

Honorable Michael L. Synar, Chairman
Subcommittee on Environment, Energy
and Natural Resources
Committee on Government Operations
House of Representatives
Washington DC 20515

JUN - 8 1989

Dear Mr. Chairman:

Local 2050, National Federation of Federal Employees, the Union representing EPA headquarters professionals and the Committee of Poisoned Employees (C.O.P.E.) want to give you another picture of EPA's activities with respect to the questions you posed to the Agency in January of this year regarding Headquarters indoor air quality.

INTRODUCTION

The response you received from Assistant Administrator Wilson dated March 13, 1989 tells only part of the story. In fact, in light of EPA's glacial and reluctant action in this matter, Ms. Wilson's letter is redolent of like communiques published by environmental polluters who have injured people in similar situations....first, deny that victims have been injured, then deny any connection between injuries and the polluter's activities, then make light of the injuries and minimize their extent and severity, then deny the scientific connection between the pollution and injuries, and--when finally backed into a corner--propagandize like hell to convince the public (or Congress) that the problem is under control. It is outrageous.

From the very beginning of the "carpet crisis" at the start of last year, EPA management has down-played the connection between the carpet and employee injuries, has refused union offers to negotiate ameliorative measures, refused for months to negotiate over alternative work space for affected employees (driving three employees out of EPA--one going to a mid-western State agency and two others to the Department of Energy), and continues to refuse to make appropriate arrangements for people so badly injured that they cannot work in the alternative space now provided. Two of these employees are about to be forced into disability retirement, if they can get it, having used all their sick leave, annual leave and leave without pay.

This situation is a tragic example in microcosm of why EPA is so widely viewed as a failure by the public and Congress--faced with incontrovertible evidence of injury in its own house, it has proven incapable of timely, effective action.

COMMENTS ON MS. WILSON'S LETTER

With respect to your question on EPA's response to indoor air problems since last October, we offer these insights absent from Ms. Wilson's letter:

The implication in Ms. Wilson's letter that off-gassing of "small amounts" of chemicals "might be irritating" to some employees is that there is doubt as to chemical causation of significant, adverse health effects among EPA employees. This implication is false on both accounts. First, analysis of exposure and health effects reports by senior scientists in OTS show that 4-phenylcyclohexene is the probable cause of serious, persistent, adverse effects for at least 17 employees.

Most significantly, the Agency has refused to remove the offending carpet, even though an analysis of the data cited above using EPA's own risk control criteria (e.g. Reference Dose Methodology) show that continued presence of that carpet at Waterside may harm people. Indeed, reports we have received about new employees (entering service since January 1, 1989) being affected, and the fact that we who were injured in 1988 are still unable to tolerate the carpeted space indicate exactly that. The Agency's rationale for not removing the carpet is disingenuous--"doing so will raise dust, and may increase levels of 4-PC and other volatiles in the work place"--it implies that EPA is not liable to the same standard of removal that EPA applies to, e.g., asbestos-in-schools situations.

In our view, the Agency officials involved (Assistant Administrator Charles Grizzle and Office of Administration Director John Chamberlin) do not want to: 1) spend the money to replace the carpet, 2) send a signal to the public that a pervasive commodity, carpeting, is responsible for harming people, and 3) admit to a tort for which EPA management might be held privately accountable in court (see comments on EPA's TSCA carpet project, below).

You should also be aware that Mr. Grizzle refused to halt installation of this carpet until 4 months after employees complained about their injuries. Mr. Grizzle and Mr. Chamberlin then set out to spend public money on researching ways to "air out" the carpet in order to resume its installation, but a request by the Union for an Inspector General investigation of use of public money for that purpose apparently stopped that ill-conceived plan. Messrs. Grizzle and Chamberlin have never seriously considered removing the source of pollution, in spite of EPA guidance documents on indoor air (e.g. Indoor Air Facts No. 4, "Sick Buildings", USEPA, Office of Research and Development, July 1988) that recommend exactly that. We base this statement on the Office of Administration's "Decision Analysis for Proceeding with Space Renovation" (attached), dated July, 1988, a superficial analysis at best.

Another problem is that painting and other renovation work has been done during and immediately prior to work hours, causing people to become ill on the third floor of Waterside Mall and the fourth floor of Crystal Mall II. The Agency announced on May 23

that it intends to permit renovations and some painting to occur during normal work hours in order to accommodate the landlord's problems with scheduling work after hours. The unions hope to reach an agreement with management on how this can take place without injuring more employees.

