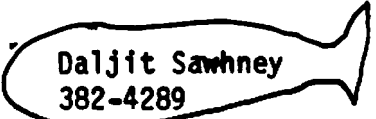
Dwight Welch
557-4422

Secretary:



Myra Cypser
382-2872

Treasurer:



Daljit Sawhney
382-4289

Chief Steward:



Hale Vandermer
557-7336

COMING IN FUTURE ISSUES

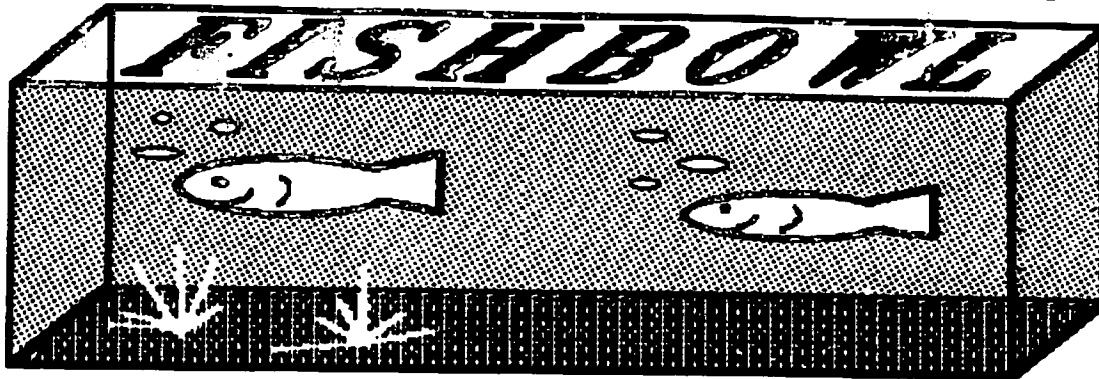
- * NFFE 2050 Integrity and Ethics in Science at EPA Survey. Do you think that the highest principles of scientific integrity are being observed here at EPA? What do you think of the ethical values practiced? Do you know of laws being broken? Do you know of retaliations against scientists for performing their duties in an ethical manner? Is the Inspector General's Office doing it's duty policing waste, fraud, and mismanagement? Is EPA sympathetic to industry, the environmental movement, or somewhere in between? Is there a sufficient opportunity for professional career advancement here at EPA? The results of this survey (you need not disclose yours or anyone else's name) will be forwarded to Bill Reilly (and perhaps others). Be sure to participate in this exciting survey. Coming in the May issue.
- * The Democratic Revolution - As reported in "From the Editor", the democratic revolution continues. Mr. Reilly has been invited to observe the proceedings. Did he or one of his aides attend? What happened? Were the scientists successful or did EPA management roll out the tanks and mow the scientists, free speech, and the quest for scientific integrity down? Stay tuned.
- * Meet the Candidates - Elections for the Local 2050 Executive Board are coming up. Be sure to read about the candidates' platforms; this is a part of what democracy is about. Candidates: submit 100 words or less by May 10th.
- * Earth Day Activities Report - The Indoor Air Rally was a huge success. Read about it in Myra Cypser's "Indoor Air News". Also, the full texts of Rep. Joseph P. Kennedy's, Bill Reilly's, and Henry Habicht's speeches. Also read the Editorial comment on these speeches and about the "NFFE Alternatives" Foozle.
- * More surprises, more innovation.

Join NFFE 2050, THE REAL EPA. And for the truth about what's really happening at EPA, read INSIDE THE FISHBOWL.

Edna Villanueva - Environmental Protection Specialist - Office of Water

Rodges Anbrah Program Analyst PM 221

INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

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NFFE

LOCAL 2050

(202) 382-2383

EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

MAY 1990

INSIDE THIS ISSUE

VOLUME 6 - No. 5

- 2 TELL ME AGAIN, WHO'S NEGATIVE - From the Editor
- 3 VICTORY FOR NFFE, LOCAL 2050 ON DEFEAT OF S.E. FEDERAL CENTER
- 3 LETTER(S) THE FISHBOWL WON'T PRINT
- 7 CIVIL SUBVERSION - Tyrone Aiken
- 8 UNION DEMANDS FIRING OF OPP MANAGERS
- 9 ULPS
- 9 BRIN VS BRESLER
- 11 Excerpts from Reilly and Kennedy Speeches
- 12 INDOOR AIR NEWS - Myra Cypser
- 14 NFFE'S SECTION 21 PETITION DENIED BY EPA - Bill Hirzy
- 14 ROACHEZ
- 15 NFFE WITHDRAWAL FROM THE LABOR-MANAGEMENT HEALTH AND SAFETY COMMITTEE - Bill Hirzy
- 17 FINALLY! EPA IS COMPELLED BY NFFE FILINGS WITH FLRA TO NEGOTIATE CARPET REMOVAL - Bill Hirzy
- 17 PROGRESS ON SECURITY UPGRADES AT FAIRCHILD - Bill Hirzy
- 17 OBSERVATIONS ON MANAGEMENT'S "SCHIZOPHRENIA" ON HEALTH & SAFETY ISSUES - Bill Hirzy
- 19 FLUORIDE, FICTION, AND THE WASHINGTON POST, Part I - Bob Carton


LOCAL 2050

JOIN TODAY —

FROM THE EDITOR:

Tell Me Again, Who's Negative?

One accusation that I often hear here at EPA leveled at NFFE, 2050 is, "You guys are just too negative." I came to the Union because of the aerosol flammability issue. I had pointed out the issue of extremely flammable gases being present in most aerosol products, with most (at the time) not giving those using, storing, or disposing of these products (containers) adequate warning of the dangers within. I started out with calm, scholarly memos to the Office of Pesticide Programs managers and was ignored. As I worked my way up the chain of command, I also noted in my memos, the inaction of those lower in the chain previously memoed. My original thesis proved correct as I have now uncovered a dozen deaths, hundreds of burn and property damage victims, and two people falsely convicted with arson. Yet I am labeled negative. I am negative? What about those whose inaction allowed suffering and death? At least some of this suffering might have been prevented with adequate labeling.

Bill Hirzy has been pointing out the dangers of 4-PC in carpeting. Is he negative? What about those who have ignored him and those who have tried to keep him quiet? How about those people in the Unions and in COPE who have complained of the bad indoor air, are they negative? What about the managers who have yet to effectively deal with the problem? What about the 60 or more people already identified as being seriously ill and the hundreds of others with lesser adverse health effects? Are they victims of negative people like Bill Hirzy, Myra Cypser, and Kirby Biggs*? Or are they victims of the facilities managers who seem to be long on rhetoric, but short on effective action?

Bob Carton, now there's a negative guy for you. He's pointed out that there is data which has been suppressed for 40 years to show that sodium fluoride which is added to our drinking water has a carcinogenic response in laboratory animals. He's pointed to epidemiological studies which claim that there is little, if any, benefit to this use of sodium fluoride. Perhaps he should quit EPA and get a job with industry promoting the use of fluoride and maybe doubling or tripling his salary, but alas he's such a negative guy.

How about that NFFE survey about the new building site. Most of you voted thumbs down to the S.E. Federal Center. At the Earth Day Employees Brown Bag Lunch, Mr. Reilly got his biggest applause (by far) when he announced his decision against the S.E. Center. Once again, those negative NFFE people spoiled someone's grandiose plans. Just because the site is polluted, is that any reason? And now those poor local drug users will have to find someone else to mug other than EPA employees.

The Union is approaching the 200 mark for Unfair Labor Practices (ULPs). Many of these are against management for things like refusal or failure to negotiate, interfering with Union officials from performing their functions, interfering and restraining employees from Union membership, and retaliations against employees for exercising their rights. Tell me again, who's negative?

*Kirby Biggs is with AFGE.

Deadline for articles in the June issue is June 14, 1990.

-Dwight Welch
Editor

Editorial Board: Dwight Welch, Bill Hirzy, Jim Murphy, and Bob Carton

LEAD STORY: VICTORY FOR NFFE, LOCAL 2050 ON DEFEAT OF S.E. FEDERAL CENTER

It seemed a certainty. The new EPA building was to be located in the S.E. Federal Center. GSA supported it, EPA management supported it, even our sister union AFGE (based, they say, on a telephone survey of their members) supported it. Then 2050 did a bargaining unit member survey. The survey, designed by Bill Hirzy and Bob Carton found that a great majority of our membership was against it. Armed with the survey results, Rufus Morison and Hale Vandermer exposed conflicting information presented by management. Concurrent with the survey, Hale Vandermer, Chief Steward of 2050, went to work on investigating the site. What he found was that the S.E. site may be contaminated with toxic materials and might even be a possible candidate for Superfund. Dr. Vandermer reported this, not only in the FISHBOWL and other forums, but to Administrator Reilly himself. Now, Mr. Reilly has given a thumbs down to the S.E. Federal Center. (See the text of Mr. Reilly's speech later in this issue.) Victory for NFFE 2050.

(Note: Under EPA's suggestion program employees who save the Agency money get a percentage of the money saved. Had EPA built on the site and then discovered it to be too toxic, how much would have been spent taking remedial measures to clean up the site? How about a nice big, fat check for Hale Vandermer and/or NFFE 2050 for saving the Agency all of that money?)

LETTERS THE FISHBOWL WON'T PRINT

Note from the Editor. I had originally planned to run an anonymous letter taped to my door which was entitled "THE LETTER THE NFFE 'FISHBOWL' WOULDN'T PRINT" together with my reply. I then received the next letter from Laura Sallman-Smith (Ms. Sallman-Smith was obviously influenced by the first letter). So then I planned to print the two together as examples of how to and how not to promote changes in the Union. It is the policy of INSIDE THE FISHBOWL not to print anonymous letters, however, I planned to run it anyway to show what sort of material some of our adversaries are made of. I felt that the best way to deal with a cockroach is to expose it to the light: they always run. If you'll remember my first issue as editor I promised to "be bold".

Previous editors have enjoyed almost complete control of the content of this periodical. Shortly before I took over, a number of people on the board, including myself, felt the content of this newsletter ought to be controlled in a more democratic manner and we instituted an editorial board. The editorial board voted 3 to 1 not to print the anonymous letter. The reason given is because the letter is anonymous. So anonymous, if you care to come out of the closet, I'd be more than happy to debate specific points of your letter in these pages with you, but right now I can't run it.

If you readers would like to see it, let the executive board know, write to Fishbowl, UN-200. I myself disagree with the editorial board's decision, however, I do agree with the principle of democracy and am therefore complying with the decision of the majority.

The next letter was undoubtedly influenced by anonymous, but the author has made some worthwhile comments of her own. Laura also had the courage of her convictions: she signed the letter and gave me a telephone number.

Dear Editor:

Your recent editorial about the supreme importance of natural scientists indicates that you, like many others at NFFE, have no concept of the purpose of unions. (I say natural scientists, although you did not, because economists are also scientists - social scientists. Did you mean to exclude engineers, because they are not scientists.) Within and across unions, these organizations are meant to unify workers (anyone who is not management) into a solid voice to counter the organizational strength of management.

You should remember several critical points from this definition:

1. Unions are not intended to be elitist. A union's strength is in its solidarity, not its exclusivity. Alienating members by downgrading their profession does not build solidarity. Pure science may not get done at the Agency without natural scientists, but the purpose of EPA is not to perform science. The purpose is to protect the environment. This function cannot be achieved without lawyers to write and defend regulations, economists to determine the most cost-effective way to proceed, and scientists to evaluate impacts on the environment.

2. The function of EPA could not be performed without managers. Managers provide natural scientists, lawyers, and social scientists with the funding and support to protect the environment. They take our case to higher management and the Administration in order to implement our findings to protect the environment. Unions were not intended to bash management continuously but instead to work with management, as much as possible, in defense of workers.

3. We need the other unions. For total effectiveness, unions should work together to maintain worker solidarity. In my experience, NFFE's treatment of AFGE is appalling. The members of AFGE are also important to this Agency, and treating them with contempt only divides workers.

I grew up in a blue-collar, union mill-town. Management's most effective weapon against unions was instilling divisiveness. You are doing that for them. Clearly, you are not alone at NFFE in your attitudes. It is obviously why the union has so few members.

I am a new employee and was eager to join the union. I am not now eager but will join anyway. The unions are useful and can defend our rights as workers. This unions needs some changes. As witnessed by the flyers recently posted in Crystal Mall, others agree. Hopefully, we can get enough of those people who know the purpose of unions to join.

I am sure that this will not be printed. Union management tends to act like their conception of EPA management and suppresses dissent.

Sincerely,

Laura J. Sallmen Smith

Editorial Comment - Dwight

As many of you have noticed the content of the FISHBOWL has shifted somewhat. I have tried to add more controversial and intellectually stimulating articles. I am not trying to create a divisive atmosphere, however, but one in which debate is stimulated. What makes the United States of America such a great country is our diversity. Different opinions, cultures, and approaches to life clash then combine, via a cultural survival of the fittest, to create an American culture which is much richer than anything more homogeneous cultures could ever produce. Ms. Sallmen-Smith's letter, I feel, is an example of this enrichment process: I learned from her and I believe she learned from me.

Her first paragraph brings up a quite valid point, my apparent exclusion of engineers, social scientists, etc. in last month's "FROM THE EDITOR". My plea: aside from being overworked, "FROM THE EDITOR" is limited to one page, so it is difficult to get into long explanations. Also my assumptions probably differ from those of others, I automatically consider social scientists and engineers to be scientists too. I've been warned of this by Hale Vandermer on a number of occasions. He's heard me describing the Union as representing "scientists and lawyers", to which he'll correct, "professionals". The reason I don't say "professionals" is that I consider Environmental Protection Specialists and others (represented by AFGE) to be professionals too. Indeed, I could really get up on my soapbox and lecture about the importance of the clerical/secretarial staff here; they often can make or break an organization but are largely underpaid and underappreciated. I'm very emphathetic with the notion that "secretaries are professionals too", but this union does not represent secretaries, so I try to aim my articles at the membership. One thing I learned from Laura then is that my focus has been too narrow, and I appreciate the comment.

(Note: NFFE represents "professional employees" as defined by the Civil Service Reform Act, e.g. engineers, lawyers, scientists, etc. Our bargaining unit's scope is not a matter of choice, it is a matter of law. By using the term "professional employee", NFFE does not mean to imply that EPA employees who are assigned by law to the other bargaining unit perform at any lesser level of competence and dedication.)

But my ideas on workplace democracy are far from elitist, indeed, to the contrary. It is the worker upon whom the strength of any organization lies. It is the worker from whom the ideas and solutions arise. This would include, of course, the members of AFGE as well as NFFE, but it is only NFFE which I represent. So once again, a thousand pardons please, from any of you non-"pure" scientists, or even nonscientist-what-so-evers, I meant no offense. Yes, Laura, the business of EPA is environmental protection, however, this does start from a basis of science, but I do not wish to imply that other disciplines are not equally important to the process. In our program, Pesticides (of which both Laura and I are members), it starts out with toxicology; we are, after all dealing with poisons. From there chemists make decisions, for instance, of chemical similarity between products. Biologists translate the effects of toxicity to wildlife, etc. Economists are important to the process, for instance, in the benefit side of risk-benefit analysis. And in a land of laws, the lawyers help to keep us all out of trouble. The point I would like to make is that scientists should be making scientific decisions, economists making economic decisions, and lawyers making decisions of law and that the political climate at any given time should not alter the work done by the specialists in any given field. Furthermore, I would not want an economist making scientific decisions, nor would I want a scientist making economic decisions.

Let me go on to consider a section of scientists or lawyers or automobile assemblers. Even if the person in charge is of the same discipline, and even if he or she has risen from the ranks and is the most qualified in the group, that manager, no matter how qualified, no matter how intelligent, is still not as good as the sum total of the qualifications and intelligence of those whom he or she supervises. Therefore, the smart manager taps into the skill of the workers and makes them a part of the process rather than trying to impose his or her will from above as if he were chosen by God or something.

In number 2 of Laura's letter, I disagree with "Managers provide....with the funding and support to protect the environment. They take our case to higher management and the Administration in order to implement our findings." As suggested above and in this issue's "FROM THE EDITOR" (written before I even received Laura's letter), the too many layers of management here at EPA often subvert and stifle our ideas before they get to the top. I am advocating less managers, more direct links with the top, and more senior professional positions.

"Unions were not intended to bash management continuously, but instead work with management, as much as possible, in defense of workers." I agree, but it is usually the contrary which occurs around here. It is often management which reneges on promises, management which fails to negotiate, etc. (See our new feature "UNFAIR LABOR PRACTICES (ULPs)" For instance, they promised removal of the carpet, but with only 8% removed, made public statements that implied that all the toxic carpet was out. You have to be a saint to not get angry with treatment like that.

In number 3, I agree with Laura that we need the other union too. We need to work together. I believe that management has tried, and is to some extent succeeding, in driving a wedge between the two. We need to hang together brothers and sisters.

I agree with Laura that a union's strength is in its solidarity, but I hope she and you can see that diversity is a source of strength also. I think that is in strong contrast with management's approach. If Laura had submitted a letter to management as critical as this one is of us, she would be isolated and/or set up for firing. I called her up and asked, not only that she join, but that she get involved, indeed, run for office in the executive board. I am not angry at Laura, I am heartened that she wants to contribute, that she would like NFFE to be a better union. I hope she does get involved. She took the time and has the concern to write. I encourage more of you to get involved.

The philosophy of the executive board is quite simple and it is 180 degrees from management's philosophy. We are here to serve you; we believe a good leader is a follower of the people. We use our own creativity in the process of developing solutions, but the goals that we push are for the benefit of our bargaining unit and all of EPA. Any executive board member who forgets this, needs to either resign or the membership should not reelect them.

(P.S. Laura J. Sallmen Smith is now a new member of NFFE, Local 2050)

Civil Subversion
by Tyrone Aiken

How far will a black government official charged with discrimination by another black person go to vitiate the process? Often, a black official will thwart the efforts of other blacks with even greater tenacity than some discriminatory white officials. It was the black overseer, back during the period of American slavery, who often issued physical and mental punishment with great exuberance and enthusiasm, as if to prove to his master that even though he is of the same race/color there existed no rapprochement.

I filed an EEO suit in 1985 and discovered that my greatest enemies were other blacks that worked in personnel and the EEO Office, including EEO investigators and counselors. I am not criticizing all EEO counselors and personnel staffers, however, the specific individuals involved in my case executed their scams with such enthusiasm and finesse, I suspect that their treatment of my case was the result of frequent practice.

How many times can an action occur before it leaves the realm of coincidence? When your personnel actions (i.e. promotions, transfers, awards, step increases, temporary assignments, etc.) continually are postponed, misplaced, and require ten, twenty, or more calls before you receive action or a response? If everyone else gets the primary special projects and you get the primary rejects? If everyone labels you as hard to work with, the harder you work? If you apply for a position and get an interview but fail to answer ten trick interview questions? (e.g. "How do you expect to perform in this position, considering the fact that you have never worked for me before?" or "I was previously the section head for this vacancy; do you really think you're as qualified as me buddy [smile]?") If calls are continually made to your supervisor for a reference, but they never hire you? Maybe something is happening! It is: you are the victim of subversive tactics/retaliation which is designed to frustrate, confuse, and distress anyone that questions injustice in the Office of Pesticide Programs. These are not victimless crimes. These are devious acts that get some clerks, secretaries, personnel staffers, and supervisors promotions, while causing the victims stress, marital problems, heart attacks, and emotional breakdowns.

Another tactic is to hire qualified employees and after they lose favor, assign them to do jobs that will destroy their morale and chances of advancement. The practice of hiring scientists, secretaries, and managers based on their qualifications and misusing their expertise is an inexcusable waste of human resources. When GS-14s learn to type during work hours while secretaries are idle, when scientists are required to be clerks and secretaries are used as receptionists; this is waste. This type of anarchy, coupled with retaliation against anyone that does not agree to play charades, is subversive retaliation.

After five or ten years of being a scientist trained to be a clerk or a manager trained to be a data inputter, who will hire you? Ten years experience as an inputter with a degree in chemistry or biology or a manager trained to type with a business degree are not worth \$35 to \$40,000 per year. As a taxpayer and a civil servant, I object to mismanagement because we civil servants pay twice. A work place that is mismanaged destroys morale in addition to wasting tax money. A manager that engages in subversive tactics to obviate the laws designed to protect our rights is guilty of two crimes one against his coworkers and the second against the reputation of civil service/public service. To serve the public is not just a job, but in a democracy it is a necessity.

UNION DEMANDS FIRING OF OPP MANAGERS

In an April 10, 1990 memo, entitled "Management Accountability", signed by Vice Presidents Dwight Welch and Rufus Morison, and Chief Steward Hale Vandermer, to Douglas D. Campt, Office of Pesticide Programs Director, NFFE, 2050 has demanded "the immediate termination of employment of both Ferial S. Bishop and Anne E. Lindsay for ...mismanagement and for violations of the law...." Ms. Bishop is the Registration Support Branch Chief and Ms. Lindsay is the Registration Division Director. Welch, Morison, and Vandermer alleged violations of the Federal Insecticide, Fungicide and Rodenticide Act, violations of the Federal Personnel Act, mismanagement, lying, and discrimination against minorities. Charges have also been lodged with EPA's Inspector General. As of May 24, 1990, there has been no word from Douglas Campt's Office on this demand.

ULPs

The Federal Labor Relations Authority (FLRA) is one government organization which seems to do a good job. Perhaps you've seen their postings around the Agency. One of the consequences of losing a case before the FLRA is that the offender's name and deed get posted. These ULPs can also open the door to further redress in the courts. Watch for more of these in the future. Meanwhile, here is a list of people and charges against them filed by the Union. (Note: these are only the ones filed since April 1 of this year and only those which do not betray a member's confidentiality nor the Union's future strategy. A full list might take up many issues worth of space. We intend to publish these charges on a monthly basis, for the preceeding 30 days.)

1. John Chamberlin, Director, Office of Administration, is charged with refusing to respond to request for Impact & Implementation bargaining on changes in the operation of the Stress Lab.
2. Juanita Wills, Branch Chief, Antimicrobials Branch, Registration Division, Office of Pesticide Programs, is charged with interfering with Union Officials in performance of representation duties.
3. Elizabeth Cotsworth, Chief of the Assistance Branch, Permits and State Programs Div., Office of Emergency and Remedial Response is charged with interfering with a Union Official in performance of representation duties.
4. EPA Facilities Management and Services Div., charged with refusing to announce a Union sponsored meeting regarding indoor air quality on the Public Address System.
5. Douglas D. Campt - Office of Pesticide Programs Director
 Anne E. Lindsay - Registration Division Director
 Dr. Stephanie Irene - Registration Division Deputy Director
 John McCann - Consultant for Anne Lindsay
 Ferial S. Bishop - Registration Support Branch Chief
 Donald Stubbs - Registration Support Deputy Branch Chief
 Elsie (Leigh) Diggs - Labor Relations Specialist
 Charolette Northern - Personnel Specialist

(The above charged with)

Interfering, with the intent of stopping, ongoing reorganization negotiations.
 Interference with Union Officials from performing their duties. Interfering

with bargaining unit members' rights to union representation. Failure to notify Union of bargaining session. Contractor uncleared for handling Confidential Business Information.

6. Ferial S. Bishop - Registration Support Branch Chief, Registration Division, OPP
Interfering with a bargaining unit member's right to union representation.
Threat of retaliation against Union Official for performing his duty.
7. Thomas Ellwanger - Precautionary Labeling Section Head, Registration Support Branch, Registration Division, OPP
Threat of retaliation against a Union Official for performing his duties.

BRIN VS BRESLER

Cut and pasted from copies of the actual correspondence.

Dear Ms. Brin:

We are in receipt of a copy of your letter (undated) to Administrator Reilly, copied to Senator Mikulski.

Your letter claims, "that there are problems with the building". Would you please provide us with a detailed list of the alleged "problems" with the building.

You further claim "that there are 6000 people using office equipment requiring toxic chemicals in this space created for 1000 people with no office equipment".

As an attorney you must be aware that such a printed and published statement, if untrue, could be libelous and defamatory. Consequently, we insist that you provide us with the following information:

1. Any area where you maintain there are "toxic" chemicals being used, by whom and what chemicals;
2. Factual information supporting your allegation that the Waterside Mall and Office Complex was "space created for 1000 people with no office equipment";
3. Support for your allegation that the Waterside Complex is an "unsafe" area;
4. Support for your allegation, "that to work here (Waterside) is an abomination -- that I (you) risk, with each day of further exposure, becoming chemically sensitive -- so that my life and my ability to use chemicals are destroyed.";
5. Any information that there is or was a necessity for "Removing carpet, and study after ventilation study."

Your prompt response to these information requests will be appreciated.

Dear Mr. Bresler:

Thank you for your letter dated April 27, 1990. I have forwarded a copy to the Administrator and Senator Mikulski.

With best wishes.

Dear Ms. Brin:

Thank you for forwarding a copy of our letter of April 27, to the Administrator and Senator Mikulski.

However, you failed to provide us with the information that we requested to support your allegations. In the event we do not receive a detailed response to support your statements by May 21, 1990, we will presume that you cannot back up or prove your claims.

Dear Mr. Bresler:

I am in receipt of your letter dated May 1, 1990. You mention therein that I have failed to provide you with information requested in your letter dated April 27, 1990. In reality, however, you did not request information from me in your previous letter, you demanded it.

I do not respond to demands. I also do not respond to threats, or attempts at intimidation. I do respond, through counsel of course, to properly submitted interrogatories and requests for production of documents, when required, in the appropriate forum.

I find your correspondence thus far to be thoroughly distasteful. I must ask that you refrain from contacting me again.

EDITOR NOTE AND QUESTIONS

Marla received yet another letter from Mr. Bresler, but returned it unopened.

Questions: How did Mr. Bresler obtain a copy of the letter before it went out in the FISHBOWL? Our complaints, as EPA employees, are with EPA management, not TOWN Center Management, why is Mr. Bresler so involved? Is Mr. Bresler now answering correspondence for the Administrator's Office? Why hasn't Mr. Grizzle answered Ms. Brin's letter to Mr. Reilly?

I promised you the full texts of the speeches of Kennedy, Reilly, and Habicht, but the board was concerned about space, so we've compromised on about a half page of quotable quotes from both Kennedy and Reilly. Mr. Habicht's speech was unavailable as he works from notes. Mr. Reilly's speech was not the one obtainable from his speech writer's office as the Administrator deviated a lot from his prepared text. I obtained Mr. Reilly's speech text from Chris Bedford of Organizing Media Project, and the text of Mr. Kennedy's speech from Myra Cypser; many thanks to these two people. Anyone who is interested can request in writing to Dwight Welch, UN-200 or call and leave a message at 557-4422; I will send you copies of either or both speeches.

ADMINISTRATOR REILLY'S SPEECH AT THE EPA EARTH DAY BROWN BAG LUNCH (Excerpts)

"I am really excited about this, about all the changes I see happening around the Agency. I am delighted by the many pollution prevention activities going on in all of our programs. I think that we are leading in the nation's pollution prevention effort by example."

"As promised, the EPA recycling work group has reached its goal of making recycling boxes available for every employee at headquarters. Last month, we recycled 65 tons of newsprint...high and low grade paper and glass...I want to say that we even received a favorable mention from the Sierra Club for our efforts."

Editor's note: DC law demands recycling, Virginia's does not, at our Crystal City Building, there is only the recycling of high grade paper; no low grade, no glass, no aluminum (I recycle my aluminum at a Navy collection box upstairs). Is Crystal Mall 2 not a part of Headquarters, I thought we were?

"A few minutes ago, I also shared a platform with Dick Austin, the acting Administrator of GSA. We have agreed that we will not compete the SE Federal Center in the search for a new headquarters for EPA. We will look only for private sites. (Sustained applause) That's worth sitting a little while in the rain for, isn't it?"

SPEECH BY CONGRESSMAN JOSEPH P. KENNEDY II, UNION INDOOR AIR RALLY, EPA (Excerpts)

"I just came from a rally over across the street from the White House on many of the problems that we face in terms of our environment and one thing that becomes so critically clear to me is that when we talk about the rhetoric of the environment, it's so far and so different than the reality of the work we do, the reality of the legislation we pass, and the reality of the Earth we're leaving our children."

"In August of 1988, the EPA said that it would improve the ventilation system and cited ASHRAE standards as its goal. Two years later, ASHRAE standards have not been met. In September of 1989, the EPA stated that it would remove 243,000 sq. ft. of carpet that has been linked to numerous illnesses and yet 6 months later, only 10% of the carpet has been removed. In November of 1989, the EPA promised to relocate employees in order to protect their health, yet despite the fact that nearly 2500 EPA employees have complained of symptoms related to polluted indoor air, only 189 employees have been relocated to cleaner surroundings."

"...look at those youngsters in Tiananmen Square...willing to stand in front of a tank...it just seems to me that that's the kind of spirit of democracy we need to reestablish in our country. That's what you as EPA employees are doing."

INDOOR AIR NEWS

NFFE

Editor: Myra Cypser

AFGE

A Monthly Newsletter on EPA's Indoor Air

APRIL 1990

Kennedy Speaks At Rally: Approximately 250 people attended a Union rally on indoor air at EPA on April 18. The purpose of the rally was to draw attention to the indoor air problems in the EPA Headquarters' buildings, to urge the Administration to temporarily relocate EPA while the new building is being built, and to promote indoor air legislation in Congress. Congressman Joe Kennedy, national union officials, some injured employees, and others spoke at the rally.

Press Coverage: The rally was shown on local TV news shows in Washington, D.C., Dayton, Pittsburgh, Milwaukee, Kansas City, Baltimore, Rochester and Tampa. Of course, we do not know the full extent of the press coverage. To date, there have been more than 112 stories in the news media on EPA's indoor air, including more than ten national/international TV shows. When is the Administration going to get the message?

Compliance With ASHRAE: We still do not have an ongoing investigation of the ventilation systems, except for the Agency's "investigation" being conducted at Waterside Mall (WSM) by the building owner's contractor Engineering Design Group, Inc. (EDG). Previous Agency studies failed to determine if WSM meets the national standard for makeup air (ASHRAE). We are still waiting for the Agency to demonstrate compliance with the ASHRAE standard, particularly in areas that have been "improved." According to a December 22, 1989 EDG draft report, compliance with ASHRAE could cost \$800,000 more per year in energy expenditures for WSM.

Chemically Sensitive Employees: The Agency is preparing alternative workspace in Crystal City and WSM for "affected" employees. Facilities representatives met several times over the past few months with the Unions and "affected" employees to discuss the design of the alternative workspace. Facilities has almost completely ignored employee suggestions and has not responded

to NFFE Local 2050's requests for negotiations in any meaningful way. The Agency has not procured technical expertise to help design alternative workspace as they agreed to do on March 1. Facilities gave NFFE Local 2050 officials a tour of the alternative space in WSM the first week of April, and could not even tell them the location of the air intake for this space. Employees were told later on April 11, that this space would not meet the ASHRAE standard. How can it possibly be suitable for chemically sensitive individuals?

Employees continue to become ill and seek alternative work arrangements outside the Headquarters' buildings. More than 20 employees now work in alternative worksites. Many attorneys in the Waste Enforcement Division in the Office of Enforcement now work at home. A recent tally showed that of the 39 attorneys in this office, 6 had received permission to work at home and 5 were in the process of obtaining permission.

Health Monitoring: According to the Agency's 1989 indoor air health survey results, more than 40% of EPA employees suffer from "sick building" health symptoms, including headache; runny or stuffy nose; sneezing; dry, itching, or tearing eyes; sore, strained eyes; unusual fatigue and/or sleepiness. The Environmental Health and Safety Division (EHSD) has still not told the Unions how they routinely monitor employee illnesses or when another health survey will be conducted.

The Agency has still not taken steps to identify all the employees who want alternative worksites. However, an April 23 memorandum to Headquarters' supervisors, asking them to ensure that employees are kept informed of their options, is a step in the right direction. When will employees be informed directly?

Confidential Medical Information: NFFE Local 2050 discovered that David Smith, EHSD, asked some employees to share details of their medical histories with him. Be

advised that you are not required to give EHSD any medical information in order to get alternative workspace or to work at home. Also, the NFFE Local 2050 contract with the Agency allows you to have a Union representative present at meetings on working conditions.

Beware Of Elevators: Elevators fell ("accelerated") in the East Tower last summer, injuring employees. NFFE Local 2050 asked questions for months about whether the elevators had been fixed and got no explanation. Finally, at the monthly Facilities meeting on April 24, Facilities representatives said they believed that the problem had been fixed by the building owner. Supposedly, control equipment failed because of high temperatures and the ventilation in the control rooms was corrected afterwards so that temperatures would be lower. At the Facilities meeting, NFFE Local 2050 asked for monitoring in the control rooms to ensure normal room temperatures. Caution: until we get confirmation that Facilities is actually monitoring temperature, avoid the elevators in warm weather, if possible.

Operation Clean Up: The Agency is going forward with "operation clean up," and it appears that the ventilation ductwork will be cleaned as part of this effort. NFFE Local 2050 endorses the general clean-up of Headquarters that this program implies; however, certain Union concerns have not been addressed: (1) the need for administrative leave for employees who are sensitive to cleansers and dust, and (2) the possible toxicity of cleansers. Any new and/or increased use of cleansers that is a change in working conditions must be negotiated with the Unions.

Carpet Cleaning: In March, NFFE Local 2050 asked for information on the carpet cleanser the Agency was using. The main ingredient, isopropyl alcohol, is the subject of a final test rule under section 4 of the Toxic Substances Control Act (TSCA). The rule says there is insufficient information to assess health hazards, including cancer, mutagenic and neurotoxic effects.

Smoking Policy Change: On April 27, the Agency asked the Unions for comments on a proposed smoking policy that would completely ban smoking at EPA. Please call NFFE Local 2050 at 382-2383 with your opinion or send comments to NFFE at mail code UN-200.

Carpet Petition: On April 17, the Agency denied the section 21 petition filed by NFFE Local 2050 under TSCA which asked EPA to regulate carpet emissions nationally. In its official response, the Agency did not agree that carpeting caused illness at EPA Headquarters; however, it plans to ask the carpet industry to voluntarily test carpet and reduce emissions, and it plans to start rulemaking if voluntary measures do not work. On other occasions, managers in EHSD and the Indoor Air Division have said that the newly installed carpet made people sick.

Earth Day Leafletting: NFFE Local 2050 distributed 5,000 copies of a leaflet at the Earth Day festivities on the D.C. Mall on April 22. The leaflet asked recipients to write Congress to "help protect the Nation's environment by protecting the work environment of the employees of the U.S. Environmental Protection Agency."

Temporary Space: An April 24 memorandum from Bill Reilly, the Administrator, to all EPA employees said that he had discussed the acquisition of interim space with Mr. Austin, the Acting Administrator of GSA, who agreed to lend full GSA support to get sufficient space to move 700-800 employees out of WSM before the new Headquarters is ready. Mr. Reilly cautioned that acquiring such a large amount of space would be time consuming. Will this have even a minimal impact on the problem of overcrowding? There are nearly 6,000 employees in WSM.

Copy Centers: Direct exhaust systems have been installed for four copy centers. Contracts for an additional 18 systems have been issued. However, the Agency has not provided any estimate on what portion of total copy machine emissions will be controlled by these measures.

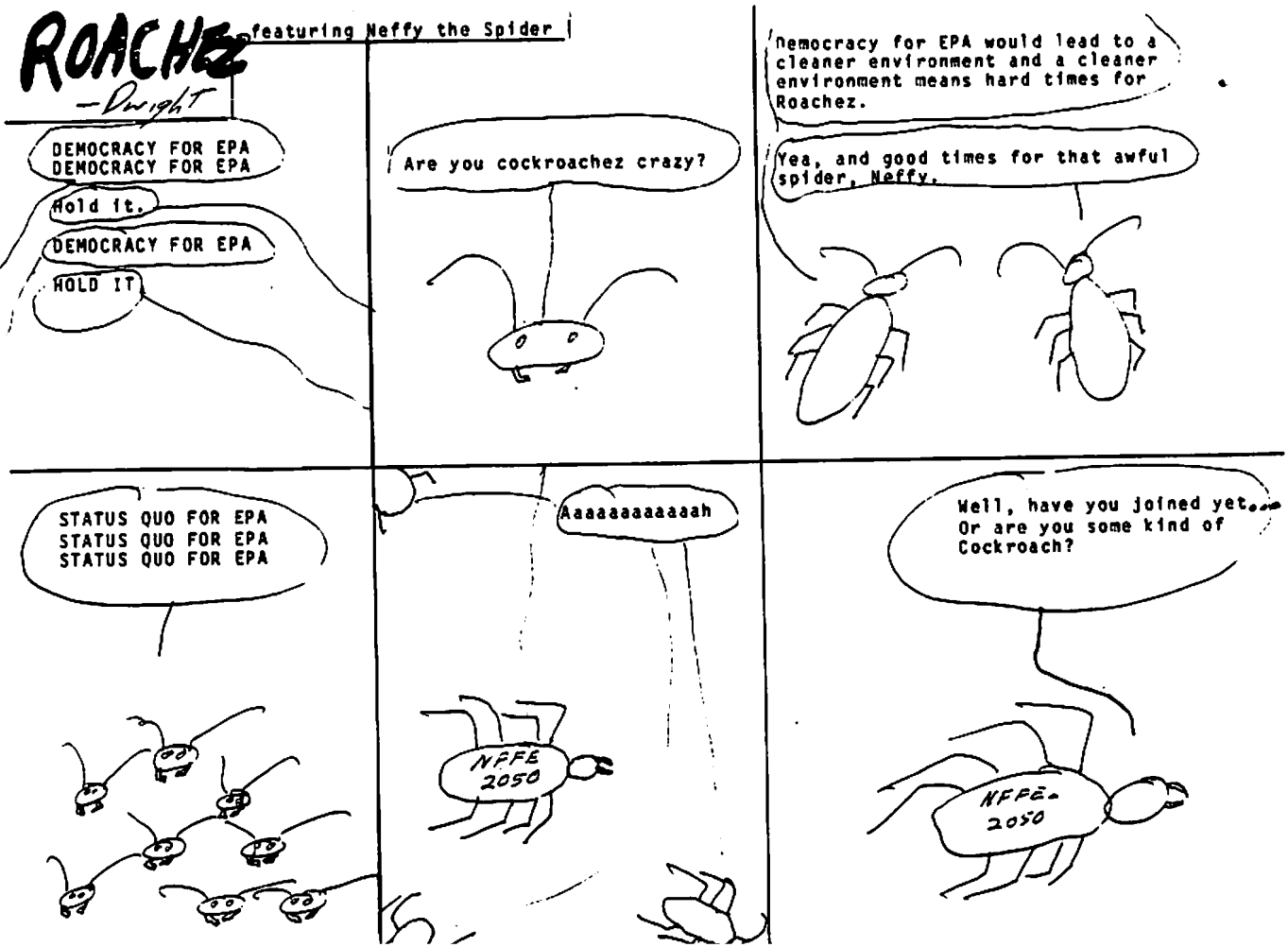
Indoor Air Plan: An AFGE Local 3331 official approved the Agency's indoor air plan, April 13. NFFE Local 2050 did not receive this plan until afterwards and has not had time to review it. Hopefully, it will be significantly different from all the drafts.

Congressional Testimony Scheduled: NFFE Local 2050 will testify before the U.S. Senate Appropriations Committee in mid-May and will discuss Agency expenditures to improve EPA's indoor air.

NFEE'S SECTION 21 PETITION DENIED BY EPA--CARPET RISK REDUCTION MOVES FORWARD NEVERTHELESS, WITH LOCAL 2050 AT THE TABLE--by Bill Hirzy

In what can only be characterized as a "different" response to Local 2050's TSCA section 21 petition, EPA simultaneously denies that carpet has ever injured anybody and announces the commencement of a "dialogue" with interested parties to take action to limit exposures to carpet emissions (for what purpose, if not to reduce risk, we can't imagine). Well, OK, we can see that granting the Union's petition could help put a tort liability on the carpet and adhesive industries and keep those parties out of a negotiated risk reduction effort. OK, we can see that. We can see that those people, EPA employees included, who have been injured by carpet/adhesive emissions and by the people who bought, installed and refused to remove defective products, will have to fight out their cases individually without EPA providing an objective standard. We can see how EPA as standard-setter might not want to get involved in lawsuits, peripherally or as a defendant. We can see that sentient people like Dave Weitzman (when he was Director of Environmental Health and Safety) and Bob Axelrad (head of the Indoor Air Program) have reached a conclusion that new carpet here made people sick, inspite of official EPA bobbing and weaving to deny the evidence--we can see that. Its a very interesting can of worms.

Local 2050 has been invited to participate in the dialogue process and has accepted. No decision has yet been made on whether to bring the petition denial into Federal District Court. As mentioned elsewhere, that decision will be reached at a Union meeting May 29 to be held in NE 103 at noon.



NFFE WITHDRAWAL FROM THE LABOR-MANAGEMENT HEALTH AND SAFETY COMMITTEE--by Bill Hirzy After trying hard for four months to make progress in an "advisory" and "consultative" forum (the LMHSC) on health and safety issues, Local 2050 left that group. The final straws that led to the withdrawal were: 1) abandonment of the consensus process originally agreed upon and its replacement with majority vote decision making (and having AFGE representatives vote with management on most issues); and 2) persistent untruthfulness by Charlie Grizzle in his reports to Senator Mikulski on progress in the LMHSC. Instead of continuing to try to overcome these obstacles in the LMHSC, Local 2050 elected to continue the one-on-one collective bargaining process laid out in our contract with the Agency and enforceable under law (see related articles on carpet-and Fairchild security negotiations which show the effectiveness of the traditional collective bargaining process). Local 2050's letter to Senator Mikulski correcting Mr. Grizzle's misrepresentations follows. It is self-explanatory as a reason for our leaving the LMHSC.

