

Inside The Fish Bowl

The Newsletter of NFFE Local 2050

EPA Professionals

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ASBESTOS: THE STORY CONTINUES

The open letter from 128 staffers to Lee Thomas prompted a reply from the administration. (See Inside The Fish Bowl, March, 1985.) On March 15, Lee Thomas, Jim Barnes, and Jack Moore met with Local 2050 people and OTS staff who had been involved with the Office's asbestos program in an hour-long give-and-take on the asbestos issue.

Thomas said that the question of referring risks to other agencies is fraught with legal and policy issues, and that he decided to refer asbestos and 4,4'-methylenedianiline to other agencies after getting advice from his staff and OMB. It was because of the complexities of the issues concerned, he stated, that he suspended the referral action pending further analysis by the Office of General Counsel.

Asked about the propriety of off-the-record involvement of OMB in risk control decisions, Thomas said that it was a relationship that still needed to be clarified. He opined that at times confidential, intra-executive branch consultations are appropriate, but he indicated that better records of OMB-EPA meetings would have to be kept "when OMB is an interested party." He said he expected Rep. Dingell's probe to address this question.

Bob Carton suggested that the staff be given more freedom to publish the results of risk assessments so the public can have access to the scientific analyses, and then let the

political risk managers do with the assessments what they will. Jack Moore replied, "there is nothing to foreclose that." Transcripts of the meeting are available.

DINGELL HOLDS HEARING

On April 16, Rep. Dingell's (D-Mich.) Investigations and Oversight Subcommittee held a hearing on the OMB-EPA connection on asbestos regulation. Two panels of witnesses testified: a group of fire-fighters' and construction workers' union officials, a representative of the Environmental Defense Fund and former Congressman, Subcommittee chairman and principal author of TSCA, Bob Eckhardt (D-Tex.); then EPA-ers Barnes, Yamada, Moore, Clay, Russell, Shapiro, Campbell, and Abramson.

The first panel testified to the inadequacy of OSHA and CPSC authority to manage risks associated with asbestos, graphically pointing out the kinds of exposures that fire-fighters and their families experience as the air in a fire scene becomes filled with asbestos fibers when a fire is "chased" through walls, floors and ceilings that contain asbestos, and then asbestos-contaminated clothing deposits the fibers in the homes of fire-fighters upon laundering. The panel noted that self-contained breathing apparatus is often not used, resulting in inhalational exposures to asbestos at fire scenes. Uncontrolled exposures to construction workers were detailed as well.

Bob Eckhardt pointed out the "completely erroneous" interpretation of section 9(a) of TSCA that underlay Gerald Yamada's legal memorandum justifying the Feb. 1 announcement of intent to refer asbestos risks to OSHA and CPSC. He noted that the law clearly states that two findings must be made--one to establish unreasonable risk, and the other to establish that other authorities can adequately reduce or control the risk--and that EPA's attempted referral ignored the need to make the second finding.

In his opening statement, Rep. Dingell served notice that OMB was going to be held by the Congress to an increasingly stringent standard of accountability as it assumes greater authority in rulemakings. He said that OMB's "meddling and influence peddling must not be hidden from public view".

Rep. Florio (D-N.J.) noted that "in spite of the efforts of a dedicated career staff," EPA has lost its independence of action through OMB interference in the rulemaking process. And Rep. Eckart (D-Ohio) observed that under OMB influence, "the regulatory process has not broken down, it's been assassinated."

Republican members generally supported OMB's role in rulemaking and Administration positions on cost containment.

During the questioning it became apparent that 1) EPA witnesses, especially Don Clay, find assigning a discounted

dollar value to human life--as done by OMB--an ethically repugnant practice, and 2) EPA made its Feb. 1 decision to refer asbestos risks to OSHA and CPSC--and its earlier decision not to set standards for asbestos clean-ups--under edicts from OMB, and that the extent of OMB's influence had not been acknowledged by the Agency

Barnes said that EPA would have a definitive policy on risk referrals under TSCA section 9 put together in 2 to 3 weeks.

The hearing was an extremely gratifying punctuation mark in this continuing story. It showed that a determined, knowledgeable and organized group of civil servants, working in tandem with the Congress and the public, can have a salutary impact on environmental results. Such an alliance has great potential for keeping legitimate rulemaking going forward when ethically and constitutionally questionable tactics are used by those who wish to subvert the process. Local 2050 is dedicated to such action.

