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Inside The Fishbowl

Official Newsletter of NTEU 280

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HAVE YOU RECEIVED OUR NEW "KERMIT-GREEN" CONTRACT ?

Know your rights. Each professional employee at EPA headquarters was supposed to receive his/her own copy of the new collective bargaining agreement ("CBA," or contract) between EPA and the National Treasury Employees Union. It's bound in bright "Kermit" green and dated August 6, 2003. It will be in effect for four years from that date, after which it will renew for one year at a time. The details are given in Article 45. If you have not been provided with your own copy of the collective bargaining agreement by the Agency, please inform Deborah Wachter in Labor Relations and either Seth Low or Jim (JamesJ) Murphy in NTEU Chapter 280 by e-mail or phone. Ms. Wachter's phone number is 202-564-7953. Seth's is 202-566-2789. Jim's is 202-566-2786

BOOK REVIEW - THE FLUORIDE DECEPTION by CHRISTOPHER BRYSON

Reviewed by Bill Hirzy

In 1993, Chris Bryson called me about an investigative journalism project he was undertaking - the monumental task of documenting how universal fluoridation of America's water supplies came to be the goal of the U.S. government. Chris was aware of the union's interest (1) in

fluoride toxicity that stemmed from an Office of Water employee's complaint to the union that he was allegedly being forced to lie while drafting EPA's Primary Drinking Water Standard for fluoride. As longtime readers of *Inside the Fishbowl* know, we have been involved with this issue ever since (including staying in touch with Chris Bryson), as a matter of scientific integrity - or the lack of it - in the Agency's and the federal government's continuation of a policy that flies in the face of elementary public health protection principles(2).

Chris' book has just been published. The union has donated copies of it to the OPPT and EPA Headquarters Libraries with the hope that managers and staff will avail themselves of the opportunity to learn how we started down this allegedly deceitful trail and why we should immediately start in another direction. The Office of Water's Six-Year review of the drinking water standards for fluoride, now underway, and the Office of Pesticide Program's rulemaking on sulfuryl fluoride are obvious places to start. The Office of Pollution Prevention and Toxics' start on controlling the risks from perfluorinated alkyls shows that EPA can go in the right direction when it has the will to do so.

Rather than write an extensive review of the book, which holds one's interest like a great novel, I quote from Dr. Theo Colborn's (3) foreword, which sums the essence of the book succinctly and with style. I also quote from Dr. Arvid Carlsson's (4) post script, which makes the case against fluoridation in a few simple words.

From Dr. Theo Colborn's Foreword:

"Bryson reveals that the safety of fluoride became a firmly established paradigm based on incomplete knowledge. The correct questions were never asked (or never answered when they were asked), thus giving birth to false or bottomless assumptions that fluoride was therapeutic and safe. Certainly, the evidence Bryson unearthed in this book begs for immediate attention by those responsible for public health.

"As the story unfolds, Bryson weaves pieces of what at first appears to be totally unrelated evidence into a tapestry of intrigue, greed, collusion, personal aggrandizement, corporate and government cover-up, and U.S. Public Health Service mistakes.

"...The nuclear product that required the use of fluorine ultimately killed 65,000 people outright in one sortie over Japan. The actual number of others since then and in generations to come who will have had their health insidiously undermined by artificial exposure to fluorides and other fluoride chemicals with half-lives estimated in geological time may well exceed that of the atomic bomb victims millions and millions of times over."

From Dr. Arvid Carlsson's Post Script:

"The addition of fluoride to water supplies violates modern pharmacological principles. Recent research has revealed a sometimes enormous individual variation in the response to drugs. If the pharmacologically active agent is supplied via the drinking water, the individual variation in response, which is considerable even when the dosage is fixed, will be markedly increased by the individual variation in consumption. In addition, this measure is ethically questionable and

unnecessarily expensive. When the fluoridation issue was debated in Sweden several decades ago I took part in the public debate, and we managed to convince the Swedish Parliament that the addition of fluoride to the water supplies should be rendered illegal. Similar decisions have been taken in most European countries. There is to my knowledge no evidence to suggest that dental health in Europe is worse than in the United States."

"The Fluoride Deception" is extensively documented, with 110 pages of end notes and references.

END NOTES

1. The union's involvement is documented in the History section of our website, which is found at www.nteu280.org

2. Deliberately expose millions of people, including sensitive populations, to an untested chemical (H₂SiF₆) for which there is - at minimum - strong animal toxicity evidence for an analogue's (NaF) toxicity and good epidemiology evidence for bone pathology and other serious toxic effects.