Dear Senator Mikulski:

I am writing to correct information on air quality management and employee health that has been conveyed to you over the past three months by Assistant Administrator Charles Grizzle of the U.S. Environmental Protection Agency. I do this with a heavy heart, having hoped since Mr. Grizzles's first erroneous letter to you in December that his subsequent reports would be factual and correct the fundamental problem revealed in the December letter. But, despite assurances that the errors of his December letter would not be repeated, his February letter is in the same vein as the earlier two, and I cannot desist any longer from setting the record straight and offering a proposal that could put things right.

Deception is at the heart of the problem, and it is clear from the December letter that masking the truth of EPA management's activities and attitudes while superficially addressing your concerns has been the foremost goal of Mr. Grizzle's letters.

To wit: in the December letter Mr. Grizzle states (at paragraph 4) that, "The enclosed plan represents a joint venture between EPA management and the unions..." This is a completely false statement. The unions did not agree to the plan enclosed with the December letter, did not participate in any element of its preparation, were not consulted on any of the budgetary or scheduling aspects of it, nor even given the courtesy of receiving a copy from management.

The February report to you: falsely states that the indoor air quality plan has been completed; falsely implies that a usable report containing recommendation for air quality improvements has been received from contract engineers; falsely implies that management is agreeable to removing some carpet at the unions' request, the only issues being which carpet and when; and falsely states that no single event precipitated the rash of employee illnesses that started early in 1988 and continues to date. I cannot let this stream of falsification go unchallenged any longer.

The engineering report referred to in the February letter was unacceptable to the unions and to management; all these parties

discussed the deficiencies in early January, which culminated in management's request that this Union write a scope of work proposal. This we have done. In February we participated with management in a search for a new engineering firm acceptable to all parties (now completed, but no work has been done by this firm). Thus, there is no engineering report on which to base remedial action.

The air quality plan referred to as "complete" is not complete until provision is made for removal of carpet that continues to make employees ill. We have had to file an Unfair Labor Practices charge with the Federal Labor Relations Authority because Mr. Grizzle refuses to provide information on how he decided what carpet to remove--this is a measure of the "cooperation" he is showing in this situation. Other important plan elements, such as a routine health monitoring program are also lacking from the existing draft.

Mr. Grizzle knows full well that the advent of the Ebsco carpet was the precipitating event in the outbreak of multiple chemical sensitivity and other illnesses which began early in 1988. While EPA for a long time has had air quality deficiencies resulting in health problems, it was the installation of 243,000 square feet of this carpet (less than 10% of which has been removed) that precipitated the rash of serious, life-altering illness which continues to be manifested at EPA. (There is no doubt that some contribution to the outbreak can be ascribed to over-crowding and inadequate ventilation, but those conditions existed before the outbreak, which was coincident with the carpet's installation.) We note Mr. Grizzle is silent on health status of EPA employees, a factor on which you asked periodic reports.

It appears that EPA is convinced that it has no liability in tort to injured employees, and is compounding the harm that has been done by a knowing conspiracy of misstatements and refusal to remove the Ebsco carpet in toto. Perhaps only new senior management at EPA can begin to overcome this problem; clearly the "new" attitude advertised by Mr. Grizzle last November to your staff and other Senate staff, House staff, EPA employees and the public is not enough. If EPA is anxious over the national implications of removing this carpet which harmed EPA employees, we can only ask, "What is EPA's job if not to protect the public from such harm?" (In fact Local 2050 has filed a petition under the Toxic Substances Control Act to have EPA take regulatory action, based on data EPA gathered on its own injured employees, data which Mr. Grizzle's actions disavow.)

Thank you for your longstanding interest in our plight and for your effective action on our behalf. I believe that your intercession in the dispute between management and us might break the log jam on getting our health and safety problems under control and at the same time provide a great service to the public.

Sincerely yours, JWH, etc.

P.S. I enclose two Union proposals on carpet removal (dated December 18 and February 13) and an information request on the subject (dated February 9) as examples of our attempts to get action from Mr. Grizzle. We have received no response to any of these documents.

FINALLY! EPA IS COMPELLED BY NFFE FILINGS WITH FLRA TO NEGOTIATE CARPET REMOVAL

A major victory has been won by Local 2050 through pursuit of legal remedies under the Civil Service Reform Act, after its withdrawal from the sham Labor-Management Health and Safety Committee. (see related story)

After its withdrawal from the LMHSC, the Union filed Unfair Labor Practices charges against EPA with the Federal Labor Relations Authority for EPA's: 1) failure to negotiate on removal of carpet; 2) ignoring the Union's legal right to represent employees; and 3) ignoring legitimate requests for information--all matters related to removal of problem carpet from Headquarters.

Local 2050 decided, after seeing the hollowness of management's "consultative" (i.e. co-optive) approach in the LMHSC, to resume playing on the field of solid legal rights guaranteed under the CSRA.

EPA has finally agreed to negotiate carpet removal in return for the Union's dropping the Unfair Labor Practices charges. Ground rules for the negotiations were agreed to in the past few days and negotiations are to begin on May 29.

You should know that OSWER management has asked that all the carpet installed in its offices during the period when so many of our colleagues became victims of multiple chemical sensitivity be removed--NFFE wants it removed from the rest of Headquarters, and OSWER management has also urged its total removal.

PROGRESS ON SECURITY UPGRADES AT FAIRCHILD In other action on the Federal Labor Relations Authority front, FLRA Administrative Law Judge Naimark has ruled that proposals put forward by Local 2050 for improving security at the Fairchild building are negotiable. Judge Naimark ruled that EPA violated sections 7116(a)(1) and (5) of the Civil Service Reform Act by refusing to negotiate.

EPA management has filed exceptions (an appeal) to Judge Naimark's ruling, so negotiations may still be delayed by management while the issue is settled. The Union has, however, proposed immediate negotiations to protect employees, and the Agency has responded favorably. (If this confuses you, it confuses us too!)

This progress is a result principally of the work of our sister, Ellie Zimmerman Carney, former Chief Steward of Local 2050 and now happily employed elsewhere. She led the fight to upgrade security at Headquarters and engaged the NFFE National Office in appealing EPA's refusal to bargaining over those upgrades. NFFE National's Charlie Bernhardt, working closely with Ellie, wrote a brilliant negotiability appeal which was granted in total by Judge Naimark.

OBSERVATIONS ON MANAGEMENT'S "SCHIZOPHRENIA" ON HEALTH & SAFETY ISSUES--by Bill Hirzy There is a peculiar dichotomy in management's behavior regarding health and safety matters, and we wonder at the source of this confusing pattern. On the one hand Charlie Grizzle says before the whole world (i.e. EPA employees, press, and House and Senate Committee staff) last November that his biggest mistakes since coming to EPA were in not taking out the

carpet when NFFE first recommended and in being isolated from the Union, while on the other hand he refuses to bargain over carpet removal at the Union's request, refuses to provide information the Union is entitled to under law and actively encourages his staff to ignore the Union's right and duty to represent employees. On the one hand responsible EPA management officials in environmental health and the indoor air program admit that the new carpet made people sick, while on the other hand EPA's response to NFFE's TSCA section 21 petition (see related story) says there's no evidence that any carpet ever made anybody sick anywhere--not even the Agency's chief spokesperson on carpet, who couldn't work at his assigned office during part of 1988 because carpet fumes were intolerable. On the one hand Charlie Grizzle magnanimously sponsors union participation at the indoor air conference last month out of his own office budget, provides the unions with computers upon our simple request (i.e. no head-knocking negotiations), and appears genuinely, personally concerned with employee health, while on the other hand he allows anti-union actions on health and safety matters to flourish, promotes divisiveness among employees, and sends untruthful letters to Senator Mikulski about progress on those matters in the LMHSC.

Its a strange world, brothers and sisters, a strange world indeed inside this fishbowl. Does Mr. Grizzle really know what's going on? does Mr. Reilly? Do they care? When will some consistently cooperative era open? We had hoped last November that the time had come. We still hope and pray for it--but as an ancient Ralston Purina plaque seen hanging on an East Tennessee mountain cabin proclaims, "Pray for a good crop, but keep hoeing." We will keep hoeing

CURRENT NFFE LOCAL 2050 OFFICERS

President:

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382-2325

President-Elect:

Bill Hirzy
382-2383

Vice Presidents:

Mark Antell
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Sal Biscardi
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Irv Mauer
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Jim Murphy
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Rufus Morison
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Dwight Welch
557-4422

Secretary:

Myra Cypser
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Treasurer:

Daljit Sawhney
382-4289

Chief Steward:

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557-7336

Fluoride, Fiction, and the Washington Post, Part I: by Dr. Bob Carton, President, NFFE Local 2050

No one would ever know from reading the April 27 story in the Washington Post: "No Significant Cancer Risk Seen in Fluoride" by Malcolm Gladwell, that the 45 year old position on fluoride of the Public Health Service was shot down in flames by the scientific review panel of the National Toxicology Program (NTP) on April 26. (I attended the meeting as a representative of NFFE). The panel endorsed the finding of the NTP staff that there was a statistically significant increase in bone cancer in male rats treated with fluoride in the drinking water in a study conducted by Battelle Columbus Laboratories under contract to NTP. The increase was small but real nonetheless. After 45 years of saying there is no evidence of a link between fluoride and cancer, the government has now changed its position. The New York Times had it better. Their headline read: "Weak Link on Fluoride and Cancer Is Backed." (April 27, 1990).

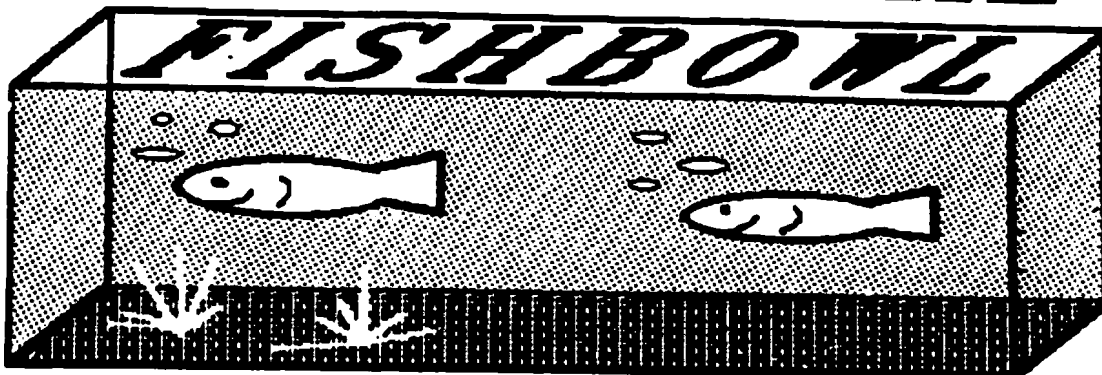
The Post had it wrong in other important areas as well. It reported that the study used "very high doses" of fluoride. When I compared doses used in this study with other studies on carcinogens, I found that the fluoride doses were 1/6th that used for benzene, 1/20th that used for chloroform and 1/500th that used for Red Dye #3 which was just banned by FDA.

Completely missing from the Post story was the fact that three out of four tests for genetic effects came out positive. It should be noted that the National Toxicology Program in its presentation of their findings totally ignored these findings and failed to explain that they added addition support to the cancer finding.

Also missing from the story was perhaps the most important and shocking statement of the entire day by Dr. Mel Reuber, a histopathologist and consultant with many publications in the scientific literature. Dr. Reuber, in the public comment section of the meeting, reported that Battelle found a statistically significant incidence of hepatocholangiocarcinomas, a rare form of liver cancer, in both male and female mice, but these tumors were reclassified by a subcontractor into a general category where the significance was lost. The panel fell silent when he said this. No one asked him any questions and Mel left the podium.

Why was this finding important? First, Dr. Reuber is the one who first described this lesion in the Journal of the National Cancer Institute in 1967. If anyone knows about this lesion, its Dr. Reuber. I spoke with him two days later and he told me that he asked to see the slides and he was able to confirm that the rare liver cancers were present in both male and female mice. He thought the Battelle pathologists had made the right call. What will EPA do with this dilemma? (to be continued)

INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

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OFFICE: ROOM 302 NE MALL

NFFE

LOCAL 2050

(202) 382-2383

EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

JUNE/JULY—1990

VOLUME 6—No. 6

INSIDE THIS ISSUE

- 2 FROM THE EDITOR/SOLICITATION FOR ARTICLES/ELECTION RESULTS
- 3 VOLUNTEERS NEEDED FOR STUDY OF NONSPECIFIC BUILDING RELATED ILLNESS
- 4 NFFE LOCAL 2050 MEMBERSHIP ON THE RISE
- 4 NFFE LOCAL 2050 OPEN MEETING ON THE SMOKING BAN
- 4 GUARD SLASHED AT HEADQUARTERS - UNION EXPRESSES SYMPATHY
- 5 TOM or "PIN THE TAIL ON THE DONKEY"? - Bob Carton
- 5 ROACHEZ
- 6 INDOOR AIR NEWS - Myra Cypser
- 9 CARPET NEWS - Bill Hirtz
- 11 Open Meeting Schedule
- 12 DEFICIENCIES IN ALTERNATIVE WORKSPACE - From Memo by Amy Svoboda
- 13 DIRECTOR OF THE OFFICE OF PESTICIDE PROGRAMS (OPP) REFUSES TO TAKE ACTION ON CHARGES
- 14 THE STRUGGLE FOR DEMOCRACY IN THE OPP - Dwight Welch
- 17 ANOTHER GRIEVANCE UNHEEDED - Lynn Bradley


LOCAL 2050

JOIN TODAY —

FROM THE EDITOR

The following is a facsimile of an actual memorandum:

MEMORANDUM

June 19, 1990

SUBJECT: Refusal to Carry Out an Illegal Order

FROM: Dwight A. Welch
Registration Support Branch/Registration Division

TO: Thomas Ellwanger, Section Head
PLS/RSB/RD

As per your note of 6/19/90, I am returning (deleted); please do not bother to give me another toxicology submission for review. I have said this in many ways over and over again, and I will say it once again. I am not qualified as a toxicologist. OPM standards require, for the position of toxicologist, 30 credits of chemistry and 12 credits of toxicology. I have zero credits in toxicology. To ask a nonqualified person to do a toxicology review is not only illegal, it puts the American public at risk. I refuse to carry out this illegal order. REFUSING TO CARRY OUT THIS ILLEGAL ORDER IS MY DUTY AS A CIVIL SERVANT.

That last sentence is important Tom. You may feel that just because you have been ordered, from above, to carry out these illegal orders, that you are blameless for any wrongdoing. "I was under orders" was the crux of the Nuremberg Defense, it didn't work at Nuremberg and it won't work when the intolerable situation going on in the Office of Pesticide Programs is finally investigated. I would advise you, as Section Head of the Precautionary Labeling Section, to insist upon being assigned only qualified toxicologists to do toxicology reviews.

cc: Ferial Bishop
Anne Lindsay
Office of Inspector General

SOLICITATION FOR ARTICLES

Dead line for submissions for the August issue is August 1, 1990.

Editorial Board: Dwight Welch, Bill Hirzy, Bob Carton, and Jim Murphy.

EXECUTIVE BOARD OF NFFE Local 2050 (Election Results of the 1990 Election)

President.....Bill Hirzy
President-Elect.....Dwight Welch
Chief Steward.....Rufus Morrison
Treasurer.....Daljit Sawhney
Secretary.....Laura Sallman-Smith

Vice Presidents....Bob Carton
Myra Cypser
Jon Jacobs
Jim Murphy
Sherry Milan
Hale Vandermer

***** VOLUNTEERS NEEDED *****
for Study of Nonspecific Building-Related Illness
and Chemical Sensitivity
by researchers at the

JOHNS HOPKINS UNIVERSITY SCHOOL OF HYGIENE AND PUBLIC HEALTH:

- o People who experience symptoms of illness which are associated with the workplace
- o People who experience symptoms of illness which are associated with varied situations

The research involves a 30-minute telephone interview scheduled at the participant's convenience and at no cost to the participant.

Strict confidentiality will be maintained.

For further information leave your name and address by July 20, 1990 in a sealed envelope addressed to "Johns Hopkins University Study of Chemical Sensitivity" with one of the following persons:

J. William Hirzy, Ph.D.
NFFE Local 2050 UN-200
401 M Street, SW
Washington, DC 20460
(202) 382 2383

Bobbi Lively-Diebold
7908 Lewinsville Rd.
McLean, VA 22102
(703) 893-4121

Linda Lee Davidoff, Ph.D.
Johns Hopkins University
School of Hygiene and Public Health
615 North Wolfe Street
Baltimore, MD 21205
(301) 955-4130

NFFE LOCAL 2050 MEMBERSHIP ON THE RISE

According to Daljit Sawhney, Treasurer, membership has increased by more than 26% compared with this time last year.

NFFE LOCAL 2050 OPEN MEETING ON THE SMOKING BAN

Management has decided to totally ban smoking from the buildings of EPA. 2050 had an open meeting to solicit opinions of the membership on this issue. Included in the meeting was Kirby Biggs of AFGE. Mr. Biggs indicated that AFGE favored a policy of having smoking rooms within the buildings, rather than a total ban. The NFFE 2050 Executive Board, based on this meeting, is recommending a similar position. The smoking rooms would have negative air flow to the outside and such other precautions as necessary to protect non-smokers within the buildings. This position is based upon the following:

1. Smoking is highly addictive and this addiction is legal.
2. Why should smokers be exposed to inclement weather?
3. Such smoking rooms would make enforcement against smoking in non-smoking areas more realistically enforceable.
4. This position aligns us with our sister union AFGE.
5. This approach protects both the rights of non-smokers as well as smokers.
6. Smoking in restrooms would end.

The Union recognizes the extremely controversial nature of the issue, and solicited a vote of the membership on the proposal provision of smoking rooms. Strong opinions on both sides were exposed, but the Executive Board's recommendation was sustained.

GUARD SLASHED AT HEADQUARTERS - UNION EXPRESSES SYMPATHY

In the early morning of July 5, a guard on patrol in the Mall near the EPA main library detected an intruder in one of the EPA offices. When challenged, the intruder slashed the guard, apparently with a straight razor, and escaped. The guard bled profusely and was hospitalized, but is expected to make a full recovery.

Local 2050 wishes to express sympathy for the pain and distress caused by the attack and has sent flowers to the guard in his hospital room. Local 2050 would also like to express its appreciation to the guards for their conscientious efforts to protect EPA employees and property. The incident should remind us all to be alert, even in headquarters areas that are normally secure, especially outside normal working hours.

TQM or "Pin the Tail on the Donkey"? - Bob Carton

The Office of Personnel (OP) has resurrected the old grade school game of "Pin the Tail on the Donkey" In response to NFFE's request for negotiations on Total Quality Management (TQM), OP claimed: "...I am not aware of any (pilot) TQM Programs that are being implemented or planned in Headquarters, I am still researching this matter ..." (Leigh Diggs, 06/15/90). So there you have OP blindfolded at the party staggering around trying to find the TQM donkey to pin the tail on. NFFE is not amused.

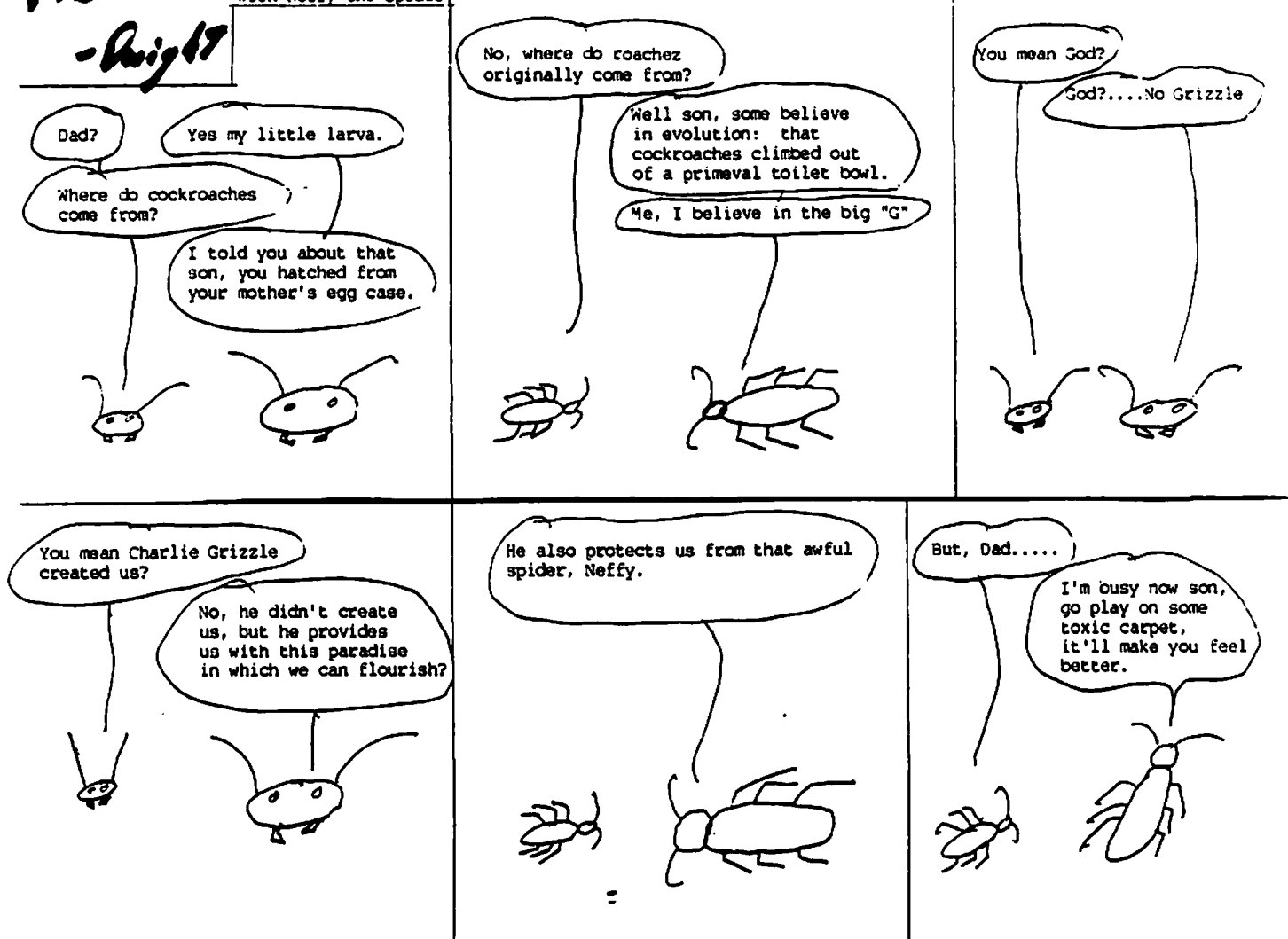
NFFE is fully aware of a number of pilot programs already underway at Headquarters. TQM training is being given to professionals and other EPA employees. A "Quality Advisory Group" is in place and has produced a "Handbook on Total Quality Management".

Why is all this important to you? Because management is setting up another gimmick program without your input that is certain to fail. It is certain to fail because YOU have played no part in determining the kind of program that is necessary or how it will be implemented. NFFE is interested in setting up a TQM program that is designed and directed by and for the employees. For a country that espouses democracy for everyone else in the world, it seems totally uninterested in applying the principles here at home.

NFFE will seek legal action to force bargaining on this issue, to give you some say in how TQM is implemented.

Roachez -Right?

with Neffy the Spider



INDOOR AIR NEWS

NFFE

Editor: Myra Cypser

AFGE

A Monthly Newsletter on EPA's Indoor Air

MAY 1990

Refusal To Negotiate Properly: The Agency began cleaning ventilation ductwork May 21 and did not adequately address NFFE 2050's concerns: the toxicity of the cleanser, the ability of the ventilation systems to exhaust cleanser fumes and dust, the need for health monitoring and alternative workspace arrangements for chemically sensitive employees, etc. Earlier that day, NFFE 2050 had delivered a letter to several Agency managers telling them that if employees were injured during the cleaning, the managers could be legally responsible, not just as government officials, but as individuals, because they did not negotiate as required by law. NFFE 2050 also filed an Unfair Labor Practice charge with the Federal Labor Relations Authority (FLRA) May 29 on this matter. NFFE 2050 agrees that there is a need to clean the ductwork; however, we need to be reasonably certain that employee health will be protected.

Cleaning Woes: The ductwork cleanser fumes did not disappear "in one hour" as predicted by the Environmental Health and Safety Division (EHSD); rather, the odor lingered for days. Employees complained that the cleaning crew worked during regular work hours, not just 7:00 p.m. to 4:00 a.m. as stated in a May 17 EHSD memorandum to employees. It has been reported that the cleaning crew left dirt and debris that was not cleaned up for days. Employee illness associated with the cleaning was also reported. An OSHA toxics hot line computer printout on the cleanser, limonene, lists abstracts which note a concern with carcinogenicity and allergic sensitization. The Administration has not provided any convincing arguments that this cleanser is safe.

Compliance With ASHRAE Claimed: In the May issue of "The HQ Round Table," the Agency claimed that the ventilation systems at Waterside Mall (WSM) "generally" meet the ASHRAE standard for outside makeup air. Generally? We need to have continuous compliance. Not just in spring and autumn

or whenever the weather is nice, but all the time. At each work station. In each building. The Agency also claimed in that issue that "calculations" show compliance with the ASHRAE standard in the ten "Improved" air handling systems. Despite requests for copies of these calculations, NFFE 2050 has not seen one scrap of documentation to support these claims. We hope that the improved systems meet the ASHRAE standard, otherwise this would be an incredible waste of money.

Waiting For A Real Investigation: Despite repeated requests over the past few months for a copy of the final report on the Agency's "Investigation" of the ventilation systems, the Agency has still not released it. Why not? This was the investigation conducted by EDG, the contractor who also worked for the WSM owner. There is no indication that the Agency has conducted or intends to conduct a methodical evaluation of the ventilation systems at WSM, let alone the other buildings. We still do not have the independent investigation promised to the Unions on December 14, 1989, after concerns were raised about EDG having a possible conflict of interest.

"Improvements" Are Limited: The Agency claims to have "improved" ten air handling systems. But what about the other systems at WSM? There are more than 100 systems! How many employees are affected by these improvements? 10 percent? 50 percent? 2 percent? Why were these systems selected and not others? A Facilities representative indicated that these were the areas where employees complained the loudest. And what about Crystal City and Fairchild? NFFE 2050 will insist that indoor air programs are established for all the Headquarters' buildings and that all bargaining unit employees have adequate ventilation.

Charles Grizzle Unavailable: In a May 8 letter on behalf of bargaining unit employees in the Committee Of Poisoned Employees (COPE), NFFE 2050 asked for a meeting with

Charles Grizzle, the Assistant Administrator for the Office of Administration and Resources Management (OARM). However, weeks later, a meeting has still not been set up.

Uppermost on the agenda for this requested meeting is a discussion of the design of alternative workspace currently under construction in Crystal City for "affected" employees. These are employees who have been granted permission to work outside WSM because their doctors attributed their illnesses to the building. Facilities has generally disregarded the recommendations made by the affected employees concerning the design of the space and did not procure a technical design expert as they agreed to do three months ago. It is questionable if any of the Agency's alternative workspace will be suitable for affected employees.

Major Program Elements Missing: We still don't have a clue as to how the Agency tracks employee illnesses related to indoor air. Complaints are not routinely solicited. What happens when an employee reports indoor air complaints to the Health Unit? Are complaints analyzed and compiled in a report? Or do complaints just disappear into a black hole? Is any action taken in response to complaints? When, if ever, will there be another indoor air health survey to determine if employee illnesses have decreased?

The Agency has still not produced an inventory of the pollution sources in the buildings. An inventory was promised in the summer of 1988. How can we begin to control indoor air pollution if we do not even have a list of the major sources? There is no indication that the Agency is screening materials and products brought into the building, evaluating or testing these to determine toxicity.

Invisible Budget: It's impossible to tell how much the Administration plans to spend on Headquarters' indoor air problems by reading their proposed 1991 budget. Specific indoor air projects are not defined and there are unrelated expenditures mixed in together; for example, funds for Regional Office moves are lumped in with "health and safety" Headquarters' projects. I addressed this issue in my remarks at the Senate

Appropriations Committee hearing May 16.

Agency's Plan Weak: The latest version of the Administration's Indoor Air Quality Management Plan does not commit them to do much. The plan is generally ambiguous and full of "weasel words." It focuses more on developing plans than on specific actions and when they will take place. It lacks key elements. Particularly appalling is a statement in the plan that it is not possible to accurately estimate the funds necessary to implement an indoor air program. Evidently, this plan is not very definite. Neither the plan nor the proposed 1991 budget reflect the seriousness of the 1989 employee indoor air health survey results which showed that more than 40% of Headquarters' employees have sick building health symptoms.

Administrator's Progress Report: A May 3 memorandum to all Headquarters' employees, from Bill Reilly, the Administrator, lists "specific steps" the Agency is taking to improve indoor air. The memo lists various projects, but does not tell the status of these or give planned completion dates. The projects are: cleaning workplaces and the air handling systems, meeting the ASHRAE standard, enhancing filtration, removing carpet, exhausting main copy centers, negotiating a smoking ban, limiting renovation activities to non-work hours, modifying exhaust stacks from restaurants. These are all important projects.

Moves Under Negotiation: NFFE 2050 is negotiating with the Agency on several planned employee moves. The objective of negotiations is to get agreements in writing from the Agency, to ensure that employee needs will be met. Union proposals include criteria for the amount or space, adequate ventilation, safe materials and furnishings, and address other indoor air concerns. Bargaining unit employees are urged to get involved in developing proposals for their own moves.

Alternative Worksite Denied: Don't count on being able to get permission to work at an alternative worksite during cleaning or when other chemicals are used in your office area. I tried to get permission to work elsewhere when they shampooed carpets

in my division. I was sent a memo denying my request for an alternative worksite, ordering me to be at my desk, and telling me that EHSD had determined that the area would be "safe." How can anyone predict with certainty how an employee will react to being in an area just treated with chemicals and guarantee that it will be safe? We still do not know the identity of all the chemicals in the shampoo.

No Answers On Carpet Shampoo: The carpet shampoo the Agency is using contains isopropyl alcohol, otherwise known as rubbing alcohol, a chemical which is widely used. However, a fact sheet from an EPA toxics hot line says that there is an increased risk of cancer associated with the manufacturing of this chemical and it is not known what causes this increased risk. In a May 18 letter, EHSD stated that data do not suggest that exposure to isopropyl alcohol itself poses a risk. EHSD has not addressed the question of whether this chemical has been ruled out as the cause of the increased cancer risk. Why not consider alternative shampoos? There has been no response from Facilities to the list of alternative shampoos I asked them to evaluate two months ago.

NIOSH Is Coming: NFFE 2050 sent a formal request for a health hazard evaluation to the National Institute for Occupational Safety and Health (NIOSH) on May 9. A preliminary meeting has been set up for early June. We hope that NIOSH will agree to conduct a comprehensive investigation of the EPA Headquarters' buildings and that their investigation will be objective and state-of-the-art.

Volume II Defective: On May 7, the Agency released Volume II of the employee indoor air health survey. Volume II contains the results of the indoor air pollution monitoring that was conducted in conjunction with the health survey in early 1989. Copies of this report are available from the Unions.

This monitoring study is defective because the Agency did not measure the air exchange rate before and during the pollution monitoring to determine if this rate increased. Employees have voiced doubts about the

validity of this and other Agency pollution monitoring studies because of a lack of data on the air exchange rate. Employees have reported that the air seemed cooler/ "fresher" during pollution monitoring. During the course of one study, the air exchange rate increased by at least a factor of ten, indicating a major change in the operation of the ventilation system. (This could have been done intentionally to lower pollution levels as they were being monitored.) For other studies, there were insufficient measurements to show if the air exchange rate increased.

Tell Your Story: To date, 33 EPA employees have written anonymous accounts of their illness and suffering and EPA's indoor air. These accounts are very moving and some have been included in Congressional testimony. Copies are available upon request. (Call me at 382-2872.) If you have experienced sick building symptoms, consider writing your own anonymous account.

WSM Lease Renegotiation: In a meeting on May 16 in the Facilities division, NFFE 2050 presented suggestions on how the WSM leases could be renegotiated to improve working conditions and protect health. Hopefully, these suggestions will be conveyed to GSA and reflected in the new lease signed in September 1992. Opportunities like this for open dialogue with Facilities are genuinely appreciated.

Carpet Victory: The Agency has agreed to negotiate on the removal of the "toxic" carpet which was installed in 1987 and 1988. This is in response to a charge filed by NFFE 2050 with the FLRA earlier this year.

Press Coverage: On May 9, WWOR cable TV had a show featuring EPA's indoor air. This show was seen in more than 200 cities nationally. There have been a total of 115 stories in the news media on EPA's indoor air, including 11 national/international TV shows. How much longer will this go on? Employees have been working on indoor air issues for more than four years!

Distribution: Please share this newsletter with a friend.

CARPET NEWS Significant progress is being made in negotiations over the future of carpet at Headquarters. Because negotiations are still underway and an agreement has not yet been initialed, details cannot be released as yet, but the Union looks forward hopefully to having the major problems between it and management amicably resolved very shortly. A vote of NFFE members is required to ratify the agreement, so once it is initialed by negotiators it will be presented to the membership for ratification. The key to progress, as we see it, has been labor law-mandated bargaining.

At the June 19 meeting of Local 2050 the Union voted to proceed with the appeal of the Agency's denial of the TSCA section 21 petition on carpet-related risks. The appeal was filed pro se by Rufus Morison and Bill Hirzy, who are working with independent legal counsel on it.

The progress that has been made on the toxic carpet issue has already been very great. Attention has been focussed on a problem of international scale, and action by the chiefly responsible U.S. regulatory authority (EPA) has begun in the form of a "dialogue" process involving interested parties. Progress has also been made in getting rid of the toxic carpet at Headquarters, and many of our injured colleagues are working away from offices that make them sick. Then why the appeal? The following letter to Bill Reilly (intended for others as well) explains why.

Dear Bill:

This letter is to explain our action in filing an appeal in Federal District Court of the Agency's denial of the Union's Toxic Substances Control Act section 21 petition on carpet-related risks.

A decent respect for the opinions of our colleagues and fellow citizens, as well as yourself, requires answers to these questions: why has the Union decided to proceed with an appeal of the petition denial? isn't the Agency's response, in initiating a dialogue on these risks, sufficient? why does the Union think it could and should prevail in this appeal?

At its heart, the issue remains EPA's denial that any of its employees were ever injured by carpet emissions. The Agency's response to the petition masks the fact that EPA employees who were healthy prior to installation of the subject carpet became ill (i.e. made chemically sensitive) following the installation. It also masks the fact that hundreds of other employees experienced adverse effects of a less severe nature also attributed to the carpet. The Agency's response occludes, with statistical sophistry, these simple truths, and the simple truth of other cases of carpet-related injuries in the general public. For EPA to allege that pure coincidence explains the simultaneous appearance of carpet and adverse effects is not credible.

EPA ignored the Union's call to consider 4-phenylcyclohexene (4-PC) as a marker and its call not to discount the role of other volatiles in the toxicity observed in humans. Instead, the Agency simply ignored the evidence of toxicity of carpet emissions (in general) in humans and made much of animal studies on 4-PC (in particular). And the Agency knows full well that there is no animal model for the chemical sensitivity phenomenon seen in humans, so the cited animal studies do not bear on that question

at all. There are other deficiencies in EPA's technical response to the petition that will be discussed elsewhere.

Injured employees are engaged in various activities to obtain redress, and EPA's denial of their very injuries and the cause is an impediment to that process. If the employees' union does not stand up in defense of these injured employees and argue the reality of their injuries and the cause, who will?

EPA's actions regarding the petition are a denial of due process of law.

While the Union's experts on chemical risk assessment were precluded from speaking with the Agency's team reviewing the petition--to clarify issues, to answer questions on technical points, to discuss the status of injured employees and to relate other information to support the petition, representatives from the Carpet and Rug Institute and from the Styrene-Butadiene Latex Manufacturers Council made two separate presentations to the team regarding the petition, presumably not to argue for its granting.

EPA Headquarters is in a fundamental conflict of interest in judging the merits of the petition. As an entity responsible in part for injuring people with the carpet, the Agency's Headquarters group has an interest in denying the injuries, or denying the relationship between anything it did or did not do and those injuries. Some of the same people who advised EPA management in the spring of 1988 that the carpet was safe were on the evaluation team. In spite of the injuries to employees subsequent to that advice, EPA insisted, over the Union's objection, that the petition be evaluated by Headquarters people. The Union suggested that EPA scientists from the Regions be used on the evaluation team. Instead, the Agency put on the team people who were on record as discounting the connection between the carpet and adverse effects in employees, and indeed, denying that the injury of chemical sensitivity could be the basis of regulation.

EPA's official carpet investigation, conducted jointly with the Consumer Product Safety Commission, refused to consider the data gathered on the injuries and correlative air monitoring at EPA Headquarters for the stated reason of wanting to "avoid lawsuits".

It is our belief that only the judicial impartiality available through the appeal in U.S. District Court can deliver an unbiased decision on whether there "is a reasonable basis to conclude" that the adverse effects observed are attributable to carpet emissions and on whether timely action is necessary for protection of the public.

The dialogue process by which the Agency proposes to engage industry in efforts to control these risks, while a small step in the right direction, is shaky. EPA has only "requested" that industry "voluntarily" engage in this activity (which specifically excludes any further evaluation of health risks of carpet emissions!). EPA's declaration that if the dialogue does not work out, rulemaking will be commenced is only marginally reassuring. Our experience with the Agency's joint effort with the Consumer Product Safety Commission on carpet risks does not engender confidence that those efforts will bear real fruit in less than geological time scales.

The Union hopes that the dialogue process will begin soon and will reach a successful conclusion rapidly, and we look forward to devoting our talents, training and time to that end. But we recognize that as things now stand, industry can deny the "request" to participate or can walk away from the dialogue at any time with complete impunity. In order to protect against such an eventuality, the appeal was necessary.

Lest this be interpreted as an expression of no-confidence in you, let me close by saying we appreciate very much your efforts to date in bring this issue along toward resolution. I do not believe that any of your predecessors could, or would, have done as much as rapidly as you did on this subject, and I look forward to continuing to make progress through inclusionary processes.

Sincerely yours,
J. William Hirzy

OPEN MEETING SCHEDULE

Where - North East Mall Room 103

When - Tuesday, 12 Noon -- July 24th

August 21st

September 25th

Meetings open to all members. Asbestos Removal, Clean Air, Carpeting, Construction, Reorganizations, Problems with Your Boss? Bring your ideas. Come listen to progress made on various fronts by your Union. Our Union depends on its members. Potential members welcome.

DEFICIENCIES IN ALTERNATIVE WORKSPACE

The following is text of a June 27, 1990 memo from Amy Svoboda, a Superfund enforcement attorney who acquired Multiple Chemical Sensitivity (MCS) at Waterside, to her supervisor. It details the deficiencies in OARM policies and attitudes for dealing with clean air issues in general and with MCS in particular; self serving proclamations by OARM to the contrary notwithstanding.

On Wednesday, June 20, I sat in on a meeting called by Mary Gade, Deputy Assistant Administrator for OSWER, regarding the office space being prepared for those made chemically sensitive by working at EPA and other EPA indoor air pollution issues. It was attended by about fifty people including managers and union members. To accommodate the affected, it was held in the church on the corner of M and 6th Streets, SW. The main speakers were Rich Lemly of the Facilities Management and Services Division, OARM, and Julius Jimeno of the Environmental Health and Safety Division, OARM.

Mr. Lemly made it clear that he was not committed to accommodating the 40 or so people that are now chemically sensitive. He was willing to do only those measures which he personally had decided were "reasonable". He has not consulted with any experts regarding what accommodations would be "reasonable" for chemically sensitive people. He said he "would consider" consulting such an expert but would not commit to doing so. In any case, he has no plans or interest in slowing down or stopping the modifications already in progress or planned until or while an expert is consulted.

Julius Jimeno, Director of Environmental Health and Safety, said that he would not consider recommending any changes in work space for chemically sensitive people unless he receive such a recommendation from an expert medical consultant familiar with the affected population at EPA.

Meanwhile, over the objections of the affected people months ago, the area designated for the chemically sensitive at Crystal is located on the second floor of the building over a driveway, despite the fact that exhaust fumes almost universally cause sickness in the chemically sensitive. Also, against the suggestions months ago by the affected people, the floor has been tiled using glues of unknown constituents (A bare cement floor had been requested). Carpet was not installed on the second floor only because of intervention of an affected person and the union.

As for the Roy Rogers space, it is my understanding that Facilities has not identified the location of the fresh air intake, if there is one; that it is separate from the other air circulation at EPA; or that it meets the minimum SHARE standards. There is also no indication that it has been designed so that its air will be separate and uncontaminated from the routine pesticide spraying at Hector's and Roy Rogers; the exhaust fumes from the adjacent parking garage and planned adjacent major copy center; or the smoking in the main area of the public mall area.