We recognize the Agency's efforts to improve ventilation, but with continuing contamination of the indoor environment (including introduction by the WSM landlord of high 4-PC level carpeting in non-EPA space, fouling the air of the East Tower tunnel), such efforts are rather like re-arranging the deck chairs on the Titanic. It is often impossible for EPA management to tell which work spaces are served by which air handling units, so designing and executing improvements is often hard to do and to verify. In spite of the money spent on "improving ventilation", there has been no apparent increase in fresh, outdoor air taken into the building; the contaminated air is simply blown around at a higher rate.

C.O.P.E. is concerned about the adequacy of the health survey done this February. Further, air quality "hot spots" identified by the survey were monitored for pollutants, but during sample collection air flow to these areas was obviously increased so as to lower pollutant levels, to the point that some people had trouble keeping papers from blowing off their desks.

Regarding alternative work space, you should know that the Union tried as early as May, 1988 to obtain such space for injured employees, but James Jackson, Thorne Chambers and Clarence Hardy of Mr. Grizzle's staff rebuffed these efforts. Only several months later would management deign to discuss the matter, let alone negotiate, with Union representatives.

The space, though an improvement for some, is still causing reactions in others of the most severely affected employees. The space now available is inadequate to accommodate all injured employees. Some managers have been very responsive to the needs of injured employees, while others have been callous in the extreme.. "You are damaged goods", in the words of one such supervisor. The spaces have no cross ventilation and only one openable window per room. Other than the air taken in through open windows, air in the work space is whole-building air-- individual air handling units should be provided for these spaces. Renovations in the apartment building and application of pesticides go on, affecting employees. The more sensitive employees are simply unable to tolerate the environment in this space.

The list of affected employees given you by EPA is incomplete. There were 135 complaints registered at the EPA Health Unit regarding indoor air quality between February and November, 1988. In addition to the 10 EPA employees identified as being at 1001 3rd Street, at home, or not working, one is at Crystal Mall II, seriously impaired. Three have taken employment at other agencies, one of whom was recently fired due to health problems developed during her exposure to the carpet at issue, and the other two are

still having trouble with air quality in their new jobs. Another employee retired early. Also omitted from the list are non-EPA contractor employees, AARP employees, Stay-In-School program participants, and building maintenance people who can no longer tolerate WSM. Yet other EPA employees are unable to venture into carpeted areas or have limited ability to remain in such locations, including EPA's Auditorium. There are other affected employees who, fearful of reprisal, refuse to identify themselves officially and consequently suffer in silence, uncounted. The Agency's Handicapped Employees Committee refuses to address this issue of chemical sensitivity.

COMMENTS ON TSCA INVESTIGATION

EPA's response under the Toxic Substances Control Act is, so far, a mixed bag. The Office of Toxic Substances is leading an inter/intra-agency work group charged with investigating the toxicity of a carpet contaminant, 4-phenylcyclohexene. But rather than follow the leads lying obvious before it and investigating them with vigor, OTS is proceeding on this project as if it were on the verge of another 2-decade "study" ala asbestos.

A copy of the proposed 4-PC/carpet strategy for this investigation is attached for your perusal, along with my (Hirzy) comments on it. In it you will note that the Consumer Product Safety Commission is being relied upon to do an "epidemiologic analysis" of complaints from the public, and the princely sum of \$40-50 per case (80 cases, maximum to be "studied") has been allotted for this work--hardly enough to pay for a phone call, let alone a site visit, sample collection and laboratory analysis. According to this strategy, that is the only human data source to be considered in the project, in spite of the existence of substantial data from Europe and Waterside Mall on the adverse effects of carpet on indoor air quality and human health.

EPA is refusing to use the rich source of data from the EPA Headquarters experience, which includes such rarely available information in these kinds of studies as actual measurements of pollutant levels, detailed analysis of carpet components, medical records of affected employees, their readiness to volunteer for further testing on themselves, etc. One of the reasons given for EPA's refusal to use these data is fear of legal action by employees.

Free and open discussion of the scientific issues in this case is being suppressed by OTS. In spite of my (Hirzy) position as senior scientist of the Branch with responsibility for leading this work group and my hard-won experience on carpet/4-PC toxicity gained over the past year, I have been barred from work group meetings, thus severely limiting my ability to contribute to its work because I "have a different sense of urgency about this project than management", according to the section chief involved.

The Union and C.O.P.E. ask that you call the people responsible for this situation before your Subcommittee for an explanation. We would be happy to provide your staff with help for an investigation. In line with Hirzy's promise to you of last October, the Union is not sitting idly by while EPA fiddles on this problem; the unions are in the process of causing a TSCA Section 21 citizens' petition to be filed on this matter.

Sincerely, yours,

J. William Hirzy
J. William Hirzy,
for NFFE Local 2050

Bobbie Lively-Diebold

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for C.O.P.E.

attachments

cc: Robert J. Carton