3. Co-author of "Our Stolen Future: Are We Threatening Our Fertility, Intelligence, and Survival? A Scientific Detective Story."

4. 2000 Nobel Laureate for Physiology or Medicine

FROM THE PRESIDENT

by Dwight Welch

OCR-Union Partnership? Union Meets with Karen Higginbotham

In what I would describe as a breakthrough, Senior V.P. and Fishbowl Editor Seth Low and I met with OCR Director Karen Higginbotham and her Deputy Gordon Schisler. The meeting was precipitated by a letter from the Union to Acting Deputy Administrator Stephen Johnson requesting a discussion of our concerns about the June 26, 2003 GAO Report and its finding that since 1995, EPA has not disciplined any manager or employee for discriminatory conduct. We specifically had requested that Acting Deputy Administrator Johnson have the three Agency officials who were found to have discriminated against EPA employees disciplined. We also requested that he direct Ms. Higginbotham to finalize ASAP procedures for a system of disciplinary actions to be taken, when cases are settled or managers/supervisors are found to have discriminated. Presently, such procedures are still in draft form. There was a good deal of

frank discussion between the parties, but due to considerations of confidentiality, I will only describe the meeting in general terms.

Ms. Higginbotham began the meeting indicating that she would have no problem with the Union meeting with the Acting Deputy Administrator after meeting with her, but that she was trying to address our concerns. Chief among the Union's concerns is the employees perception that there are different standards of accountability for employees and managers and that no managers have been disciplined with respect to the three reported findings of discrimination. Without identifying the agency officials by name, we discussed the outcomes of three cases that correspond to the three findings of discrimination data of EPA's No Fear Act report. That Report can be found at EPA's Office of Civil Right's website. Ms. Higginbotham indicated that in one instance, the manager in question retired from federal service prior to the case finding; one case is currently on appeal to the EEOC; and in the third instance, the finding of discrimination was not based on the merits of the case, but on a procedural error. According to Ms. Higginbotham, the procedural error was that the Agency missed its filing date and the administrative law judge sanctioned the agency. Ms. Higginbotham also discussed the need to carefully coordinate the disciplining of the Agency's managers with the Office of Human Resources since that aspect of management accountability is within the HR realm more so than a civil rights issue,

Regarding the finalizing of the draft discipline procedures, Ms. Higginbotham stated that the document is still in draft form and she did not give a date by which it would be finalized. We offered to help in the drafting and offered to comment and review the present draft, but she declined our offer. OCR did not commit to providing the Union an advance opportunity to review the procedures.

Among the director's concerns, as one might imagine, was what she perceived as negative coverage by Inside the Fishbowl as well as sources outside of EPA. This was triggered by my suggestion that OCR and NTEU 280 have a more partnership oriented relationship rather than a confrontational one. In response to the "negative coverage" I emphasized that Inside the Fishbowl is an open forum to which she and other managers could avail themselves. Mr. Low and I also strenuously indicated that we would prefer to do more positive stories than negative stories. A positive story would be an indication of the Union's success, while a negative story is a mark of the Union's failure to persuade towards a positive goal. Cleared up, hopefully, were erroneous perceptions on both sides. Ms. Higginbotham thought the Union was unwilling to have a dialogue with her, while it was our perception that we felt the Union was being locked out.

In the spirit of conducting an ongoing dialogue, Ms. Higginbotham readily offered that we meet on a regularly scheduled quarterly basis and additionally that we could meet if and when problems began to arise. All parties agreed that having face to face conversations was more productive and positive than e-mail exchanges which quite frequently can escalate into hostility.

If, from this meeting, a more partnership oriented relationship between OCR and NTEU 280 evolves, this will be a historic step forward in improving conditions at EPA. While it is doubtful that OCR and the Union will see eye to eye on some issues, having a dialogue is an important step in the right direction of holding managers accountable for their discriminatory actions.

What are the Penalties?

From EPA's Conduct and Discipline Manual

Offense 1st Offense 2^d Offense 3rd Offense

Scientific Reprimand to 30-day Suspension to

Misconduct Removal Removal

Ordering Scientific 30-day Suspension Demotion to Removal

Misconduct to Removal Removal

Deliberate Falsification Reprimand to 5-day Suspension 14-day Suspension

Removal to Removal to removal

Forging or falsifying Reprimand to Removal

Government documents Removal

Discrimination Reprimand to 14-Day Suspension 30-day Suspension

Removal to Removal to Removal

Reprisal against an Reprimand to 14-day Suspension 30-day Suspension

Employee Removal to Removal to Removal

Justice should be blind. Not only with regard to color, gender, etc. but to grade. There should be no difference in the corrective action for either employees or managers. Not a difficult concept to grasp-equal treatment.