The May 20, 1990 Memorandum (prepared for your signature by OE staff) outlined to you the necessity of planning and implementing the alternative spaces with care and with the help of knowledgeable experts. This was brought to your attention because those now working at home very seriously want to be back in the main stream of activity in OE. They also do not want to be put again in the position of being guinea pigs and have their health backslide to "test" a poorly designed space. (I myself look back with abhorrence at the months at Waterside I endured of weekly flu symptoms, loss of hearing, loss of memory, chest pains, speech slurring, arthritis, sinusitis, extreme fatigue, and other symptoms.) And no one wants to have the efforts that have already gone into the alternative spaces in Crystal or the "Roy Rogers" area wasted.

As we mentioned in the May 20 Memorandum, we do have lists of medical, architectural, and engineering experts that would be willing to design the space and the selection of materials and equipment in it. The time is now or never. It is unrealistic to expect the affected employees to be the "experts" in this matter. No one can guarantee that with such assistance the alternative space will be 100% good for all people, but we can assure ourselves that a responsible and professional effort will have been made. Mary Gade indicated that switching one of the groups slated for Crystal from an upper floor to accommodate the affected may be possible.

It appears that OE has more affected employees than any other single office. OE should take the lead; it has the most to benefit. Facilities and the Health and Safety Division have clearly indicated they are not going to take seriously the needs of those whom have been made ill by EPA working conditions. Without your intervention, I do not see the alternative work spaces being successful.

DIRECTOR OF THE OFFICE OF PESTICIDE PROGRAMS (OPP) REFUSES TO TAKE ACTION ON CHARGES

Last month we ran a story indicating that Welch, Morison and Vandermer demanded the immediate termination of employment of Registration Division Director Anne Lindsay and Registration Support Branch Chief Ferial Bishop. In a June 21, 1990 memo to these three union officials, Director Douglas Campt indicated, "I have reviewed your allegations and have not found any basis to support any type of action against them." The union is in possession of a number of documents to support these charges. Mr. Campt's review apparently did not include a review of these documents, as supporting evidence was never requested by the Director's Office. The union had also lined up a number of witnesses and similarly, Mr. Campt's review apparently did not include interviewing these witnesses. Meanwhile, a number of other investigations are looking into these and related matters; these investigators have requested supporting evidence and have interviewed witnesses identified by the union.

THE STRUGGLE FOR DEMOCRACY IN THE OPP - Dwight Welch

In previous issues we promised a story about worker democracy in the Office of Pesticide Programs; this is that story. First a little background. Product Management (PM) Teams in the Registration Division of OPP register pesticide products. Before a product can be registered, a Product Chemistry and/or Precautionary Labeling (Acute Toxicology) Review must often be done. The PM Teams are grouped into three branches: Insecticide-Rodenticide, Fungicide-Herbicide, and Antimicrobials. Formerly, each of these branches had a Technical Support Section which took care of these reviews, however, with the most recent OPP reorganization, these functions were moved to the Registration Support Branch. The Product Chemists were consolidated with a previously existing group of chemists in this branch under Section Head Lynn Bradley. (See "ANOTHER GRIEVANCE UNHEEDED, this issue.)

Since this reorganization, a number of grievances and other personnel actions have been filed against Branch Chief Ferial S. Bishop. The grievances have included charges of retaliation, Asian-American Discrimination, and threat of physical violence against an employee. ULPs (Unfair Labor Practice Charges) have included threats, intimidations and other management interference with union officials carrying out their required duties. Other actions taken are too numerous to mention here.

The struggle began when it was decided that the group of chemists was too large for one section head to handle. A "Group Leader" was appointed to act in a manner similar to a section head, however, the "Group Leader" was to report to and to channel leave slips, time cards, etc. through the section head. A number of chemists in the section charged "preselection" as this person was given a favored status which would make him more eligible for section head of the upcoming second section in the next reorganization. Another curious situation left a former GM-14 Section Head working for the GS-13 Group Leader. Grievances were filed both within EPA's system and with the Office of Special Council. These charges were deflected by both agencies, however, a ULP, filed with the Federal Labor Relations Authority (FLRA), charging the Registration Support Branch, and Registration Division with failure to negotiate on a "defacto" reorganization considerably changed this situation. The FLRA received sufficient evidence to schedule a hearing which included a subpoena of the Branch Chief. A before hearing settlement was reached which included the agreement to allow other members of the group opportunities to become "Group Leaders".

With the union having foiled the first defacto reorganization, management devised a new plan. This plan would reorganize the Product Chemists down to individual PM Teams where they would be required to teach non-chemists to do chemistry reviews (union officials alleged this to be a violation of the Federal Personnel Act). The new reorganization plan was in response to a large backlog which had developed in Product Chemistry. When union officials alleged mismanagement, Registration Director Anne Lindsay countered that the backlog was "a conscious management decision" (to which union officials added the charge of violation of the Federal Insecticide, Rodenticide and Fungicide Act, 1988 which contains statutory deadlines.) (See last article.)

When the news of the new plan spread, the chemists contacted NFFE to act in their behalf. Using principles of worker democracy, I organized the chemists into a highly cohesive and nearly unanimous group. (The former "Group Leader" abstained.) The group put together a list of requests which they felt would remedy the backlog situation. These requests were submitted first to Division

Director Lindsay, then to Director Campt. The meeting with Lindsay yielded absolutely no concessions, despite lip service to Total Quality Management (TQM) and worker participation in the decision making process. This meeting helped to yield the charges outlined above. The meeting with Mr. Campt, again with lip service paid to TQM, yielded a promise to decide upon these issues at some unspecified later date.

In the same June 21, 1990 memo mentioned in the previous article, Mr. Campt answered each of the eight requests. We do not feel that any are unreasonable. We'll let the reader judge (each request is followed by Mr. Campt's response in quotes).

1. The Product Chemistry Group is to stay intact. - "Request is non-negotiable."
2. Since the Group is too large for one Section Head, two Sections are to be created, including two GM-14 Section Heads. - "Request is non-negotiable."
3. In order to upgrade the degree of professionalism in Product Chemistry, two additional Senior Scientist positions, GS-14, are to be created. "...non-negotiable."
4. These GM and GS-14 positions are to be filled from within Product Chemistry - "Request is non-negotiable"
5. Merit Promotion rules are to be adhered to and the GM and GS 14 positions be filled on the basis of merit. - "Request is non-negotiable."
6. An additional FTE is to be created to replace the departing Lynn Bradley. - "Request is non-negotiable"
7. A product chemistry library will be purchased including the attached list of volumes, so that the chemists may perform their task in a highly professional manner. (The list includes current copies of the 40 CFR, many chemists were working with expired volumes, and some other very basic reference books) "Management is willing to provide appropriate references to assist employees in a highly professional manner." (Note: the chemists finally received copies of current 40 CFRs.)
8. Joe Diggs is to remain as Product Chemistry Clerk; Mr. Diggs worked very hard in the Product Chemistry Section. Joe has been with EPA since OPP first came over from USDA; he was a GS-3 at the time. Joe has never received a promotion from RSB, but was promoted to a GS-4 years ago on a rotational assignment... In order to keep this superior clerk, and to compensate for past inequity... and immediate promotion of Joe Diggs to GS-5, with a promotion potential to GS-6; this promotion potential is consistent with the PM Team Clerks. - "Request is non-negotiable."

Between the Campt meeting and the Campt memo, a meeting (to which the union was not invited but came to anyway) was called to which all the Product Chemists were invited. Anne Lindsay indicated that the Product Chemistry backlog problem would be solved by the Chemists meeting with a hired contractor. The union was to be excluded and if the results of the contractor meeting indicated a reorganization, the union would then be consulted. Once again, mention was made of TQM and worker democracy. Dr. Morison and I indicated that this was a derailment of the negotiation process and filed the lengthy ULP cited in last issue. The meetings with the contractor were temporarily halted when it was discovered and exposed by union officials that the contractor was not cleared for Confidential Business Information.

Most recently, in a June 25, 1990 memo signed by both Anne Lindsay and Ferial Bishop, the authors indicate, "The Product Chemistry Section remains in the current configuration (sic) in the Registration Support Branch." It is of note that, despite management interference, the Product Chemists have worked heroically to greatly reduce the backlog. The reduction of backlog is noted in the Lindsay/ Bishop memo.

This group of chemists is comprised of three races, both genders, and is aged from young to senior. This group had a lot of personal and professional differences, all of which were put aside in their unified struggle for worker democracy. Linda Fisher (AA/OPTS) and Bill Reilly were sent copies of correspondence and regularly apprised of the ongoing situation. VPs Welch and Morison requested aid from them for this fledgling struggle for democracy here at EPA. Not one word was received from either the AA's office nor from the Administrator's Office.

With all this talk of TQM and worker involvement, why no help from the Administrator's Office? Why should Mr. Campt not want to agree to follow Merit Promotion rules? Afterall preselection is against the law. Why should Mr. Campt not want to agree to bring a hard working clerk to parity with other clerks? Since management had originally supported a two section group why not now? Why should OPP management use scarce resources on a contractor, when the chemists themselves know what is needed and are offering the advice for free?

There have been many spinoffs the above. I was removed from Product Chemistry for my diligence in persuing aerosol flammability (and for a time this project, my project, was given to the first "Group Leader"). Despite an agreement from Anne Lindsay to return me to Product Chemistry, I have not been returned. The grievance concerning "Asian American Discrimination and Threat of Physical Violence Against an Employee" is still being pursued and has still not been satisfactorily answered. Yet another chemist, working on a program to identify the many hundreds of unidentified inert (pesticidally inert, they can be toxic, flammable, and otherwise highly chemically reactive) had his computer taken away from him. All three of us, by the way, were primary competition for the first "Group Leader".

Is there no justice in OPP? What about TQM, Mr. Reilly? The workers have the solutions, why is no one listening?

Don't worry sisters and brothers. We will prevail. Despite Mr. Campt's refusal to negotiate on the keeping together of the Product Chemistry section, the section was kept together, the reorganization plan defeated, and once again the workers united in the Union had prevailed. There is much in the wind which I can't yet reveal. So for now I must tell you, we are the professionals of EPA and we have the answers. It is up to us to save our agency, our environment and our world and WE CAN DO IT. Many say to me, "Dwight, I know you're right, but it can't be done. They have all the power, what can we do against all-powerful management?" To this I answer, "We have right on our side. Furthermore, the professionals here are more intelligent, more educated, and more dedicated than management. What we need is persistence and to work together for a common goal of a properly managed EPA and we will prevail. Back during the American Revolution, the Tories had similar comments regarding the efforts of the patriots, yet the patriots prevailed against the greatest empire in the world. At stake for that revolution was the USA, at stake in this revolution is the entire world."

ANOTHER GRIEVANCE UNHEEDED
By Lynn Bradley

In July 1987, I became a Section Head in what is now Registration Support Branch in OPP, and since that time have supervised between 11 and 16 people, always with the promise of a "soon-to-arrive" reorganization to divide the section into a unit of manageable size. The 1988 reorganization in OPP restructured the function of the section, but left it the size of two sections. In December of 1989, I refused to sign as supervisor the performance standards containing production statistics for the section members. I believe that the production statistics in performance standards were designed as a tool to "encourage" elimination of a backlog of work which management openly states they allowed to occur. I explained to my management that, with the section size as large as it was, I was unable to effectively supervise, and that production statistics were likely to become the only viable measure for performance. This would have been in contradiction to Deputy Administrator Habicht's memo of some months ago, discussing EPA policy on performance statistics in performance standards, which stated that production statistics were acceptable only when used as one of a number of performance measures.

At the same time, I expressed my frustration with the continuing overload, and requested reassignment from the Section Head position, since it seemed that no reorganization would ever rescue me. When my management never responded to my request, I located another position for myself, and papers were sent to personnel for a lateral transfer. After four and one-half months, personnel called for a release date, but on the day of my farewell party, I was informed that the transfer was halted. In fact, several weeks later, personnel determined that the transfer could occur IF I would accept a downgrade. It appears that my transfer would only occur if I were willing to accept my punishment peacefully, since old section heads never die, but are reassigned to senior positions while retaining grade level in all cases I have ever heard of. I declined.

A month before I was supposed to be transferred, Registration Division announced its proposal to disband the section I was supervising, reassigning individual scientists one to a Product Manager Team, where they would report directly to the regulatory decision maker -- the Product Manager. Believing that such assignments would necessarily compromise either the integrity of the science or the performance ratings of the scientists, I spoke against the proposal in meetings with OPP management.

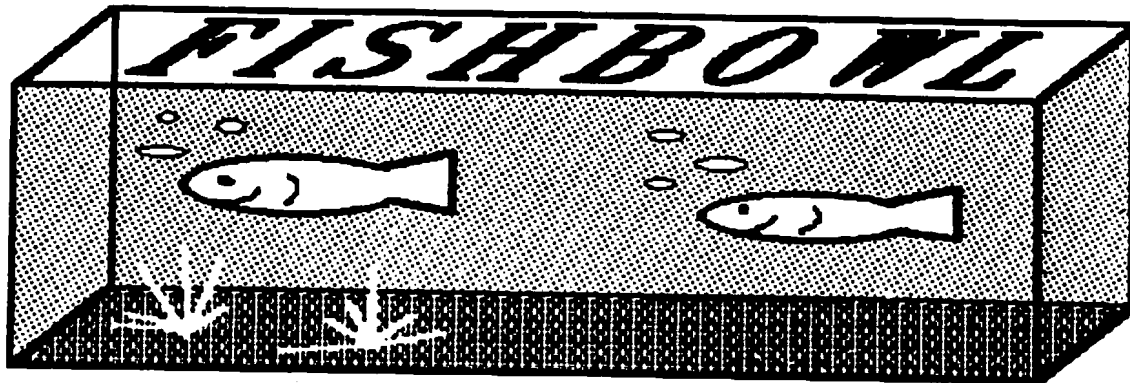
Shortly thereafter, I was informed that I had been a poor supervisor in recent weeks (with no advance warning and 2 years' above average performance ratings), and that the best example of my "poor supervision" was transmitting an enforcement case review which apparently displeased management (two working days after my transfer fell through). In classic fashion, I was detailed to be a Special Assistant to the Deputy Division Director. I had asked to be detailed as a GS employee, rather than GM, so that I could be represented by NFFE (although I did not give my reason for the request), but through what appears to be carelessness, I was detailed as a GM employee, and replaced by an "acting" section head.

I filed an informal grievance with Linda Fisher, Assistant Administrator of OPTS, claiming that my replacement as Section Head was in retaliation for speaking against the proposed reorganization. Since I am still not part of the NFFE bargaining unit, I felt it prudent to retain an attorney to represent me in the grievance process. The 30 days allowed for response to the informal grievance (according to the procedures for GM employees) passed with no word from Ms. Fisher's office. I have now filed a formal grievance

with the Administrator, and sent copies of that memo to my Congressional representatives, which hopefully will ensure that I receive some type of response. I received a call, and later a memo, asking that I grant the AA's office a time extension, and we are negotiating that issue.

I have throughout the past 3 years continued to be a dues-paying member of NFFE. I believe that, if supervisors and managers are doing their jobs well, there need be no conflict with the goals of NFFE or any other union representing federal employees. We live and work in what is supposed to be a democracy, where we have the right of free speech. I hope Mr. Reilly decides to listen to me.

INSIDE THE



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NFFE

LOCAL 2050
(202) 382-2383

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

AUGUST/SEPTEMBER 1990

INSIDE THIS ISSUE

VOLUME 6--No.7

Page

- 1 FROM THE EDITOR-CUTBACKS, TQM, AND THE OPP REORGANIZATION
- 3 NEWS BITES - News and comment by Welch and Morison
IG Audit, Asbestos, Another Demand for Firing, ULPs and More
- 7 UNION'S REPLY TO OFFICE OF PESTICIDE PROGRAMS REORGANIZATION
PLAN
- 8 CONTRARIAN'S CORNER
Blaming the Victim - Dwight Welch
An Opinion on the Law - Sal Biscardi
Consistency? - Rufus Morison
Against 'Affirmative Action' - Mark Antell
Another Grievance Unheeded Chapter 2 - Lynn Bradley
- 13 ROACHEZ
- 13 THE DEMISE OF THE COMPRESSED WORK WEEK?
- 14 MANAGER OF THE MONTH - Dr. Edward Ohanian - ODW
- 15 INDOOR AIR NEWS -Myra Cypser

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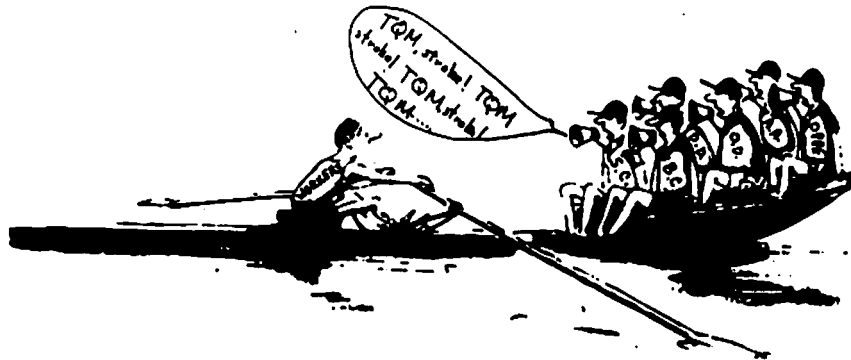
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EDITORIAL POLICY

All items for publication must be submitted to INSIDE THE FISHBOWL by the first of the month of publication. Items selected for publication are voted upon by the Editorial Board in a democratic process. Articles indicating authorship reflect the views and opinions of the author and not NFFE Local 2050.

FROM THE EDITOR



CUTBACKS, TQM, AND THE OPP REORGANIZATION

Gramm-Rudmann-Hollings. By now you have all heard rumors concerning budget cuts, 32% cutbacks, Furloughs, etc. Cut waste, long time political buzz words, but alas, never any action.

Total Quality Management. More buzzwords? I recently attended a TQM introductory seminar given by Ron Brand. Mr. Brand claimed that the Agency was only working at about 28% efficiency, that is, only 28% was spent doing real work, the rest was rewrites, needless reports, goofing off, etc. I think 28% is probably overoptimistic. But think about it: GRH only wants us to cut 32%, but here we have room for cutting 72%. How to do it?

The basic principles of TQM are as follows. The workers are the experts, ask the workers, listen to the workers, and implement their ideas. TQM in a nutshell.

It's the workers doing the real work. It's the managers asking for the rewrites, the reports, the tracking systems. Say you are doing scientific reviews. Which is more important getting out one review with no typos, grammatical or punctuation errors; one which is stylistically correct? Or, how about four reviews with a few minor errors, one that does not quite meet with present EPA literary standards, but is scientifically accurate?

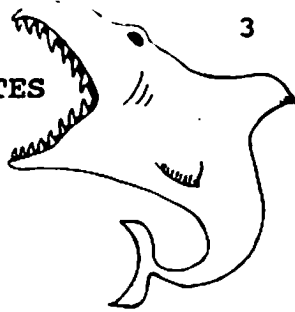
The Office of Pesticide Programs is currently in the process of a reorganization. In the face of a 32% Gramm-Ruddman cutback the OPP is asking for a 28% increase in the number of managers. They would like a six to one ratio of workers to supervisors (currently the ratio is approximately 8 or 9 to one). (Comparing professionals to managers current staffing is 3:1 (299:100), proposed 2.6:1 (335:128).)

The other day I was cruising up the Shirley Highway and I saw a prison road gang from Lorton picking up trash along the highway. There were 12 convicts and 2 guards with shotguns. Now maybe prisoners may need a 6 to 1 ratio, but EPA employees? OPP claims it needs more managers. The present managers aren't doing the job? Maybe instead of more managers, what we need is better management. NFFE, Local 2050's comments are calling for a 20% reduction of managers and an increase of senior professional positions. (See "NEWS BITES", "OPP REORGANIZATION")

In the past I have called upon you, the backbone of EPA, to come forward and work to help save your Agency and the environment. Some of the more idealistic have responded to this call. Now I am calling for you to come forward and work for something closer to home: your salary. Are you willing to sacrifice some of your income so that the Agency can hire more managers? Are you willing to lose the mortgage on your house so that a selected few can go on junkets to Europe and Puerto Rico? Are you willing to delay Junior's braces a few years so that we can hire a barrage of unneeded contractors? Are you still willing to sit back and let someone else fight your battle or sit back and say "There's nothing we can do," or are you now ready to stand and fight for yourself?

If you are a professional with EPA we need people to work on a task force to propose some sensible means of cutting the budget. Give me a call: 382-2383, it may mean your job.

NEWS BITES



NEW FEATURE--A collection of news bullets with editorial comment and opinion by Dwight Welch and Rufus Morison (Art-Molly Morison)

OIG TO AUDIT OFFICE OF PESTICIDE PROGRAMS

It started with a single complaint against Registration Division Director Anne Lindsay and Registration Support Branch Chief Ferial Bishop. We reasoned that since the Dingle Committee was investigating our Office of Inspector General, then perhaps the IG would more likely to do a good investigation. Soon several more complainants came forward. Then what started as a trickle became a waterfall as employees by the dozen came forward, both voluntarily and involuntarily, to tell what they knew. On August 8, 1990 the OIG informed Douglas Campt and other management in OPP that the Registration Division would be audited.

A principal thrust of this investigation concerns the qualifications of people performing in technical positions, especially the supervision of technical people by non-technical supervisors. A concern is that important scientific reviews are being bypassed in the review process. In a random survey of 15 pesticide products registered in the past five years, only 2 had the proper scientific reviews to back them up. The other 13 had incomplete reviews with problems ranging from unidentified inert ingredients (which have never been identified) to a product with concerns of nitrosamine (a cancer causing group of chemicals) contamination which was identified long after registration when the company attempted to make a minor formulation change. A similar complaint of incomplete scientific reviews was submitted in 1986 however, then OPP Director Steven Schatzow and Registration Division Director Douglas Campt claimed that this was not a problem. (The 13 Notices of Registration were surprisingly free of gramatical and typographical errors, however.)

OPP REGISTRATION DIVISION DIRECTOR ANNE LINDSAY ATTENDS SCIENTIFIC CONFERENCE IN EUROPE

Director Lindsay spent two weeks last month in Hamburg, Germany attending the Seventh International Congress of Pesticide Chemistry. Ms. Lindsay has a B.A. degree in English. Meanwhile, a colleague in OPP complains that he was denied attendance to the same meeting. The colleague has a Ph.D in Organic Chemistry, and more than 15 years experience in Pesticides Chemistry.

INTERAGENCY AEROSOL PROPELLENT TASK FORCE MEETS

On August 9, 1990 the first meeting of the Interagency Task Force on aerosol flammability problems took place. As you may remember this issue was triggered largely as a result of reports of fires and explosions caused by pesticide foggers being detonated by pilot lights and other sources of ignition. The first meeting got off with something less than a bang. Conspicuously absent were representatives from the Consumer Product Safety Commission (the CPSC regulates a majority of consumer aerosol products), the Department of Transportation (DOT is an agency which also requires testing of the flammability of products) and the Occupational Safety and Health Administration. Also absent was Task Force Chairperson Anne Lindsay, who was in Hamburg at the time.

EMPLOYEES PROTEST ASBESTOS REMOVAL IN CRYSTAL MALL

In a petition to Administrator Bill Reilly, signed by over 100 employees protesting the asbestos removal techniques being used in the Crystal Mall Building. One of the most noted signatories is the highly respected Hazard Evaluation Division Director Penny Fenner-Crisp. Dr. Frenner-Crisp's Division regularly makes health risk assessments of pesticide chemicals. Mr. Douglas Campt, Office of Pesticide Programs Director, who in the past has officially protested planned asbestos removal, to the GSA, declined to sign the petition.

UNION REQUESTS IMPACT AND IMPLEMENTATION BARGAINING OVER REMOVAL OF ASBESTOS IN THE WEST TOWER

On August 15th Local 2050 received a memo from Rich Lemley and Julius Jimeno regarding renovation of the West Tower Lobby which would entail asbestos removal. President-Elect Dwight Welch acting in President Hirzy's absence made a request for Impact and Implementation (I&I) bargaining that same day. On August 16, Mr. Jimeno gave Mr. Welch some of the information he requested in the request for I&I bargaining. On August 17, Welch sent another memo to Jimeno. It was the day before the proposed asbestos removal and Local 2050 had not as yet had a chance to bargain. Welch indicated that "to make sure that there is no misunderstanding" that the information given to 2050 so far did not constitute I&I bargaining. Welch also indicated his primary concern with this removal due to its close proximity to the day care center "...the health and well being of innocent children of EPA employees...". Welch went on to indicate that 2050 intended to hold Mr. Jimeno "personally accountable for any adverse consequences which may take place if you choose to illegally proceed with this asbestos removal."

ATTORNEY DEMANDS FIRING OF OPP MANAGER

Attorney Geoffry Williams, representing Mr. William Shiflet, before Victor Kimm, DAA for OPTS, in a complaint against an OPP Branch Chief, Ferial Bishop, demanded the firing of Ms. Bishop. The meeting with Victor Kimm was in response to a number of letters to Administrator Bill Reilly. Mr. Shiflet was claiming discrimination against him by the Branch Chief, also that the Branch Chief caused him to suffer a stroke. Also in attendance were two lawyers from OGC and two people from personnel. Representatives from both Unions were also on hand. Mr. Williams indicated that the problem was not with Mr. Shiflet but with the manager. To reinforce his case he called upon the Union leaders Loree Murray of AFGE and Dwight Welch of NFFE. Both leaders indicated that they had a lot of other complaints against Ms. Bishop from their bargaining unit members. Mr. Williams indicated that Mr. Shiflet was performing a service for his Agency in demanding the removal of Ms. Bishop. Loree Murray called for Ms. Bishop's "reeducation", claiming that Ms. Bishop needed to be sensitized to workers' civil rights. Mr. Welch reiterated his past position that all previous attempts at sensitizing Ms. Bishop to people's rights had failed and agreed that Ms. Bishop should be fired.

UNION MEMBERSHIP CONTINUES TO INCREASE

This last month another 8 professionals have joined Local 2050, 7 of these from the embattled Office of Pesticide Programs.

UNFAIR LABOR PRACTICE (ULP) CHARGES FILED AGAINST TWO OSW MANAGERS

A ULP was filed against Mr. Robert Tonetti and Dan Derkics of the Office of Solid Waste alleging bargaining in bad faith and not allowing a Local 2050 member Union representation at a meeting regarding an adverse action against the employee. The FLRA has decided to investigate.

ULP CHARGES FILED AGAINST TWO OPP MANAGERS

A ULP was filed against Ms. Anne Lindsay and Ms. Ferial Bishop for bargaining in bad faith on Dwight Welch's long running grievances charging retaliation by Bishop and Lindsay and charging an illegal job assignment. The ULP claims that Lindsay made certain promises at a grievance hearing which she later denied. The FLRA has decided to investigate.

HO ROUND TABLE APPLAUDS JIMENO

The HO Round Table, put out by the Office of Administration, their motto "Working Together To Make a Difference" (sounds like a good description of a conspiracy to us), has applauded Julius Jimeno, Director, Environmental Health and Safety Division, in an article "OSHA SAYS, GO, EPA!" Mr. Jimeno invited the Occupational Safety and Health Administration (OSHA) to review EPA's Indoor Air Quality Program in order to determine if OSHA could provide EPA any assistance. OSHA's reply? "In summary, OSHA has determined that it need not become involved...primarily because EPA has developed and partially implemented an effective plan that should reduce the problems to acceptable levels." The article goes on to thank AFGE Local 3331 for their help. No mention was made of NFFE, Local 2050's contributions. (See related indoor air story below)

LARGE RODENT DISRUPTS LOCAL 2050 EXECUTIVE BOARD MEETING

On Tuesday, August 28, the executive board decided to brave the 90 degree plus temperatures outside due to the fact that 3 board members were feeling ill from the poor indoor air quality. Meeting just outside of the NE Mall, the meeting was suddenly disrupted by a large brown rat, apparently also fleeing the North East Mall, heading toward the library. In a unconfirmed report, the rat was said to have been gasping for fresh air. The rat was unavailable for comment.

OFFICE OF SOLID WASTE REORGANIZATION

A number of people have called from OSW asking about the OSW reorganization. NFFE, Local 2050 has yet to receive this reorganization package. When it is received, we will let all bargaining unit employees know immediately and will give you a chance to view the document directly and participate in the negotiations process.

FURLOUGH NEWS A HIT

FURLOUGH NEWS I & II, published by the staff of INSIDE THE FISHBOWL, seems to have been a hit with many EPA employees. Some have reported that, after being given the run around by personnel and others, FURLOUGH NEWS has been the only reliable source of information about dealing with the upcoming furloughs. FURLOUGH NEWS III is on the way.

UNION'S REPLY TO OPP REORGANIZATION PLAN

The following is an encapsulated version of the Union's position on the OPP Reorganization Plan. This position document was based upon input received from OPP Professionals.

1. Assure employees that the 100 sq ft floor space and the 20 cu ft per person fresh air minimums be observed.
2. The OPP plan calls for a 28% increase of managers, the Union's plan calls for a 20% reduction. Cited is the Gramm-Ruddman budget cuts and proposed furloughs as the reason for the cutback in management. The Union charges OPP with confusing good management with more managers. The present ratio of professionals to managers is 3.0 to one. OPP's reorganization would reduce this ratio to 2.6 to one. The Union's plan would increase it to 4.2 to one. Suggested ways of reducing the management burden are as follows:
 - a. Reduce the number of divisions to the levels before the last reorganization with the exception of the Reregistration Division. FOD is too small to merit division status, it should be reduced to a branch. HED and EFED should be consolidated back into one Division HED. The Reregistration Division would be phased out as its Congressional mandate or reregistration is accomplished.
 - b. Eliminate deputy positions. Deputies could be converted to fill management slots of groups below, e.g. a deputy branch chief could become a section head with no loss of grade.
 - c. Offer early retirement to managers who qualify.
 - d. The skills of the managers must correspond to the skills of those in the group. For instance a Division Director of a scientific division should have a background in science, a branch of chemists should be supervised by a chemist. Where the deputy has better qualifications than the director or chief then the deputy should be made director.
3. The Union plan was emphatic about being against an increased of Environmental Protection Specialists (EPS) and EPS supervisors. The document complained about this furthering the increase in scientific illiteracy which has perpetuated OPP. It indicates that both Congress and Administrator Reilly have expounded upon improving the quality of science at EPA and this OPP proposal runs counter to these pronouncements. The paper also cites that this lack of proper qualifications is the basis of a current OIG audit.
4. The Union position also calls for an increase of senior science positions. Senior scientists would replace managers in doing secondary reviews.

5. The Union position calls for the implementation of TQM. "The experts must be consulted and their suggestions for improvement implemented on the basis of their superior knowledge not their politics. OPP can benefit greatly by this philosophy....."

6. Prior to the signing of the OPP reorganization plan, OPP needs to deal with the concerns brought about by the Product Chemists as was previously bargaining by Anne Lindsay and Douglas Camp. The reorganization package is completely out of date showing Lynn Bradley as head of 13 chemists even though Ms. Bradley has been removed from this role for quite some time. (See "Another Grievance Unheeded -- Chapter 2", this issue.)

7. Many complained that out of date personnel lists were included and that updated lists should be submitted prior to final signature.



BLAMING THE VICTIM
by Dwight Welch

On August 17, 1990, Myra Cypser, a Vice President in Local 2050 received a written official reprimand from her Branch Chief Mamie Miller of the Compliance Monitoring Branch, SSCD, OAR. The reprimand was issued chiefly as a result of complaints about Ms. Cypser's behavior while representing NFFE in a Facilities Advisory Council meeting on July 31. The complaints were made by Jeff Davidson of the Environmental Health and Safety Division (EHSD) and by John Beecher, Deputy Director of Facilities Management and Services Division (FMSD). The complainants alleged Ms. Cypser made some unkind remarks about them and their relationships to their mothers. Ms. Cypser was not given time to review the charges against her and respond to them before the reprimand was issued.

At this time I will not comment on the inappropriateness of Ms. Miller reprimanding a NFFE Official; this I will undertake in a different forum. While I certainly do not condone Myra's naughty language, I feel that there was an element of long standing provocation and that the misdeeds of the parties on both sides give new meaning to the old saw "Sticks and stones may break my bones, but names will never hurt me."

Consider the inexcusable mismanagement by EHSD and FMSD. Despite the permanent injury to scores of employees and the borderline sickness of hundreds of others, the Agency continues to

use products without fully evaluating the impact on air quality, without suitable arrangements for the chemically sensitive, without any meaningful evaluation of the capacity of the ventilation systems, and without proper bargaining with the Union. Consider that though plain soap and water were judged to be adequate, more hazardous chemicals were being used to clean air conditioning equipment. Consider that Myra felt sick at the time from chemicals being used in the building. Now weigh this against a bit of name calling.

I'm sure that there are many others besides Myra who have some unkind words for Facilities and Health and Safety management. I'm sure that many of the employees who have been sickened by our buildings would rather endure unkind names than assaults on their physical health. In my opinion, these trumped up charges are a bit like a rapist charging his victim with assault, simply because the victim attempted to fight off the rape.

AN OPINION ON THE LAW
by Sal Biscardi

There is an old expression that states, "It is better to keep one's mouth shut and let people wonder about your ignorance than to open, and take away all doubt." But if lawyers in EPA can make decisions about toxicology, then toxicologists can also make some decisions about the law.

One legal decision that just reached the press is the court ruling that tobacco companies are liable for damages from their products not-with-standing the label warning on the packages. This rule, I believe, sets great legal precedence in the way we do business here in EPA. Labeling, whether on pesticide containers or even on MSDS sheets warns the public about the harm that can come from the non-judicious use of these products. The understanding by many in the past, and I believe we can include liability lawyers, was that as long as the label made the right precautionary statements, that the liability rested no longer with the company, but with the individual who did not follow label directions. In fact, in regard to pesticides, the label claims that it is unlawful to use a pesticide in ways other than those prescribed on the label. Now the question is raised whether this new court ruling includes, also, the whole host of chemicals in our environment including, above all, those which have been known to cause cancer in laboratory animals. Does a label, designed by a regulatory agency based upon the toxicity data (if there ever was any toxicity data to begin with), render a company non legally culpable from the untoward effects of the chemical(s)? It would appear that the label warning, according to this latest ruling, does not do just that. While we know the EPA is fundamentally responsible for the protection of the public health within the limits of the congressional mandates of certain laws, the labeling procedure has been regarded as the washing of the hands and hand

me the towel approach to Agency responsibility and industry liability. It seems poetic justice that perhaps all this has been overturned by this court ruling.

Now the question should be raised, why should EPA kill itself with work at great public expense, assessing hazard of chemicals, and take upon itself the responsibility, an enormous responsibility in view of the fact that often EPA assesses hazard without any shred of direct scientific data, if the subsequent labeling and rulemaking does not in any way relinquish industry and also Agency culpability?

CONSISTENCY?

by Rufus Morison

Take the case of Mrs. Sandra Golembiewska, OPTS, who over the last five or so years has held full time positions, completed a significant portion of her doctorate in Environmental Public Policy at George Mason University in Fairfax, has become a parent, and worked in her community of Laurel, MD. When Sandra began work at EPA approximately two years ago, she was encouraged to pursue her doctorate by Michael Wood her then branch chief in the Compliance Division. In fact, her division supported her financially. Her request for leave without pay status for a part of each pay period until July 1, 1991 has been denied by the same managers, Sherry Sterling, now her branch chief and Michael Wood, now her division director.

Come now Mr. Wood has the need for educated professionals diminished over the last two years?

FREE INTRODUCTORY ISSUE

You can receive a free introductory issue of ENVIRONMENTAL HEALTH NEWS, a publication of the Organization for Advancement of Environmental Health, a non-profit organization, by writing to:

Organization for the Advancement of Environmental Health
3865 E. Delhi Rd.
Ann Arbor, MI 48103

(CONTRARIAN'S CORNER CONTINUED)

AGAINST 'AFFIRMATIVE ACTION'

by Mark Antell

I lived in Tulsa, OK, in the early 60's. Then and there it was not uncommon that a job was designated for a "white man." I spoke and protested against this discrimination. Now and here in the civil service a preference against hiring and promoting white males is policy. This practice is called "affirmative action." It is more polite than the bigotry of the past, and it cuts against a different group ... nevertheless it is discrimination when one hires or promotes on the basis of race or gender, rather than qualifications and performance.

I know that there are good arguments for "affirmative action" and that good people forward these arguments, but I am unconvinced. If racism and sexism are fundamentally wrong, then how can they be used in a good cause? Bad means cannot lead to good ends; is there any stronger lesson in our century?

You've heard the many arguments against "affirmative action" it helps the wrong people, it generates corruption, it renders suspect the credentials of members of the favored group. Let me raise an additional point, again one which comes out of my experiences growing up in a border state. The white males of Tulsa believed that they were entitled to their privilege, and that others were appropriately treated contemptuously. I suspect from this that discrimination is psychologically corrosive, particularly to those who are favored, because they come to believe it is just.

How can affirmative action be ended: I think that the historical example is relevant. In the U.S., legal discrimination against minorities and women ended only when people both the favored and the harmed, recognized that discrimination existed and that it was wrong, and then set their hearts and minds to find a way to end it. That is what is needed here and now.

ANOTHER GRIEVANCE UNHEEDED -- Chapter 2
by Lynn Bradley

In last month's issue, I wrote about the facts of my grievance and OPTS' delayed response to the informal grievance. After I filed a formal grievance with the Administrator, Vic Kimm, Deputy Assistant Administrator for Pesticides and Toxic Substances, sent me a memo asking for a time extension on the informal grievance.

The day after receiving Mr. Kimm's memo, I responded with a memo asking 1) what was the regulatory authority for a time extension and 2) requesting concurrence from the Administrator's office that any time extension granted would not interfere with the formal grievance proceedings.

One month later, I received a response from Mr. Kimm saying that there was no regulatory authority for a time extension (other grieves, take note!!), but that it was clearly in my best interest to continue negotiating for an informal settlement. Further, Mr. Kimm's memo stated that Mike Hamlin (Director, Headquarters Operations and Client Services Division, Office of Human Resources Management) had advised Mr. Kimm that a time extension and continuing negotiations would not affect the standing of my formal grievance. Because of the month's delay (not "good faith") and the lack of regulatory authority for an extension, I declined to grant an extension and informed Mr. Kimm that I expect the 100 day final deadline to be met.

Incredibly, the day after I received Mr. Kimm's memo saying that Mr. Hamlin determined that continuing negotiations would not affect my formal grievance, I received a memo from Mr. Hamlin RETURNING my formal grievance, since I was negotiating with Mr. Kimm!!! Needless to say, I declined to accept this return of my grievance.

Friday, August 24 is the 100 day deadline. On Tuesday, August 21, Mr. Kimm proposed to grant me, as settlement to the grievance, a transfer as a GM-14 to the place I originally tried to go to, and a satisfactory performance appraisal for FY90. (Since it is only 40 days until the end of FY90, and I have not been notified in any official way 90 days before appraisals are to be done that my official performance appraisal will be less than satisfactory, they can do nothing else, anyway!!)

My attorney has responded to Mr. Kimm by explaining the EPA and OPM personnel regulations to him and informing him that, when an agency violates its own regulations (transferring me with no notice from my position because, as my second-line supervisor stated, I was a "poor supervisor"), the recourse is to seek and obtain a federal court order compelling the agency to undo its action, returning the parties to their original positions and reimbursing the injured party for all attorney fees incurred. At that point, management can follow proper procedures if they really find my job performance unsatisfactory, and document their evaluation of me. It is unfortunate that my counsel has needed to tell Mr. Kimm what rules EPA is obligated to follow.

