
Inside The Fish Bowl

The Newsletter of NFFE Local 2050

EPA Professionals

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NINETY NEW OTS EMPLOYEES IN JEOPARDY

Over the past year ninety new people were brought on board in the Office of Toxic Substances as temporary employees. These people were told that their temporary status would be changed to permanent in fiscal 1986. Now it seems that there was a grievous error, and the slots that were supposed to be available for these new staffers don't exist in OTS. Now these people who changed their lives in good faith that EPA had jobs for them are hanging by a thread. The problem affects both professional and non-professional job classification people. So Local 2050 President Bill Coniglio and Local 3331 (AFGE) President Mary Cusato have written a letter to Howard Messner, Assistant Administrator for Administration asking for 1) an explanation of how the problem occurred, and 2) a chance for the unions to work with the Agency to find a way for the new employees to stay on the job at EPA--there sure is plenty of work around here for them!

We think that it is very important to find a solution to this situation in a way that prevents recurrence. A meeting between the Union and management has been set for the first week in November.

DINERS CLUB UPDATE

When Local 2050 ratified the agreement with the Agency over use of the Diners Club card by EPA travelers, we also served notice that we would investigate the legality of the whole scam, uh, scheme (See the Fishbowl Splash of September 1985). A list of questions was sent to EPA management aimed at that point soon after the ratification vote, but no word has come back yet from that source. Then in mid-October we sent a similar list to several Congressional committees, and we await a response there as well.

We will keep you posted on developments in the investigation, and, in the meantime, if you have news of how the program is working out that you want to share with EPA employees, get in touch.

RATING TIME FOR MANAGERS

There is no question but performance ratings can be a useful tool in improving any organization's efficiency. But the trouble with most performance rating operations is that they're usually unidirectional--supervisors rating subordinates. While it makes perfect sense for management's own supervision to rate lower management levels, Local 2050 has held from its inception that EPA could benefit from management being rated by professional staff as well. The Union thinks that questions such as: does the supervisor show respect for subordinates? does the supervisor set reasonable

time schedules for completing tasks? does the supervisor objectively judge subordinates' performance? are measures of performance objective? have not been adequately addressed in EPA's performance management system--until now. The times, they are a changin'.

Management rating forms will be available through Local 2050 by November 15. Members of the Local will receive the forms by mail; others who wish to participate in the management rating program may obtain forms by contacting Bill Coniglio, Rufus Morison or Bob Carton. Management levels from Section Head to Assistant Administrator may be rated; raters may include their name on the completed form, and may request that their name be kept confidential. In the interest of keeping the results of this program above suspicion, we cannot accept completely anonymous ratings. So if participants want to avoid having their names on the form at all, they must send the forms to the Union in a sealed envelope bearing their signature.

Results of the survey will be published in this newsletter, sent to the office of the Assistant Administrator for Administration, to appropriate committees of Congress and to other interested parties. Local 2050 urges all professionals who are not management officials under the law, whether they are in the professional bargaining unit or not to participate. Obviously the greater the number of participants, the more meaningful and the more useful to all concerned will be the results.

ASBESTOS--THE CONGRESSIONAL INVESTIGATION REPORT

Rep. Dingell's (D-Mich.) Subcommittee on Oversight and Investigations has issued its report on the Office of Management and Budget's (OMB) involvement in torpedoing EPA's draft proposed rules to control asbestos under the Toxic Substances Control Act. To the surprise of virtually no one, the investigation concludes--with detailed supporting evidence-- that

"OMB has engaged in a pervasive and persistent pattern of intrusion and interference into agency rulemaking that has shifted the focus of discretionary decisionmaking from the agencies designated by Congress to OMB by: effectively displacing the authority of those agencies which Congress has explicitly designated as administrative decisionmakers; preventing meaningful public participation in, and effective judicial review of, the rulemaking process as prescribed by the Administrative Procedures Act and other statutes; and causing the application of substantive criteria which contravene those imposed by applicable statutes."

The report also made recommendations on ways for EPA to modify its operations to minimize recurrences of similar troubles.

Local 2050 is proud to have played a role in focusing Congressional and public attention on this example of OMB's interference with EPA's mission of public health protection under the law. A copy of the 119 page report may be borrowed from Local 2050's Public Information Committee (contact Bill Hirzy), or call the Subcommittee at 225-4441 to obtain a copy of your own.