LOCAL 2050 OFFICERS ELECTED

The April 4 general meeting of Local 2050 was attended by nearly half the membership. At the meeting two major business items were dealt with: nomination of officers and approval of the constitution. Then in the May 2 meeting officers were elected and the constitution unanimously approved.

Those elected were: Bill Coniglio, President; Bob Carton, President-Elect; Mark Antell, Secretary; Pat Hilgard, Treasurer; Rufus Morison, Chief Steward; and Alex Arce, Lois Dicker, Bill Hirzy, Bill Marcus, Irv Mauer and Don Rodier, Vice-Presidents.

NFFE BOYCOTTS GRACE SUBSIDIARIES

Last year NFFE started a boycott of subsidiaries of W.R. Grace and Co. As you know, W.R. Grace board chairman, J. Peter Grace, headed the so-called Grace Commission that recommends cuts in jobs, pay and benefits for Federal workers. Local 2050 wants to do its part by publishing the names of W.R. Grace and Co. subsidiaries so that you can avoid enriching the people who are actively trying to stick it to us. Here is the list, provided to us by NFFE national headquarters:

- Herman's World of Sporting Goods
- Bermans, The Leather Experts
- J. B. Robinson Jewelers
- Shepler's Western Apparel
- Home repair stores including: Channel, Handy City, Handy Dan, Cashway, Angels, Allwoods, Orchard Supply Hardware
- Restaurants including: El Torito, La Fiesta, Jojos,

Tequila Willie's, Reuben's, Baxter's, Coco's, Houlihan's, Bristol Bar and Grille, Devon Bar and Grille, Del Taco, Gilbert/Robinson and Carrows.

GRIEVANCES

Two grievances that Local 2050 has been involved in are nearing their climactic stages, and they are demonstrating the futility of pursuing grievances under rules written by, and for the benefit of, management.

Because of confidentiality considerations, names and details can't be mentioned, but here is a summary of one of the cases.

The employee was supervised by Mr. X for 10 months and Mr. Y for 2 months. A performance evaluation by Mr. X stated that the employee did satisfactory work, and all necessary documentation to that effect is on file. However, Mr. Y took a dislike to the employee and rated him Unsatisfactory. After much to and fro in which a NFFE representative aided the employee, the Agency's grievance procedure ground down to the point where a "neutral" investigator gathered extant documents--all of which support the employee's contention of satisfactory service over 10/12 of the year. But then, in what clearly shows the futility of playing with the stacked deck that is the Agency's grievance procedure, the "neutral" investigator proceeded to badger the first supervisor, Mr. X, until he agreed to change his satisfactory rating of the employee to an unsatisfactory one! And under the existing procedures, we're stuck, unable to go to a truly neutral arbitrator for justice. This must change, and a new, union-negotiated grievance procedure is the answer.

CONTRACT NEWS

Two major proposals are being put forward by Local 2050 in its draft contract that are non-traditional for labor unions: cooperative management and a professional association. This article will explain the union's recommendations on cooperative management, and the next issue will explain the professional association proposal.

We propose to establish cooperative management through a joint Union-Agency committee that would draft operating guidelines for the program.

Why should we be interested in cooperative management? Why not let things go on as they have been? Isn't cooperative management an awfully complicated, far-out concept, especially for an outfit as big as EPA headquarters? Good questions.

Local 2050 is interested in cooperative management because it works (examples will be published soon, in some detail), and

because it is a concept that can improve both efficiency and morale by actively involving workers in decision making about their jobs. We're not just talking about the kind of "decision making" we go through in drafting performance agreements--we're talking about the kind of decision making that happened last month when Local 2050 people and OPTS management worked through some problems in handling confidential business information (CBI)--real, nuts-and-bolts, job-impacting decision making. (More on this story below.) If cooperative management had already been in place, the branch or divisional quality circle would have spotlighted the brewing problem and gotten it fixed some time ago. But since that wasn't the case, the workers involved had to go "through channels," got frustrated when nothing was done, and finally resorted to going over some heads when one of them was reprimanded for a CBI violation. These hassles can be avoided, and cooperative management can be the preventative.

Why not let things stay as they are? The example just cited surely is not isolated. There must be many cases of irritating situations that stand in the way of better job performance and better morale that can be ironed out if only a mechanism existed to do the ironing. And, when things are going great, the boss needs to hear about that, too. Positive reinforcement is a two-way street!