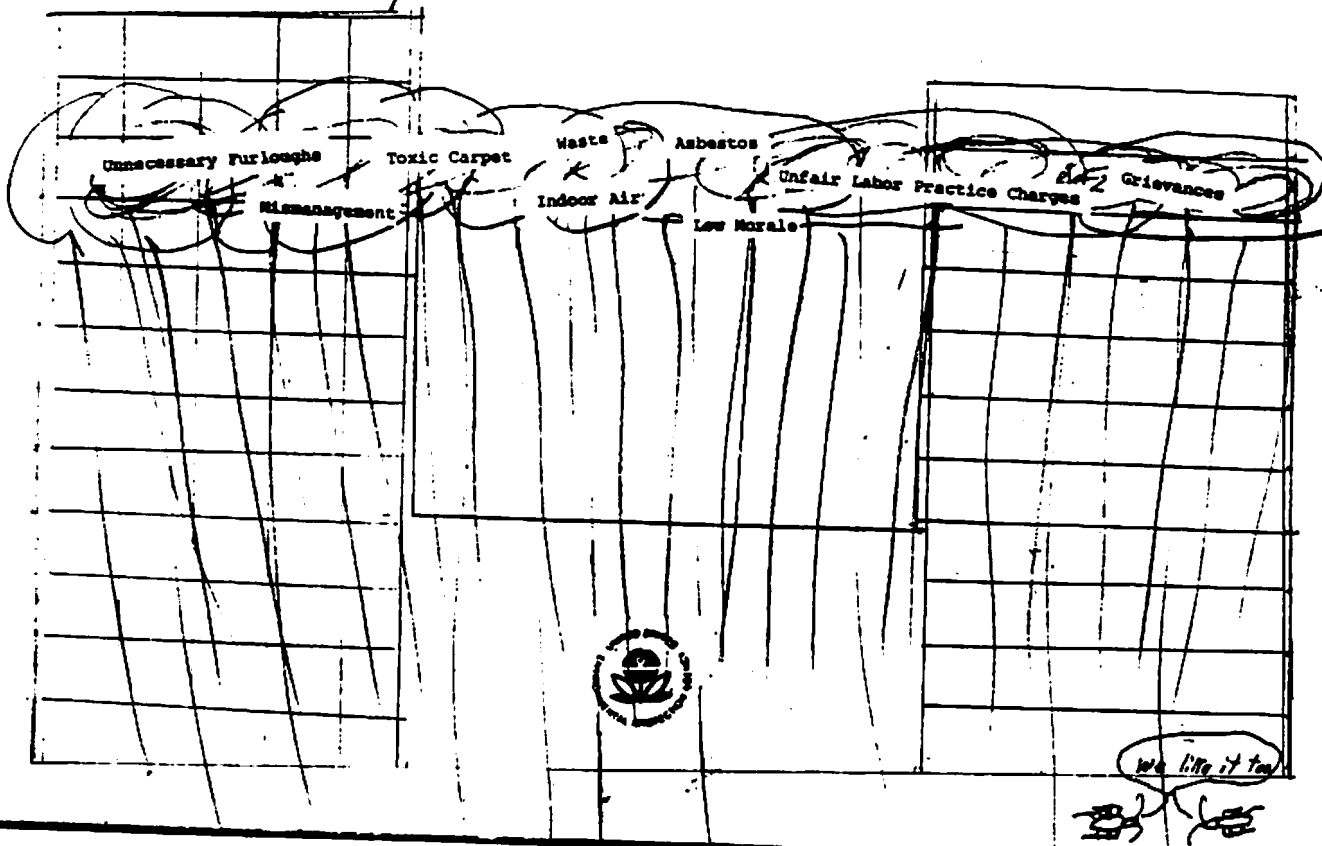
On August 22, Mr. Kimm appointed Suzanne Olive, Deputy Director of the Office of Civil Rights, as "fact-finder" for the grievance proceedings. Whatever facts she finds must, under the grievance procedure, be shared with my representative. Since this "fact-finding" should have been completed weeks ago, in order to meet the regulatory time frames, I am still waiting to see whether anybody is listening.

ROACHEZ

Dwight

Gee, what a nice day
outside.

12th Floor



THE DEMISE OF THE COMPRESSED WORK WEEK?

by Dwight Welch

Discussions are currently underway in the Administrator's Office concerning the termination of the Compressed Work Week. The reason given is that, for the purposes of furlough, it would make record keeping easier. Nonsense.

Currently most people's compressed schedules run something like 8 nine hour days and 1 eight hour day per pay period. If we needed to be furloughed one day per pay period, it could be the eight hour day. Since the Agency would be shut down for that day, everyone's eight hour day would have to be scheduled for that down day. Is that too complicated EPA management?

Meanwhile an executive aide from the Administrator's Office has returned our call. He was told by Rufus Morison, Chief Steward, that the termination of the Compressed Work Week was a violation of the law. He further indicated, that since NFFE, Local 2050 had this issue up for negotiations, that this was grounds for an unfair labor practice charge.

Is a furlough really necessary? We think not. Cutting mismanagement is the answer. Keep an eye out for further issues of Furlough News.

EDWARD OHANIAN NAMED NFFE 2050's MANAGER OF THE MONTH

Edward V. Ohanian, Ph.D., Chief of the Health Effects Branch in the Office of Drinking Water at EPA Headquarters, has been named Local 2050's first Manager of the Month. Local 2050 intends to recognize managers who have shown managerial leadership, and will make this award from time to time. The award is intended to be something more modest than canonization, and is not intended to certify that the activity being managed is necessarily Happy Valley, but it is intended to applaud constructive actions.

Dr. Ohanian was the driving force behind the Office of Drinking Water's ongoing experiment with evaluation of supervisors by their employees. NFFE 2050 has advocated this upward evaluation for years, and we're delighted that the Office of Drinking Water has had the courage to put it into practice. Dr. Ohanian's active and persistent leadership helped to make it a reality. The first time it was tried, employees were asked anonymously to rate their immediate supervisor and that person's boss; the second iteration looked at three levels of management, beginning with the immediate supervisor. Management and staff in ODW have been enthusiastic about the process.

Dr. Ohanian is well qualified to manage a health-oriented group, because he is by training and experience himself a scientist, he has availed himself of training in management, and he sets an outstanding example of hard work. He has an open-door policy, and means it. He tries to keep his staff informed about developments in the Agency, especially as they relate to the branch's mission. He has a sense of humor. He seeks inter-office cooperation (although this may come as news to some who have crossed swords with him). NFFE 2050 finds these traits and actions admirable. While we rejoice in seeing a fellow professional make good, we may think tangentially that it would be good if there were a parallel career path for scientists who may not want to go into management.

INDOOR AIR NEWS¹⁵

NFFE

Editor: Myra Cypser

AFGE

A Monthly Newsletter on EPA's Indoor Air

July 31, 1990

Hazard Evaluation Missing: The Agency still has not told us what the risks are to employees from the ongoing ventilation ductwork cleaning. What levels of dust are employees exposed to? (After the cleaning, there is gritty white dust all over everything.) Does the Agency agree that d-limonene, the cleanser, is a carcinogen? Several weeks ago, NFFE 2050 gave the Environmental Health and Safety Division (EHSD) materials from OSHA that noted a concern with carcinogenicity and allergic sensitization and a report from the Rachel Carson Council that says this chemical is a carcinogen. What chemicals are offgassing from the new ceiling tiles being installed throughout the Waterside Mall (WSM) complex as part of this cleanup operation? In a July 25 letter to the Administrator, NFFE 2050 asked him to stop the ductwork cleaning until employees have been told what the risk is from the dust, the cleanser and the tile vapors.

Illnesses Associated With Cleaning:

In my area, ten employees, including myself, believe they became ill from the ventilation ductwork cleaning. Why didn't the Agency take adequate precautions to protect employees during the cleaning? Why didn't they air out the offices more before employees came back? In my area, the ceilings were replaced on Sunday and employees came in the very next day. Why didn't they test the tiles and determine what chemicals were offgassing before exposing employees to these chemicals? Why didn't they make arrangements for chemically sensitive employees so they could be out of their offices during and after the cleaning was done? Why didn't they solicit employee health complaints during this period? Why didn't they evaluate the ventilation systems, making actual air flow measurements, to determine how long it would take to exhaust contaminants from the cleaning activity and when it would be safe for employees to return to their desks?

An Obligation To Negotiate: NFFE 2050 generally supports the ventilation ductwork cleaning. This is a job that has been waiting for 18 years! However, we need to know that adequate precautions have been taken to protect the health and safety of employees. Certain Agency officials do not recognize their legal obligation to negotiate with the Unions before taking major actions like this. There is also a moral obligation to share decision making with those whose lives could be directly impacted, those who could be injured, particularly when there are health and safety questions and the answers are not clear-cut.

Compliance With ASHRAE Unknown: For four years, employees have been asking if there is enough outside air coming into the Headquarters' buildings and if they meet the ASHRAE standard for outside makeup air, 20 cfm per person. In a formal §7114(b) information request, NFFE 2050 asked the Agency for information to document its compliance with the provisions in the Union contract pertaining to this ASHRAE standard. The Agency's July 27 reply stated, "The information requested is not maintained in the regular course of business and would take a considerable amount of time and money to document."

Although the Agency had claimed previously that the ASHRAE standard is being met "generally" throughout WSM, they have not provided any evidence to support this. The most recently released Agency study of the WSM ventilation systems, an investigation conducted by the building owner's contractor, entitled "Indoor Air Improvement Study For Town Center Building Occupied by EPA," also fails to determine compliance with the ASHRAE standard.

Backing Off On New Building? An article in the Federal Times on July 2 reported that

EPA officials originally envisioned that EPA's new Headquarters' building would be a model building with features to showcase the Agency's environmental mission but that the "wish list" had been shortened because of budget constraints. However, EPA still plans to have a ventilation system that "meets industry standards."

Expert Review Of Alternative Space: In response to employee requests, Facilities had Hal Levin, a nationally recognized indoor air expert, tour the alternative workspace being constructed for chemically sensitive EPA employees in the new Crystal City building. Mr. Levin noted in his written report that this space had many good features, including its own individual air handling system, tile flooring, windows, and the absence of printers, copiers and fax machines. He recommended modifications to remove materials that may be emitting VOCs, provide an exhaust for the ventilation system, and eliminate mixing of air between floors, etc., and recommended extensive pollution monitoring in the space. He presented his report to chemically sensitive employees at a Facilities meeting on July 19.

Smoking Policy Change: The Agency proposed changing the smoking provisions in the clean air contract so that smoking would be prohibited throughout EPA Headquarters' buildings. NFFE 2050 held an employee meeting to address this issue. NFFE's July counterproposal to the Agency stated that smoking should be prohibited in all Headquarters' spaces except for smoking lounges. There should be at least one lounge per building and air from the smoking lounges should be exhausted to the outside. AFGE 3331's position on smoking is similar.

Surprise Drip Pan Cleaning: At the July 31 Facilities Advisory Council meeting, one of the Facilities representatives revealed that a few months ago, the Agency had Town Center Management clean all the drip pan drains in the WSM towers (pans that catch condensate from air conditioning equipment) by pouring a chemical down the drain. The planned cleaning had been the subject of a couple of intense meetings between the Unions

and the Agency and participants had included representatives from EPA/OPP and the National Coalition Against the Misuse of Pesticides (NCAMP). OPP recommended soap and water and mechanical scrubbing as the best way to clean the pans and drains, rather than using disinfectants. Facilities disregarded this advice, went ahead and didn't notify NFFE 2050. We haven't been told what chemical they used. What was the impact on indoor air quality and the risk to employees from the use of this chemical?

Waiting For A Control Program: We keep hoping that EHSD will evaluate the products used in the buildings and eliminate or control those that cause indoor air problems.

At a July 9 meeting with OAR employees to discuss the selection of flooring for their space, a Facilities representative revealed that the Agency had not been routinely testing the tile glue and that the glue could contain 4-PC, one of the known contaminants emitted from the "toxic carpet." Only one batch of glue had been tested and the 4-PC content can vary with each batch.

On the subject of carpet shampoo: I interviewed one of the workers doing carpet shampooing to find out about the products he was using and in a formal information request, I asked the Agency about this. In a July 27 response, the Agency stated they were unaware of one of the products, a fragrance. Of course, fragrances can be quite a problem for chemically sensitive people.

According to the Agency's 1989 employee health survey, more than 40% of EPA Headquarters' employees have sick building health symptoms. No wonder there is so much illness when there is so little evaluation and control of the products used in the building.

Visit The Health Unit? NFFE 2050 has received numerous employee comments on the responsiveness of the Health Unit to indoor air health complaints. Employees ask to what extent they are required to work with the Health Unit to obtain alternative workspace and ask about the role of their

supervisor. I recommend that you contact the Union to find out more about these issues before visiting the Health Unit or requesting alternative workspace.

I encourage employees to report indoor air health problems to the Health Unit because this is the only formal reporting mechanism provided by the Agency. However, I also emphasize the importance of letting the Union know about illnesses. We need to have accurate records of the number of people who are sick.

Crackdown On Sick Employees: Some of the more severely affected employees who are out of the building on the advice of their doctors are having problems with their management. One employee was ordered to report for work in an office environment that would be unsuitable for her and was nearly fired before NFFE 2050 intervened. Another employee was ordered to enter work spaces to "test" the spaces to see if she became ill.

There is no consistent application of policies and regulations pertaining to "affected" employees. Some employees are given reasonable accommodations; however, others camp out in the library without access to phone or computer; some employees have been ordered to provide further medical documentation repeatedly as a condition of being granted or maintaining work-at-home status; and some employees are being asked to sign detailed work-at-home "agreements" with work assignments and other requirements well beyond what would be required of employees in WSM.

Failure To Negotiate Move: The Agency moved employees in the Office of Radiation Programs (ORP) without properly negotiating this move and disregarded NFFE 2050 proposals which asked the Agency to assure compliance with the ASHRAE standard for makeup air, monitor for pollutants from the construction activity, monitor employee health, screen renovation materials, schedule construction activities during non-work hours, etc. Eight ORP employees wrote to NFFE 2050 complaining that the Administration had failed to protect the health and well-

being of employees. NFFE 2050 filed an unfair labor practice charge with the Federal Labor Relations Authority on July 2 on this matter.

Employees Chose Carpet: Two offices held meetings to discuss and vote on the selection of flooring materials using procedures negotiated with NFFE 2050. Both offices voted to have carpet rather than tile. Employees were assured that the carpet had been aired out for a month; however, for one office, ORP, there are complaints about carpet odors and the smell has lingered for weeks.

Asbestos Ceilings An Issue: A massive renovation project is underway at EPA's Crystal Mall 2 building to replace all the ceilings and install a new ventilation system. Some of the ceiling tiles were found to contain asbestos and the owner, in conjunction with GSA, is using asbestos removal techniques. However, EPA employees are very concerned because the asbestos monitoring techniques being used are not the most effective methods recommended by EPA's guidance in the "Purple Book."

In a July 2 memorandum to all Headquarters' employees, EHSD reported that a piece of ceiling had fallen during the ventilation ductwork cleaning in one of the "stable" asbestos areas on the second floor of WSM. In a letter to the Administrator, NFFE 2050 asked if the piece of fallen ceiling contained asbestos and asked for certification that asbestos monitoring was conducted/is being conducted during the ductwork cleaning in asbestos areas, asked for monitoring data and evidence that this monitoring was conducted in a representative fashion by a certified expert.

Report To Senator Mikulski: In a July 9 letter to Senator Barbara Mikulski, the Agency reported accomplishments of the Facilities Management and Services Division related to indoor air: (1) Almost half the copy centers are now vented to the outside. (2) The Agency contracted for a full time ventilation engineer. (3) Operation Clean-Up was conducted to remove excess files and furniture. (4) The Agency acquired new

space to reduce crowding at WSM. The new space will house 550 employees from WSM.

(5) Approximately 25% of the "toxic carpet" has been removed. (6) Ten new air handling units have been installed in selected areas of WSM.

Publication For Chemically Sensitive: The Reactor is an excellent magazine focusing on issues and developments relating to the health and welfare of chemically sensitive people. A main concern is public awareness of environmental sensitivities and the ability of chemicals to disable people. For more information contact: Susan Molloy, 2 Park Circle, No. 202, Marin City, CA 94965, (415) 331-9804.

A Definition Of MCS: EPA's 1989 Report to Congress on Indoor Air Quality, Volume II, recognizes and defines multiple chemical sensitivity (MCS). The report cites a working definition developed by Mark Cullen of the Yale University School of Medicine, which includes seven major diagnostic features: (1) The disorder is acquired in relation to some documentable environmental exposure(s), insult(s), or illness(es). (2) Symptoms include more than one organ system. (3) Symptoms recur and abate in response to predictable stimuli. (4) Symptoms are elicited by exposures to chemicals of diverse structural classes and toxicologic modes of action. (5) Symptoms are elicited by exposures that are demonstrable (albeit at low levels). (6) Exposures that elicit symptoms must be significantly below exposures known to cause adverse human response. (7) No single widely available test of organ system function can explain symptoms. [From The Reactor, summer issue.]

Press Tally: A Pacifica radio broadcast in five cities, New York, Washington, D.C., Los Angeles, San Francisco, and Houston on or around Earth Day featured EPA's indoor air in a half hour show about indoor air issues and multiple chemical sensitivity. Speakers included Claudia Miller and Nicholas Ashford, authors of a landmark study on chemical sensitivity; Mary Lamielle, an environmental advocate; Hal Levin, a nationally recognized indoor air expert; experts from EPA's Indoor Air Division; an

injured EPA employee and others.

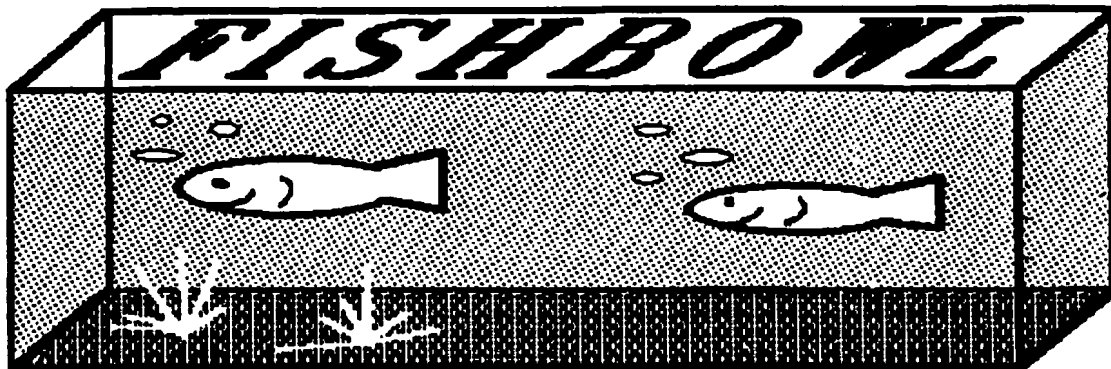
The Federal Times continues to cover our story and we have recent articles from the New York Times and Inside EPA. There have been a total of 124 stories in the news media on EPA's indoor air, including 11 national/international TV shows. When will the Administration get the message?

Distribution: The Indoor Air News is now distributed to more than 500 people and is republished in the NFFE 2050 newsletter, the Fishbowl, which goes out to more than 1100 employees.

AFGE 3331 supports the distribution of this newsletter but does not necessarily agree with the content.

Please share this newsletter with friends. Call me if you have news (382-2872).

INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

P. O. BOX 76082

WASHINGTON, DC 20013

OFFICE: ROOM 302 NE MALL

NFFE

LOCAL 2050

(202) 382-2383

EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

SPECIAL EDITION

September 27, 1990

VOLUME 6--No. 8

FURLOUGH NEWS

ASBESTOS UPDATE

AND

MORE


LOCAL 2050

JOIN TODAY —

This is a special edition of INSIDE THE FISHBOWL designed to replace FURLOUGH NEWS, also to give updated asbestos removal news. Please share them with your non-NFFE friends.

by Dwight Welch
Edited by Rufus Morison

SHAM EXPOSED - REPLY/APPEAL RIGHTS

The Notice of Intent to Furlough seemed to lay it all out: your "rights" to reply to the Notice of Intent to Furlough. Did your reply include financial hardship, severe disruption of Agency mission, ideas for cost cutting without having to furlough? Looking for a specific reply to your detailed letter? Forget it. On Tuesday September 5, Local 2050 received copies of "Draft Decision Letters". The "Deciding Official" will be giving you his or her decision on a preprinted form letter. These letters read (in part) "In making my final decision I have taken into consideration any oral and/or written reply you made.[or possibly could ever make] I have determined that all of the reasons for the proposed furlough, as stated in your notice, remain valid. Therefore, you will be required to be on a discontinuous furlough, of no more than 22 workdays...." The letter ends with a sincere "I regret the necessity for this action." This is the zenith of mind over matter management: 'I don't mind and you don't matter'.

So much for your "rights". It is like an authoritarian regime where they claim that people have the "right" to vote, but step in a voting booth and you find only one party running. Furthermore, how can you appeal the relative merits or demerits of a form letter decision.

LOCAL 2050 FURLOUGH NEGOTIATIONS

1. Management agreed that whether the furlough days are to be continuous or discontinuous is negotiable. Furlough days after October 15, 1990 will be the subject of future negotiations. Right now the tentative plan is 3 days of furlough October 10, 11, and 12. This Union has long advocated that the furlough days be put off until the last moment and management has agreed.
2. Management has refused to notify bargaining unit employees about their rights to Union representation. That's not OK, but we have in FURLOUGH NEWS.
3. Management refuses to give criteria for replies or appeals; Management indicates there are no criteria. Therefore, the decision will be the subjective judgement of the deciding and hearing officials.
4. The hearing and deciding officials were identified. DAAs are to hear oral replies and Ed Hanley is the final deciding official for all replies. DAA's may delegate the hearing official duties to Program Directors. Both Hale Vandermer and I complained about

people getting hearings from someone in the direct chain of command, claiming a hearing official might give a prejudiced recommendation based upon his feelings about the individual, either positive or negative. Hale asked about the right to resubmit now that the officials were decided. No. (I asked that my hearing official be changed, but I was forced to deliver it to Douglas Campt despite my protests that due to my frequent criticisms of the Office of Pesticide Programs, I could not get a fair hearing.)

5. Management refuses to disclose its reasons for the decision to furlough. I indicated, that although management may not have an obligation to do so, that perhaps they would like to share their decisions about how they reduced the number of furlough days. I pointed out that it would be favorable publicity for management and would perhaps inspire some confidence among the workers that steps were being taken to reduce hardship. Leigh Diggs said she would check into this possibility, and now the answer has come back: No!

6. THE COMPRESSED WORK WEEK IS STILL IN EFFECT. A number of stories have been circulating concerning the demise of CWW. CWW is your right and it is the law. CWW would have probably been cast to the wayside had it not been for your Union.

7. There is an external hiring freeze in place August 17, 1990.

8. No employee will be disciplined for speaking out against the furlough whether it be to the Union, the press, Congress, or private citizens.

9. Promotions will not be frozen.

10. Travel, training, and overtime cuts - Not negotiable, but being curtailed.

11. The Agency will try to give at least 24 hrs notice prior to furlough.

12. There will be no loss of insurance benefits, leave, etc. because of the furlough. (This is guaranteed under law and not a management concession.)

13. Deadlines, performance appraisals, etc. will be adjusted for to accomodate work days lost because of furloughs.

14. Employees cannot bring children into the office should furloughs affect their child care schedules.

15. Agency agrees to provide each employee with a written statement (probably from Mike Hamlin) explaining that the employee has been furloughed through no fault of their own, and this should be taken into consideration should problems arise in regard to paying bills.

16. Agency will adjust tax withholdings as desired to accomodate furlough disruptions. (For instance if you are furloughed 3 days out of a pay period, which may occur in October, this may drop you into a lower tax bracket for that pay period, resulting in inadequate withholding for the year. Agency will adjust.)

17. Agency will reduce or cancel any withholding or allotments to Combined Federal Campaign if desired.

18. Management refuses to freeze any reorganizations or moves rather than placing any employees in a furlough status. Note: Management has declared as "non-negotiable" all of The Office of Pesticide Programs Reorganization Conterproposals which Local 2050 recently submitted. At present the 28% increase in OPP managers may take place at a loss to your salary.

So there you have it, there will be no sharing of ideas and the whole furlough process is to be kept from employees eyes. We must take on faith that management is doing something... anything to mitigate the adverse effects on our paychecks.

I am not arguing that the budget and the decision to furlough are not management rights, but what about TQM? What about valuable input from the workers, the experts, those who really know how to cut waste? TQM--another bale of political manure?

60/20 PLAN CANNED

While we have no fear about writing of management's follies and foibles, we also have no reservation about applauding good ideas. The so-called 60/20 plan was a great idea by management. Since there was sufficient money in FY 90 to work 60 hours the last week of September and 20 hours in the first week of October. A furlough without the loss in pay was possible. OMB said thumbs down to that proposal, not that it was illegal, but that it didn't look right.

OCT 10,11,&12 PLAN ALSO CANNED (Late Breaking Development 9/26/90)

It's a new board game by OMB: "GUESS WHEN YOUR FURLOUGH DAYS WILL BE". The latest scoop, direct from personnel, is that the furloughs will begin Monday Oct. 1st. We may come in and then be told to leave because we don't have enough money to get us through the day. Maybe this will be done on a daily basis.

The facts are that the "KINDER AND GENTLER ONES" are orchestrating this budget reduction/furlough activity so that it will have the worst possible impact on the public and especially the federal civil servant. NFFE suggests renaming the Administration on this count "THE MEANER AND UGLIER ONES"

ASBESTOS UPDATE

If you are in Region XI (Crystal City) hopefully you have already seen the 27 comments generated by our scientists and forwarded under my signature to Leigh Diggs for negotiations. I also forwarded copies to Mr. Reilly, Linda Fisher, Douglas Campt, and Robert Smith, President of Charles E. Smith. Not a peep from any of them. I offered to arrange meetings between the dissenting scientists and the management parties involved, but no one's taking me up on my offer. How simple it would be to talk to the EPA asbestos experts about asbestos removal in EPA and solve all concerns at the front end. But then if EPA scientists do actually identify problems, think about the legal ramifications; afterall they've already removed asbestos from quite a few floors without discussion.

MEANWHILE, BACK AT THE ASBESTOS REMOVAL SITE

On September 19, 1990 at about 7:30 PM, I went to my second floor office at Region XI. Before I departed for the long drive home, I decided a visit to the Men's Room was in order. The cleaning lady was doing the second floor room so I wandered up to floor 3. I entered the area with no warning as to what was going on on floor 3. After finishing up I decided to take the elevator down since the stairs at locked up after 6:00. On my way to the elevator, I discovered to my horror that I was in a posted removal area and that I shouldn't have entered without protection. How about posting the stairwell doors next time?

NOW THAT'S HAZARDOUS

On Sept. 20, I got a message from Don Chesley, EPA Facilities, CM-2, which I promptly returned. Here is the text of the conversation. "Your memo is hanging up all over the building here."

"I didn't hang any up," I replied.

"That ain't what I heard."

"I don't care what you heard, I didn't hang any up," I confirmed.

"Well, you tell your Union people to stop hanging them up all over, it's a hazard."

Airborne asbestos particles, not a hazard. How do I know, Charles Grizzle and Julius Jimeno have assured us, and look at what a great job they've done on indoor air and carpet. Now memos with asbestos comments, they constitute a fire hazard. So you Union people stop hanging up those asbestos memos, they're a hazard, do you understand? How was that Don?

DUST/RESPIRATORY PROBLEMS REPORTED IN CM-2

A number of people have reported respiratory problems related to the dust stirred up in CM-2. Don't just report them to the Health Unit, report them to Local 2050, 382-2383.

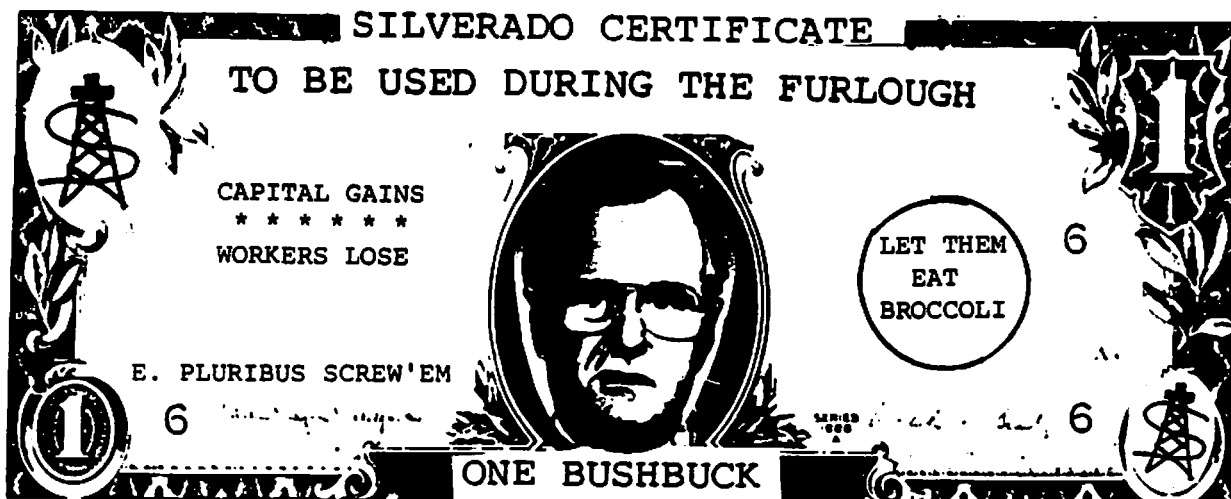
AA HUMOR

This from an actual letter by OPTS AA Linda J. Fisher: "EPA takes seriously any case of employee dissatisfaction, and you can be assured that we will make every effort to resolve....."

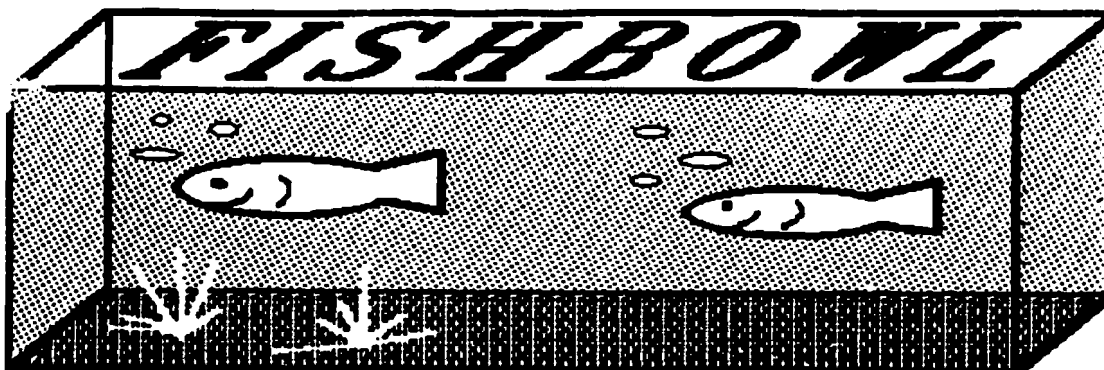
COMING IN FUTURE EDITIONS

A BIG Reply - Sherry Shepard, President of the EPA chapter of Blacks in Government, read Mark Antell's article "Against 'Affirmative Action'" in our last issue and saw red (black and green). I didn't agree with Mark's article either, but printed it in the interest of First Amendment Rights. I may not agree with Sherry's article (especially if it bashes me), but I intend to print it also. Unlike EPA, whose authoritarian structure suppresses dissenting opinion, the Union is a democratic organization which encourages free speech and press. See the next issue for what is bound to be an interesting article by Sherry.

More on Fluoride - Bob Carton with a story about the repression of Dr. William Marcus' scientific opinions on fluoride.



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OCTOBER 1990

INSIDE THIS ISSUE

VOLUME 6--NO. 9

PAGE

1 FROM THE EDITOR - "ADMINISTRATOR BILL" - Fiction

2 NEWS BITES

5 ORD ANNOUNCES DUAL CAREER PATH - by Bob Carton

6 MANAGER OF THE MONTH

7 CARPET NEWS

8 NFFE'S BIENNIAL CONVENTION

10 AMERICAN GREENS IN COLORADO

11 LETTER FROM LOREE MURRAY

12 CONTRARIAN'S CORNER

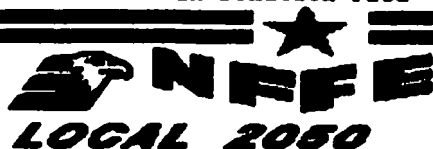
Affirmative Action - Bill Hirzy

A BIG Reply/Editorial Reply - Sherri Y. Sheppard/Dwight Welch

16 INDOOR AIR NEWS

15 ROACHES

19 FBEA Donation Plea



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LOCAL 2050

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EDITORIAL POLICY

All items for publication must be submitted to INSIDE THE FISHBOWL by the first of the month of publication. Items selected for publication are voted upon by the Editorial Board in a democratic process. Articles indicating authorship reflect the views and opinions of the author and not NFFE Local 2050.

FROM THE EDITOR

ADMINISTRATOR BILL (A Phantasy)
by Dwight Welch

Once upon a time, in a kingdom known as Babylon-on-the Potomac, there was appointed an Administrator to the Earth Protection Agency, the EPA. Now Administrator Bill was unlike any of his predecessors in that he had been a professional environmentalist and was also a proponent of worker democracy, which he called Total Democratic Management--TDM. Bill's idea was that a healthy environment and a healthy industrial sector could work hand in hand and be quite compatible. He also believed that workers were the experts at the work they did, that they should be consulted, listened to, and their suggestions implemented.

So one of the first things Administrator Bill did was to call up the heads of his two Unions. He told them, "Send me a delegation of your best. I want your best scientists, engineers, lawyers, economists, clerks, secretaries. I want them to tell me what they think the problems are with this troubled Agency and what they think the solutions are."

So Administrator Bill met with the experts and they told him what was wrong. They told him of toxic carpets, bad indoor air, and improper asbestos removal. They told him of the perversion of good science for the political and economic benefit of others. They told him about the erosion of talent, the lower standards of qualifications. They told him about the top heavy and gross mismanagement. They explained that what was needed was not more managers but better managers. They insisted that the reason that the agency had declined into such a sorry state was that there was

no system of management accountability; that managers who did a terrible job were often transferred and promoted.

"Hmmm, management accountability," Bill thought. So Bill called his chiefs of Administration and Employee Health into his office. "This agency is supposed to protect the environment of the earth and here you two can't even protect the environment of our workers," Bill scolded. "You've helped make my agency the laughing stock of the scientific and environmental communities; you're both fired."

Bill continued on with implementing employee suggestions. Next he called the landlords of the buildings he rented. He told them that either they deal with the sick building problems in a responsible manner, or he would take his lease elsewhere.

Next Bill implemented systems of management accountability whereby managers with excessive unsettled grievances could be disciplined or fired. Bill also met with whistleblowers. Whistleblowers, he reasoned, must be awfully dedicated to risk their careers for what they believed in. They must, therefore, have something to say worth hearing and acting upon. Bill awarded these ideas with promotions and cash awards.

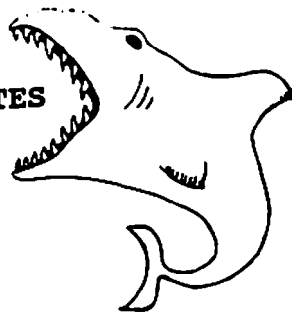
Next Bill reorganized, eliminating several of the many layers of the chain of command. He put his payroll budget into encouraging career rather than management tracks.

Things started happening fast at the EPA. Turns out he didn't have to actually fire very many managers. Some quit; others, realizing the strength of Bill's leadership, soon toed the line. Now that Bill had gained the trust and respect of the workers, employee suggestions came hard and fast for ways of improving the mission and efficiency of the agency.

After a couple of years the Earth Protection Agency was accomplishing twice as much, with far less budget than previously. All of Babylon took note; soon other agencies were asking Bill his secret. "Trust in your employees," Bill would reply. The President was so happy with Bill's performance that soon Administrator Bill became Secretary Bill. Then bumper stickers started appearing "BILL FOR PRESIDENT".....

Now, dear readers, take a deep breath (cough, hack, sneeze)... this was only a fantasy. There is no Earth Protection Agency, and the character "Administrator Bill" is based upon the rhetoric of a real person, not the reality.

NEWS BITES



ASBESTOS SCARE IN CRYSTAL MALL On September 28, 1990 EPA employees in the Crystal Mall 2 facility were sent home, based on a high reading on one of the asbestos monitors. Later in the day, a more

sensitive test TEM, according to building management, revealed negative for asbestos. Other employees in the building working for the Patent Office and for Navy remained in the building for the entire day. Local 2050 is, as of this writing inquiring as to why any employees were allowed to enter the building to begin with; this is contrary to the asbestos removal plan. Roberta Baskins of local TV 7 aired a story on this incident.

ASBESTOS REMOVAL AT CM-2: LOCAL 2050 ASSUMES A LEADERSHIP ROLE

Just as with the Indoor Air problem, the leadership of EPA has chosen to bury its head in the sand regarding the Asbestos Removal Crisis at CM-2. This has forced Local 2050 to assume the leadership role. As you may remember about 100 employees, scientists whose normal professional responsibility is to assess health risks, signed a petition complaining about the asbestos removal procedures being used at CM-2 to Administrator Reilly. The assignment was given to Charles Grizzle. Mr. Grizzle drafted a memo to Hale Vandermer dated September 17, 1990 addressing the employees concerns. Employees are still upset, they don't want another "Don't Worry, Be Happy", memo; what they want is some concrete action on the part of EPA like aggressive monitoring for asbestos dust in the air handling system.

Meanwhile a list of about two dozen deficiencies in the asbestos removal techniques being used in CM-2 were drafted by concerned scientists. These comments were forwarded under Dwight Welch's signature to Leigh Diggs of Labor Management Relations in a memo dated September 12, 1990. Welch also forwarded copies to Bill Reilly, Linda Fisher (AA OPTS), Douglas Campt (OPP Director) and Robert Smith (President of Charles E. Smith Companies). Welch's cover letter indicated to these parties that a meeting between the asbestos experts working for Smith and the concerned scientists at EPA should be arranged. This would eliminate the go betweens which lead to miscommunication and perhaps the problems could be readily ironed out in an efficient manner. To date no word from Reilly, Fisher, or Campt. Charles E. Smith Co. responded with a letter dated October 4, 1990 denying any negligence and claiming that the matters presented were of the Labor-Management Relations type. Thus far Charles E. Smith Co. has declined to meet with us. Local 2050 is negotiating with Julius Jimeno to arrange such a meeting between Smith's experts and EPA's experts.

CLARIFICATION In our original Furlough News we wrote about how the Agency was acting in an "underhanded" manner regarding the furlough by not negotiating terms of the furlough with the Unions. The newsletter also indicated that this policy was outlined in a memo signed by Mike Hamlin of Personnel. Some interpreted this to mean that we thought Mike was behaving in an underhanded manner or was an underhanded person. This is an incorrect interpretation. Mr. Hamlin was very cooperative in sharing furlough information with the Union. The furlough policy was not made by Mr. Hamlin, merely executed by him, and we do not consider him to have acted

underhandedly.

NFFE LOCAL 2050 CULTURAL DIVERSITY COMMITTEE NAMES REPRESENTATIVES TO THE EPA "WORKFORCE 2000" GROUP Our cultural diversity committee has nominated Dr. James Walker, Mr. Tyrone Aiken, and Dr. Rufus Morison to represent Local 2050 in the WORKFORCE 2000 group.

AFGE STOP THE FURLOUGH RALLY A SUCCESS The Stop the Furlough Rally sponsored in part by AFGE was a fairly successful event. The rally was attended by several thousand and featured speeches and musical entertainment. NFFE, Local 2050, though not a sponsor, was there to support the effort.

IT'S PERFORMANCE APPRAISAL TIME Just a reminder that NFFE Local 2050 has had and continues to have more than a passing interest in performance appraisals of our bargaining unit members. If you reasonably expect that you may be the subject of an adverse action you are entitled to union representation at meetings with management. You may also grieve your performance appraisal using the NFFE-negotiated grievance procedure, which includes peer review, if you are dissatisfied with your score.

EPA RECEIVES WAIVER TO DC LIVESTOCK PROHIBITION NFFE has it on reliable rumor that the Administrator has promoted the culture of poultry in WSM. This is based on the prominent odor of chicken manure on the third floor mall. (One manager reported hearing cackling during a recent phone call, but no eggs have been found.)

NUMEROUS HEALTH COMPLAINTS CONTINUE AT CRYSTAL MALL Numerous health complaints ranging from headaches and itchy noses to full blown bronchitis and asthma attacks have been reported in CM-2. If you are feeling any of these dust related symptoms, report to the Health Unit at Watercide. Inform the staff that you are suffering from CM-2 renovation health problems, if this is the case.

UNION SEEKING 6 FULL TIME UNION SLOTS The workload is quite large at Local 2050. Program managers are bitterly complaining about having to lose FTE slots to Union representational work. Local 2050 sympathizes with the managers' plight and has submitted a proposal to authorize 6 FTEs out of non-program offices for Union Board Members. This would allow the programs to recover their lost work and allow NFFE, Local 2050 to do its legally mandated responsibilities. The 6 positions would include President, President-Elect, Chief Steward, Senior Vice President, VP in Charge of Crystal City Affairs, and Health and Safety VP. These positions are currently full time positions.

CRYSTAL MALL 2 SHUT DOWN 2 MORE TIMES On October 17th and again on October 18, 1990, EPA's Crystal Mall 2 Facilities were shut down due to broken ceiling tiles. On both occasions, Navy and Patent

Office personnel remained in the building. Three times in nearly three weeks! Makes you think, doesn't it? How come this never happened on the other floors, in the other buildings, similarly renovated at Crystal City? Maybe things happened, but nobody knew or cared. EPA employees have a High Union looking out for them: NFFE, Local 2050. So EPA employees got to go home, the others had to stay. So why haven't you joined yet?

UNION BRINGS IN ASBESTOS EXPERT Local 2050 and with AFGE, Local 3331 are working together and have brought in an outside expert, Mr. John Moran of the Laborers' Health and Safety Fund to examine the asbestos removal project in CM-2. Mr. Moran intends to work cooperatively with both the Unions and management in order to ensure the health and safety of CM-2 employees.

THEFTS OF PROPERTY REPORTED AND ATTRIBUTED TO ASBESTOS WORKERS

Thefts of property have been reported by a number of CM-2 employees. There are now guards stationed outside of the security doors. When I asked them if they were there to prevent unprotected people from entering the asbestos removal area, they replied, "No", they were there to prevent stealing of property.

MEMBERSHIP STILL INCREASING Nine new members have joined Local 2050 since the last issue of INSIDE THE FISHBOWL. What are the rest of you waiting for? Join today.

TWO EPA EMPLOYEES MUST TAKE ANNUAL LEAVE TO PROTECT THE ENVIRONMENT

Rufus Morison and Dwight Welch were required to take annual leave in order to attend a meeting on Asbestos Removal in CM-2, despite the fact that they were invited by the Patent Office Professional Association (POPA) (professionals' Union). This judgement, rendered by Personnel, was due to the fact that Patent and Trademark Office (PTO) management called the meeting. This judgement was rendered despite the fact that the meeting concerned problems facing not only PTO and Navy employees, but EPA employees as well.