Crackdown on Freedom of the Press?

Below, for your edification is a complaint and response from/to Mr. Andrew Moran, Director of Labor Relations. I got the courtesy of a heads up call from OHROS Director Rafael DeLeon prior to receiving the letter. The bottom line of Mr. DeLeon's concerns is that he feels we are being unfair to certain senior management. The bottom line for the Union is that we will continue to respond to employee concerns and report our findings. If the Union is locked out from a meaningful dialogue, we have no alternative but to report our findings without management input. In having no dialogue, it is difficult to report management's point of view.

In the below complaint from management, my response letter does take responsibility for our mistake, namely the "Why Join" article in the April edition might be construed as a solicitation for membership. Taking responsibility is an endangered species here at EPA. But with regard to others of management's concerns, we feel the Moran letter to be a thinly disguised effort to repress and threaten our First Amendment and Collective Bargaining Agreement rights. I suppose I could make my life here at EPA easier by cow-towing and only reporting how wonderful EPA management is. But then I couldn't sleep at night. The Union is reasonable and willing to discuss both sides of any issue.

I agreed to meet in the future with Mr. DeLeon for lunch, but he must understand that I do not respond to "glad-handing" and I'm not out to make new friends. I would be happy to portray Mr. DeLeon in a favorable light, but to do so, I must be persuaded that he is accomplishing some meaningful, positive results to improve the working conditions of EPA employees.

The below letters are pretty much self explanatory. My response to Mr. Moran also explains why you are receiving this *Inside the Fishbowl* as an e-mail rather than as an attachment. In the future, when and if we get the promised intra-net site as management has contractually agreed to, you will be receiving only a notification that a new issue is out, with a link to our intranet site.

Text of May 18, 2004 letter from Andrew J. Moran, Labor Relations, is as follows:

The Purpose of this letter is to formally notify NTEU Chapter 280 and each of you [Dwight Welch and Seth Low] that the Environmental Protection Agency (EPA) intends to enforce Article 7, Use of Official Facilities, of our existing Collective Bargaining Agreement between U.S. Environmental Protection Agency and The National Treasury Employees Union.

Specifically, EPA expects compliance with the Collective Bargaining Agreement in the following 4 matters:

1. EPA does not condone and will not permit the use by Chapter 280 of LAN and email communications that contain scurrilous or libelous material or material maligning the integrity of any individual, the employer or the Federal Government. Use of email by Chapter 280 to send material which is scurrilous, libelous or maligns the integrity of any EPA employee is a clear violation of Article 7, Section 4.C. of the Collective Bargaining Agreement. Articles contained in the March 2004 edition of Chapter 280's Inside the Fishbowl contained language which is scurrilous and which maligns the integrity of specific EPA employees. The March 2004 edition is used as a representative example of a practice of improper material contained in other editions of Inside the Fishbowl.

2. The Collective Bargaining Agreement restricts the use of email by Chapter 280 to representational purposes only. Use of email for other purposes, such as membership drives, is not authorized, and such use violates the express language of Article 7, Section 3. and 4.A. of the Collective Bargaining Agreement. An article in the April edition of Inside the Fishbowl was a

clear appeal for new members and not a permitted use of email under the Collective Bargaining Agreement.

3. The Collective Bargaining Agreement expressly limits email attachments to one page. (See Article 7, Section 4. B.) Since the Collective Bargaining Agreement was signed on August 6, 2003, Chapter 280 has been emailing copies of Inside the Fishbowl to EPA employees as attachments in excess of one page and up to 14 or more pages in length. Failure to restrict email attachments to one page violates the express language of the Collective Bargaining Agreement.

4. The Collective Bargaining Agreement requires each Chapter president (in this case, Chapter 280's President) to designate one individual responsible for adherence to Article 7, Section 4 and to inform the Human Resources Office of the individual designated. Even though the Collective Bargaining Agreement was signed on August 6, 2003, we have not to date received the name of any individual designed by the President of Chapter 280 under Article 7, Section 4.D. to ensure proper implementation on mass mailings to employees. The President of Chapter 280 needs to notify EPA of the individual designated.

EPA expects NTEU Chapter 280 to comply with all provisions of the Collective Bargaining Agreement and those discussed above in particular. EPA will take appropriate action to ensure that Collective Bargaining Agreement provisions are enforced.

