

NTEU CHAPTER 280 - U.S. ENVIRONMENTAL PROTECTION AGENCY, NATIONAL  
HEADQUARTERS  
BEN FRANKLIN STATION, BOX 7672, WASHINGTON D.C. 20044 - PHONE 202-566-2788  
INTERNET <http://www.nteu280.org> E MAIL [Hirzy.John@epa.gov](mailto:Hirzy.John@epa.gov)

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# Inside The Fishbowl

## Official Newsletter of NTEU 280

September-October 2007

Volume 22 - Number 15

|                          |                         |                   |
|--------------------------|-------------------------|-------------------|
| PRESIDENT                | Bill Evans              | (202)566-2789     |
| EXECUTIVE VICE PRESIDENT | Dwight Welch            | (202)566-2787     |
| SENIOR VICE PRESIDENT    | Diane Lynne             | (202)566-2786     |
| CHIEF STEWARD            | Rosezella Canty-Letsome | (202)566-2784     |
| VICE PRESIDENTS<br>3296  | Dr. Arthur Chiu, M.D.   | (202)564-         |
|                          | J. William Hirzy, Ph.D. | (202)566-<br>2788 |
|                          | Anne-Marie Pastorkovich | (202)343-9623     |
|                          | Diane Rains             | (410)305-2908     |
|                          | Freshteh Toghrol, Ph.D. | (410)305-2755     |

|           |                       |               |
|-----------|-----------------------|---------------|
| SECRETARY | Jeff Beaubier, Ph.D.  | (202)564-7642 |
| TREASURER | Dr. Bernard Schneider | (703)305-5555 |
| EDITOR    | Diane Lynne           | (202)566-2786 |

MAIN UNION NUMBER (202) 566-2785

UNION FAX NUMBER (202) 566-1460

NTEU Chapter 280 Website: [www.nteu280.org](http://www.nteu280.org)

NTEU National Website: [www.nteu.org](http://www.nteu.org)

**Link to NTEU Membership Form:**

**[https://www.opm.gov/forms/pdf\\_fill/sf1187.pdf](https://www.opm.gov/forms/pdf_fill/sf1187.pdf)**

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#### **\*1. ULP Filed Against EPA By NTEU National Over PARS Grievances**

The following excerpt from the ULP will give you a flavor for how EPA is playing hardball with Grievances brought under PARS. When the system changes to link awards to PARS ratings, we can expect more of our members will want to file grievances over their PARS rating, as more than just the rating will be at stake – the bonus money will also be an issue. NTEU participated in negotiations concerning these changes.

On October 10, 2007, The National Treasury Employees Union filed an unfair labor practice charge (ULP) under paragraph (a) section 7116 of the Federal Service Labor-Management Statute. This charge, filed with the Federal Labor Relations Authority was brought against the United States Environmental Protection Agency because the EPA has failed to provide information duly requested by NTEU under 5 U.S.C. § 7114(b)(4).

On April 16, 2007, NTEU submitted three (3) information requests filed under 5 U.S.C. § 7114(b) (4) to EPA. The Union sought information needed to represent three (3) EPA bargaining unit employees in their PARS grievances. The Union stated that the information would be used to determine if the Agency complied with the EPA-NTEU Collective Bargaining Agreement in conducting the Grievants' 2005 performance appraisals and to properly prepare to arbitrate the aforementioned grievances. Following repeated requests via e-mail and telephone, the Agency produced some, but not all, of the requested information.

The Agency's June 5, 2007 response, which was received by NTEU on June 21, 2007, requested that NTEU provide a particularized need for the material requested. In response, NTEU submitted an Amended Information Request on June 23, 2007, clarifying its particularized need for the information. NTEU requested that the Agency either furnish the requested information no later than July 13, 2007, or contact NTEU with an explanation for non-compliance. After more than two months without compliance, NTEU notified EPA, via e-mail on August 31, 2007, that pursuant to Article 44 of the EPA-NTEU Collective Bargaining Agreement, NTEU intended to file an Unfair Labor Practice. On that same day, EPA e-mailed NTEU and explained that the Agency would have a response by the end of the following week; September 7, 2007. Then again, on September 19, 2007, EPA e-mailed NTEU with assurances that a response was forthcoming. On September 27, 2007, EPA e-mailed the Agency's response to NTEU's June 23, 2007 Amended Information Request. Here, the Agency again denied NTEU's request based on 5 U.S.C. § 7114(b) (4) (C), which provides that supervisory or management "guidance, advice, counsel, or training" need not be provided to the union.

EPA's failure to provide all of the information requested has severely hindered the Union's ability to properly fulfill its representational duties and responsibilities. Consequently, EPA's outright refusal and blatant disregard of the Union's request is inconsistent with its obligations under 5 U.S.C. § 7114(b) (4) and constitute violations of 5 U.S.C. § 7116(a) (1), (5), and (8).

Soon after the ULP is filed, the FLRA conducts an investigation to determine whether the charge has merit. If the FLRA determines a charge has merit and an informal resolution cannot be had, the parties will go through a hearing before the FLRA. Conversely, should the FLRA find that no ULP exists, the charge will be dismissed.

## **\*2. Potomac Yard Bike Locker Situation Update**

Rich Lemley, Director, EPA Office of Administration responds:

I appreciate Dwight Welch's opinions expressed in his recent column, "Bike Locker Fiasco" contained in the August 2007 edition of "Inside the Fishbowl." It is often said that there are two sides to a story, so I want to provide my perspective on the bicycle storage and access issues at Potomac Yard (PY).