ORD ANNOUNCES DUAL CAREER PATH FOR SCIENTISTS AND ENGINEERS - NFFE TO CALL FOR HEADQUARTERS WIDE POLICY

by Bob Carton

Eric Bretthauer talked about the Office of Research and Development's new dual-career path for scientists and engineers at a recent lunch time talk in NE103 sponsored by EPA's Women in Science and Engineering. Mr. Bretthauer is Assistant Administrator for Research and Development. Apparently, a new policy and procedures manual was implemented in August 1989 for the purpose of "Promotion of Scientists and Engineers in Research, Development, and Expert Positions." Any GS scientist/engineer involved in research, development or expert roles is apparently eligible for promotion to the GS-14 or G-15 level if he/she meets certain criteria set out in this manual. In the past, there were few GS-14 or 15 science/engineering positions available. For the most

part, if you wanted a promotion, the management track was your only option.

Part of the process includes a peer panel review - an absolutely revolutionary concept for EPA. The only other example of this concept is in the union contract with the agency which sets up peer panels to review grievances on performance related issues.

NFFE will be soliciting opinions from ORD professionals on their views of this program, and forming a work group of professionals from other offices to develop a proposal to expand the dual-career concept to all EPA Headquarters offices. Anyone interested in participating in this effort is encouraged to call Dr. Bob Carton at 382-2325

MANAGER OF THE MONTH--LYNN BRADLEY

Lynn Bradley, a Section Head in the Registration Division, Office of Pesticide Programs, has been chosen by the Local 2050 Executive Board as MANAGER OF THE MONTH.

Ms. Bradley is not only a first rate chemist, but a first rate supervisor. As the former Section Head of the Product Chemistry Review Section of the Registration Support Branch, she not only had the respect and admiration of those who she supervised, she was also, considered by most, to be a friend. But just being a nice person, is not why Lynn Bradley has been chosen by this publication to be MANAGER OF THE MONTH.

Lynn Bradley has two qualities which we would like to see more of at EPA: high ethical standards and the guts to stand behind her ethical standards in spite of adversity. Lynn has stood up to her Division Director on at least three important issues. On these issues Lynn had to choose between the moral high road and protecting her career; Lynn chose the path of ethical behavior.

The first issue was her opposition to "bean counts" for her chemists; Lynn felt that quality was more important than quantity. The second issue concerned a proposed reorganization of the chemists; disbanding this section, many felt, would considerably weaken the scientific independence and objectivity of these scientists. Once again, Ms. Bradley opposed the OPP high command in favor of good science and in support of the scientists in her section. The third issue concerned an important (\$1.5 million fine) Enforcement Case Review done by a chemist in her section. The results of this review, a question of pesticide chemistry twice formerly reviewed by non-chemists, conflicted in large degree with the previous reviews. Lynn signed off on this review, based upon its scientific accuracy. According to Ms. Bradley's grievance, her Division Director then indicated to Lynn that "This review was the best example her bad supervision." Lynn was removed from her position as Product Chemistry Section Head.

Local 2050, in sharp contrast to the Division Director, feel the above are examples of why Lynn Bradley is a good supervisor. A scientist's duty is to discern the truth, not to cover for higher

chains of command.

Lynn Bradley is now looking for employment outside of EPA. If she leaves, the Agency will be losing one of its best. It will represent another blow against good science and another win for image over ethics. We wish that Lynn would stay and fight, but we understand her desire to leave.

SECTION 21/CARPET LAWSUIT WITHDRAWN WITHOUT PREJUDICE--EPIDEMIOLOGY STUDY OMITTED FROM EPA'S RESPONSE TO NFFE On September 21, Local 2050 moved to withdraw without prejudice its lawsuit over EPA's denial of the Union's TSCA section 21 petition to regulate toxic components of carpeting. U.S. District Court for the District of Columbia has granted the motion, which means that the Union can re-institute the suit at a later time. The Union withdrew the suit rather than spend considerable resources in the near term fighting the Government's arguments on standing and timeliness. These esoteric considerations did not seem to be the battleground on which to fight at present, given the progress being made in the "dialogue" process (see below) involving the carpet, textile, padding, flooring, adhesives, flooring installation, chemical specialties manufacturing and styrene-butadiene latex industries, EPA, CPSC, AFL-CIO, and NFFE Local 2050.

If the dialogue process does not proceed satisfactorily, Local 2050 may either re-institute the lawsuit, re-file the petition or take other action based on EPA's and CDC's failure to acknowledge the existence of a 1988 CDC epidemiology study showing a three-fold excess of deaths due to lymphocytic leukemia among north Georgia carpet and textile workers. Lymphocytic leukemia is a lesion of the immune system, and NFFE pointed out the possible involvement of immune system dysregulation in the development and expression of multiple chemical sensitivity in its petition.

When taken in conjunction with the epidemiology study that was cited by EPA-CDC showing elevated mortality from leukemia and all lymphopietic cancers in the styrene-butadiene rubber industry, and the lack of any such relationship in the textile fiber (exclusive of carpets) manufacturing industries, the implication of the unacknowledged study that some component of styrene-butadiene latex used in carpets damages the human immune system even to a mortal degree is very strong. Are MCS victims candidates for close monitoring for development and early detection and treatment of leukemia? One EPA employee with MCS temporally linked with new carpeting has been diagnosed with chronic lymphocytic leukemia.

Why EPA and CDC did not acknowledge the existence of CDC's crucial epidemiology study can only be a matter of speculation.

CARPET DIALOGUE NEWS The dialogue group consisting of the elements mentioned above plus several others, e.g. architect Hal Levin and attorney Eron Davis (MCS victims advocate) is working in two units at present: a process engineering group is studying ways for

lowering and controlling volatiles in carpet systems; and a product testing group is looking at ways to characterize the amount and types of volatiles emitted from carpet systems. The latter group is charged with having a reasonably well developed proposal to place before the "plenary" (i.e. the decision-making body of the dialogue group) by the end of November. The former group has about 10 months to come up with control options. EPA has promised rulemaking if these deadlines cannot be met or at least approached. Progress seems fairly rapid, though some parties are anxious about being able to meet the deadlines with technically and economically sound programs. A "Cadillac" VOC testing program that has been put on the table seems on the right track in terms of getting information that would meet EPA's goal of having information available to purchasers of carpet systems. That competitive pressure will force ever lower VOC emissions is the hope. However, the "Cadillac" protocol will cost thousands of dollars per run, and a lower cost quality-control method useable on a routine, daily basis at every carpet mill needs to be developed. A QC method is needed to assure that the "standards" set from the "Cadillac" protocol are met by each batch of carpet shipped from the plants. Without this there will be no way to assure carpet purchasers that the competitive information from the high-cost, three-or-four-runs per-year-per-product-type protocol, on which they base purchasing decisions, means anything. In other words, QC is the analogue to enforcement in this new, non-regulatory approach to risk control.

Significant progress has been made over the past two years by styrene-butadiene latex manufacturers in lowering 4-PC levels in their products, but it appears that economics rather than technical factors are limiting further reductions. We have asked for information on the interplay of process cost increments and 4-PC levels. Our attention to 4-PC seems ever more justified by data presented to the testing committee. A pilot study of carpet systems shows that after a few days, virtually all of the VOC found was 4-PC. People, as you know, complain about adverse effects from carpet systems long after the time of installation. HSCD/OSW for example did not occupy "newly" carpeted space in SE Mall for months after installation and still had big problems.

The plenary meets on October 25 to assess progress of the two working groups, and will meet again in late November to, hopefully, approve an approach to product testing.

NFFE'S BIENNIAL CONVENTION The National Federation of Federal Employees held its biennial convention in Little Rock over September 10-14, setting its course for the future with some significant changes. Chief among these was the election of NFFE's first woman President, Sheila Velazco. Sheila is an Indiana native and former National Vice-President with 17 years experience in the Social Security Administration and background as an educator for the USIA. She has worked hard for affordable child care, reforming

the Federal pay system and fighting contracting out of Federal jobs. Outgoing President, Jim Peirce, a staunch supporter of cooperative labor-management relationships in the Civil Service, was honored by the delegates for his 14 years of service to the Union. Bill Hirzy represented Local 2050 at the Convention. Rather than give details on matters of interest mostly to Union members here, that sort of report will be reserved for members and sent out separately. Of more general interest to all EPA employees are reports of the Legislative and Legal Departments of NFFE. Here are some highlights; for more information call the Union office at 382-2383.

Legislative Dept. In the face of President Bush's veto of the Family and Medical Leave Bill that would have provided up to 18 weeks of unpaid family leave and 26 weeks of unpaid medical leave, NFFE has been working with new OPM Director Constance Newman on a policy that would initiate almost the exact same program for Federal employees--she has been much more responsive to Federal employees than her predecessors. While the Hatch Act Reform Bill was defeated when Senators Lott (R-MS) and D'Amato (R-NY) switched sides and supported the Presidential veto, NFFE will be pushing for re-introduction next year if the composition of the Senate changes. Pay Reform has been the subject of NFFE's lobbying efforts with Gary Ackerman (D-NY) and other supporters. The Bill would add 10% of the pay gap between feds and the private sector, by locality, to an automatic Employment Cost Index adjustment each year. The ECI is a better index than the Consumer Price Index. The current gap averages 28.6%, with larger gaps at the higher grades. Health Benefits Reform is also getting Rep. Akerman's attention. Under his bill, employees would face only three choices: an HMO, a standard option (both with benefits superior to Blue Cross/Blue Shield standard option) or a high option. Cost of Akerman's standard option would be \$10/pay period.

Legal Dept. The Union won a case on limitations on the disclosure of "classifiable" information, thus defending the right to free speech. Likewise, warrantless searches were stopped in a settlement of another lawsuit. NFFE obtained injunctions to halt random drug testing or to limit unconstitutional aspects of "reasonable suspicion" drug testing at Dept. of Interior, Navy, Army, Air Force, and Defense Mapping Agency. NFFE's suit against the President's Executive Order on drug testing was not favorably reviewed by the court because of the court's belief that each agency's plan should be evaluated separately. An age discrimination case against GSA pending for 10 years was favorably settled. A whistleblower fired by Army won reinstatement with back pay before the Merit Systems Protection Board. A negative EEO decision was successfully appealed, and the employee won a promotion and back pay. NFFE has a case pending in U.S. District Court against EPA, OPM and BIA regarding the unconstitutionality of SF-86 background investigation forms. NFFE is also challenging the use of SF-85 in a similar case.

Local 2050 was honored for having increased its membership over 25% since the last Convention....largely thanks to the work of Dwight Welch and Rufus Morison.

AMERICAN GREENS GATHER IN COLORADO Bill Hirzy attended the Green Gathering '90 in Estes Park Colorado following the NFFE Convention and participated in a workshop on environmental activism on September 15, reporting on Local 2050's work. The American Greens are trying to define their movement and are drawing on both the European Green experience and uniquely American perspectives to do it. Electoral politics and community action and organization are both part of the emerging program. A Green activist from Ventura, CA is running for Congress, and other Greens are considering local races.

On the community action front, there is a lot of optimism in the Green camp over the heightened environmental awareness of ordinary citizens, and this was exemplified by a report from Reno NV. In that community water is very scarce. A developer proposed to build a flock of new homes in a suburb. Local citizens organized in opposition. The head of the local plumbers' union attended the meeting and, to the surprise of most, joined the opposition, even though it meant lost work for the plumbers. He cited the environmental insanity of building more water-consuming homes in the area.

Representatives from the International Green community were in attendance. There are 249 Green members of national parliaments in 21 countries.

A fundamental dichotomy exists within the Greens between the "deep ecology" and the "social ecology" types. While encouraging diversity within Green ranks, the movement does face a serious philosophical dilemma. The deep ecologists hold that no ecosystem should be asked to support more life than it is capable of supporting, e.g. "if people are starving in Xland because of over-population and inadequate food-producing natural resources, let them starve". The social ecologists hold that if that "cold hearted" philosophy prevails, Greens will never become more than a cult group, and that fundamental reorganization of our social and economic systems on an ecologically sound and sustainable basis must occur if we are to forestall environmental calamities within the foreseeable future. Both types of Greens share a set of beliefs regarding reverence for nature and respect for life found in the traditions of native peoples. Call the Union for more info.

american federation of government employees

United States
Environmental Protection
Agency
Local 3331



Loree H. Murray
President
1134 7th St., N.E.
Washington, DC 20002

September 27, 1990

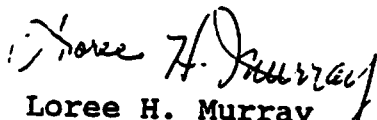
Inside The Fishbold
National Federation of Federal Employees
Local 2050
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Gentlemen:

Your August/September issue of Inside The Fishbold is in error and I am requesting that a retraction be made and published in your next issue. The statement credited to me is completely wrong. I stated that we have had many complaints against Ms. Bishop but we had never, since I've been president, had any complaints filed against the lady. I further stated that middle management is the only persons that we seem to have problems with, and I also stated that middle management should be trained to get along with employees, that the lower grades are not the only ones that need such training. I have never said that Ms. Bishop needed retraining, I will repeat, I did say that a lot of Middle Management needs to learn how to get along with people of all grades. So far as my saying that Ms. Bishop needed to be sensitized to workers' civil rights, is simply a false statement. I am sure that I was not the only person at that meeting who was taking notes. I do however, suggest to you, hereafter when you decide to quote me, please let me see what you plan to publish before you publish it.

I thank you in advance for doing the "Right Thing".

Sincerely,


Loree H. Murray

CONTRARIAN'S CORNERAFFIRMATIVE ACTION--LET'S BE MORE AFFIRMATIVE AND TAKE MORE ACTION!
by Bill Hirzy

In last month's newsletter my Union brother, Mark Antell, expressed the frustration some white males feel over their perception of having been made second class citizens by "affirmative action". Knowing Mark, I believe that he approaches the issue with the purity of heart not found in those who opposed affirmative action when it was introduced in the 1960'S and who now advise the President to veto the civil rights bill because it "forces" the private sector to rectify racist injuries to our citizenry. I do not believe Mark to be of that evil ilk.

But Mark's fuzzy solution, that people need only to recognize that discrimination is "wrong, and then set their hearts and minds to find a way to end it..." is naive and not nearly enough to bring social justice to a nation that was founded in racism and that lives in daily denial of its continued existence. Mark's solution was not enough in 1776, 1789, 1820, 1861 nor in any of the other seminal years of American history when special opportunities to put an end to racism came and went with less than half-way measures. Thomas Jefferson and others of our nation's revered early leaders already "recognized" the wrongs of racism and were unable or unwilling to take the actions that were required "to end it".

With our society's cities facing social disintegration because of the fruits of racism and of our economic philosophy, it is not nearly enough to rely on the good hearts of the "favored and the harmed" to find some unspecified way to end it. The frustration Mark expresses has its roots in America's failure--once again in the 1960's--to confront racism effectively. Certainly very many people in the "favored" and the "harmed" classes did set their hearts and minds to finding ways to end racism and they took some steps in the right direction--voting rights, Head Start, public accommodations, and, yes, affirmative action. But we have not had nearly enough action. Where do our cities' public schools stand but in tatters? What is to be done but to take action to assure the children in those schools a real education and thus an opportunity for real social equality? And action is not the "thousand points of light" bull hockey put out by the "two Mercedes and a BMW 'volunteerists'" of this and the last Administration--by action I mean Social (as in "all of American society") commitment to real and expeditious progress.

Until America breaks free from the mean-spirited, selfish materialism that characterized the 1980's and regains a sense of real social solidarity, we will continue in a downward spiral of frustration, racial anxiety, poverty and national disintegration. Our national leaders in the Legislative and Executive branches must lead in this effort. What we need is action: the more affirmative and the sooner the better.

A BIG REPLY

by Sherri Y. Sheppard

(Sherri Y. Sheppard is a Branch Chief in the Office of Pesticide Programs and the current President of EPA's Chapter of Blacks Government (BIG))

In the August-September issue of "Inside The Fishbowl" (issued September 20, 1990), there were two articles in this publication that were particularly negative in tone and could easily be perceived as a means of promoting racism.

The first article I wish to address was written by Mark Antell and the title of the article was 'Against Affirmative Action' (on page 11). The article attacks affirmative action as a system that "helps the wrong people, it generates corruption, it renders suspect the credential of members of the favored group". The author states that he is unconvinced that there are good arguments for affirmative action, and also states that if "racism and sexism are fundamentally wrong, then how can they be used in a good cause?" I am very troubled that an organization such as your union whose purpose is to represent all ethnic groups would publish an article that would be offensive to minorities, fan "fires of racism" and cause polarization. The author of this article has been given an opportunity to bring his negative message in from the disreputable cold. Though the article is devoid of racial epithets, it could be the beginning of a crusade against a perceived "parasite underclass" (minorities) and affirmative action, both camouflaged and written to stimulate divisive racial animosities. Is your publication on the way to becoming a soap box for divisive speeches?

Did you know that the Equal Employment Opportunity Act of 1972 established affirmative action as a mechanism to help remedy the effects of past discrimination (and present) and to ensure that the work force reflected the composition of the United States work force as a whole? Look around you, does the current work force reflect the true composition of the US work force (eg., senior management, middle management here at headquarters)? No, it does not! Nor are the few minorities in professional and administrative positions there because the office "had to fill a slot with a minority". They are in those positions because they had the qualifications and skills required to perform the responsibilities of the job.

Also, in this issue, on page 5, there was an article attacking Ferial Bishop, a Black female manager in the Office of Pesticide Programs, who is also the founding president of this chapter of Blacks in Government at EPA. Unfortunately, this is one of several articles published in your newsletter since April attacking Mrs. Bishop, and the intensity and viciousness of the attacks have grown substantially and the manner of the attacks are slanderous, libelous and also suspect of racism. The attacks also appear to be coming from white males in her branch.

I have personally talked with several employees in her branch and they have stated that they do not agree and nor are they in concert with the statements being made in the articles published in the "Fishbowl", and that they do support her. I also find it most interesting that no other manager/supervisor within OPP, let alone within EPA headquarters has been the victim of such statements and attacks. We as Blacks at this Agency must tell you the authors

of the articles within this publication, an union newsletter is not the appropriate forum to air **personal vendettas or attack policies/regulations developed to aid those who have been repressed**. Personal vendettas should not be aired publicly, nor in the harmful manner as the writers in your newsletter have done.

I must tell you, that after consultation with an editor of another non-profit organization, I was informed that your publication does not have to follow the guidelines of a paid-for-profit newsletter, and as a non-profit organization you have the right not to place any article in your publication that you deem not appropriate or controversial. By placing the article in the Fishbowl, it gives the impression that your local advocates what is being stated.

BIG must respond to such propaganda as fostered by the authors of the two articles. We have asked the members of the bargaining unit your union represents to speak up, and inform the union leadership that articles such as the ones addressed above are not appropriate and should not be printed in the union's official newsletter.

Thank you for the opportunity to respond!

INSIDE THE FISHBOWL is an open forum, and we support the First Amendment. Indeed, we even print letters and articles written by managers. Your suggestions that this organization is, and that I personally am, racist is entirely unfair and based upon premises which are untrue. You furthermore question my integrity by use of the terms "slanderous" and "libelous"; from this I infer that you accusing me of being a liar. You should read the whole issue instead of exercising a narrow focus:

*Fact, that issue contained adverse references to 17 white managers (2 unnamed) also.

*Fact, the articles on Ferial Bishop have been based on grievances and related actions filed with the Union and not on hearsay. These actions have come from all three races, both genders, young and senior, in short: a rainbow coalition.

*Fact, Ferial Bishop has never hired an African American nor an Asian American as a Section Head despite a number of qualified individuals within her own branch.

*Fact, Ms. Bishop generally brings in these Section Heads from outside her Branch, failing to reward the hard work of her current employees.

*Fact, Although your letter claims, "I have personally talked with several employees in her branch and....they do support her (Bishop).", I personally interviewed 21 of the 23 minority personnel in Ms. Bishop's Branch. This group included African Americans, Asian Americans, Hispanic and Senior Americans, but excluded (due to time limitations) white females. All 21 of this group indicated that they had not talked to you concerning this subject. (Perhaps I missed the two that you talked to?)

*Fact, Local 2050 represents all three major races, both genders, young and senior, Democrat, Republican, and Independent, liberal and conservative; in short, the entire bargaining unit. We do not practice censorship. We print articles on the basis of interest and judging from the readership response, there was plenty of interest in both the Bishop article and Mark Antell's article.

*Fact, I represent abused bargaining unit employees in grievances and other actions regardless of race, gender, age, etc. I represent these employees against abusive managers despite their race, gender, age, etc. Each employee I represent, gets my best effort, and, with their permission, I use all the tools available to me to fight injustice, including publishing articles in INSIDE THE FISHBOWL.

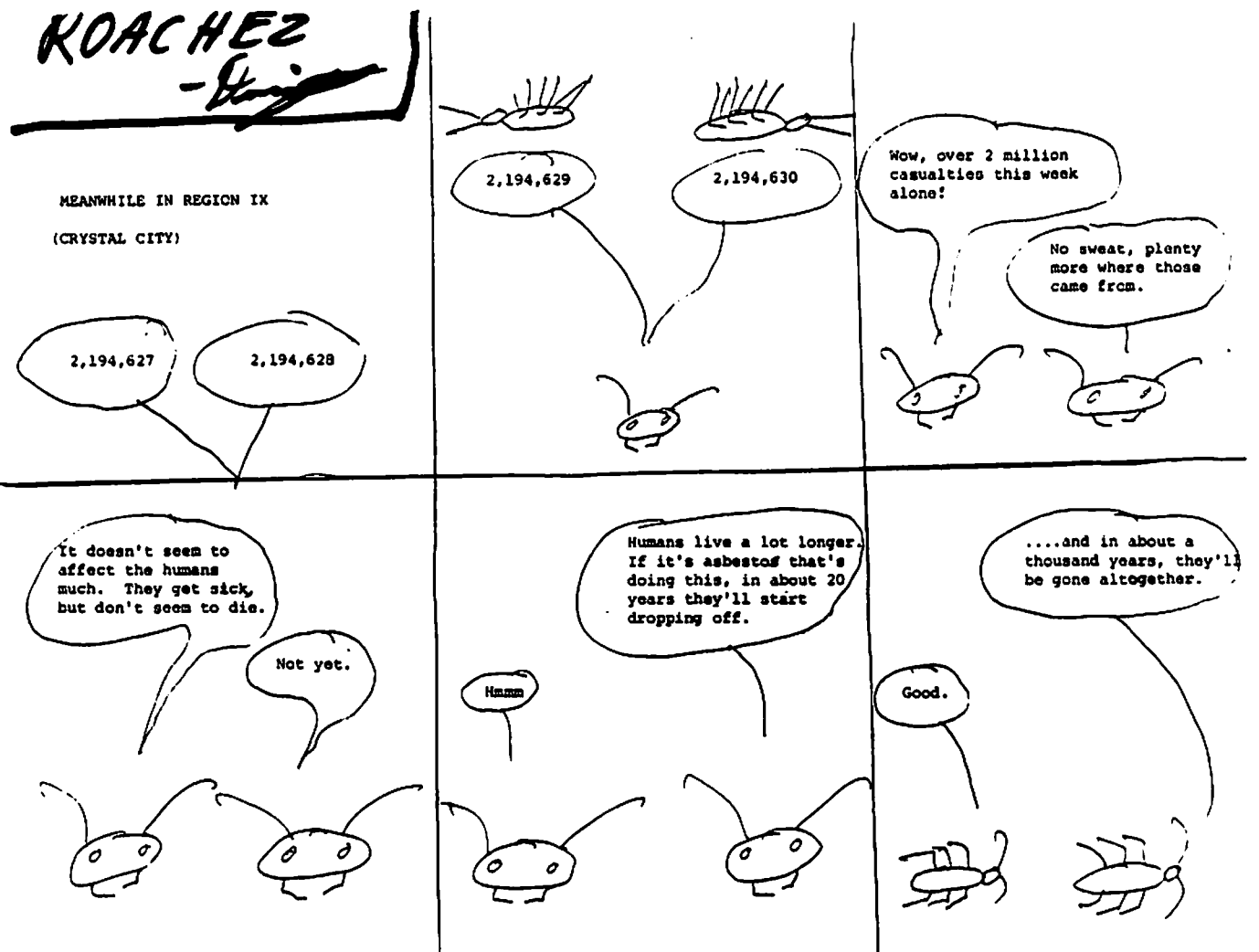
*Fact, I have kept my promise and published your letter uncensored (except for a small deletion of inside information which should have been kept between you and me). This is hardly the act

of a white bigot providing "a soapbox for divise speeches".

I agree and disagree with a number of other items in your letter but space prevents a full discussion here. One item I particularly agree with is that African Americans in our bargaining unit should speak up. Not with a negative letter, however, but with some positive input. Our membership is small, the number of active members even smaller, so in this democracy, NFFE Local 2050, each active member has a large say in our direction. If anyone would like to work on minority issues, we have plenty of work for you to do. Indeed, one of our Vice Presidents, Sherry Milan, ran for VP on just such a platform, unfortunately, she has been too busy professionally to carry our her ideas as much as she would have liked to.

I am also proposing to Ms. Sheppard that some representatives from BIG should meet with our cultural diversity committee. Together, perhaps, we can forge a positive agenda of some common interests. Past Steward Marc Turgeon and I have worked in a similar manner with the Asian-Pacific-American group here at EPA.

-Dwight Welch
Editor



INDOOR AIR NEWS

Editor: Myra Cypser

A Monthly Newsletter on EPA's Indoor Air

SEPTEMBER 30, 1990

Carpet Lawsuit: Bill Hirzy, NFFE 2050 President, reports on the carpet lawsuit:

On September 21, NFFE 2050 filed a motion to withdraw without prejudice its lawsuit against EPA over the Agency's denial of the Union's petition to regulate toxic components of carpeting. "Without prejudice" means the Union can reinstate the suit. The motion has been granted by the court. The Union chose not to spend resources fighting standing and timeliness issues raised by EPA as long as the negotiations with the carpet industry are proceeding toward risk reduction.

The fact that EPA chose not to acknowledge a CDC epidemiology study showing a three-fold excess of lymphocytic leukemia deaths among carpet and textile workers in north Georgia may be the basis for resubmission of the petition, re-instatement of the suit, or other action. Lymphocytic leukemia indicates a malfunctioning immune system. Immune system dysfunction appears linked to multiple chemical sensitivity, according to those studying MCS. CDC, which reviewed EPA's response to the Union petition, also failed to acknowledge the existence of its own epidemiology study in the review. Curious.

Evacuation In 3600 Corridor: Several employees in the 3600 corridor in WSM had health complaints and one went to the hospital because she had trouble breathing after the ventilation ductwork was cleaned and new ceiling tiles were installed in that corridor. Three office bays in that area (housing an estimated 25 to 30 employees) were evacuated during the week of September 17 because of the illnesses. The management for these offices sent the employees to work in other offices available throughout the WSM complex. Illnesses had

been reported in other areas before this in conjunction with ductwork cleaning and new tile; however, the Environmental Health and Safety Division (EHSD) took no special precautions to prevent a reoccurrence in the 3600 corridor.

Re-Roofing Underway At WSM: Workers have been resurfacing the roof of the mall area of Waterside Mall (WSM) for the past two weeks. Plastic covers have been placed over nearby air intake dampers to prevent fumes from entering the building. There is no outside air coming into these areas while the plastic covers are on. EHSD has taken no other steps to protect employee health and to get employees out of these areas. As yet, there has been no official response to NFFE 2050's September 11 letter to the Administrator asking him to allow employees in affected areas to work elsewhere and not to leave this up to the individual supervisors.

In a building where 40% of the employees have sick building symptoms (1989 EPA health survey), the lack of outside air in re-roofing areas should be a matter of grave concern. In informal conversations with Union officials, Agency representatives appeared to recognize the seriousness of this problem.

NFFE 2050 has reports of employee illness associated with the roofing operation: One woman, known to be chemically sensitive, collapsed from the roofing fumes as she approached the building. Another woman became ill at work and her doctor certified that her illness was linked to the roofing operation. Employees in one area had health complaints and took turns leaving the building to get relief. Two employees were taken to the hospital by ambulance last week.

Compliance With ASHRAE: Even if there were no re-roofing operation, there would be no guarantee of enough outside air being delivered. There is still no indication that Headquarters buildings meet the ASHRAE standard for outside air (20 cfm per person) on a continuing basis or that this standard has been achieved in any air handling system at WSM.

More Hurdles For Employees: At a meeting with chemically sensitive employees on September 18, an EHSD representative revealed plans to require all employees with alternative workspace arrangements and those seeking such arrangements to undergo a medical evaluation by a doctor at the U.S. Public Health Service. The EHSD representative would not spell the doctor's name for employees or discuss his qualifications or discuss whether he was familiar with multiple chemical sensitivity. EHSD plans to give EPA Health Unit files to the Public Health Service and this is a potential breach of confidentiality. These new procedures are not in conformance with the existing Contract on alternative workspace and are more restrictive for employees. NFFE 2050 will not agree to them. This additional medical review is unwarranted, especially for those employees who have already been approved for alternative workspace.

OSHA Investigation At EPA: In response to an August 30 NFFE 2050 complaint to OSHA concerning EPA's failure to provide monitoring data, an OSHA inspector came to EPA in mid-September and met with Agency and Union representatives. Afterwards, OSHA staff informed the Union that EPA was in violation of OSHA regulations because EPA had failed to provide information and that a "citation" would be issued to EPA. Shortly afterwards, on September 27, the staff person said OSHA management might not issue the citation because EPA's EHSD had told OSHA it is common knowledge that any EPA employee can walk into the EHSD offices and look at any monitoring reports.

Asbestos Removal: In mid-September, the building owner at the EPA Headquarters Crystal Mall #2 building began removing

ceiling tiles on EPA occupied floors. A portion of the tiles contain asbestos and therefore, asbestos removal techniques are required. On September 12, NFFE 2050 submitted bargaining proposals to the Agency on this removal operation and indicated that the Agency plan for this operation did not appear to be in conformance with OSHA regulations. The Agency has not responded in any way to this and on September 28, NFFE 2050 sent a complaint to OSHA on this matter and called for an investigation. Employees at the Crystal Mall #2 building are incensed at the Agency's attitude.

New Buildings: We haven't heard much about EPA's new Headquarters building for a while. According to a knowledgeable source, plans for the new building are stalled because EPA and GSA cannot agree on a site. Earlier plans called for all of Headquarters personnel to move to a new building in 1992, with state-of-the-art design to ensure good air quality. The Agency continues to move hundreds of employees out of the Waterside Mall building, ostensibly to reduce crowding and improve indoor air quality. However, programs are expanding and there is no indication that there has actually been a net decrease in the population at WSM.

Air Is Optional: In a September 27 memorandum to all Headquarters employees, the Agency announced budget cuts that would take place if there were no Congressional budget agreement, including a cut in the hours of operation of the ventilation systems. Apparently, air is optional, one of those luxury items to be cut when funds are short. Just hold your breath!

Information Requests Go Unheeded: More than 10 formal information requests from NFFE 2050, asking for information on indoor related issues have gone unanswered by the Agency for more than a month.

Seminar Held: On September 11, more than a dozen chemically sensitive EPA employees attended a lecture at Southeastern University by Dr. William Rea, an internationally recognized environmental medicine specialist.

Page 3

Think About It! The Union's strength depends in part on the number of members. If you are not already a Union member, think about joining to show support for the work we do.

Where Is Our Indoor Air Program? We are still waiting for EHSD to set up a program to systematically evaluate the toxicity of materials used in the building; make necessary accommodations for employees when there are renovations; and routinely solicit, evaluate, and track employee illnesses. The controversy over EPA's indoor air has been going on for more than five years. How much longer do employees have to wait for a program that protects their health? Whether or not EHSD's inaction is deliberate, it is probably having a negative impact on employee morale.

In direct contrast to this is Rich Lemley's Facilities Management and Services Division (FMSD) which has a progressive and highly visible program for dealing with indoor air related issues: copy center venting, carpet removal, improvements to air handlers, etc. Hundreds of employees are familiar with Mr. Lemley's OSWER/Facilities meetings, which are productive and informative.

My Own Story: I estimate that more than 50 employees have been given alternative workspace arrangements because of indoor air related health complaints, but the Agency still refuses to recognize my illness and let me work elsewhere. The Agency will still not let me have enough Union time to fulfill my duties as a Union Vice President.

On September 11, Senator Charles Robb sent an inquiry to Bill Reilly, the Administrator, on my behalf. The Committee Of Poisoned

Employees (COPE) wrote to Mr. Reilly on September 18, asking him to "investigate the full scope of the unwarranted, outrageous treatment instigated by EHSD towards Ms. Cypser." Dwight Welch, the Editor of the NFFE 2050 Fishbowl, wrote an editorial about my situation.

Press Tally: There have been a total of 130 stories in the news media on EPA's indoor air, including 11 national/international TV shows.

On September 28, the local news on WJLA TV in Washington, D.C. (channel 7), featured the employee evacuation on that day at EPA's Crystal Mall #2 building where asbestos removal had been done the night before. Employees had been allowed into the building before testing for airborne asbestos levels had been completed. When elevated levels of asbestos were indicated by the test results, employees were sent home. After that, more sophisticated test methods were used to determine asbestos levels and there was in fact no emergency.

The August 1990 issue of the Indoor Pollution Law Report said that Congressman John Dingell had begun a probe into whether the indoor air problems in EPA buildings and the "reportedly inadequate government response" to those problems were adversely affecting employee health, productivity, morale, and retention.

Distribution: The Indoor Air News is now distributed to more than 500 people and is often republished in the NFFE 2050 newsletter, the Fishbowl, which goes out to more than 1100 employees. Please share this newsletter with friends. Call me if you have news (382-2872).

Local 2050 encourages your participation in the Federal Employee Education and Assistance Fund through the CFC (0415 on your pledge card).

FEEA provides emergency and educational assistance.

Education scholarship and low cost student loan for federal employees and their families.

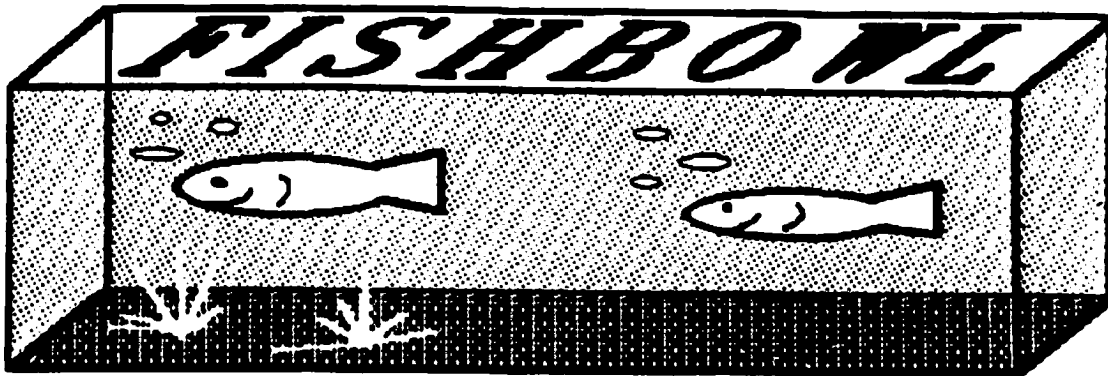
In the last few years FEEA has delivered \$260,000 in grants and loans for emergencies to federal employees and \$250,000 in scholarships to Federal workers and their families and \$4 million in low cost student loans

FEEA is not a government agency. It is a low overhead effort by Federal Employees for Federal Employees. FEEA depends on you for your support and the help of many volunteers from Unions and management.

FOR INFORMATION CALL 382-2383

REMEMBER TO MARK 0415

INSIDE THE



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NFFE


"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

NOVEMBER--1990
PAGE

INSIDE THIS ISSUE

VOLUME 6--NO. 10

- 1 FROM THE EDITOR - NEW READERS - HIGH PRAISES FOR "BOWL"
- 3 MEMBERS FIRST
- 3 NEWS BITES
- 9 ASBESTOS TESTING IN CM-2 - Dwight Welch
- 10 VICTOR KIMM: SUFFERING FROM BUILDING INDUCED MEMORY LOSS? -
Dwight Welch
- 10 OPEN LETTER TO EPA ADMINISTRATOR WILLIAM K. REILLY - Dwight
Welch
- 12 UPDATE ON FLUORIDE/PROFESSIONAL ETHICS - Bob Carton
- 17 CONTRARIANS CORNER
 - FRESH AIR OR INTENSIVE CARE - Alex Arce
 - THE KEEPERS OF THE CHAMBER OF HORRORS - Rufus Morison
 - THE THOUGHT POLICE AND YOUR CIVIL LIBERTIES - Rufus Morison
- 20 ROACHEZ
- 21 INDOOR AIR NEWS - Myra Cypser
- 24 SUBSCRIPTION RENEWAL - Better do it now.


LOCAL 2050

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Dwight Welch (Editor), Bill Hirzy, Jim Murphy, and Rufus Morison

EDITORIAL POLICY

All items for publication must be submitted to INSIDE THE FISHBOWL by the first of the month of publication. Items selected for publication are voted upon by the Editorial Board in a democratic process. Articles indicating authorship reflect the views and opinions of the author and not necessarily NFFE Local 2050.

FROM THE EDITOR

THE "FISHBOWL" WELCOMES NEW READERS

Welcome new readers in the Patent and Trademark Office, Navy, and the General Services Administration. Master copies of this newsletter are being supplied to key personnel in your Union or other employee organization for copying and distribution to you.

INSIDE THE FISHBOWL is the newsletter of EPA's Professionals' Union: NFFE, Local 2050. Local 2050 is more than merely another labor union, we are also, in part, an environmental group. As an environmental group, we have championed a number of important environmental issues for which we feel the Environmental Protection Agency has taken inadequate or no action. These issues include: fluoridated water as an unacceptable risk to human health (not to be confused with the fluoridation as a Communist Conspiracy movement of the '50s and '60s), aerosols, propelled by hydrocarbon (propane, butane, etc.) propellents which are potentially highly explosive and flammable yet which bear inadequate warnings of these hazards on the label, toxic carpeting which off-gases toxic chemicals such as 4-PC and indoor air pollution and "sick building syndrome." Some ecological issues we've been involved with include: lawn care chemicals, gypsy moth control, leaking landfills, and ecological risk assessment methodologies.

You are receiving courtesy copies of this issue in order to update you on conditions in the Crystal Mall Buildings (CMBs). Our Union and members of other Unions and employee organization have expressed interest in forming a coalition in order to deal with

"Sick Building Syndrome" in the CMBs. This Union has had plenty of experience with "Sick Building Syndrome" in the past in EPA's other buildings. Also, as in the past, EPA management has failed to take a leadership role in protecting the working environment and the health of its employees. As in the past the Unions will once again have to assume a leadership role.

As editor of this newsletter, I invite you to read this issue and begin your education on the subject of indoor air quality and other issues. After reading the issue, if you wish to get involved in a broad coalition of employees who wish to defend themselves against poor indoor air quality in our buildings, please call and leave a message at 382-2383. If you wish to become an honorary member of our Union, please request an honorary membership form. Honorary membership costs \$35.00 per year and will include direct mailing of INSIDE THE FISHBOWL to your home address. This periodical is produced from Local 2050 funds and your honorary membership helps defray our costs.

Presently, (in my opinion) EPA Administrator William K. Reilly does not seem to be hearing our demands for a healthy indoor environment. There is no evidence of leadership at the top and perhaps he is misled by his advisors that Local 2050 is some sort of fringe group making much ado about little regarding indoor air and other issues. Having worked at Crystal Mall 2 for about 9 years, I have talked to many in other Crystal City buildings who have had complaints similar to complaints of EPA employees. It is not just imagination, it is not some sort of hysteria; indoor air pollution is a major problem of the late 20th century and the victims need to band together and tell Mr. Reilly and other officials in positions of responsibility that we won't take it anymore.

THE "FISHBOWL" RECEIVES HIGH PRAISES

I would like to thank all of you who have called and spoken to me in person about your appreciation of INSIDE THE FISHBOWL. Some have taken exception to our bold policy of exposing the wrongdoers and their deeds, but an overwhelming number have had positive comments. Some have even written.

From Kristen A. Skogebo: "...I love it!!! The "bowl" is informative, humorous, unbiased, and employee oriented---very refreshing." From a prominent journalist of a leading Washington DC newspaper: "Your newsletter is one of the best I've ever read. It upholds literary standards seldom seen today in the journalistic world. I like the way it presents several sides to issues...." From an officer in another Union, "I suppose you know that your newsletter is a hot item; how can I get on the mailing list...." A gentleman from Stamford, Connecticut wants to know how he can subscribe. And from Dr. Teresa Alonso of Madrid, Spain, high compliments to Bob Carton for his article "Fluoride, Fiction and the Washington Post". (See Part II of this series in this issue.) From Miami, Florida to Denver, Colorado to Stamford, Connecticut to the halls of Congress to Madrid, Spain people seem to be reading INSIDE THE FISHBOWL. How about you Mr. Reilly?