FLUORIDE IN DRINKING WATER--WHAT ABOUT THE SCIENCE?

On October 31, Lee Thomas signed the notice promulgating a new Recommended Maximum Contaminant Level (RMCL) for fluoride in drinking water of 4 mg/L, up from the old level of 1.8 to 2.4 mg/L.

Anyone who has been alive through the last thirty years or so is aware of the controversy over the addition of fluoride to drinking water supplies. We all remember the tooth paste ads that in the 1950's instructed us in the benefits of fluoride, "Look, Mom, no cavities!" Then the surge of interest in getting that fluoride into our drinking water supplies, and the cries from certain circles given comic voice by General Jack D. Ripper in Dr. Strangelove, "Fluoridation is a Commie plot!"

Most Americans, though, were little moved by Gen. Ripper's apparent paranoia. Nor were they aware of the history of the studies dating to the 1930's on the effects of fluoride on dental health, of the incidence of "Texas teeth" in our Southwest, nor of cases of premature aging related to high levels of fluoride in drinking water in other parts of the world. "Hey, if the T.V. says this stuff keeps the dentist's drill out of my face, let's have it!"--that was pretty much our knowledge of and concern over fluoride in our drinking water. Those, too, were the days when we saturated any piece of land that housed an offending mosquito or two with clouds of DDT, poured our raw sewage and industrial wastes into any handy river, and thought that the Government would--always and only--act in our very best interest. We have come some distance since then, at least in some respects. We've developed a better understanding of the impacts of the substances we dump into our air and water and land. As this understanding has grown, Gen. Ripper's views seem somewhat less insane, and with each increment of increased understanding of the effects of fluoride on human health, an all too predictable, human reaction has occurred. Those whose professional reputations and commercial interests are tied to a one dimensional public perception of fluoride--benefit, period--try to discredit any detrimental information. We in the public health and environmental protection profession are no strangers to such actions on the part of defenders of "chemicals", to speak generically. Such actions are not limited to "defenders of chemicals", nor are they intrinsically wrong--Lavoisier and

Priestly went at it hammer and tong over combustion chemistry long ago. We just need to be aware of them, to make sure that the public is aware of them, and to base our professional actions on the best scientific evidence.

And that brings us to the point regarding the new RMCL on fluoride--has the Administrator had the benefit of the best available science in reaching his decision to raise the RMCL? Was the scientific analysis used to reach this decision objective, or was it influenced by "defenders of fluoride" in some way? Why in the world should a labor organization care, one way or the other?

This labor organization cares because it is an organization whose members' livelihoods depend exclusively on their reputations for professional objectivity and competence. The slightest hint that a scientific document for which EPA is responsible is tainted does terrible damage not only to public confidence in EPA, but to our reputations as well, and we will not have it!

There have been enough concerns raised about the quality of the science in the RMCL support document for Local 2050 to ask for a seminar on the document to be presented by its author(s), who are not employees of EPA. (Neither was any internal, EPA science review done on the document--the whole shebang, assessment and review, was contracted out) These questions include: have all mutagenicity studies been reviewed? what is the distribution of drinking water consumption rates across the population and how does that affect the analysis of total fluoride consumption at the RMCL? have cancer epidemiology data been adequately addressed? why have data on immune effects not been presented? why has there been no discussion in the document of fluoride's hydrogen bonding ability and the effect of that on protein structure and autoimmune reactions?

If the document can be adequately defended, as a thesis would be defended, then the document and the decision it supports can receive the full backing of EPA professionals.

GRIEVANCE PROCEDURE--AN IMPROVEMENT FOR THE INTERIM

Under personnel policy documented as applicable to Local 2050 bargaining unit members, grievances are supposed to receive their final review (unless a favorable result has been achieved first) outside the grievant's AA-ship, by the Assistant Administrator for Administration and Resource Management. According to EPA Order 3110.8, dated March 29, 1983 and not documentably superseded, "-- bargaining unit Employees not currently covered by a negotiated grievance system will continue to be covered under existing EPA Order 3110.7A until--" a new system is negotiated. 3110.7A requires final review to take place in the ARM office. This is a far better situation than having final review under the same chain of command that caused the grievance in the first place. Thorne

Chambers, EPA's head of labor relations says that 3110.7A doesn't apply to us, but we disagree, and if any grievances require AA-level review before we get a contract, we will resolve the matter appropriately.