If you have a question with regard to this letter, please contact me or phone me at 564-7921.

Sincerely,

Andrew J. Moran

Labor Relations

Text of Dwight Welch's response, dated May 21, 2004, is as follows:

Dear Mr. Moran:

This letter is in response to your letter dated May 18, 2004 in which you allege a number of violations to our Collective Bargaining Agreement (CBA). Below my responses will correspond to the numbering used in your letter:

1. We do not know of any "scurrilous or libelous material or material maligning the integrity of any individual..." in any issue of Inside the Fishbowl. You need to give us a more specific reference. As the Director of Labor Relations and as an attorney, you surely must know that if you make an allegation, you must be specific. It is the policy of Inside the Fishbowl to be a "G-rated" publication; we use no vulgar language, therefore, your charge of "scurrilous" is unsubstantiated. Further, "libelous" and "maligning" by definition indicate that the material is false. We take great care to fact check our information before publication. However, mistakes

can always occur, so if we have made any incorrect statements, we would be happy to print an appropriate retraction.

2. The publication of the article, "Why Join" in the format in which it appeared was accidental. However, I take responsibility for the mistake and will work to assure it never happens again. It started as an article to indicate to employees, the value added that our Union contributes. Before our electronic editions, when we published in hard copy, we usually included an SF-1187 at the back of each issue. This had never been complained about before by the Agency, further it is a standard government form. Having finally gotten a scanner, we decided that we should offer the form electronically to save people from having to find one. As a last minute change, the sentence, "For your convenience, an 1187 is attached," was a last minute addition. Together with the title, this last statement turned the article into one which might be construed as a solicitation for membership.

3. While your number 3 cites the CBA on the Union's use of e-mail, what it OMITS is the Agency's violation of the CBA. As part of this Article, the Agency agreed to give us an intra-net website where employees could go to see the newsletter or any Union announcements. The Union agrees to not send out any more e-mails with attachments, where the length of the attachment is greater than one page, other than as otherwise provided in the CBA. Note, however, that there is no CBA restriction to the length of actual e-mails. I spoke to Mr. Rafael DeLeon, and he promised us an EPA intranet site ASAP.

4. Similar to number 3 above, since the Agency has reneged on its agreement to supply us with an intranet site, there is no need to designate an individual assigned to communications until such a website is made available to the Union. Further, since we are mostly website illiterate, we must work with Agency experts to get us started. With such training, I, as President, would be in a better position to determine who would work out best in this position. My inclination is to go with either editor Seth Low, or Chief Steward Rosezella Canty-Letsome.

Inside the Fishbowl is a very popular publication not only at EPA Headquarters, but elsewhere in the Agency. Indeed, even many high level managers, going up to the Deputy Administrator, have specifically requested to be on our mailing list, and send e-mails to me when their copy has not arrived. See, for example, the enclosed March 3, 2004 e-mail from your own boss, Mr. DeLeon, in which he complained to me that he "didn't get my [DeLeon's] copy of the February Fishbowl this month . . . what gives?" It seems to us that perhaps an unstated issue is more important than the superficial complaints posted in your letter. We believe the real issue is that the Agency seeks, in the guise of alleged CBA violations, to silence our voice, notwithstanding our First Amendment and CBA rights. The Union is not here to rubber stamp management actions; the Union is here to protect our represented employees from management actions or proposed actions which violate their rights. For the Union not to raise concerns important to our represented employees would be a dereliction of our duty and contrary to the CBA.

I look forward to meeting with both you and Mr. DeLeon if there are any questions about this response and to work out the details of EPA's keeping up its end of the Collective Bargaining Agreement.

Sincerely,

Dwight A. Welch

President

NTEU Chapter 280

Management +/-

Managers Plus

Office of Civil Rights Director Karen Higginbotham - In addition to beginning an open dialogue with the Union as referenced in the article above, Ms. Higginbotham indicates that she is trying to reform the Office of Civil Rights, making it more objective, and working to reduce the backlog.

Mike Walker. Mike has often been praised by this Union as well as nearly every employee who has ever worked for him, as an example of management excellence. Mike's compassion and positive people skills create a work environment in which employees enjoy and, indeed, are highly motivated and enthused about their work. Many years ago, when Mike fell into disfavor with senior management due to, I believe, strictly political reasons, some of his employees actually had the guts to join with the Union in a meeting with the Assistant Administrator in support of Mr. Walker. This resulted in a better reassignment than might otherwise have befallen him. He continues to be fair-minded, finding win-win solutions for all.

Managers Minus

No entries for this month.