MEMBERS FIRST

Many members have complained that non-members in the bargaining unit have no incentive to join the Union: they get representation and they get the FISHBOWL. These members complain that the few are providing benefits for the many. This is going to change. In the past, Local 2050's Executive Board has debated the pros and cons of giving INSIDE THE FISHBOWL to members only. Membership must have advantages, however, we also have a great desire to get news and views out to as many people as possible. Phase one of our new MEMBERS FIRST program will be to distribute the FISHBOWL to members (including honorary members) first. Members will then have the "scoop" on what is happening in EPA before non-members. If for some reason you are a member and do not wish to receive the FISHBOWL first, please request the later delivery.

IMPORTANT: Non-members who wish to continue to receive INSIDE THE FISHBOWL must renew their subscription by January 15, 1990. Starting with the January 1991 issue of INSIDE THE FISHBOWL, only those who have requested renewal will receive INSIDE THE FISHBOWL. MEMBERS NEED DO NOTHING TO RENEW (THIS INCLUDES HONORARY MEMBERS.) The Union must pay for the paper and other supplies to print this newsletter. We therefore wish to send the FISHBOWL only to those who want it. Please fill out the form on the last page of this issue if you wish to receive the FISHBOWL next year.

As you might also be aware, this Union has become increasingly active and the executive board is therefore exploring ways to give non-members the minimum legally required representation in grievances and similar actions. In connection with this, our new NFFE (national) President, Sheila Velazco is pushing for changes in the regulations which will enable locals to charge user service fees when the Union performs these functions for non-members.

MEMBERS FIRST, even more reason to join Local 2050.

NEWS BITES



OE/CERCLA ENFORCEMENT DIVISION MOVE Since July, Local 2050 has been working on behalf of attorneys in the CERCLA Enforcement Division of the Office of Enforcement regarding a move from Waterside Mall to the ninth floor of the Westfield Building. The Office of Administration and Resources Management proposed the move formally on October 11, proposing to move these attorneys from their private offices that measured generally 140 ft² into ca. 70 ft² open space cubicles. Needless to say, this proposal was not met with enthusiasm by the attorneys, who do much confidential phone work and interviewing that requires privacy. Further, this Division has the dubious honor of having 20% of its professional staff unable to work in Waterside Mall because of acquisition of chemical sensitivity. This condition requires special protection

from environmental pollutants associated with some new furnishings. The attorneys, most now members of Local 2050, developed questions for management about the proposed new space, and then began bargaining with management over the proposed move based on the answers to those questions and other research. While management has shown some flexibility in agreeing to minimize exposures to radiation from computers, management has stone-walled the Union regarding the critical issues of privacy, office space and protection from chemical pollutants.

The attorneys did extensive research before proposing that semi-private offices be made available to those who wanted them at Westfield, finding, e.g. that several Regional Offices have gone away from cubicles, back to offices for the very reasons advanced by the OE attorneys in the negotiation. Management was also blind to the idea that by removing the carpet from this space and making some minor changes in air quality control, the 20% of the Division's professionals now working at home could probably work with their colleagues in the Westfield Building. Those sensitive employees, in fact, are competing with about 40 other sensitive employees for the 30 slots open in the "safe" space on the second floor of Westfield. Why management cannot see the advantage in acceding to the Union's proposals on air quality control and making the competition for the "safe" space less severe is anybody's guess.

In fact, during negotiations on November 20, management threatened to move some other group into the space set aside for them if the Union did not cave in on those vital issues. Rather than accommodate employee concerns over space, privacy and air quality, rather than letting an arbitrator decide the merits of Union and management proposals, OARM has apparently decided that violating the Civil Service Reform Act (again) is more in its interest.

The Union has asked the Federal Mediation and Conciliation Service to mediate the dispute; management refused to join in the call for mediation. If management agrees, mediation will begin on December 3.

ASBESTOS RALLY AT CM-2 A BIG SUCCESS

At high noon, on October 25, 1990 in front of Crystal Mall 2, the STOP THE ASBESTOS REMOVAL/STOP THE RENOVATION RALLY, sponsored by NFFE Local 2050, with help from a lot of others, appeared to be a big success. Based upon the number of press release forms passed out by Myra Cypser, over 400 people attended the rally. The rally was attended not only by EPA employees, but by Navy, Patent and Trademark, and GSA employees as well. The Unions represented were NFFE, AFGE, AFSME, POPA, and NTEU. The rally was kept short due to the fact that some Navy employees were advised that they could only take a closely monitored 30 minute lunch break that day.

Short speeches were given by Dwight Welch, (NFFE), Hale Vandermer (NFFE), and Kirby Biggs (AFGE). Signs were in abundance and a picket line was soon formed. A number of newspapers covered the story as did Roberta Baskin of Channel 7. Security and police were in abundance, however, there were no incidents. A petition was signed, however, at least one of the pages was lost. This

petition called for the removal of workers from Crystal Mall 2 to alternative work space, until the renovation work was completed. The reasons for moving employees cited in the petition included: possible exposure to airborne asbestos fibers, sick building symptoms (due to poor air circulation), potential fire hazard, and the fact that the building had been evacuated three times previously. The petition, containing 190 names, was brought over to Watercside Mall by a group of eight employees.

It was the intention of the employees to present the petition to EPA Administrator William Reilly, however, Mr. Reilly was apparently not in and the employees met Deputy Administrator Henry Habicht. The employees complained to Mr. Habicht about health problems, fire hazard and employees' resentment at being "experimental animals" in experiments involving the newly developed asbestos removal machine. Proponents of this removal method claim, that precautions normally taken in asbestos removal situations, such as sealing the area off with plastic sheeting, vacating the building until the work is completed, and aggressive monitoring, are not needed with the new technique. Kirby Biggs of AFGE, Local 3331 complained about the lack of bargaining with the Unions on the part of EPA and recounted his several requests to suspend the removal until such bargaining took place. Dwight Welch of NFFE 2050 asserted that he expected leadership on the part of the Administrator's Office, not another "Don't worry, be happy" letter from AA Charles Grizzle. Welch went on to indicate that this asbestos removal project, in one of EPA's own buildings, should have been a model project for the rest of the country. Information should have been more openly shared and it was an opportunity for EPA to closely monitor the work and develop data on the new technique. If the technique is as wonderful as it's proponents claim it to be, then this would have been a good opportunity for them to gain widespread recognition. Welch asked how the Agency could dictate to others how to remove asbestos and then condone such a "Keep them in the dark" project.

Mr. Habicht indicated that he would "look into the situation." During the meeting, Mr. Habicht was interrupted by a persistently ringing phone. He answered it and said that everything was alright. At first we wondered about the secretary not holding calls, but as we exited, we discovered what the call was all about. In the hallways of the 11th and 12th floors and then again in the lobby, were cluttered with a more than 2:1 ratio of security force to these "dangerous" employees.

CHARLES E. SMITH COMPANIES MANAGE A REVERSE FOOZLE

On the morning of the rally Smith Companies inundated the Crystal Mall Buildings with a flyer designed to take the momentum out of the STOP THE ASBESTOS RALLY. (Did anyone report this fire hazard to Don Chesley?) We had only advertized the rally in CM-2 but the Smith flyer went to CM-3 and CM-4 as well. Folks from these buildings also turned up for the rally and related to us that their struggles were similar to ours. A lot of networking took place which, hopefully, will lead to a Crystal City coalition. Thanks, Charles E. Smith Companies.

HEALTH EFFECTS

I would like to start out by indicating at the time of this writing, there has been no confirmation that any of us have been inhaling asbestos dust as a result of the Crystal Mall 2 project. However, the passive monitoring which has been used, is felt by many to be inadequate. (See next story)

The long term health effects of inhaling asbestos dust include mesothelioma and lung cancer. According to our asbestos expert, John Moran, the odds for mesothelioma are 3 to 5 in a million for a single exposure. The lung cancer risk is 3 per one thousand for a 1 year chronic exposure. These risks increase greatly for those who smoke.

The short term health effects would be similar to the effects of other sources of dust. And to expectant mothers, asbestos will not cross the placental barrier.

What then is causing the various health ailments reported by employees. While dust can certainly aggravate the symptoms and maladies reported, very poor indoor air quality is probably the culprit in a majority of cases.

Poor indoor air quality is generally the result of a low fresh air to person ratio. This is often the result of inadequate amounts of fresh intake air per person, and/or poor circulation of this air. In many work environments, landlords save on heating/cooling costs, by limiting the amount of fresh air intake. Similarly, employers (in the case of government workers, GSA) often crowd employees in together to save money on space costs. Stale indoor air is continually recirculated. Sometimes complicating a situation, are outside fumes being sucked into the intake vents and exhaust vents being located too close to intake vents. A very excellent source of information on this subject is Myra Cypser, Vice President for Health and Safety for NFFE 2050. (308-8679-Gov line)

WAS THERE ASBESTOS DUST? - WE'LL SOON FIND OUT

Petitions, the rally, memos from the Unions, TV and press coverage, and the arrival on the scene of asbestos expert John Moran (who is incidentally, a former EPA employee) have pressured EPA Environmental Health and Safety Division to finally meet with the Unions. The meeting was scheduled for October 26, the day after the rally and was to include asbestos experts John Moran and Bill Kajola and representatives from both EPA Unions, EHSD, GSA, and Charles E. Smith Companies. GSA and Smith Cos. refused to attend. Mr. J. Bradley Kennedy, spokesman for Smith Cos. indicated that he was tired of the EPA scientists picking on him.

Despite the absence of these vital participants, some positive progress appeared to be made. EHSD representative Howard Wilson agreed that we would have Booz-Allen, a contractor in the Agency's employ, do an aggressive monitoring type of sampling. This sampling would involve deliberately disturbing the dust in carpeting with a leaf blower and then sampling this air for asbestos. Wilson further agreed that he would supply Moran and

Kajola with all documentation in connection with the asbestos removal project. Wilson added the caveat that he would have to run these commitments by others in his office, presumably EHSD director Julius Jimeno. Wilson agreed these arrangements would be made later in the day.

Wilson called us later in the day and the crawfishing began. According to Wilson, the testing would be no simple matter. The areas to be tested were now "safe" but that if the dust in the carpets were to be stirred up the areas might become "unsafe". (This sounds familiar, we got the same excuse on for not removing toxic carpeting.) When pressed to explain, Wilson indicated that the aggressive monitoring might stir up asbestos dust and perhaps heavy metals and other contaminants. Wilson was quick to add that if there was asbestos dust stirred up, the dust was not from the asbestos removal program but from past practices such as employees messing around with their ceiling tiles, etc. The tested areas would therefore have to be sealed off with plastic. He promised test protocols by the following week along with the information requested by the asbestos experts. Both of these deadlines have not been met.

WHAT HAPPENS WHEN THE CLEANING LADY VACUUMS MY CARPET?

According to the experts, the size of the asbestos particles which cause the lung cancer and other problems is so small that these particles will pass right through the weave of a regular vacuum cleaner bag. Vacuuming, therefore, acts to resuspend the harmful asbestos dust into the air. As the flyer said, the asbestos problems may have only just begun with the removal of the ceiling tiles.

ASBESTOS TESTING TIED TO OPP MOVE

In a recent memorandum requesting impact and implementation bargaining on the future OPP move, President-Elect Dwight Welch tied the asbestos testing in CM-2 to the move. Welch indicated that a now "safe" area might be made "unsafe" if asbestos dust is stirred by vacuuming and other activities associated with a move, therefore, we must assure ourselves that there is no asbestos dust before moving. Welch also questioned where the 150 or so new OPP employees would be placed not wishing for employees to revisit the crowded conditions which the move was supposed to alleviate.

EPA KICKS OFF 20TH BIRTHDAY PARTY

Halloween, 1990, William K. Reilly, cleverly disguised as an EPA Administrator, addressed the troops. In his speech Mr. Reilly asserted that morale is running high here at EPA. Reilly also indicated that EPA has made great progress in environmental protection and pointed to the new Clean Air Act. Reilly went on further to indicate that EPA had also made great progress in cleaning up its own environmental problems and once again expressed his appreciation of Charles Grizzle. Apparently Mr. Reilly did not hear the comments and gasps of disbelief, arising from the

audience, when he expressed his confidence in Mr. Grizzle.

During the course of the celebration, asphaltic fumes and dust, spewing forth from the Mall building of the Watercside Mall complex, made a number of employees so sick that they could not participate in the entire proceedings. This reporter ruined a good shirt by accidentally leaning against a pillar upon which someone had wiped some roofing glop.

Get with it Mr. Administrator, talk to the real people in your Agency, we think your advisors are insulating you from the facts. Morale hasn't been this low since the dark ages of the Gorsuch Regime. Not only are Watercside employees continuing to get sick, but now sick building syndrome is epidemic in Crystal City too.

LOCAL 2050 EFFECTIVENESS: MANAGEMENT REPRESSION OF UNION OFFICIALS ESCALATES

Rumor has it that management has initiated charges with the Inspector General's (IG) Office regarding time and attendance of 2050 board members. Dr. Rufus Morison has filed a request for information which has been refused on the basis that signed statements had not been received from each of the board members. Dr. Morison has refiled with the necessary authorizations. If the board members are being investigated shouldn't they be informed of this fact?

Meanwhile, Mamie Miller, the branch chief of Vice President for Health and Safety, Myra Cypser, has been harassing Ms. Cypser unduly. Ms. Miller has taken it upon herself to make determinations as to which of Myra's activities are representational duties and which are not. We thought this was the function of Labor-Management Relations in Personnel. Myra has also complained that, unlike most EPA workers, who are evaluated by their section heads, Mamie, a branch chief, and therefore two steps removed Myra, has performed this function.

As of the date of this writing (11/21/90), Dwight Welch has yet to receive his 1990 evaluation. When he asked his supervisor, Tom Ellwanger, when was he to receive his evaluation, Ellwanger replied that "It went upstairs." and that he too was interested in what the evaluation was going to be. When Dwight inquired, "Upstairs; you mean the branch chief, Ferial Bishop?", Ellwanger replied, "No Anne Lindsay (the division director) or maybe above." Since when do third line supervisors do employee evaluations? Will Lindsay take points off for every adverse article about her in INSIDE THE FISHBOWL? How many points off for the IG audit which Welch helped trigger on Lindsay's division? Where is the promised protection against retaliation promised by the IG's office? But then again maybe OPP management is considering Welch for a special award or something for all his work on aerosol flammability and in trying to make the (Pesticide) Registration Division a more scientifically responsible organization. For some reason we doubt the latter.

LEAVE BANK COMMENTS RECEIVED

A number have people have commented that although the leave

bank is a great idea, why is it that only annual leave can be donated? Annual leave has a ceiling of 240 hours per year, while sick leave has no such ceiling. Also, much of the leave bank will be used for sick leave type purposes such as extended illnesses and operations. Why can't sick leave be donated also?

LATE BREAKING ASBESTOS NEWS

Testing is to be conducted at 5:30 Tuesday, November 20 by a team including Booz-Allen (EPA contractor), EHSD, John Moran, Kirby Biggs from AFGE 3331 and Dwight Welch from NFFE 2050. The testing will be done using air sampling pumps as vacuums. This sort of testing should have been conducted long ago, however, better late than never. Both Biggs and Welch have expressed great confidence in Mr. Moran to discover if any asbestos is present. Both Union leaders have expressed intentions of issuing a joint statement after the results are returned. Results of the testing are not expected until after Thanksgiving.

At the November 15th meeting in which the parties involved discussed the protocols of the upcoming testing, EHSD finally gave the asbestos experts a large bulk of the information previously requested by Biggs and Welch.

ASBESTOS TESTING IN CM-2 DONE NOVEMBER 20TH by Dwight Welch

As promised the dust samples were taken on November 20. On hand were and Kirby Biggs (AFGE) and myself. John Moran (asbestos expert from the Laborers' Health and Safety Fund) was being interviewed concerning the construction site collapse that day, but John's partner, Bill Kajola filled in. Mike Larson and Kelly Lapping of Booz-Allen conducted the sampling using a small pump equipped with a micro-pore filter. Bill Kajola performed wipe tests which will be tested by an independent lab. Unlike aggressive monitoring, this sampling technique has very little potential for hazard should asbestos dust be present.

I would like to compliment Mike and Kelly on the fine job they did of sampling. Both gentlemen were not only very cooperative, they actively contributed ideas as to where to best collect "historical" dust deposits. 24 samples were taken representing all 5 EPA floors. During the course of the sampling, we also found 3 ceiling tile pieces (one in Registration Division Deputy Director Dr. Stephanie Irene's office) which were bagged, labeled, and will be analyzed for asbestos content.

The next step is the test results, all negative results will not necessarily confirm no asbestos, because, according to expert Bill Kajola, sometimes binders can interfere with the results of the type of test being used. Bill requested the Mr. Larson request that the analyzing lab retain the samples. If the samples all turn up negative, we will request TEM tests be performed on a few of the samples.

Both Kirby and I agreed that the sampling was well done and we have a high degree of confidence that the best possible job was done. We will be issuing a joint statement of the results as soon

as they become available. This issue was a good example of both Unions working together to solve a problem facing all employees. We sincerely hope that the results come out negative and that we can issue a statement to that effect and at last relieve the anxiety experienced by CM-2 employees.

This whole experience has been quite demanding on the resources of both Unions and is yet another example of how the Unions work to protect not only your career, but your health and well being too. Still, only a fraction of employees are members; how long are the rest of you going to let the minority carry the load for the majority? Isn't time you joined?

VICTOR KIMM: SUFFERING FROM BUILDING INDUCED MEMORY LOSS?
by Dwight Welch

On July 26, 1990 I wrote a memo to Administrator William K. Reilly complaining about retaliations against me by the Office of Pesticide Program management. In this letter I referred to the fact that my complaints to AA Linda Fisher's office went unheeded, indeed unacknowledged. On October 22d I received an October 16, 1990 letter from Michael A. Hamlin, Director of Personnel, responding for Mr. Reilly. In his letter Hamlin states, "You further stated that your requests to 'meet with Ms. Fisher's office have been ignored.' We have discussed this matter with Ms. Fisher's senior management staff. They are unaware of any requests you have made either verbally or in writing for a meeting. They will be happy to honor a request from you for a meeting. You should contact Ms. Fisher's secretary, Vickie Thomas, directly to schedule an appointment."

For those of you who aren't familiar with the ropes, grievances filed with AA Fisher are handled by Victor Kimm. Also, for those who don't know the ropes, this song of "unaware" is an all too familiar reprise sung by Mr. Kimm. Give us a break Vic, we aren't stupid. Mr. Kimm played this game with two friends of mine. The first was with Mr. Bill Shiflet. The second time was with Ms. Lynn Bradley. Also this isn't the first time this line has been laid on me.

As you may recall, in the July/August issue I reported attending a meeting on behalf of Mr. Shiflet and his complaints against his branch chief. After this meeting, I personally spoke to Mr. Kimm about some other problems. I spoke to him of Ms. Bradley's grievance and I spoke to him of my own grievance and complaints of retaliation. Mr. Kimm assured me that he had not forgotten about either of us, and would be "taking care of it soon". Now suddenly "Ms. Fisher's senior management staff....(is) unaware."

After the October 16 Hamlin letter, my Union representative Rufus Morison made three calls to schedule a meeting with Fisher. None of these calls has been returned.

So far Kimm has not resolved a single issue for Shiflet, Bradley, or me.

OPEN LETTER TO EPA ADMINISTRATOR WILLIAM K. REILLY

Mr. William K. Reilly,
 EPA Administrator
 401 M St. S.W.
 Washington, DC 20460

Dear Mr. Reilly:

When you first arrived at EPA, I had great hopes for you to turn over this Agency; an Agency sent into a tailspin of dysfunction by the Gorsuch years. A professional environmentalist, I thought, that's great. And when I heard you expound upon some other ideas such as TQM and the importance of science, I thought that maybe EPA could once again become an Agency which I could be proud of. I have become greatly disappointed.

It is not that I doubt your integrity nor your good intentions (though others are more skeptical than I); what I question is your leadership. As I indicated above, I started out as your admirer. When Dr. Demming gave his satellite broadcasted speech I listened intently, taking notes, to the whole thing. One of the things that Demming said, which really stuck in my mind, is that the quality of an organization can be no better than the quality of the person at the top. EPA has become the laughing stock of the scientific and environmental communities. Where does that put you Mr. Administrator?

I am not blaming you for the problems here at EPA, but I am blaming you for allowing them to persist. What I am asking for here, on behalf of my fellow employees, on behalf of my fellow citizens, is for you to show some leadership. I am asking you to take bold action, rather than to once again revisit the mistakes of the past. Bold action must include punishing the villains and rewarding the heroes.

In the past, toxic carpeting and bad indoor air quality sickened hundreds of employees, many permanently, while Charles Grizzle, John Chamberlin, and more recently Julius Jimeno did nothing, indeed, they actively worked against employee groups such as the Unions and the Committee of Poisoned Employees. Charles Grizzle later admitted to his less than satisfactory response to the crises at the time, but also blamed his subordinates. Meanwhile John Chamberlin received a \$10,000 award for excellence! Excellence in what, poisoning employees?

Experience should teach a good leader something, especially a bad experience. However, we are reliving a past bad experience once again in Crystal City. In CM-2 scores of employees are complaining of indoor air related illnesses, while the Environmental Health and Safety Division is subverting the Unions' efforts to protect EPA employees from the possibility of asbestos and indoor related illnesses. Crystal Mall 2 employees are plenty angry at being used as experimental animals in an experiment utilizing a relatively untested technology; they are plenty angry at being given pabulum responses to their sound and reasonable

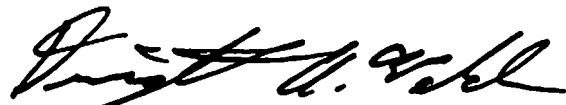
inquiries. The employees have finally gotten the information, concerning the asbestos removal, they have requested, but this information was received weeks after the job has been completed.

Meanwhile, a true leader in the indoor air story has emerged; I am speaking of Ms. Myra Cypser. Ms. Cypser has been in the forefront, to raise the consciousness of not only the Agency, but the nation, to the hazards of bad indoor air. Yet Ms. Cypser is constantly being hounded and badgered by her Branch Chief Mamie Miller. The EHSD people who should be working with Myra are clearly working against her. Ms. Cypser, made seriously ill on many occasions by the building, struggles daily against her illness for the benefit of all of us. Ms. Cypser, regularly spends significant quantities of her salary on behalf of all of us (postage, long-distance phone calls, etc.) Ms. Cypser has not only not been rewarded for her efforts, but this evaluation period received a significantly lower rating than she has ever received. Ms. Cypser hand should be recognized, rewarded, and promoted for her excellent work in the area of indoor air quality.

As for TQM and the quality of science; yours and Mr. Habicht's pronouncements on the quality of science here at EPA run contrary to the reality. As I have indicated in past memoranda to you, good scientists have been repeatedly retaliated against for performing good science, and TQM, as employed by the Office of Pesticide Programs, has been used to subvert the normal role of negotiations performed by the Union. There is not room in this letter to get into detail concerning the subversion of good science and ethical behavior, but I hope that at some point in the future you will deal with the legitimate complaints of the professionals and others in this Agency.

TQM must be used to tap into the great resource of knowledge possessed by the employees here at EPA and management accountability must be incorporated into any such system for it to work. I speak for myself and I'm sure many others here at the Agency when I say that we will support you fully when you decide to initiate some real leadership and cull from our midst the subversives intent upon undermining environmental protection.

Sincerely,



Dwight A. Welch
President-Elect
NFFE, Local 2050

UPDATE ON FLUORIDE/PROFESSIONAL ETHICS

by Robert J. Carton, Ph.D.

There has been a lot of activity on the health effects of fluoride recently, and on professional ethics at EPA. We are pleased to

bring you this summary of recent events on what may be seen shortly as the biggest science scandal of the last 50 years - and you read it first in the FISHBOWL!

1. SENIOR SCIENCE ADVISOR IN THE OFFICE OF DRINKING WATER REFUSES TO COVERUP INFORMATION ON THE HEALTH EFFECTS OF FLUORIDE. NFFE LOCAL 2050 COMES TO HIS DEFENSE.

Dr. William E. Marcus, Ph.D., GS-15 toxicologist and senior science advisor in the Office of Drinking Water, was recently ordered by his supervisor, Margaret Stasikowski, Div. Director of the Criteria and Standards Division, and by Alan Hais, Deputy Director of CSD, not to provide any more information on the health effects of fluoride. In a blistering memo to Stasikowski, Dr. Marcus, citing his responsibilities as senior science advisor and the requirements of professional ethics, called the request to "no longer perform the service for which I am paid" as "unthinkable." Acting for NFFE, Dr. Bob Carton wrote a letter to LaJuana Wilcher, Assistant Administrator for Water, noting that "professional ethics and the role of the professional at EPA is once again under attack in the office of Drinking Water." According to Dr. Carton, "No civil servant is required to obey an order to coverup information that he/she may discover that is critical to protecting the public health." These communications have been sent to the Inspector General and investigating committees in Congress.

Apparently his recent detailed analysis criticizing the report on the rat/mouse studies by the National Toxicology Program on sodium fluoride didn't sit well politically. Dr. Marcus delivered his paper at the annual meeting of the American Chemical Society in Washington in September. This paper was selected as one of the highlights of the meeting and Dr. Marcus was asked to give a press conference by the ACS. In this paper, Dr. Marcus pointed out that the NTP study was not properly reviewed and information reflecting negatively upon the chemical, was withheld from the scientific peer review panel which made a weak conclusion that fluoride may be carcinogenic. He also pointed out that the control animals were actually given large doses of fluoride in their feed, and this may have reduced the sensitivity of the test.

2. MANAGEMENT RESPONSE TO NFFE COMPLAINT

Mike Cook, Director of the Office of Drinking Water, recently wrote to NFFE in response to our letter to Ms. Wilcher. Cook confirmed that Dr. Marcus is not to provide any information on fluoride to EPA - except on his own time. Management is now backing away from their attempt at a complete "gag order" to the more defensible, but none the less unacceptable stand, that top EPA professionals are only allowed to work (and think?) - on subjects when and if they are assigned by management.

3. FLUORIDE, FICTION AND THE WASHINGTON POST - PART II

It was reported in the Journal of the American Medical Association

(Jacobsen, et al., Vol 264, No.4, July 25, 1990), that a recent study of 541,985 cases of hip fractures in white women over 65 showed that "soft and fluoridated water, poverty, reduced sunlight exposure, and rural location all increase the risk of hip fracture." (emphasis added). This study looked at almost all hospital discharges in the US with a diagnosis of hip fracture for women aged 65 years and older for the period 1984 through 1987.

In a similar vein, it was reported in the Mayo Clinic Health Letter/May 1990 and the New England Journal of Medicine (Riggs, et al. Vol 322, p802, 1990) that the Mayo Clinic is no longer recommending that women take fluoride tablets for the prevention or treatment of osteoporosis. They found that sodium fluoride not only failed to decrease fractures of the vertebrae in women who took the drug (emphasis added), but they "experienced fractures in the arms, legs and hips at three times the rate of those who didn't take the drug." Please note, these fractures occurred in only four years of treatment.

The Mayo Clinic vehemently denied that you could make any connection between their study and fluoridation of water supplies because the dose the women received was 30 times greater than the concentration of fluoride deliberately added to water supplies. Actually the women received 25 milligrams a day for 4 years, for a total dose of 36.5 grams. The dose received from a lifetime exposure to 1.43 liters/day (a conservative figure) of drinking water with 1 mg/l of fluoride is 36.5 grams. Whoops! I think the Mayo Clinic needs to hire a chemist who knows the difference between a "dose" and a "concentration."

Both these reports support the conclusion that artificial fluoridation is now harming people and ought to be stopped immediately. The fiction that fluoride is totally safe is just that - fiction. These stories were totally ignored by the Washington Post and most of the media for that matter - a total and complete outrage. As far as we know, only Roberta Baskin from the Consumer Unit of Channel 7 reported it.

What is it going to take to finally break the story on this scandal? Please read the other stories on fluoride in this issue and ask yourself: Why am I not getting this information in the establishment press?

4. DENTISTS SUE AMERICAN DENTAL ASSOCIATION FOR LYING TO THEIR MEMBERS ABOUT THE DANGERS OF FLUORIDE AND MERCURY

The following is reprinted with permission from the October issue of The Gadfly Informer a citizens' paper in Cumberland, Maryland, where the citizenry recently voted "No" to fluoridation and threw out the mayor who supported it.

"Thirty-five dentists who are members of the American Dental Association (ADA) have charged the Association with fraudulent misrepresentation and breach of contract in a class-action lawsuit

filed in federal court in Cleveland, Ohio on September 20, 1990. The filing of the suit was announced by Dr. John Yiamouyiannis, president of the Safe Water Foundation and Phil Manogg, attorney for the Plaintiffs.

"The lawsuit charges that, over the course of years, the ADA has continually and purposely conveyed misinformation with regard to water fluoridation, fluoride, and mercury amalgam fillings (also referred to as silver fillings) to its members in an attempt to avoid liability and to protect its reputation. The lawsuit specifically charges that:

"The ADA has claimed that artificially fluoridated water does not cause dental fluorosis (the first visible sign of fluoride poisoning which appears as white chalky areas on the teeth), despite recent studies showing that more than 20-30% of the children growing up in artificially fluoridated areas suffer from dental fluorosis. The ADA has claimed that fluoride is not a genetic hazard even though virtually all studies measuring the ability of fluoride to cause genetic damage have shown that it does cause genetic damage, even at levels at and below those used to fluoridate public water supplies.

"The ADA has claimed that children living in communities with artificially fluoridated water have experienced a reduction of 40-60% in tooth decay as a result of fluoridation even though virtually all recent large-scale studies on fluoridation and tooth decay have shown that there has been no statistically significant reduction in decay rates of permanent teeth as a result of fluoridation.

"In its promotion of fluoridation, an ADA spokesperson publicly recommended the use of a lethal dose of fluoride (1500 mg/day) for the treatment of ear problems for older people to prevent progressive hearing loss.

"Within a week after and in response to the January 22, 1990 announcement by the United States Public Health Service of a link between fluoride and bone and oral cancers in rats, the ADA put out a press release stating that "Water fluoridation" remains the safest, most effective, and most economical public health measure to reduce tooth decay."

"The ADA has claimed that there is no scientific basis for doubting the medical safety of water fluoridation despite the fact that in three out of four U.S. court cases tried on the scientific merits since 1978, the trial court ruled that the preponderance of the evidence showed that fluoridation created a threat to the public health with regard to cancer, genetic damage, and chronic toxicity.

"In addition, the ADA has claimed that there is no scientific basis for doubting the medial safety of mercury amalgam fillings despite the health threat posed by increased tissue mercury levels and the fact that studies have shown that amalgam fillings lead to

increased mercury levels in the body and reduced kidney function.

"The ADA has claimed that their representations on the safety of water fluoridation are so reliable that, even if individual dentists are not familiar with scientific reports on the subject, they should promote the measure, and their failure to do so constitutes overt neglect of professional responsibility.

"The ADA has also claimed that their representations on the safety of mercury amalgam fillings are so reliable that removal of them from nonallergic patients at the suggestion of a dentist concerned about mercury toxicity constitutes an improper and unethical act.

"The suit further charges that the ADA has systematically disparaged, intimidated, and discriminated against members who have seen fit to oppose water fluoridation and the use of mercury amalgam fillings.

"As a result, the professional reputation of the plaintiffs has been impugned, their professional freedom has been unjustly restrained, and they have paid membership dues on false pretenses. The lawsuit seeks monetary damages as well as an injunction stopping the ADA from disseminating the same misinformation and an order requiring the ADA to admit and correct its wrongdoings."

5. INVESTIGATIVE REPORT IN PROGRESSIVE MAGAZINE UNCOVERS SCIENTIFIC FRAUD IN DEVELOPMENT OF 1985 FLUORIDE IN DRINKING WATER STANDARD

In a soon to be released expose by Progressive magazine, investigative reporter, Dan Grossman, documents the unethical influence of politics over science at EPA that occurred as the 1985 fluoride in drinking water regulation was developed. The critical issue was whether dental fluorosis was an adverse health effect. By sifting through 10,000 pages of information obtained under a Freedom of Information Act request, Grossman found that the scientists in the Office of Drinking Water concluded that dental fluorosis was definitely an adverse health effect, but their conclusions were changed by political appointees under EPA Administrator Lee Thomas, who had the final say on the regulations.

Scientists had concluded that the safe level for fluoride in drinking water should be set no higher than 1 mg/l, the current level added to drinking water. The evidence impressed Bill Ruckelshaus, EPA Administrator before Thomas, who is quoted as saying at a meeting "That's an adverse health effect". When Thomas came in January of 1985, a memo was prepared for his signature which said in part "It is legally and scientifically indefensible to set the <standard> at a level other than the optimum (i.e. 1 ppm). The memo never saw the light of day. According to Grossman "The final draft, completed a few weeks later, concluded that dental fluorosis is merely a "cosmetic effect" and recommends a binding standard of 4 mg/l...", based on skeletal fluorosis.

Grossman has other revelations, including an internal memo from

then Surgeon General, C. Everett Koop, to his boss Edward Brandt, recommending that the PHS send a letter to EPA calling dental fluorosis a "cosmetic effect". According to Grossman, "Public Health Service Documents verify that the working of Koop's letter was intended to hinder EPA plans to set a binding fluoride standard. It was just such a letter from Koop that aided and abetted the decision at EPA to switch their concerns to skeletal fluorosis.

CONTRARIAN'S CORNER *

FRESH AIR OR INTENSIVE CARE

by Alex Arce

We have three inalienable rights that cannot be denied to anyone in our country: life, liberty, and the pursuit of happiness. Though perhaps not specifically spelled out in the Constitution, there are many other rights which we exercise everyday and, these too, cannot be denied to anyone. One of these rights is the right to breathe fresh air.

Fresh air. We have a whole Program devoted entirely to clean air. Air is the most important thing in life; without clean air people and animals become irritable, their work and health is impaired, then damaged, and their futures become handicapped.

We have the right to fresh, respirable air; most of us wait for our vacations to go to places where the air is cleaner. Get away from the city air and you will feel better. But even the air in the city streets is better than air that has been heated/cooled, recirculated and God know what else, which I am forced to breathe at my duty station in Crystal Mall 2, Arlington County, Virginia.

The U.S. Government pays handsomely for the buildings we occupy in Crystal City. This payment includes maintenance, housekeeping, and, yes, clean air. In the beginning it was difficult to believe that these magnificent buildings that house thousands of government workers are as unhealthy as they are; they have been labeled by many as "sick buildings" and indeed they are.

While working in EPA's Crystal Mall facility I have experienced myself, and witnessed instances in which other employees have had to leave their offices due to the air quality. I have been taken to the hospital on a number of occasions with shortness of breath (in medical lexicography known as SOB) that in turn induced chest pains (angina pectoralis).

There is a very important part the the municipalities (counties) play in the game of giving permits for the construction of these buildings. The County authorities have the responsibility to safeguard the health of its citizens or any person who lives or works in the county. I am afraid to say that Arlington County gives permits for buildings that are so unsafe that, in addition to inducing respiratory ailments, they often do not have acceptable evacuation stairs nor sprinkler systems in order to fight a fire. Additionally, the buildings were not constructed to support the

rich electronic life (computers, copiers, etc.) which adds greatly to the excess heat load of the buildings. (Editor's note: CM-2 has also been plagued with chronic electrical overloads which trip off circuit breakers on a regular basis.)

So of us will not notice the effects of "sick building syndrome", some will not pay attention to the effects, others will be afraid of complaining, some will look for other jobs, and a great number will continue to complain behind closed doors. In the meantime, someone must be responsible for the damage that has been done to government workers. The county must take its responsibility: playing fire drills, that prove to be a farce, has not solved the problem and having senseless meetings, that include GSA and others, has not solved the problems. We need someone from this Agency to question "WHAT ARE WE GETTING FOR THE ASTRONOMICAL RENT THAT WE PAY?"

There is a great difference between each one of these buildings. The ones rented to private enterprise are clean and the walls and tiles in the floors have harmony and are of the same material. Our buildings are a disgrace; they are dirty, the elevators often don't work properly, the walls have been painted with what appears to be left over paint and the tiles in some floors are of severely different colors. Are we second class citizens that we do not deserve the same treatment as other tenants?

While I am at home or on vacation my health improves tremendously. Upon entering this building, I CANNOT BREATHE. No matter what anyone says, I just cannot breathe in this building. And I am not alone, my coworkers have also experienced severe difficulties in breathing and many are aware of this traumatic situation.

During the many visits to the intensive care units of hospitals in the area, the thing I was offered was oxygen. I have been taken from this building directly to the hospital because I could not breathe and it is, I believe, due to the dust, dirt, heat, accumulation of junk and fouled air. I am not going to apologize for saying that the owner of this building is responsible for my illness and that Arlington County is not performing its intended duties and is either too weak or powerless to challenge the landlord.

THE KEEPERS OF THE CHAMBER OF HORRORS by Rufus Morison

This month the Managerial Monster (M2) of the month award is a tie well almost a tie: the neck and neck contestants are Mamie Miller and, can you believe it, her boss John Rasnic. This pair of keepers of the latest annex to Gas Chamber 401, the Westfield Building, have been singular in their purposeful thwarting of meaningful solutions to the exposure problems of chemically sensitive, handicapped workers. Their callous disregard for the health of and active hostility to the chemically sensitive is evidenced by Mr. Rasnic's derisive laughter when approached with the debilitating illness of an employee.

Ms. Miller has an active history of hostility to both the

Union and in particular to Ms. Myra Cypser the Vice-President for Health and Safety. Ms. Miller's managerial specialty is the revocation of agreements made in good faith to resolve differences and reprisals for Union activity. She is also distinguished in her determination to ignore legitimate health and safety problems by hiding herself behind bureaucratic trivia, obsessive behaviour, and the managerial skirts of Rasnic.

THE THOUGHT POLICE AND YOUR CIVIL LIBERTIES

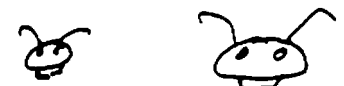
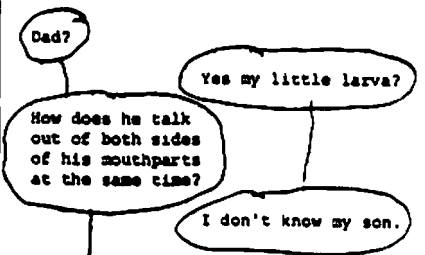
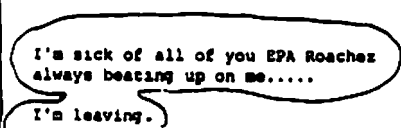
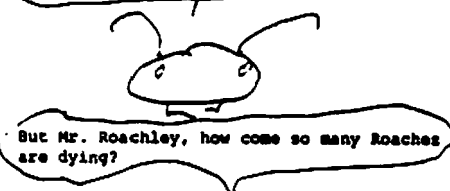
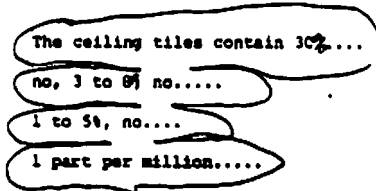
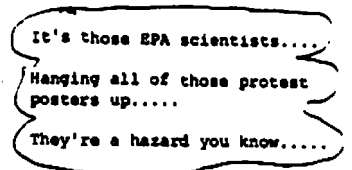
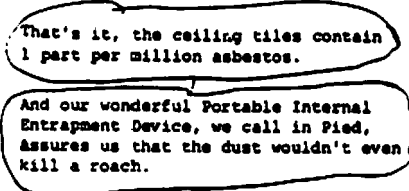
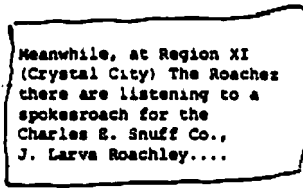
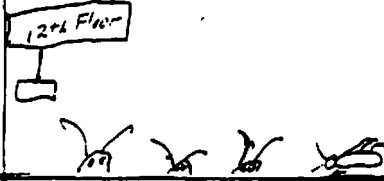
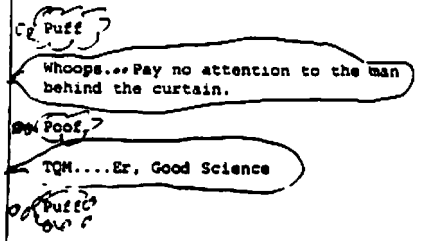
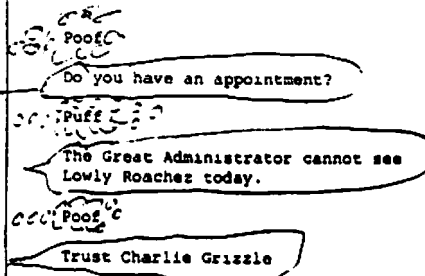
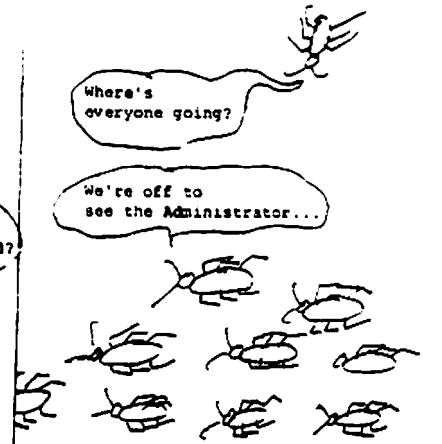
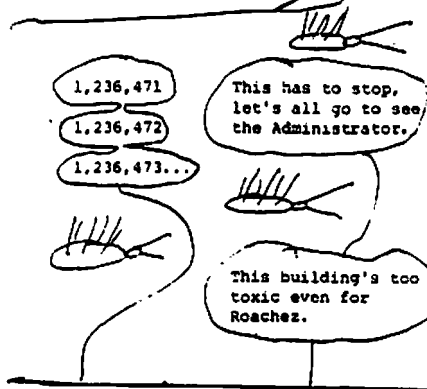
by Rufus Morison

Our civil rights as EPA workers are endangered if the intimidation tactics of OIG investigators, Frank Kiley and sidekick, Allen Fallin are to be tolerated. Recently Dr. Bill Marcus was handed a memo from his supervisor Allan Hais of ODW, ordering him under threat of disciplinary action, to meet with the above named heavies. Hais demanded that Bill talk with the pseudosleuths about another employee allegedly under investigation. While Hais' order may be within the scope of government regulations, it certainly is--like many regulations--odious to persons of conscience and with a sense of personal loyalty. "Brown-shirts" Kiley and Fallin, their backs to the sun in the best grade 'B' gangster movie style, attempted to unpersonate real cops.