The whole flap may be moot soon, if we can get an interim grievance system negotiated quickly that applies specifically to Local 2050's bargaining unit.

Recently, Local 2050's Chief Steward, Rufus Morison, asked the Personnel office for sanitized copies of all grievances that have been filed since March 29, 1983 to see what their outcomes have been. Personnel told Rufus that, "We don't keep such files." EPA Order 3110.8 states that the "deciding official and the servicing Personnel Officer are responsible for custody of the grievance file--". One can imagine circumstances under which management would be reluctant to let employees know how the record of grievance resolution looks, particularly when the grievance system is one without the protection of an outside arbitrator, and is possibly a "stacked deck" in favor of management. Stay tuned--this is an interesting story, and Rufus the Bloodhound is on the trail of something.

HEALTH AND SAFETY NEWS

Local 2050's Health and Safety Committee is among our Union's most active organizations. Headed by Vice-President Lois Dicker, a board certified industrial hygienist, it includes Tom Muir and Harry Teitelbaum as its other members.

As we all know, roaches are a problem in most areas of Waterside Mall, and the Agency has had a pesticide program aimed at their control for some time. Unfortunately, the pesticide program has been using very toxic chemicals in some locations that have terrible ventilation, and people have been getting sick. Complaints to EPA's Facility Service and Support Division resulted in a joint effort by the Union and management to involve EPA's own Integrated Pest Management group in the situation. Mark Antell has been instrumental in this effort. We are happy to report that a low toxicity approach to roach control is now set for implementation. Good going, Mark, Lois, Tom and Harry!

Lois attended the week-long annual meeting of EPA occupational health and safety personnel in April and gave a presentation on indoor air pollution. We hope that others interested in this subject will be able to attend next year's meeting.

Members of the Committee look forward to working with management at Crystal City, Fairchild, and Beltsville to iron out problems there too. We need your help in this effort, and people at those locations who are interested in working on these issues should get in touch with Lois.

NEWS FROM THE OUTSIDE

* Whistle blowers who have risked their livelihoods--and sometimes much more--to bring attention to shady dealings in the nuclear industry will be honored by the Christic Institute, as part of the American Public Health Association's annual meeting in November. The Christic Institute was founded for just this purpose by the winning plaintiffs in the Silkwood v. Kerr-McGee lawsuit, which was brought over the death of Karen Silkwood. The Karen Silkwood Awards will be given during a 7:30 P.M. program on November 20 that will include the final performance of the one-woman play, "Silkwood", by Jehane Dyllan. These events will be held in the Ballroom of the Sheraton Washington Hotel. Tickets are \$12 at the door, but are available at \$8 through Local 2050. Contact Bill Hirzy.

* The AFL-CIO has instituted a program aimed at improving workplace health through information dissemination and information gathering, and the organization has obtained standing in the Combined Federal Campaign to fund the program called, The Workplace Health Fund. If you want to contribute to this operation, you may designate The Workplace Health Fund on your CFC card; the CFC agency number is 553. Contact Local 2050's Public Information Committee for more information.

* First the French government, and now Dow gets a well deserved black eye in a duel with Greenpeace. The October 30 issue of Chemical Week ran an article on Dow's \$10,000,000 a year effort to clean up--its public image, that is. (That expenditure, we understand, does not include paying for barf bags--but you never know what an innovative class action lawsuit could produce.) The juiciest part of the article comes in the last two paragraphs, and when combined with a paragraph from the September issue of the Greenpeace Examiner, it makes a fascinating story.

The Greenpeace story is on activities of its members at Dow, and includes an introduction by Diane Hebert, a Midland, MI environmental activist. The paragraph in part says, "Dow also dominates the politics of Midland. The county health director was once an industrial hygienist for Dow...the Mayor and most of the city council members and county commissioners are Dow employees..." The Chemical Week story tells about the preliminary results of a blood test of an arrested Greenpeace member being positive for a venereal disease, the results mysteriously getting into the hands of "Dow personnel", who telephone Hebert. Which perhaps only proves the limited genius of a fundamentally guilty conscience---, because instead of Hebert turning against Greenpeace, Hebert turned the leak over to the press and raised a little hell. Now the county prosecutor is diligently trying to figure out how Dow got hold of the test

results -- any ideas? WHAT A GAS!! (By the way, the test results were wrong, too!)