Isn't this a complicated, far-out idea? The World Bank doesn't think so. Nor do a host of other public and private organizations who use it. It's not possible to lay out full details of how cooperative management would work here because the Union-Agency committee will have the final say on that. But one possible structure would be for branch workers to select a spokesperson who would consult with the chief on a regular basis, with the requirement that written communications would record the flow of concerns, suggestions, commendations, requests, etc.--and the action taken, if action were indicated. A similar arrangement at the division level might have the various branch reps, the chiefs and the director meet somewhat less frequently to do the same sort of communication/decision making--and so forth, through the organizational structure of the Agency.

Your comments on cooperative management are requested.

MORE ON THE CONTRACT

The Agency has been pushing a plan, being implemented in other Executive Branch operations, to cut back on travel cash advances to \$15/day, and to issue Diners Club cards on which travelers are expected to handle expenses. Such cards would be issued to all who travel two or more times per year. Local 2050 has been trying to negotiate on this issue. The Union is

concerned that Diners Club is not the most widely accepted credit card, and workers who travel to more remote locales, especially, may run into problems. There is also worry over settlement of expense reports with EPA in time to make payment to Diners Club and avoid late charges. And so forth.

Local 2050 solicits comments on the credit card program. Contact Bill Coniglio or Bob Carton.

CBI IN OTS

As a follow-up to the March 5 meeting between Union and OTS management on CBI problems, a Union-management committee has been formed which will rewrite the CBI manual. The joint committee will review all aspects of CBI handling, storage and reproduction, and recommend actions to make those operations more secure and simpler for employees to perform. This is the kind of cooperative activity between union and management that we hope to see spread throughout the Agency.

FISH BOWL FORUM

The March Forum featured a talk by Sheldon Samuels, AFL-CIO, on assumptions underlying TSCA and his views on ways to strengthen worker protection from toxic hazards. A summary of his remarks was requested by the OTS Director and was cheerfully sent.

Our next Forum will be the first of a two-part exposition of the implications of the Bhopal disaster for the American chemical industry and society at large. In the first session, which will be on May 28, 12 to 1 pm in M-3908, two speakers will appear. Dan Bishop will explain the response of one chemical company, Monsanto, to the catastrophe, and former Congressman Bob Eckhardt will address current legislative authorities for dealing with the kind of acute hazard manifested in India.

Later we will hear labor, public interest and trade association views on this topic.

EDITOR'S NOTES

● My red-faced apologies for misspelling Rep. Dingell's name in the last issue.

● Membership in the Local continues to grow. We have been on the NFFE Honor Roll since last summer, reflecting a steady increase in our rolls. Current membership numbers 70. WE hope to hit 100 before June and keep right on going.

In my view, Local 2050 will grow steadily in size as we continue to demonstrate the value of the organization to EPA employees. Remonstrations won't do it. We can list real

benefits, such as the NFFE national newspaper, The Federal Worker, health care programs and--very importantly--lobbying by the national union for all Federal workers. But what is going to make Local 2050 live is action: organizing phone-ins to Sen. Mathias about Donald Devine; negotiating a good contract with effective grievance procedures, cooperative management, etc.; looking after the interest of employees during moves and reorganizations; bringing the professional community together via this newsletter, seminars, etc.; and taking effective actions in conjunction with our allies, as in the asbestos case.

This is a process that will occasionally be punctuated with dramatic success, but mostly it is going to be a matter of perseverance. The professional worker is a "tough sell" as far as unionization is concerned, and only persistent demonstration of effectiveness and value will bring success. God knows there's plenty of opportunity for a workers' organization at EPA to demonstrate value, and with the kind of active, dedicated workers we have, there is no doubt that the opportunities will be seized and that success will be ours.

● Inside the Fish Bowl is your newsletter in every sense of the phrase. The editorial board of Local 2050 wants to publish opinion pieces and news items from EPA workers, whether "professional" bargaining unit member or not, whether Headquarters employees or not. By sending the newsletter to our sister unions at other EPA locations and to members of the public, the editorial board expects that the views expressed in Inside the Fish Bowl will receive wide and significant distribution. If you have something to say, contact the editor.

● Speaking of Donald Devine, as we go to press, his reconfirmation as OPM Director is still in doubt. Let's hope he goes back to the University of Maryland--perhaps to take some remedial course work in Humanity.

Inside the Fish Bowl is the official newsletter of Local 2050, National Federation of Federal Employees. It is produced by the editorial board of the Local under the direction of the Vice President for Public Information. The editorial board solicits articles and news items from the workers of EPA.

The Editorial Board
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Mark Antell
Irwin Pomerantz

"There are no passengers on Spaceship Earth. Everyone's crew."
--Marshall McLuhan