(These heavy handed OIG methods are known from previous attempts at promoting the bureaucratic political interests against scientists expressing privately held opinions. The "investigators" invariably try to ambush an unsuspecting person into some sort of admission"; they seem to presume EPA employees guilty before the fact--of such crimes as Free Speech.)

Kiley and Fallin admitted that Bill Marcus is under investigation but, they didn't want to talk to him about his investigation. Instead, they wanted to talk about an investigation of another employee. Since I have had previous experience with Kiley, under similar oppressive conditions, I think Bill was about to be offered a "quid pro quo" deal. It was obvious to both Bill and me that Kiley and Fallin were trying to entrap two for the 'price' of one.

We expressed Bill's willingness to cooperate with their investigation in the presence of legal counsel.



National Federation of Federal Employees

INDOOR AIR NEWS

Editor: Myra Cypser

October 29, 1990

A Monthly Newsletter on EPA's Indoor Air

Lawsuits Filed: At least eight EPA employees have filed lawsuits during the past several weeks against the owners of the Waterside Mall (WSM) building, for health problems allegedly related to the indoor air in EPA offices in that building.

Employee Protest Rally: More than 100 people attended a NFFE 2050 rally on October 25 to protest an asbestos removal operation at the EPA Headquarters Crystal Mall #2 building. Ceiling tiles containing asbestos (a cancer-causing material) were being removed as part of building renovations. EPA employees were concerned that there might be asbestos contamination of the indoor air in their offices and were not convinced that the new unproven containment device being used would prevent asbestos releases.

Normally, buildings this size are vacated and not reoccupied until all the asbestos removal work is completed. However, EPA employees were required to work in this building during the day while asbestos removal was done at night. OSHA guidelines for air monitoring in large buildings were not followed, nor were EPA guidelines for schools followed. These guidelines recommend the use of more sophisticated and expensive monitoring methods. These methods would have been more time consuming and would have necessitated vacating the building. Was the Administration more concerned about keeping employees at their desks and avoiding the cost and bother of relocating them temporarily, than concerned about employee health?

There had been three emergency evacuations of the building during the weeks the removal operation was in progress because of apparent safety hazards from the asbestos removal. Employees were concerned about this also.

After the rally, several employees presented a petition with 189 signatures to Hank Habicht, EPA's Deputy Administrator, listing employee concerns. This was the second

employee petition regarding this asbestos removal operation.

The Union has reports of sick building symptoms among employees at the Crystal Mall #2 building associated with these renovations. This is not surprising. The ceiling is an integral part of the air distribution system. Without it, pockets of stale air develop. Nevertheless, EPA's Environmental Health and Safety Division (EHSD) allows employees to work under these conditions. EHSD has failed to solicit employee health complaints so there is no accurate record of how many employees are affected.

Tile Installation Halted: At an October 22 OSWER/Facilities meeting, employees were told that no more new ceiling tiles would be installed at EPA's Waterside Mall (WSM) building as part of the ventilation ductwork cleaning operation, except to replace broken tiles. New ceiling tiles had been associated with employee illnesses for several months (since May 1990), including some severe illnesses requiring hospitalization. Also, three office bay areas (housing an estimated 25 to 30 employees) were evacuated in September because of illnesses. EHSD allowed this situation to continue month after month. Managers in OGC documented the illnesses and ordered the evacuation, and their leadership was instrumental in resolving this problem.

There was no meaningful evaluation of the ceiling tiles before installation began. EHSD knew the tiles were offgassing some chemical(s) from the smell but did not identify what the employees were being exposed to. This smell is now known as the "chicken house smell" among employees. The 3600 and 3800 corridors smelled for weeks. EHSD has not given a plausible explanation of why people became ill. There is the issue of whether the tiles still present a health hazard and should be removed.

On October 18, NFFE 2050 provided more background information on this matter to Senator Barbara Mikulski.

Re-Roofing Memo To Managers: The building owner began re-roofing the mall area of WSM in mid-September. There were reports of employee illnesses from this operation. In an October 10 memo, Mike Hamlin, Director of the Headquarters Operations and Client Services Division (personnel), advised Headquarters managers that "it would be appropriate for the supervisor to attempt to find alternative workspaces for his or her employees," if there are indoor air quality problems from the re-roofing operation. In cases where no space is available in the Headquarters buildings, an employee can work at home. This memo is an important policy statement and is a giant step forward. The facilities and personnel offices deserve a lot of credit for getting out this memo and for acting on this critical health and safety issue. Implementation of this memo should help prevent illnesses over the next few months as the re-roofing operation continues.

Facilities has established a telephone hot line to answer employee questions about the re-roofing (382-4948). Open communication like this is certainly welcome and should help alleviate employee concerns and resolve problems.

Be aware that plastic covers are being placed over air intake dampers where the re-roofing work is being done to prevent fumes from entering the building. If having less outside air than usual is a concern to you, you may wish to seek alternative work arrangements.

Adequate Ventilation Still A Goal: While the Administration ~~claims~~ to be "working on major overhauls and in some cases replacement of the building's ventilation systems," it is not clear exactly what changes are being made to improve ventilation or if these are really significant. There is no indication that the Administration will ever meet its "goal" of providing 20 cfm of outside air per person (ASHRAE standard) or that this ASHRAE standard is being met continuously in even one air handling system. Employees have been asking about this issue for more than five years.

Smoking Ban At Crystal Station: On September 28, the Agency and the Unions finalized a contract agreement banning smoking in all EPA occupied space at Crystal Station, the new EPA Headquarters building in Virginia. The Agency will continue to allow smokers to go outside to smoke. While the contract for the other Headquarters buildings allows smoking in some rest rooms, a different requirement was made for this building because the rest rooms are particularly small. The NFFE 2050 proposal on smoking now before the Agency would ban smoking in all Headquarters buildings but would provide for ventilated smoking lounges.

Evaluation Of Materials Lacking: In an October 5 memo responding to a formal Union information request, the Agency stated, "The Agency evaluates and tests materials used in Agency buildings when it has reason to conclude that such testing is necessary. It does not believe procedures are imperative for evaluating all materials introduced into EPA facilities." There is no indication that the Environmental Health and Safety Division (EHSD) has been routinely screening materials to determine their toxicity, their impact on air quality, and the need for testing them before they are brought into the buildings.

The Union has been told that partitions are not tested. The Union has not received test data on the floor tiles or the tile glue. We don't know what, if anything, has been done to evaluate the multitude of cleansers used in the buildings. There was no testing of the "chicken house" ceiling tiles before thousands of square yards of these tiles were installed. No wonder more than 40% of the Headquarters employees have sick building symptoms (1989 EPA health survey) when there is so little control over what products are used in the buildings.

Status Of Alternative Workspace: The Agency is preparing alternative workspace for some chemically sensitive employees. This space will be on the second floor of Crystal Station and will house approximately 30 employees. EHSD has given the Union a list of the employees that have been approved for alternative workspace (including work at home). This list has 37 names; however, these are the employees EHSD is aware of and there are additional employees who

Page 3

actually have alternative work arrangements because of indoor air quality complaints. EHSD has apparently abandoned its plan to force all these employees and others who are seeking alternative workspace to be evaluated by the U.S. Public Health Service. The Union had refused to agree to this.

Facilities has been implementing the recommendations of Hal Levin, a nationally recognized indoor air expert, who evaluated the space recently. Facilities' efforts to make this space habitable for chemically sensitive employees are certainly appreciated.

The space can be occupied after EHSD conducts air monitoring to establish baseline levels. Typically, EHSD tests with methods that have a limited detection capability. Hopefully, this latest monitoring will provide meaningful data, i.e., limits of detection in the parts per billion (ppb) range.

We are fortunate to have an alternative workspace program at Headquarters. This program was developed jointly by the Unions and management. The Union in the EPA regional office in Atlanta reports that they have no such program and employees must find other jobs elsewhere, take disability retirement or early retirement to get out of that building. That Union knows of two early retirements and one disability retirement this year because of building related health problems.

My Own Story: A few weeks ago, the Union heard that EPA's Inspector General (IG) office was "asking questions" about the Executive Board's use of Union time. A supervisor had asked the IG to conduct an investigation. Evidently, fighting for employee rights and speaking out on environmental issues is not tolerated by somebody at EPA. Does the Administration support this harassment?

I submitted another request for alternative workspace on October 9 with another doctor's certificate. This was the third medical certificate. It took the Agency 20 days to respond to this latest request. Their written response said I was eligible for alternative workspace; however, I was told verbally that I would not actually be assigned to alternative workspace until I provided more informa-

tion. It is not clear what information is needed. Hopefully, most employees who apply for alternative workspace do not get this "runaround."

Today, Mamie Miller, my branch chief, informed me that my word processor would be put into "surplus" in a few days. The reason given for confiscating my machine? Management does not want to have any old style machines in the new offices we are moving to. At this point, no provisions have been made to give me another machine, give me access to one, or give me training on how to use another machine.

Think About Joining! Are you a member of the Sierra Club, Greenpeace, or Environmental Action? Think about joining another environmental organization, NFFE 2050. The work we do helps protect the environment where you work. The Union's strength and our ability to get results depends in part on the number of members. If you are not already a Union member, join to show your support.

Press Tally: There have been a total of 134 stories in the news media on EPA's indoor air, including 11 national/international TV shows.

On October 11, 19 EPA employees gathered in front of NBC TV cameras to be filmed for a special on indoor air. This special will be aired in the New York City area in early November.

On October 25, the local news on WJLA TV in Washington, D.C. (channel 7) featured the employee protest rally that day on the asbestos removal at Crystal Mall #2.

The next day, October 26, camera crews from KNBC, Los Angeles, took a tour of WSM and did filming for a story on indoor air.

Distribution: The Indoor Air News is now distributed to more than 500 people and is often republished in the NFFE 2050 newsletter, the Fishbowl, which goes out to more than 1100 employees. Please share this newsletter with friends. Call me if you have news. My new phone number will be (703) 308-8679. The Union office number is (202) 382-2383.

UN-200

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(INTEROFFICE MAIL)

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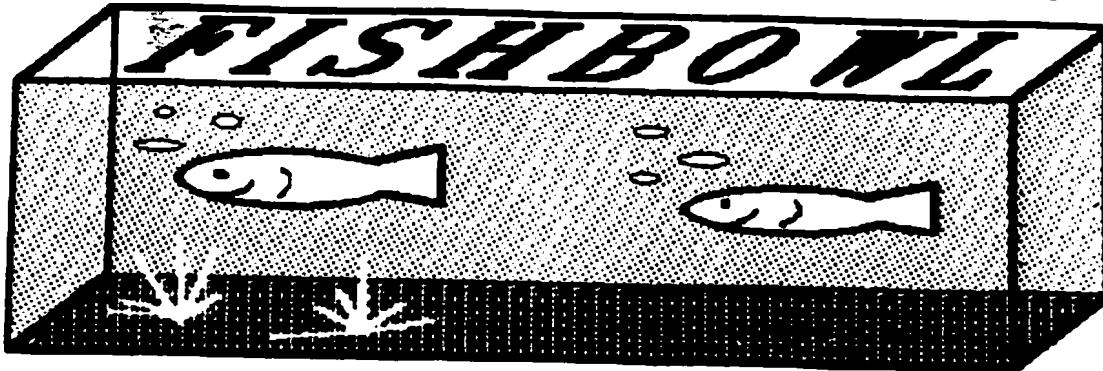
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EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

NOVEMBER 30, 1990

VOL. 6 NO. 11

SPECIAL EDITION

OPEN LETTER TO EPA ADMINISTRATOR WILLIAM K. REILLY
RESULTS OF THE UNION ASBESTOS SURVEY

HAZARDOUS SITUATION EXISTS
ASBESTOS EXPERT CALLS FOR BUILDING EVACUATION
UNION DEMANDS FIRINGS


LOCAL 2050

JOIN TODAY —

William K. Reilly, Administrator
U.S. Environmental Protection Agency

We sincerely wish that we could have reported to the EPA employees of Crystal Mall 2 that all results were negative, that they could breathe a sigh of relief, that all of the anxiety caused by management miscommunication could be dispelled. But our worst fears have been realized. 23 of the 24 samples taken by EPA contractor Booz-Allen, and with the overview of asbestos expert Bill Kajola, AFGE's Kirby Biggs and NFFE's Dwight Welch, turned out positive. Here are these results:

RESULTS OF BOOZ-ALLEN VACUUM SAMPLES (CM-2 11/20/90)
(ND-No detectable, TR-Trace)

<u>Sample No</u>	<u>Location</u>	<u>% Chrysotile</u>	<u>% F Amosite</u>
1	Rm 200, supply air duct, cabinet	1%	ND
2	Rm 206, carpet behind file cabinet, table, inside printer, air duct	2%	ND
3	Bay outside 208, rear corner carpet room divider	2%	ND
4	Rm 220, Document Center, Top and inside file cabinet, floor beside computer table	TR	ND
5	Rm 259, Top of cabinet, carpet under Lexitron, inside window connection	TR	ND
6	Rm 260, Area over window	TR	ND
7	Rm 261, Area over window	ND	ND
8	Rm 205, Carpet near wall, window sill	1%	ND
9	Rm 728 A&B, Top of wall partition, over window, top of door	TR	TR
10	Rm 726, Top of file cab, inside duct, floor, top of door	1%	ND
11	Rm 716, Inside top of rotating file cab	4%	ND
12	Rm 700D, Top of white board, top of window	TR	1%
13	Rm 809 Bay, Top of rotating file cab, top upper surface of filing cab	1%	ND
14	Rm 807, Top of wall panel, top of bookcase, top of door	1%	ND
15	Rm 815E, Top of window	3%	ND
16	Rm 829, Top of cabinet, inside window connector	2%	ND
17	Mailroom, Top of cabinet and 2 doors	TR	ND
18	Hall outside mailroom, inside fire hose box, louvers of air intake	1%	TR
19	RM 1024, Anne Lindsay's Office, Above window, cabinet top	TR	ND
20	10th Fl Ladies Rm, Top of inside door, inside light fixture, inside ceiling		

	access	2%	TR
21	Rm 1009, Top inside or rotating file	TR	ND
22	Rm 1117, Top of door, top of wall partition	1%	ND
23	Rm 1115, Doug Campt's Office, inside HVAC, window sills	TR	ND
24	Rm 1119, Conference Room, Top of air cleaner	1%	ND
Analysis of the three ceiling tile pieces found		ND	ND
		(All three)	

Throughout the asbestos abatement project at CM-2, Union officers and other responsible scientists have been calling for adherence to normal asbestos removal procedures namely, aggressive monitoring for asbestos dust in CM-2 in order to protect the health of CM-2 occupants. Aggressive monitoring involves using a leaf blower to make dust airborne and then analyzing this dust using Transmission Electron Microscopy. Aggressive monitoring is normally done in large scale asbestos removal projects. Building occupants are normally relocated for the duration of large scale asbestos removal projects.

In the large scale asbestos removal project in CM-2, Charles E. Smith Cos., GSA, and EPA have claimed that relocation of employees and aggressive monitoring have been unnecessary because of the Portable Isolation Enclosure (PIE) which they were using. The removal, enclosed within the 3x3x8 area, meant that aggressive monitoring and evacuation of the buildings by people, for the length of the project, was unnecessary according to these proponents of the PIE.

It is interesting that monitoring done in still air, not overseen by EPA Union officials or scientists, should turn up mostly negative samples, whereas, 23 out of 24 samples conducted with Union supervision turned up positive. The PIE is a prototype machine, patented in 1989 and used only, to our knowledge, in Charles E. Smith buildings. Our asbestos expert, John Moran, claims there is very little data on this machine. In short there has been little scrutiny by the scientific and asbestos abatement communities.

Repeatedly, Union officials have requested to meet with Charles E. Smith Companies, GSA, and EPA management. Repeatedly, we have been rebuffed. Charles E. Smith Companies have called it a Labor-Management issue. Letters, petitions, and memos to your office have been delegated to underlings who appear to be scientifically illiterate and without conscience. EPA management refused to meet with us, refused to bargain with us, refused to stop the project, refused to relocate us, and only met with us, finally, after the work was nearly done and only after we brought on an expert. And an official from GSA, Mr. Robert Armstrong, actually claimed it was just a bunch of employees trying to get free time off!

Mr. Administrator, you are ultimately responsible for protecting the environment of EPA employees. Since asbestos concentrations in room dust constitute an extremely hazardous situation (1% is equivalent to trillions of structures per cubic foot by TEM), our asbestos experts have recommended, and we are, therefore, demanding the following course of action:

1. The occupants of Crystal Mall 2 must be immediately evacuated.
2. The building must be cleaned out using HEPA vacuums and wet wipes.
3. The building must be declared reasonably asbestos free under current guidelines before reoccupancy.
4. All EPA employees who work in or have ever worked in CM-2 must be informed by registered mail, at their home address, that they may have been exposed to unhealthful levels of asbestos dust.
5. All employees, so notified by 4. above, also be offered a health examination, at no cost to the employee, to certify that the employee is asbestos disease free and to establish a health data baseline in the event of future asbestos disease.

Additionally, the Union demands accountability for the violations of employee health and safety. We are demanding the immediate firing of those responsible to include: OARM AA Charles Grizzle, OA Director John Chamberlin, EHSD Director Julius Jimeno, and David Smith of EHSD. (Union Vice-President and Indoor Air Expert Myra Cypser called three times trying to set up a meeting with Charles Grizzle and finally received the reply that he was too busy to deal with this imminent health threat.) We are also demanding that you write a letter to the GSA Administrator demanding the immediate firing of Robert Armstrong and other responsible GSA officials for their criminal disregard for human health and well being.

Sincerely,

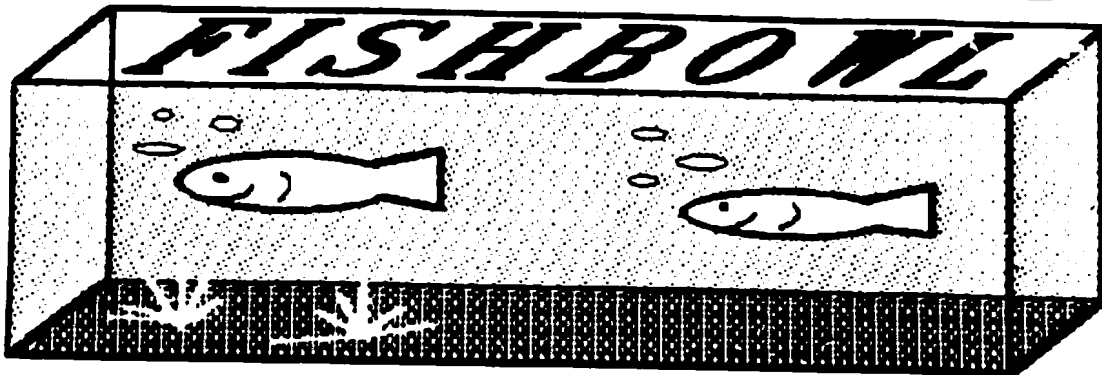


Dwight A. Welch
President-Elect
NFFE, Local 2050



Dr. Rufus Morison
Chief Steward
NFFE, Local 2050

INSIDE THE



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

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NFFE

LOCAL 2050

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EPA HEADQUARTERS' PROFESSIONALS

"We must conduct our affairs at EPA as if we worked inside a fishbowl—"
William Ruckelshaus, Former Administrator, U. S. EPA

DECEMBER 1990

VOL 12--NO 12

PAGE

- 1 NFFE LOCAL 2050 NOMINATES JIM WALKER FOR VICE PRESIDENT
- 1 NFFE LOCAL 2050 ENDORSES KIRBY BIGGS AND PATSY STEWART
- 2 NEWSBITES-ASBESTOS, FLIES, ARMED CHILDREN, AND MORE
- 8 GREENPEACE'S 20TH ANNIVERSARY MESSAGE TO EPA
- 11 NEGOTIATIONS NEWS-SAFE SPACE, FLEXIPLACE, TQM AND MORE
- 14 AEROSOL FLAMMABILITY UPDATE - DWIGHT WELCH
- 14 THE OFFICE OF PESTICIDE PROGRAMS SCHOOL OF TOXICOLOGY
- 15 FROM THE EDITOR - VICTORY FOR THE UNIONS
- 16 COMING IN 1991
- 17 LOOK WHO'S WATCHING THE WATCHERS - RUFUS MORRISON
- 19 INDOOR AIR NEWS - MYRA CYPSEK
- 24 ASBESTOSGATE (REPRINTED FROM POPA NEWLETTER)
- 25 ROACHEZ

 **NFFE**
LOCAL 2050

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EDITORIAL POLICY

All items for publication must be submitted to INSIDE THE FISHBOWL by the first of the month of publication. Items selected for publication are voted upon by the Editorial Board in a democratic process. Articles indicating authorship reflect the views and opinions of the author and not necessarily NFFE Local 2050.

NFFE LOCAL 2050 EXECUTIVE BOARD UNANIMOUSLY NOMINATES JIM WALKER FOR VICE PRESIDENT

The Executive Board of Local 2050 gave an unanimous "aye" to the nomination for Vice President of Dr. James Walker. Dr. Walker has a PhD in physics and works in Air and Radiation. Jim's primary interests, in the area of labor relations, include Cultural Diversity and Civil Rights. Dr. Walker has been active in Local 2050's Cultural Diversity Committee for some months now.

NFFE LOCAL 2050 ENDORSES KIRBY BIGGS AND PATSY STEWART

The Executive Board of Local 2050 heartily endorses Kirby Biggs as a candidate for President of Local 3331 of AFGE. Elections are to be held in January. We feel that Mr. Biggs has the activist leadership necessary to carry AFGE 3331 forward. Kirby has made outstanding contributions as Local 3331 Health and Safety Officer especially in the areas of Indoor Air and the Asbestos Problem at CM-2. EPA management has been able to create a divisive wedge between EPA's two Unions and we feel Mr. Biggs would be the best leader to heal that rift. As employees here at EPA the only chance we stand against heavy handed management techniques is if both Unions stand together.

Similarly, Local 2050 would like to encourage the members of AFGE Local 3331 to vote for Patsy Stewart. Ms. Stewart is running for reelection as Chief Steward of Local 3331. Pat has long been a strong advocate of civil and worker rights. She is also in favor of the Unions working together instead of against one another.

EPA management has tried a number of tactics to reduce the

effectiveness of employee representation. They have attempted to drive wedges between the Unions and they have attempted to divide employees along racial and ethnic lines. We must stand together if we are to survive. No matter what your grade, race, or gender, bad indoor air and the contamination of asbestos and other toxics in our work environment will adversely affect your health. No matter what your job is or which bargaining unit you belong to, the erosion of confidence in EPA by the American public adversely affects us all. It is time to stand together and change the tide of history. Biggs and Stewart for a united EPA workforce.



FLIES INFEST EAST TOWER BASEMENT

November 23, 1990. The Union was informed of a heavy fly infestation in the Basement of the East Tower along with reports of a fetid smell. It was speculated that a dead animal was behind a wall. The Union recommended removal of the carcass and the use of sticky fly traps to control the flies. Synergized pyrethrins were sprayed instead. A Health Emergency was declared and personnel in the area were allowed to go home. The source of the flies turned out to be a couple of dead mice and the fact that homeless had been using the area behind the tower to camp out in.

RESULTS OF BOOZE-ALLEN, EPA, NFFE, AFGE ASBESTOS TESTING DISCUSSED

November 29. The Unions represented by Kirby Biggs of AFGE and Dwight Welch of NFFE and assisted by asbestos experts John Moran, Bill Kajola, and former EPAer Chuck Reese, met with management represented solely by Howard Wilson. Once John Moran indicated his recommendations which included immediate evacuation of employees due to the major health hazard of high levels of asbestos dust, poor Howard Wilson, in a sweat, indicated that he had better get his boss Julius Jimeno.

Jimeno, conspicuously absent from all of the asbestos testing negotiation sessions, finally appeared some 20 minutes later. Now one would think, after being informed of the gravity of the situation, that EPA's chief health and safety officer would be highly concerned about the well being of EPA employees. Instead, Jimeno's opening remarks were to attack the qualifications of Mr. Moran. After questioning Mr. Moran's qualifications, Mr. Moran cited a long list of the qualifications of not only himself, but his organization as well. Welch then questioned Jimeno's

qualifications, that question being ignored by Jimeno.

Somewhat later the meeting was joined by David Smith. Smith proceeded to make a number of outrageous statements such as one to four percent asbestos being in the normal range for background levels in Washington area buildings. He attributed the levels to the gradual erosion of ceiling tiles by the ventilation system rather than by the abatement project. He also indicated that office workers don't normally contract asbestos related diseases. (To which Welch countered, officers workers don't normally work on construction or asbestos abatement sites either.) Smith also indicated that the data would be reviewed by David Kling of the Office of Toxic Substances. Welch quiered as to Mr. Kling's qualification. "He the division director," Smith responded. "Yes," Welch countered, "but what are his qualifications?" The Environmental Health and Safety people apparently still unable to understand, Welch explained that, just because someone is a division director, doesn't make them qualified to review data; some division directors, afterall, were English or History majors, etc. in college.

Although Mr. Moran had given his rather impressive credentials, none of the management team led by Julius Jimeno, revealed theirs. What are they hiding?

UNION PRESS CONFERENCE FALLS SOMEWHAT SHORT OF EXPECTATIONS

November 30, the Asbestos Crisis press conference at Crystalcide Mall. More police than reporters showed up for the conference and Local 2050 officers learned a valuable lesson. Friday is the worst day of the week to hold a press conference. Indeed, one journalist indicated that this is a favorite tactic of EPA when they release information that they don't want widely disseminated: hold a press conference on a Friday and no one will come. Reporters were from periodicals only, no TV this time. Still the word got out and a good many other publications requested FAXs and mailings.

On hand, representing EPA was disinformation expert David Smith. Smith told reporters that since federal unions could not negotiate wages, they had to work hard to "dig up" other issues. Dwight Welch has other thoughts. Welch indicated quite the opposite, it was only after numerous employee complaints, that NFFE finally got into the fray.

Released only minutes after NFFE Local 2050 has released its press statment Environmental Health and Safety released a memo passing for their position. This memo was later refuted in detail by toxicologist Bill Kajola of the Laborers' Health and Safety Fund (LHSF).

John Moran, the leader of the LHSF team advising the Unions on the Asbestos Crisis, was unable to make the press conference in that he was meeting with an the Undersecretary of Labor at OSHA.

BAG LADY MYRA INVADES REILLY MEETING

November 30. After the press conference President-Elect Dwight Welch and Vice President Myra Cypser decided they had better

give the open letter, advising the Administrator of the asbestos test results, to the Administrator. First they gave Henry Habicht via his secretary his copy and then they proceeded to the Administrator's Office. Welch had previously queried the Deputy Administrator as to his thoughts about the results of the testing. Even though at the time of the query, a working day and a half had elapsed, Mr. Habicht indicated that he was unaware of any such testing. This seems to confirm our theory, that the Administrator's Office is purposely kept in the dark by OARM.

A big meeting was scheduled with the Administrator and as it happened Mr. Reilly himself was out in the outer office, talking with other Agency biggies. Merging with the crowd, none of the secretaries challenged the presence of Welch and Cypser. Avoiding eye contact with the Green Team, Mr. Reilly retreated into his office, soon followed by the rest of the crowd. At that point Dwight remarked to Myra, "We missed our chance, we should have just followed the crowd in and then presented Mr. Reilly with our data." At that point, Myra (unable to work in any of EPA's buildings and therefore forced to tote around her files in a plastic bag), concerned with the immediate and very serious hazard confronting Crystal Mall employees, grabbed the data, strolled into the Administrator's inner office and presented the Administrator with the data on the asbestos problem at Crystal Mall. Ms. Cypser then asked that he have Crystal Mall 2 evacuated.

NON-MEETING WITH CHARLES GRIZZLE

December 7, Day 11. A meeting scheduled between the leadership of both Unions and Assistant Administrator Charles Grizzle to discuss the continuing Asbestos Crisis in Crystal Mall was a miserable failure due to several reasons. The first and main reason was that Mr. Grizzle didn't show up. We were also informed that Mr. Grizzle had not even as yet been briefed on the issue! On December 7, it was 11 days since both EPA management and the Unions were in possession of the data indicating high asbestos levels in Crystal Mall room dust. Within two days NFFE Local 2050 released the report of asbestos expert John Moran had issued a statement on what needed to be done. Within 4 days of the receipt of the results, Local 2050 had a press conference and forwarded an open letter to the Administrators and the employees indicating that the employees must be relocated and the building cleaned. In the previous 11 days, however, Mr. Grizzle apparently had more important things to consider than the health and well being of EPA employees.

The meeting was attended by Grizzle's Associate Assistant Administrator Kelly Sinclair, a group from Environmental Health and Safety, Leigh Diggs, Bill Hirzy, Dwight Welch, Kirby Biggs, and Loree Murray. Rufus Morison and Myra Cypser attended via telephone conferencing; they could not attend personally due to their sensitivity to the toxic building. The meeting was also attended by Sandy O'Shay of the Patent Office Professionals Association. The Unions were supported by asbestos experts John Moran and Bill Kajola.

Bill Hirzy immediately questioned the usefulness of the

meeting since the person with the authority to implement action, Charles Grizzle, hadn't shown up. Hirzy questioned whether a decision was made to evacuate or not. (No such decision had yet been made.)

Dwight Welch indicated that the probability of risk is indicated and that EPA management should choose to err on the side of the safety of the employees rather than to err on the side of risking the employees health. Later on in the meeting, Lcree Murray affirmed this position by indicating that the employees should be removed.

The meeting quickly developed into a confrontational situation: first Mr. Grizzle didn't show up, then we were informed he hadn't even been briefed on the Crisis, then David Smith started attacking what he called "the Unions' testing" as "unscientific". (The dust testing was performed by Booz-Allen, EPA's contractor at sites picked by Dwight Welch and asbestos expert John Moran based on the asbestos survey submitted by the building manager and also to include a representation of each EPA floor. The testing was done according to proper procedures.)

Seeing that nothing was going to get accomplished NFFE and POPA Union officials, as well as the asbestos experts walked out of the meeting. Upon departing Welch indicated, "This is why I have called for the firing of Grizzle, 11 days have passed, the employees are still at risk, but Mr. Grizzle obviously considers other matters more important than employee health and safety."

In the hallway we encountered none other than David Kling, the OTS Division Director to whom Environmental Health and Safety was going to refer the asbestos dust data for a determination. Mr. Kling indicated that he would be glad to set up a meeting with us to discuss the data. When Bill Hirzy asked Mr. Kling whether he had been asked to pass judgement on whether or not the CM-2 employees should be evacuated, he replied, that he had not yet been asked to make such a determination.

EMPLOYEE PASSES OUT IN 3600 CORRIDOR

December 11. With the smell of roofing fumes quite strong in the 3700 and 3600 corridors, an employee passed out near the intersection of 3700 and 3600. An eyewitness account indicated that the employee was twitching involuntarily.

KNIFE WIELDING YOUNGSTER TWICE ELUDES WATERCIDE SECURITY

December 12. This reporter witnessed an exciting chase at Watercide Mall shortly before noon. The youth, approximately 8 years of age had allegedly pulled a large knife on someone in Harry's Liquor Store previously, but apparently made an escape. On the 12th an alert security guard spotted the youth and gave chase; the boy got away by running across the street into the projects where the guard's jurisdiction ended.

UNIONS MEET WITH JOEL SZABAT ON CRYSTALCIDE MALL ASBESTOS

December 14, Day 18. On the management side Joel Szabat (Executive

Assistant to Henry Habicht) and Leigh Diggs (Labor-Management Relations), on the Union side Dwight Welch and Myra Cypser of NFFE, Kirby Biggs and Loree Murray of AFGE, and asbestos expert John Moran. It was a sharp contrast to the Union-Grizzle meeting. To begin with Mr. Szabat showed up. Also there were no attacks on Mr. Moran's credentials, nor did Mr. Szabat try to derail the issue at hand by bringing up tangentials. Instead Joel seemed really concerned about the welfare of the employees.

Mr. Szabat indicated that the Administrator's Office was favoring a cleanup of CM-2, but no decisions had been made on the other demands of the Unions such as evacuation, notification, and health surveys of employees. Loree Murray indicated at that point that she and Julius Jimeno had worked out a clean up deal. (See next story, "Campt, Jimeno, and Murray Cut Back Door Deal")

John Moran introduced new information. The first item was that EPA's Research Triangle Park (RTP) facility had a similar situation with 1% to 5% asbestos in the dust and RTP employees were evacuated and cleanup measures taken. Szabat asked Leigh Diggs to check into this for further information. Mr. Moran also presented a study made on an office worker who had died of mesothelioma and who had no other source of asbestos exposure other than the ceiling in her office.

Dwight Welch brought up the fact that daily vacuum cleaning might reentrain asbestos particles and recommend the practice be stopped until cleanup was complete. Szabat reacted favorably to this suggestion.

Szabat indicated that both Unions would have a chance to bargain on the conditions of the cleanup.

CAMPT, JIMENO, AND MURRAY CUT BACK DOOR DEAL

December 14, Day 18. A memo signed by Douglas Campt, senior manager at Crystalcide Mall, Julius Jimeno, and AFGE President Loree Murray, dated December 14, 1990, was signed without the knowledge of Local 3331 Health and Safety Officer Kirby Biggs and without the knowledge of Local 2050. Cutting secret deals with one Union and not the other is what helps to create a divisive atmosphere here at EPA; it is also grounds for Unfair Labor Practice Charges.

The memo says, in part, "Asbestos dust sampling and analysis is a very uncertain technology, so uncertain, in fact, that the Agency does not recommend it for assessment purposes." Apparently the signatories of this memo are unaware of 40 CFR Part 763, Asbestos-Containing Materials in Schools, Friday October 30, 1987 FR Vol. 52, No. 210, Final Rule and Notice. This publication discusses bulk sampling of "friable miscellaneous material" (and asbestos containing dust is ultimately friable). The publication indicates when "at least one sample collected...shows that asbestos is present in an amount of greater than 1 percent...Remove the material as soon as possible...(and)...Immediately isolate the area and restrict access if necessary to avoid an imminent and substantial endangerment to human health or the environment." So far 16 samples of one percent or greater have been identified from the CM-2 samples.

7

The memo also falsely suggests that packing boxes is a form of aggressive monitoring. Give us a break; it's not.

UNION GETS COPIES OF VIRGINIA OSHA ASBESTOS REMOVAL VIOLATION CITATIONS AND FINE

December 17, Day 21. Local 2050 obtains a copy of a Virginia OSHA citation against Southern Insulation, Inc., the firm that did the CM-2 asbestos abatement work. The citation was dated September 26, 1990, just two days before the first evacuation of EPA floors. The citation fines Southern \$700.00 for violations in decontamination of worksuits, respirator violations, and not keeping accurate records of the monitoring of employee exposure.

3900 CORRIDOR EVACUATED

December 17. The 3900 corridor was evacuated from dust sucked into the ventilation system from the reroofing work at Watercide Mall. Employees were granted administrative leave and some employees complained about how dirty the dust had made their clothes.

ASBESTOS INCIDENT IN SECOND FLOOR OF WATERCIDE MALL

December 18. A 2 square foot piece of asbestos containing plaster fell from the ceiling in an area off of the 2400 corridor of the Mall Building. After an anonymous phone tip, Bill Hirzy and Dwight Welch arrived on the scene. The plaster was dislodged as a result of water leakage. Apparently no one was hurt by the falling plaster. Since the plaster was wet, it was determined that no airborne asbestos fibers were released. Dr. Hirzy suggested that newly contracted asbestos expert Steve Hays be contacted. This suggestion first met with some resistance, but apparently was later taken up on. (See next story.)

WELCH AND BIGGS MEET WITH ASBESTOS EXPERT

December 18, Day 22. 3:00 PM 2050's Dwight Welch and 3331's Kirby Biggs met with Steve M. Hays to provide data and other input for the CM-2 cleanup. Mr. Hays comes recommended not only by the Office of Toxic Substances, but he was also referenced in the report submitted by John Moran.

Biggs and Welch supplied Mr. Hays with additional information which had not already been submitted to health and safety including the SaLUT reports of a malfunctioning PIE (Portable Isolation Enclosure; this device supposedly exempted the contractors from some of the normal requirements such as aggressive monitoring) and air levels over 0.01 fibers/cc and the Virginia OSHA violations report. Welch and Biggs also supplied Hays with a lot of ideas, concerns, and information which they had accumulated in their collective knowledge. Julius Jimeno indicated that Mr. Hays would not only be making recommendations about cleanup and possible evacuation, but also about whether employee health evaluations were advisable.

Welch asked Jimeno whether daily vacuuming had been stopped

in CM-2; Jimeno replied that he didn't know.

Mr. Hays went on to discuss his recommendations for the 2d floor Mall incident. And let me tell you folks, they're good. I'm talking about three-chamber decontamination, HEPA vacuuming and filtered exhaust, aggressive clearance monitoring, and TEM analysis. Indeed, the negative air machines are redundant, that is two machines, each on a separate circuit, in case one of the machines or circuits fail. Employees were evacuated and the area was sealed off. More precautions were being taken for a mere 2 square feet than the tens of thousands of square feet of ceiling in CM-2.

Mr. Hays has a good reputation in his profession. He indicated he would make independent, unbiased recommendations; he was not about to make a poor recommendation either for or against cleanup, evacuation, etc. and risk loss of his professional reputation. After the meeting Dwight and Kirby came to the agreement that they were quite confident that Mr. Hays would do (indeed was already doing) a good job.

Kirby and Dwight also had the opportunity to meet with a new hire in Environmental Health and Safety, Mr. Dennis Bushta. Mr. Bushta's full time job will be to deal with building problems. Mr. Bushta has extensive experience prior to coming to EPA in the private sector. After the meeting the two Union officials had a chance to chat some with Mr. Bushta. Mr. Bushta is not only open to input from all concerned parties, including the Unions, but he even remarked that he planned to draw upon the considerable scientific expertise to be found in the NFFE bargaining unit; he felt the bargaining unit would be a valuable resource. Welch remarked that Mr. Bushta was sounding like the Local 2050 executive board.

LEAKY CEILINGS IN PERSONNEL

For a couple of weeks a hallway outside of Personnel has been blocked off. Large plastic barrels are positioned to collect water apparently leaking from the roof. The leaks are now appearing inside the Personnel work space and some of its occupants are being temporarily relocated. Roz Simms joked with me that she now had her own private waterfall in her office. A private waterfall! Those Personnel people get all the benefits, don't they?

GREENPEACE'S 20TH ANNIVERSARY MESSAGE TO EPA Greenpeace activists were present at the December 3 conclave of former Administrators at the Arena Stage, distributing a document titled, "ERA OF FAILURE--LOWLIGHTS OF EPA'S FIRST 20 YEARS. We thought you might be interested in seeing excerpts from the seven page indictment, insofar as it gives us a different view from the one the Administration is pushing, a view from a "no holds barred" environmentalists' vantage point. We thank Greenpeace for permission to print the following excerpts.

"On the 20th birthday of EPA, the agency is patting itself on the back for doing a great job. However, during the agency's 20-year lifetime, threats to the environment have continued to

grow....

"While the agency could not have foreseen some of today's most urgent environmental problems such as global warming, its record reveals a serious dereliction of duty in the face of foreseeable dangers--particularly with regard to toxic substances....Worst of all, it has routinely worked against grassroots activists and allied itself with polluting industries at waste dumps, superfund sites and contaminated communities around the country.

"As a result, the EPA today has lost the confidence of its natural constituency, environmentalists and the public....This is not a happy anniversary...

"TOXICS....During EPA's 20 years of efforts to control toxic materials, industry has continued to produce more toxics each year..; thus in 1990, industry produced roughly four times as much toxic material as was produced the year EPA was born....

"Despite saying that the control of pesticides is its Number One priority, EPA says it will be "well into the next century" before all dangerous pesticides are banned, restricted or regulated.

"SUPERFUND....Since its inception in 1980 Reagan/Bush EPA has deliberately undermined the Superfund....Former EPA Administrator Ann Gorsuch resigned as evidence mounted that she steered cleanup funds to communities based on partisan politics and not the severity of contamination. Her Assistant Administrator in charge of the program went to jail for lying to Congress about these activities....(T)he agency continues to mismanage the Superfund...