* Public Citizen, a Washington-based public interest group, has recently published "Deceiving The Public: The Story Behind J. Peter Grace And His Campaign", authored by Peter Ajemian and Joan Claybrook. The 113 page document is chock full of depressing tidbits about Mr. Grace, his front men in the White House, and his companies' record of "compliance" with environmental and health laws and regulations. The Table of Contents gives a preview of what lies in store for the reader, and you need a strong stomach to make it through Ajemian's thorough study: the more interesting chapters are titled, "The Grace Commission: Hiding A Corporate Agenda", "After The Commission: A Misleading Campaign", "W. R. Grace And Taxes: A Model For Corporate Tax Avoidance", "W. R. Grace And Environmental Problems: Disregarding The Public". The Appendix is titled, "Listing of Workplace and Environmental Violations or Sites under Investigation of W. R. Grace and Subsidiaries". Gruesome as this work is, someone had to do it, and Peter Ajemian deserves the public's thanks for taking on the job, along with Joan Claybrook.

To see the report, contact Emery Lazar.

NEWS FROM NFFE NATIONAL

New Office of Personnel Management standards for determining eligibility for overtime pay went into effect on November 1. These standards contain three main changes:

1. GS-11 and above employees will be assumed to be ineligible for overtime.
2. GS-7 through 9 employees will be assumed to be ineligible for overtime if they perform exempt work 50% of the time, rather than the current 80%.
3. The definition of manager has been changed to conform with the Federal Personnel Manual.

NFFE is currently challenging these standards, as well as others implemented last July, on the grounds that they were improperly promulgated and that they are contrary to law in many ways.

Employees who wish to challenge denial of overtime pay should contact Rufus Morison for help.

A new representative from NFFE national has been assigned to replace Steve Kreisberg. Local 2050 owes a great debt of gratitude to Steve for his work to bring our Union into being--we could not have done it without him. We wish him the best in his

new assignment as Deputy Director of Field Organizing and Support. Our new rep is Michael Grabske, and he has hit the ground running for us. With his help we hope to break through the roadblock that has kept an interim contract beyond our reach for the past few months, and to move quickly into negotiations for a full-term contract.

EDITOR'S NOTES

An extremely important element of news for a labor organization is what it is doing to help individual members who are having problems on the job or with some level of management. Earlier this year we went into some detail in the newsletter about one such case (which has now reached its conclusion, although an Inspector General's investigation of our member's former supervisor's actions is still underway). Since then we have been involved in several other individual member support actions. There remains the problem we pointed out last spring in reporting on these--confidentiality. As the Union tries to work out criteria for reporting, the newsletter will outline what is going on in general terms so that you can have an accurate picture of the full range of your Union's activities.

In one of these cases a member had been trying to get detailed into a job that he particularly wanted to do, but misunderstandings with his management were stymieing him. Intercession by Bill Coniglio, who mediated between the member and his management, cleared up the misunderstanding, and both parties--and the Union--have been winners.

In another, a member had won a promotion-related grievance some months ago giving him priority consideration for future promotions. The Union is counselling him and is in touch with management to see that the rights he won in the grievance are granted him.

What is this Union about? (Since this is the Editor's Notes section, I'll tell you what I think it's about--drop a line and tell us what you think it's about). This Union is about working in a place that makes a real difference. Or that should make a difference. That the Congress has told to make a difference. It's about working in such a place. It's about helping to making such a place work. This Union is not about a "what's in it for me" philosophy. It's about an "ask what you can do for humankind" philosophy. It's about cooperation and support and valuing one another's abilities and contributions to the common wealth. It's about feeling proud to work together toward flat-out altruistic goals, life-saving, life-enriching goals. And it's about struggle--against abuse of one human by another or by an organization, against perversion of science and of truth, and

against subversion of a government of law. Without these "abouts", working here would be an empty and deceptive exercise. The Union has little to do with creating the "abouts"--they are intrinsic, especially in people who affirmatively choose to do the work of the Environmental Protection Agency--but it is this Union that can and will give them form and organization and power.

Inside the Fishbowl 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, opinions and news items from the workers of EPA.

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"Love Your Mother." -- Environmental Action