"EPA opposed legislation that gave EPA responsibility for sponsoring research and development on new technologies for detoxifying wastes removed from Superfund sites....EPA still has never defined "how clean is clean" at a Superfund cleanup site, thus leaving every cleanup subject to debates that are political and not based on scientific or medical judgement....In the mid-1980s, EPA proposed a "new technology" for cleaning up Superfund sites; they called it "natural flushing" and it consisted of doing nothing but allowing natural rain to slowly remove chemicals from an old chemical dump by washing them away over a 400-year period. EPA officials argued that this met Congressional requirements for a "permanent cleanup" strategy....EPA's own auditors say the agency has paid "excessive amounts" of money to Superfund contractors. Such contractors have overcharged EPA "several thousand percent" for equipment..and have overcharge for labor anywhere from 14% to 130%....

"ATMOSPHERE...During EPA's 20-year history the air most Americans breathe remains unhealthy and toxic chemicals have eroded a hole in the Earth's protective ozone layer....For fifteen years, EPA actively opposed legislative proposals that would have required the agency to monitor up to 85 toxic air pollutants in large cities and near large polluters....For the past decade, EPA contributed substantially to the destruction of lakes and forests by acid rain, by refusing (illegally) to enforce the Clean Air Act prohibitions against tall stacks on power plants and smelters....For fifteen years, EPA ignored the ozone-layer threat posed by CFCs, despite the agency's own estimate that DuPont's stratospheric ozone hole will cause some 40 million cases of skin cancer and 800,000 cancer

deaths among Americans before the year 2075....

"PREVENTION....EPA still has not established a program to prevent non-point sources of pollution, such as runoff from farms and from the streets of cities, even though the agency identified such sources to be majors problems more than a decade ago....EPA has institutionalized 'risk assessment' as the basis for all important decisions regarding control of toxic materials, thus sanctioning the repulsive concept that government can kill citizens without due process of law simply because the names and addresses of those to be killed are not known....Legalizing pollution in this manner undermines efforts to force industry to adopt clean production techniques that would reduce toxic discharges even further....

"GRASSROOTS POLICIES....The sorriest chapter in EPA's brief history has been its abandonment of ordinary people trying to protect their homes from chemical contamination. In case after case where citizens have taken on polluters...EPA has sided with the polluter. It is no wonder that a growing number of Americans who consider themselves part of a movement for environmental justice..view EPA as an adversary rather than an ally.....One of the first Technical Assistance Grants under the Superfund program was denied citizens of Jacksonville Arkansas and given instead to a group organized by the company the EPA had identified as the responsible party at the Superfund site. Only after public outcry, grassroots mobilization and Congressional investigation, did EPA withdraw the award and give it to the citizens....

"ENFORCEMENT....Throughout its 20-year lifetime, EPA has repeatedly missed deadlines for enforcement of environmental laws such as: deadlines to stop sewage dumping into the Atlantic Ocean; the deadline to make all surface waters fishable and swimmable by 1983; deadlines to begin controlling air toxics; and Congress's stated goal of zero discharge of toxics into the nation's waterways by 1985....EPA has routinely proposed fines for polluters that fail to recover amounts larger than the profits earned by the illegal activity, thus, EPA's enforcement programs have sent polluters the clear message that crime pays...EPA tried aggressively (though, fortunately, without success) to prevent states (like North Carolina) from passing laws that would control the size, number and location of toxic waste processing facilities that private waste haulers could build. All this really showed is how heavily the EPA has been infiltrated and manipulated by the hazardous waste management industry. William Reilly's infamous breakfast meeting with Dean Buntrock, CEO of Waste Management, Inc., merely confirmed the influence this industry has come to exert upon the agency....

"ASBESTOS AND LEAD....EPA has failed to protect the nation's children against lead pollution. Despite EPA's explicit recognition of the dangers posed by exposure to lead, an astonishing 88% of American children under age 6 now have enough lead in their blood..to reduce their IQs measurably....EPA took 20 years to announce a serious intention to ban asbestos from consumer products, even though it was well-established by scientists and physicians in the 1950s and 1960s that thousands of men and women have acquired cancer through exposure to asbestos....

"WATER....By the late 1980s, 27% of America's rivers and 22%

of America's lakes were either not fishable or not swimmable, despite Congress's 1972 mandate to EPA to make them fishable and swimmable by 1983....The United States is bound by the Great Lakes Water Quality Agreement to achieve zero discharge leading to virtual elimination of persistent and bioaccumulative toxics into the Great Lakes. Both the Clean Water Act and the Toxic Substances Control Act give EPA the power to stop the continued poisoning of the Great Lakes. EPA has no plan in place to enforce this fundamental goal of the Agreement....EPA estimates that 50% of the nation's groundwater reserves are contaminated with chemicals, mostly agricultural chemicals. This estimate is probably conservative since the Agency skewed its study to bypass agricultural areas....

"ENDANGERED SPECIES....EPA has admitted that it routinely fails to act to save threatened and endangered species when notified by other federal agencies that pesticides are causing serious damage to wild life".

For more information, contact Greenpeace's Scott Brown at 202-462-1177.

NEGOTIATIONS NEWS-- OE ATTORNEYS' MOVE, CRYSTAL STATION "SAFE SPACE", FLEXIPLACE, OFFICIAL REPRESENTATIONAL TIME, TQM: Local 2050 is busy negotiating with management on matters of importance to Headquarters professionals.

The first item in this report has implications far beyond its apparent scope. This negotiation is about the physical characteristics of our future work environment, about our role in determining those characteristics (i.e. to what extent management will see employees as management's TQM "customers"), and about the differences between relying on TQM (wherein management's power to do whatever it wants remains unrestricted) and relying on collective bargaining under Federal labor law (which restricts management's power by requiring that it bargain in good faith).

OE Attorneys' Move On October 11, management formally proposed to move Superfund Enforcement Division, OE to the 9th floor of Crystal Station. The Union asked to bargain on the move, and on Nov. 13 reached agreement with management on ground rules for the negotiations. Negotiating sessions were held on November 16 and 20, making little progress on the chief stumbling block, whether the space would be "built out" as tiny, open cubicles or semi-private offices for those attorneys who wanted them (not all did). After both sides agreed that we were at impasse, the Union called in the Federal Mediation and Conciliation Service to mediate the dispute; but when management finally agreed on a day for mediation after weeks of delay, Assistant Administrator Grizzle "withdrew" his "offer" to move the OE employees. This on the day before mediation was to begin.

Management apparently decided to pretend that no formal proposal to move had ever been made, that no negotiations had ever been entered into, and that the provisions of the Labor Relations Statute prohibiting bad faith negotiations doesn't apply to EPA management decisions. Management's nervousness over proceeding with mediation and, if necessary, binding arbitration, is understandable and based on the tremendous job of organizing and

research that these attorneys undertook (they surveyed EPA Regional Counsels and found that the trend in the Regions is away from cubicles and back toward offices; they also found that in the Washington area, 98% of Federal attorneys work in offices, nearly all in private offices), coupled with the bargaining power granted by Congress to employees through their unions and fears in upper management that its plans to shoe-horn EPA professionals into little cubicles would come to grief if a third party were to adjudicate this dispute.

When preliminary talks opened between the Union and management on this move, Bill Hirzy sent a letter to management asking that the principles of TQM be applied, the idea being that management should view employees as "customers" and try to cooperatively work out the issues involved in the move. What we have so far seen, in contrast, is an example of the major limitation of TQM, viz., TQM places no limit on management power; management can do anything it damn well pleases under TQM. The only limit on management power is imposed by the Civil Service Reform Act, through its provisions for (minimal) sharing of power with employees' representatives via the collective bargaining process. If we had been relying solely on TQM to further the interests of these attorneys, we would now be out of luck and out of options, but the CSRA is there for us to use--and we have. Local 2050 has filed an Unfair Labor Practice charge with the Federal Labor Relations Authority, asking for expedited review of the case.

Flexiplace On December 18, Rufus Morison, Bill Hirzy (Union), Leigh Diggs and Pat Spatarella (management) reached agreement on the major elements of a pilot Flexiplace program for Headquarters. A formal, joint announcement of the agreement will be issued shortly once the last minor detail is settled. The program will allow employees meeting certain selection criteria--and whose management elects to participate in the program--to work at home several days per week. The pilot program will run for one year, at which time the parties will consider whether to establish a permanent program. Extensive evaluation of the program will occur during its life-cycle by both the Union and management. Provided the "nuts-and-bolts" of operating the program can be worked out satisfactorily, the program seems to offer significant benefits in terms of reduced commuting time and expense. The negotiations were cordial, business-like and were concluded in just three hours of talks. If only the elements of civility and trust displayed in these talks could be fostered and become the norm for labor relations within EPA!

"Safe Space" Occupancy The second floor of Crystal Station has been designated for occupancy by those of our colleagues afflicted with extreme sensitivity to indoor air contaminants and unable to work any longer in the normally assigned space. There is room for 30 employees in this space, but about 45 employees are now on building-related work-at-home arrangements and theoretically eligible to occupy the "safe space". Local 2050 has been working with the 45 affected employees and management to develop both a selection program for occupancy and a plan for operating the space once the employees are moved in. Myra Cypser has been doing her

usual great job of handling these employee and management contacts, and we hope to have an agreement in place within a few days of the New Year. Working with Myra as negotiator for the Union is Carol Bass, who has been working diligently on alternate space and clean air problems for over two years.

Official Representational Time As you readers of Inside the Fishbowl are well aware, the officers of Local 2050 have been and continue to be extremely busy with issues of importance to Headquarters professionals (and to many outside Headquarters as well). This article on negotiations gives a glimpse of these activities; we also are handling EEO complaints, performance grievances, separations, the never-ending saga of air quality problems in our buildings and on and on. In recent times, some elements of management have taken it upon themselves to harass some of our more effective representatives with respect to the amount of time spent looking after Headquarters employees' interests. In order to put an end to this problem and bring more clarity into the relationship between Local 2050's representatives and various management entities, the Union proposed allotting a specific amount of time (in terms of FTE's) for representational work. The labor relations staff seems to understand the problem (since they get an awful lot of the same work that the Union does, but from a different angle), but line program managers are less clear on what we do, why we do it, and the legal basis for our use of time. We sincerely hope that agreement can be reached soon on this matter; both labor and management will benefit from a clearer relationship. We note that Mr. Habicht's office has started to look at more effective ways for management and the Unions to work toward our common goal of turning EPA into a good place to work; Local 2050 applauds this initiative and has been working well with Pam Herman and Joel Szabat of the Deputy Administrator's staff on it.

Total Quality Management - On December 17, acting on behalf of the 1100 professionals at EPA Headquarters, NFFE made a formal request to bargain on the "Impact and Implementation" of the Total Quality Management Plan now underway. Dr. Bill Hirzy, union president, in a cover memo accompanying NFFE's proposal, noted that "TQM has tremendous potential for improving the quality of work life at EPA." Dr. Hirzy pointed out, however, that "TQM is being implemented without utilizing the creativity of the staff who share responsibility for improving how work is done at EPA." "It is imperative" said Dr. Hirzy, "that the principles of TQM be applied in designing how the program is going to be implemented. And that means working with the representatives of the professionals in developing a program acceptable to everyone."

NFFE found while participating in a number of pilot programs, that current TQM training utilizes marketplace terminology and does not seem to recognize some of the fundamental differences between working for the government and working for a profit. The role of the professional as a "customer" of management policies and procedures is ignored and too much emphasis is placed upon what we do for the public and not enough on what we do to and for ourselves. Management accountability is fuzzy; it appears that poor managers are allowed to ignore the program while the progressive managers are jumping on the bandwagon. The ball is now

in management's court to respond with a creative proposal of their own. NFFE is optimistic considering the high level support for TQM from Hank Habicht and his obvious willingness to devote the necessary energy to this important task. Anyone interested in the details of the NFFE proposal, or would like to participate in the union's TQM committee should call Dr. Bob Carton, TQM committee chairperson at 382-2325. A copy of the proposal will be sent to all dues paying members.

DONATIONS REQUESTED BY THE SAFE WATER FOUNDATION FOR THE LAWSUIT ALLEGING FRAUD BY THE AMERICAN DENTAL ASSOCIATION ON FLUORIDE AND MERCURY AMALGAMS.

As reported in the last issue of the Fishbowl, about 40 dentists have sued the American Dental Association for lying to their members about the dangers of fluoride added to drinking water and mercury in dental amalgams. The suit recently received national attention with an article in the New York Times and a eye-opening story on 60 Minutes. This lawsuit is critical in breaking the unethical influence of politics over scientific inquiry. Last week NFFE Executive Board members pooled their personal resources and donated \$120 to the Safe Water Foundation of Ohio to help in the lawsuit. NFFE encourages its members to help the Safe Water Foundation with a check made out to them and sent either to the Union office (mail stop UN-200) or to the foundation at 6439 Taggart Road, Delaware, Ohio 43015. If you want more details, call Bob Carton at 382-2325.

AEROSOL FLAMMABILITY UPDATE

by Dwight Welch

More aerosol and fogger fires are being reported recently. The DC Fire Marshall's Office has reported three and New York City Supervisory Fire Marshall James McCormack is getting ready to report another five. In one of the New York explosion/fires a single fogger explosion moved and interior wall 18 inches blew out a window, frame and all, and cracked several other walls. The Fire Marshall is angry and disgusted in that he had been promised years ago that EPA would take some action in this regard.

Meanwhile, the Federal Register Notice, promised last summer, has yet to be issued. I recently complained to Interagency Taskforce Chairperson Anne Lindsay about the lateness of this response. I further complained to her that Don Stubbs held a meeting of the Product Chemists on this issue, yet he failed to invite me even though Lindsay had designated me as Special Advisor to the group.

THE OFFICE OF PESTICIDE PROGRAMS SCHOOL OF TOXICOLOGY

by Dwight Welch

Attention all of you toxicologists who wasted your time and money getting Masters and PhD degrees in toxicology. Instead you could have gotten your training with on the job training in OPP's Registration Division.

As I have indicated in previous articles, I had been placed by my Branch Chief Ferial Bishop and my Division Director Anne Lindsay into a section whose primary responsibility is to review acute toxicity data. Being an entomologist by training and lacking a strong chemistry background and lacking a toxicology background altogether, I felt unqualified to perform these responsibilities. On July 27, 1990 I applied to my immediate supervisor, Thomas Ellwanger, for training (that I be entered into a Masters Degree program in toxicology), so that I might perform my job in an ethical and qualified manner.

On December 14, 1990 I finally received the reply to my request. I was denied the requested training and informed that I could learn toxicology through on the job training.

Now some of you out there who believe in ethical behavior might be outraged, you might say, "You can't learn toxicology through on the job training." You might be concerned that the public might be placed at risk, especially considering the fact that my supervisor also has no formal educational background in toxicology. Not to worry. It scarcely makes a difference anyway. Along with the letter denying me formal university training in toxicology, my supervisor handed me an assignment to review 6 acute tox studies. Looking through the submission, I found that the product had already been registered before the tox data was even submitted!

Well it just so happens that EPA's Office of the Inspector General is doing an audit of the Registration Division investigating guess what? Incomplete scientific reviews before a pesticide is registered and unqualified people doing the reviews. I reckon the Registration Division is none too worried about the IG audit.

FROM THE EDITOR

VICTORY FOR THE UNIONS--ARE WE EFFECTIVE OR WHAT?

I had originally planned an editorial about management accountability and why the Gang of Four should be fired in connection with the Asbestos Crisis. But what the heck it's Christmas, a time for feeling good, and at long last we seem to have turned a corner. So here's my new editorial.

Cock-a-doodle-doo. Or in the words of Richard Prior and Gene Wilder in "Stir Crazy": "We bad. That's right, uh-huh, we bad." Now Kirby Biggs and I could have been wimpy Union leaders and rolled over and said, "Yea, people everything's OK." But we responded to the concerns and needs of our bargaining units. Though the going was rough, we hung tough. A couple of months ago management was saying everything was OK, now they have committed to a cleanup of CM-2. As I indicated in the article in "News Bites", we have confidence in Steve Hays and feel we have turned a corner. We also have hope for a good working relationship with Dennis Bushta.

The Asbestos Crisis has been a good example of both Unions working together and coming up with meaningful and positive results for all EPA employees. And although the crisis is far from over,

in turning this corner, I feel this is a victory for Union solidarity.

I feel so good, in fact, that I am not even going to file Unfair Labor Practice Charges against Campt, Jimeno, and Murray for cutting a deal behind our backs. Those three will probably try to take credit for resolving this crisis, but the cleanup decision was the result of the work of Kirby and me and the many folks listed below. It was only the unrelenting pressure by those involved on the Union side which precipitated a cleanup deal, not a backroom deal cut in the face of a rapidly eroding management position. Loree, I know you are going to be mad at me for having written all this, and I think you are a really nice person who truly cares for the employees, but undercutting the bargaining position of your Union sisters and brothers doesn't make it.

We are deeply grateful to the continuing help and support from John Moran and Bill Kajola, with contributions by Chuck Reese from the Laborers National Health and Safety Fund. I also want to thank Myra Cypser, Bill Hirzy, Rufus Morison, Bob Carton, and a whole bunch of others who probably wish to remain anonymous. I also want to thank Ron Stern and Sandy O'Shay from the Patent Office and the other people who supported us in Navy and PTO.

Now some people have said that I'm a negative person, I'm not. When someone does something wrong or underhanded, I'm quick to criticize, but when someone does something good or useful, I'm also quick to recognize those people too. Although I have no concrete proof, my gut feeling is that the tide has changed due to orders from the 12th floor. The meeting with Joel Szabat seemed most productive. I would also like to mention that I feel Howard Wilson of Environmental Health and Safety played a quite honorable role.

This is only the beginning folks. Together we can make this Agency something we can once again be proud of. And don't forget, tell all of your AFGE friends, "Vote for Biggs and Stewart in '91."

COMING IN 1991

CULTURAL DIVERSITY

An article about Asian/American discrimination in Region 2; an update by Dwight Welch on Asian-Pacific/American discrimination in the Office of Pesticide Programs; also articles by Jim Walker and Tyrone Aiken.

INDOOR AIR QUALITY

A report of air quality issues in Region I, current reports on the asbestos situation(s), and of course the ever thorough and factual "Indoor Air News" by Myra Cypser.

FLEXIPLACE

Work at home is coming soon, read INSIDE THE FISHBOWL to keep updated.

PLUS NEWSBITES, ROACHEZ, NEW BUILDING NEWS, AND INFORMATION IN THE MEMBERS ONLY PAGES WHICH OTHERS WILL BE WILLING TO PAY FOR!

Rufus Morison, Ph.D.
Chief Steward

On December 11, 1990 Congressman John Dingell opened hearings on the EPA Inspector General. Since this type of information is not published in any of the many EPA communications (tax supported), I pass it on for your information. The following article is from the newsletter Superfund*, vol. 4, No. 26, December 14, 1990.

SUPERFUND

Vol. 4, No. 26

December 14, 1990

House panel says EPA Inspector General ignores evidence

EPA's Office of Inspector General is supposed to be the mean junkyard dog guarding against contract waste and fraud at Superfund sites, but that dog is asleep, says House Energy and Commerce Chairman John Dingell, D-Mich.

Investigators for Dingell's oversight subcommittee spent a year examining complaints about the IG's performance, and Dingell offered some conclusions at a hearing earlier this week.

Dingell said the IG failed to effectively pursue suspected waste and fraud among the agency's major private contractors who hold more than \$8.5 billion in contracts, many involving Superfund site cleanups.

Subcommittee members portrayed a situation in which Superfund contractors can steal from the program with impunity because no one is guarding against the theft.

Of 48 cases the past seven years in Superfund, only 9% of those that have been closed resulted in employee

dismissal or contractor suspension. Most cases were closed without any action following investigations lasting one to four years because of poor targeting of cases, weak follow-up and limited investigative sources, Dingell's staff said.

Dingell and other subcommittee members severely criticized the IG's track record during the seven-year tenure of Inspector General John Martin. They promised further scrutiny of the six-year effort of John Barden, assistant inspector general for investigations.

The IG's efforts resulted in successful prosecution of only four Superfund cases. All four convictions resulted from a 1985 case against Environmental Management Corp. under former divisional inspector Deirdre Tanaka in the IG's Chicago office.

The award-winning investigator testified that she quit in 1988 after Barden punished her by cutting her staff and sending investigators to harass her. She spent her last year in (Continued on page 2)

the IG's office responding to frivolous and spurious inquiries, she said.

After the hearing she told a reporter Barden "routinely" harassed many employees, resulting in a high turnover rate at the IG's office. Tanaka is now an EPA assistant regional counsel with the Air, Water and Toxics Division.

Dingell said in a Dec. 10 memo to subcommittee members that Barden "has become engaged in conflicts with numerous senior management staff" in regional offices the past seven years.

"These conflicts caused serious morale problems among investigative staff ... and major disruptions in the IG's law enforcement activities."

Under Dingell's questioning, Barden said virtually no investigators are assigned to probe contract fraud involving remedial cleanups at Superfund sites.

Barden said all 11 inspectors assigned for Superfund work in the 40-inspector IG's office are spending most of their time investigating allegations about fraud in EPA's contract laboratory program (Superfund 11130). Because the IG has limited resources, he said, the lab fraud work is where Barden thought they could do the most good. He said the contract laboratory program affects Superfund projects nationwide.

Dingell questioned the wisdom of leaving billions of dollars' worth of cleanup work unwatched.

"Mr. Barden has nobody to deal with the question of how you are going to catch anyone out there reading this multi-billion-dollar program," Dingell said.

Dingell promised that his panel would probe that question unflinchingly, as well as other aspects of the IG's performance. "We're going to get to know each other very, well," he told Barden and Martin.

In past years, Martin and Barden paid only lip service to the need for Superfund investigations, subcommittee staffers wrote. Barden called for development of a comprehensive plan to focus on Superfund, but failed to follow through.

And the past five years of investigations of the

Superfund emergency removal program failed to produce a single indictment despite hundreds of hours of investigative time in examining evidence of fraud in waste hauling and payroll activities.

While much of the hearing focused on the IG's lack of accomplishments in the Superfund area, the subcommittee is probing the overall record of the office.

After an increase in the number of indictments between 1984 and 1987, the number has fallen consistently downward every year from a high of more than 70 to less than 20 indictments this year.

Yet the IG's investigations staffing, including clerks, has increased from 52 positions in 1987 to more than 70 positions this year.

In opening remarks Dingell likened the potential for contractor abuse to the defense contractor fraud scandal that his committee has also examined. Most of the cleanup contractors also do work for the Defense Dept.

And a General Accounting Office report noted that hundreds of EPA contracts haven't been audited because of a backlog within EPA and the Defense Contract Audit Agency, which handles many EPA contract reviews. Many audits are four years overdue.

Beneath the frowns and glares of members of Congress, Martin emphasized the accomplishments of the audit division, with its staff of more than 200 people. His opening statement provided a long list of audit reports showing waste and inefficiency in Superfund and other EPA programs.

But committee members hammered on the IG's lack of coordination between its auditors and investigators. IG's investigators pay little heed to audit findings for investigative leads, even when auditors flag evidence of abuse, they said.

Dingell and other members of the committee grilled Martin and Barden about why they had ignored audit warnings of suspected fraud in the case of Computer Sciences Corp. (CSC), which provides computer data processing and software maintenance agency work at EPA labs and regional offices. Last year the company had

IG isn't investigating fraud, Congressmen say...

through work on contracts.

In the summer of 1986, an EPA official who supervised CSC contracts and a former CSC employee made numerous allegations of improprieties on major EPA contracts.

The Defense Contract Audit Agency informed David O'Connor of EPA's procurement and contracts management division in early 1988 that CSC had "questionable adjustments" totaling 105,000 labor hours in records for five contracts in 1982-1985. Double billing of hours was found. The adjustments included unsigned time sheets, timesheet alterations, transfers of hours from expired contracts to active contracts, and transfers of hours between unrelated delivery orders and categories.

A 1989 report from the IG's Western audit division

also "there appear to be almost unlimited opportunities for waste, mismanagement and even fraud."

The IG, however, didn't investigate. Barden told Dingell that an IG investigator interviewed the CSC employee who complained of the improprieties and dropped the case after the employee recanted the allegations.

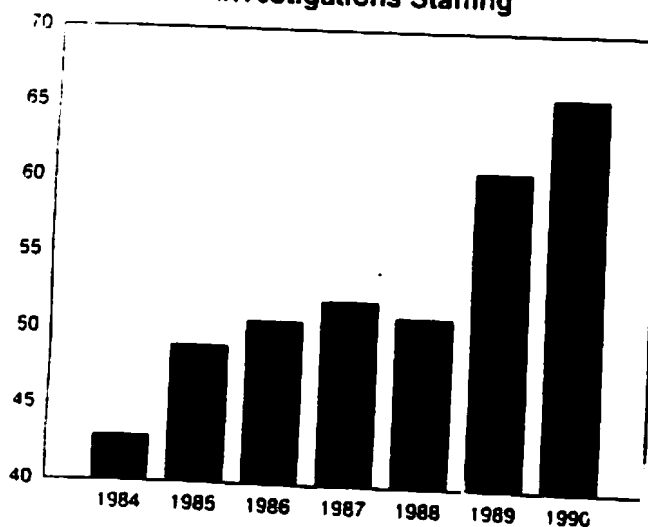
Dingell expressed exasperation that the IG had taken the investigation no further in light of audit findings. "Why not look at the files? The most rudimentary form of investigation would be to interview CSC workers and review the work papers."

"It wasn't one of our highly significant cases," Barden said a short time later.

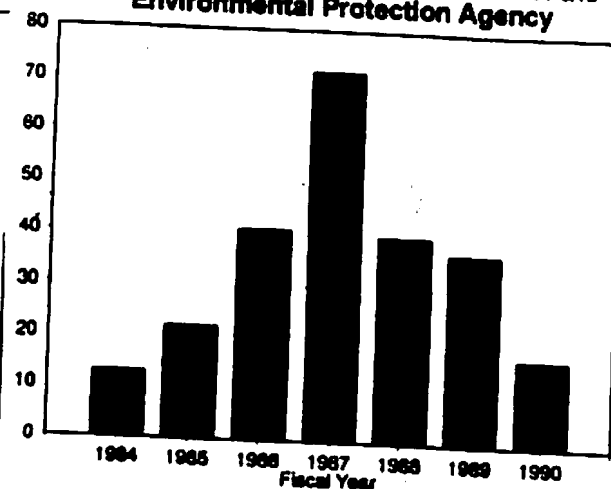
Marin said, "It would be a mistake for anyone to believe the CSC case is representative of how we do business."

***Quoted with the permission of Pasha Publications, 1401 Wilson Blvd., Suite 900, Arlington, VA 22209**

**EPA Office of Inspector General
Investigations Staffing**



**Number of Indictments Reported
By The Office of Inspector General of the
Environmental Protection Agency**



In addition, the testimony of staff Investigator Debra Jacobson and Chairman Dingell's Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce and Mrs. Dierdra Tenaka of the EPA Regional Office in Chicago outlines the abuse and retaliatory nature of the OIG toward EPA employees and other individuals who have opposed EPA policy and pointed out scientific flaws in EPA positions and documents.

Graphs courtesy of the House Subcommittee on Oversight and Investigations, Rayburn HOB, Washington, DC 20515

National Federation of Federal Employees

INDOOR AIR NEWS

Editor: Myra Cypser

A Monthly Newsletter on EPA's Indoor Air

November 30, 1990

Union Calls For CM#2 Evacuation: Asbestos removal took place at Crystal Mall #2, the EPA Headquarters building in Virginia, for several months and was completed in late October. EPA employees were not convinced that the new unproven containment device used for asbestos removal would protect air quality. Employees were also concerned by the Agency's refusal to conduct air monitoring according to OSHA and EPA guidelines and regulations. There were two employee petitions to the EPA Administrator and on October 25, the Union held a protest rally attended by more than 100 employees. The Administration refused to listen to the employees.

The Unions requested asbestos monitoring on October 26 to determine if the building was safe. Finally, a few weeks later on November 20, the Agency took wipe samples and reported the results to the Unions on November 27. Twenty-three of the 24 samples contained asbestos. More than half the samples had 1 percent or more asbestos. One sample contained 4 percent asbestos, the highest level found. Union asbestos experts brought in to evaluate the asbestos situation recommended the evacuation of the building and a thorough clean-up. On November 30, I handed a copy of their recommendations to Bill Reilly, the EPA Administrator, and asked for the evacuation of CM#2. In an open letter to Mr. Reilly November 30, NFFE Local 2050 denounced key health and safety officials for authorizing the asbestos removal shortcuts and risking employee health. The Union held a press conference November 30 to discuss asbestos issues. There is no way the Agency can prove to the employees that these levels of asbestos are safe.

FLRA Complaint Against EPA: On October 31, the Federal Labor Relations Authority (FLRA) issued a Complaint against EPA for failing to provide medical information the Union had requested. The Union wanted information from the EPA Health Unit showing the medical basis under which employees with indoor air related health problems were assigned to alternative workspace. The Union asked for "sanitized" reports so confidentiality would be maintained. A hearing will be held later at the FLRA. There are indications, however, that the Agency may change its position and provide the information, in which case the charge will be dropped. This information will help those employees who have been denied alternative workspace.

Health Data A Secret: The Safety, Health and Environmental Management Division (SHEMD) has repeatedly refused to provide data from the EPA Health Unit showing the number of employees reporting injuries from indoor air pollution and their symptoms. EPA Health Unit statistics are a secret; however, I have received a report through the "grapevine" that the number of complaints from employees at the new Crystal City building (Crystal Station) are far greater than complaints at the Waterside Mall (WSM) Headquarters building. Not surprising. The new building is full of new materials, carpet, tile, paint, etc.

The February 1989 EPA indoor air health survey showed more than 40 percent of Headquarters employees have sick building symptoms. However, there is still no routine solicitation of employee health complaints and now, nearly two years after the health survey, there are no plans to do a follow-up survey to determine if complaint levels have changed. SHEMD does not solicit employee complaints during specific events that could adversely affect health, such as re-roofing, carpet and tile installation. SHEMD has never investigated miscarriage rates at EPA. They still have not done an investigation of other "women's problems" despite a complaint in 1988 that all the women in one particular branch in OSWER had problems.

Evacuations Because Of Re-Roofing: The re-roofing of WSM continues. On November 15, several corridors on the third floor of the mall area at WSM were evacuated because of re-roofing fumes. The day before, some of the second floor had been evacuated. Evacuations also took place on November 16, 19, 20 and 21. The Union does not know the full extent of evacuations and re-assignments to alternative workspace. Some employees were allowed to work at home. Facilities management has been recommending that program managers make alternative arrangements for employees bothered by the fumes. Thank goodness we have facilities taking the lead on this important health and safety issue. At an OSWER/facilities meeting on November 19, Rich Lemley, facilities division director, said he would ask the building owner to pay for the cost of the evacuations and lost productivity.

On November 15, a woman was overcome by the roofing fumes in the 3400 corridor of WSM and had to receive emergency medical treatment. This happened during a meeting of employees, management, representatives from facilities, health and safety and the Union, on indoor air issues (employee election of carpet/tile). Union officials have been eye witnesses to two separate collapses of employees apparently due to roofing fumes. The Union has had reports of illnesses from the re-roofing operation and has received complaints from employees regarding debris falling off the roof and odors. However, we have no way of knowing the overall number of employee illnesses. The Union is trying to find out how many roofing related complaints have been filed.

Indoor Air Problem In Region I: EPA employees in EPA's Boston office (Region I) are experiencing indoor air problems. They report construction activities and painting during the day. At EPA Headquarters, there is no painting done during work hours, thanks to the intervention of the Union. However, there is no national policy on how indoor air quality should be managed in EPA buildings. In Region I, the management will not allow

the employees to hold meetings to discuss indoor air concerns. One employee who has medical certification showing she should be out of the building has been told she will be reported "absent without leave" (AWOL) if she does not work in the building. The regional health and safety office did an "evaluation" of the employees' working conditions. They did not find any indoor air problems. They blame the employee complaints on noise and glare!

California Leads The Way: The San Francisco Mayor's Office of Community Development is evaluating the accessibility of government owned or leased buildings to handicapped people, including those who are disabled because of chemical sensitivity. This office has drafted a plan for requiring control of pollution sources such as building furnishings, pesticides and cleansers, and requiring adequate ventilation to minimize indoor air pollution. The basic premise behind this plan is that chemically sensitive people have a right to enter public buildings. What a radical idea! It may be a while before the Administration comes around to this way of thinking. Copies of the draft plan are available from Paul Imperiale in the Mayor's Office at (415) 554-8925, or contact me at (703) 578-1816.

Chemical Sources Uncontrolled: There are products that are marketed as being non-toxic, safe for chemically sensitive people, or environmentally safe (cleansers, paints, glues, etc.) At the November 27 monthly facilities meeting, a health and safety representative made it clear that the Agency would not consider using these products in preference to others and would continue with business as usual. We were told EPA could not refuse to purchase products that are not yet banned by the federal regulatory agencies responsible for evaluating the safety of consumer products. (Why should EPA employees have any benefits not available to people in other office buildings across the country?) The health and safety division (SHEMD) keeps the Manufacturers Safety Data Sheets (MSDS) that list the hazardous ingredients in these products but no action is taken to restrict the use of any products. It is not known if they even review these MSDS. There is no real effort to discover what pollution sources are in our Headquarters buildings, what chemicals they emit and in what amounts, what effects they have on human health (including neurological and immunological effects), which are particularly toxic for chemically sensitive people and which should be banned from our buildings.

Ventilation Rates Still A Mystery: We are still waiting for the Agency to provide basic air flow data to show if ventilation systems are continuously meeting the ASHRAE standard for makeup air (20 cfm per person) We do not know if any of the ventilation systems in the four Headquarters buildings meet the ASHRAE standard. While we were told by the Agency that the new building, Crystal Station, has ventilation systems that meet the standard, the systems are designed to be variable air flow systems and there is a question as to whether they can actually deliver 20 cfm per person on a continuous basis. Also, there have been problems with the systems not operating properly. Is the Agency hesitating to conduct a thorough investigation of the ventilation systems in its own buildings because this might set a precedent for buildings across the country? (Think about the potential economic impact on building owners!)

An interesting footnote: One Agency official told me that they had kept the air intake dampers closed tight when they did the ductwork cleaning/new ceiling tile installation last summer. The reason? They did not want to let any "humidity" into the building! These renovations resulted in serious illnesses for employees, including myself, and the evacuation of dozens of employees from renovated areas.

Time For A Change: I've been working on EPA's indoor air for more than five years and I've published more than 100 pages of newsletters on this issue (reprints available). This situation hasn't dragged on for five years just by accident. This Administration will not protect the environment of the EPA employees. Employees are being held hostage to the Administration's national indoor air policies. The Administration has testified repeatedly before Congress, opposing the indoor air bills. Even though progress has been made (restricting smoking, controls on pesticides, venting copy centers, carpet removal, etc.), these basic policies have not changed significantly since the Reagan era. The attitude of EPA's health and safety officials seems to be: "we only have to comply with OSHA regulations and people who can't tolerate business as usual in the EPA buildings should work elsewhere." Employees have been injured as a direct result of these very deliberate policies taken by the Administration. There is little or no concern for the employees being driven deeper and deeper into chemical sensitivity and their ruined careers.

Think About Joining: Take a moment to show your support for the work the Union does to protect indoor air. Join the Union! Fill out the attached membership form and take it to the Union office in NE302 or mail it to the Union at mail code UN-200.

My Own Story: My office moved to the 8th floor of the new Headquarters building in Virginia, Crystal Station, and I had a severe reaction to my new office on my first day there, November 5. It took a week for me to recover. I filed for workman's compensation so I had "continuation of pay" and did not have to use sick leave.

I had asked for assignment to alternative workspace because of health problems from indoor environments. After we moved to Crystal Station, I found out that my management considered our new offices there to be "alternative workspace." (How can offices full of new carpet, new partitions, new ceiling tiles, be suitable alternative workspace for a chemically sensitive person?)

I did not go back to work in my 8th floor office because my doctor advised against it. However, during the week following my recovery, I had no place to work because my management would not assign me to any other location and refused to let me work at home. Every day, I went into Crystal Station for only a few minutes with a Union official as a witness, and delivered a letter stating that I was reporting for work and that I needed a place to work. Finally, I was assigned to space on the second floor of the same building, space designated as "alternative workspace" by the Agency.

However, this did not work out either. The second floor alternative workspace has new materials that are potential pollution sources. I got sick every time I worked there. Then on November 28, my symptoms were so severely disabling (including hearing loss) that I could not work there any more. I have since found out that five of my friends have had episodes of hearing loss they associate with working at EPA. I am still trying to recover and waiting for my management to decide if they will allow me to work at home. More than 40 employees have been assigned to alternative workspace and many of these work at home, including scientists like myself. I have been able to work only five days in the past month and have now filed a Grievance against my management in an attempt to get accommodations where I can perform my job on a continuing basis.

The harrassment continues. I received a performance rating from my branch chief, Mamie Miller, which was much lower than any rating I had ever received before. Lately, she has been refusing to give me any Union time at all, so I can't perform my duties as a Union official. She refused to sign the receipt for the workman's compensation form for my building illness and I had to write a separate letter to personnel documenting that I had submitted the form.

Alternative Workspace Still Workable: I still have hope that the second floor alternative workspace will be acceptable to the most severely injured employees. Of course, the space needs to be "aged" more, the promised monitoring must be done, the ventilation system needs to be fixed, and there should be much better control over the space (no more surprise floor waxing, painting, etc.)

I applaud the vision of people in facilities who made this investment for the chemically sensitive employees, office space where we can protect our immediate environment by eliminating the use of toxic products.

Press Tally: There have been a total of 139 stories in the news media on EPA's indoor air, including 11 national/international TV shows.

On November 5, 6, 7 and 8, NBC TV aired a special documentary on indoor air during their evening local news shows. Nineteen EPA employees were filmed for this special and can be very proud that they took a stand on this important issue. As a result of this NBC feature, hearings were scheduled at the New York City Hall on possible indoor air legislation. Copies of the videotape will be available through the Unions. For a printed transcript of the segments relating to EPA, contact me at (703) 578-1816.

Not all the stories are counted in my "press tally." Stories are counted only if I can get copies of clippings or directly confirm that the story actually ran. A Japanese camera crew toured EPA Headquarters on November 14 and 15 and interviewed Union officials, employees and Agency representatives. This is a show that probably won't be counted in my tally, because if it is broadcast in Japan, the odds are good I won't know about it.

Distribution: The Indoor Air News is now distributed to more than 500 people. Please share this newsletter with friends. Call me if you have news at (703) 578-1816. The Union office is (202) 382-2383.

HAPPY HOLIDAYS !!!

Patent Office Professional Association

Newsletter

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ASBESTOSGATE?

No, this is not a new building complex in Crystal City.

Keep Them At Their Desks

Recent incidents in Crystal Mall #2 have upset many PTO employees in the Documentation and Classification areas of the Office. It seems that on several occasions now, other federal workers have been evacuated from the building when air samples revealed potentially hazardous conditions from possible asbestos contamination in the building. However, PTO employees worked on while PTO management in their new non-asbestos building waited for absolute proof of asbestos contamination unconvinced there was any health hazard to employees.

A meeting was held with representatives from GSA, Charles E. Smith Co., the PTO and EPA along with affected employees. The Office was unable to answer several employee questions as to why they had to stay in the building the rest of the day with no ventilation until the PTO determined if their area was safe or not. We've heard of innocent until proven guilty but this is the first we have heard of safe until proven contaminated. Isn't it too late at that point? It seems that PTO management wants a burden of proof on the employees to prove beyond a shadow of a doubt that the workplace is unsafe before they will do anything.

Welcome To The Mushroom Club

The Association had been notified of the structural modifications to CM#2 some time back and PTO management had been asked directly if asbestos was being removed in this office space. The answer from the PTO was a definite NO. Join the employee mushroom club. You know, that's where management keeps you in the dark and feeds you _____ (asbestos of course).

PTO management has taken lightly these developments and has shown little regard for the health and well being of its employees when compared to EPA management. In one instance, unhealthy levels of air particulates were detected in the building after the air

handling system had been operating for over an hour one morning. EPA evacuated its employees, the PTO did not. Did PTO management have any data or test results to insure that the particulates from other floors had not been circulated to PTO office space? Of course not. So PTO employees remained at their desks for the remainder of the day with the ventilation system shut down while the asbestos removal contractor cleaned up the unhealthy floor of office space.

Who Do You Trust?

The Health and Safety Committee reported to the Executive Committee that an asbestos consultant had been contacted to evaluate asbestos test data from buildings CM#2 and CP#6 and to conduct tests for asbestos in other buildings after it was learned that positive asbestos test samples had been detected.

The Executive Committee then voted funding for the testing rather than relying upon the PTO, GSA, Charles E. Smith Co., the asbestos removal contractor or their health monitoring subcontractor.



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ROACHEZ

Hey, have you read the FISHBOWL?

They're going to clean up the asbestos dust in Crystalcide Mall.

Why should they clean it up, it poses no danger to the employees?

Charles Grizzle, Julius Jimeno, Doug Campt, and others have told us so.

Why, David Smith said 1¢ to 4¢ is an expected background level for the Washington area; it's probably due to the erosion of the ceiling tiles over the years.

They're not cleaning it up because it's dangerous; it's to relieve the anxiety.

The anxiety?

Yes, the anxiety of a perceived danger of having a potent, known, human carcinogen, at high concentrations, in every crack and crevice, nook and cranny throughout the entire building.

Oh. I see. I'm feeling better
alreadeeeee.....

Trouble with that Roach is that he doesn't have any confidence in Charlie Grizzle.