The Office of Administration has for years been very proactive in providing storage, shower, and dressing rooms for EPA bicyclists. Indeed, dating back to our Waterside Mall days, we have included the bicycle community in all aspects of our planning. For PY, my Facilities staff sought and obtained input from bike coordinators and other representatives on an almost monthly basis, and many of the accommodations present today reflect this dialogue. While the current facilities may not be perfect, given space and funding limitations, I certainly believe that they are among the very best within the Federal Government in the metropolitan area, and this is the direct result of our extensive collaborative efforts.

Unfortunately, the access issue has become very contentious with a few cyclists. The parking garage and its access are commercial spaces controlled by the building owner. EPA has no jurisdiction over them and cannot dictate the conditions of their use. Hence, Agency employees and visitors desiring to access the garage, whether in vehicles or on bicycles, must follow all posted signs. The building owner has consistently indicated that commingling of bikes and motor vehicles in the same entrance is an unacceptable safety risk. To maintain the biking facilities, we had to comply with the owner's insistence on a separate bicycle-only entrance into the South building garage. Although this arrangement was developed in concert with the bicycle community, unfortunately, some cyclists insist on using the vehicle entrance.

In a June e-mail, I reminded drivers and cyclists, alike, that they must obey all rules in accessing and using the garage. While we have met with the building owner's representative, along with GSA, the Arlington County Bicycle Advocate, and EPA bike coordinators, we have not been able to mitigate the impasse caused by the few cyclists who continue to use the vehicle entrance. Nevertheless, this is beyond EPA's control and the building owner intends to rigorously enforce the separate entrances by notifying the Arlington County Police Department when violations occur. Hence, for safety and legal reasons, I am again requesting that all PY bicyclists use only the designated bike entrance.

My Facilities staff and I remain open to working with the bicycling community to improve facilities, where possible and practical. While we may not be able to please everybody,

I believe we have put forth extraordinary effort and succeeded in providing top notch facilities for all.

Rich Lemley, Director

Office of Administration

Dwight Welch's Update on the PY bike Situation:

Since my article in the last issue of the Fishbowl, there have been a number of positive changes made to PY bicycle facilities with more on the way. The building owner will not be relenting in letting bikers enter the garage with the flow of traffic the way it is done here at Federal Triangle and most other facilities. However, some changes have been made to make crossing the two lanes of traffic safer. I was guided in my tour by OPP's Jim Kearns.

When a bicyclist opens either the front entrance or the bike cage door, this sets off flashing lights and audible signals to tell drivers a bike is crossing. They have added speed bumps and a stop sign. While the bikers may not get the convenience they want, at least the improved setup is safer.

At a recent meeting between Facilities Management and the Unions and bikers, more plans were unveiled. They intend to supply larger lockers, a bench and other shower/changing room upgrades. They are also looking into outdoor bike racks and creating a direct road/path to the bike entrance so that bicyclists will not have to risk running down pedestrians on the sidewalk.

Rich Lemley, Director, EPA Office of Administration also urged employees to report any abuse of employees by security personnel directly to him. His number is 202-564-8400. I will continue to work with Rich to try to reach suitable compromise between employee needs and landlord demands.

Response to Mr. Lemley's note from Quentin Borges-Silva, PY OPP Bike Coordinator:

Quentin Borges-Silva 's response to Mr. Lemley's statement is this, "It is difficult to rectify any of the claims that Rich Lemley makes in his memo with my experiences from the last 18 months of interacting with OARM and GSA as OPP's bike coordinator."

Another PY bike commuter responds:

I appreciate Mr. Lemley and EPA efforts to work something out with the building owner and respect as well that it is the building owner's space and EPA has little leverage. Mr. Lemley may have been aware of what the building manager desired, but the bicyclists weren't. Speaking for myself, it's rather difficult to comply with a policy that is a significant departure from common procedure and a year of practice here, isn't written, isn't provided to affected parties, and is accompanied with conflicting direction from authoritative EPA sources.

EPA lost an opportunity, compounded the issue and directly caused this problem when they failed to engage the Unions, work the issue, and let NTEU and AFGE help get the word out when the final decision was reached.

*Editor's note: Dwight Welch's take on the PY bike situation from the last Fishbowl brought many comments. Some folks didn't appreciate his colorful oratory, while the grievant in the matter expressed his praise for Dwight's effectiveness. The grievant said, in part, "Not only did Mr. Welch help me; he went over to examine the hazardous situation on his own. He is now holding managements' feet to the fire, trying to get them to correct the problems. Mr. Welch has been a strong advocate for all EPA employees for almost two decades now and has earned the respect (or fear) of management."*

### **\*3. Pandemic Flu Planning Workforce Issues**

On Thursday, October 4, EPA Headquarters hosted a Town Hall Meeting on Pandemic Influenza. NTEU Chapter 280 was represented by several attendees. From NTEU's perspective, the most important part of the Town Hall meeting was the address by Jerry Mikowitz, the Deputy Associate Director for Pay and Leave Administration, Office of Personnel Management who spoke about Government-wide policies on pay, leave and benefits that will be used during a

pandemic. Following the presentations, NTEU representatives asked questions concerning continuation of salary in the event the EPA building is “evacuated” for a period.

The Town Hall Meeting was recorded and is available for viewing on IPTV. A video recording of the October 4, 2007, Town Hall Meeting on Pandemic Influenza is now available for viewing, on-demand ([click here](http://intranet.epa.gov/media))<http://intranet.epa.gov/media>. (This link was proved in an

October 27, 2007 memo from Tom Dunne, AA Office of Homeland Security to EPA Employees.)

NTEU Chapter 280 has expressed concern about Pandemic Flu preparations to OARM well over two years ago, when Dr. Freshteh Toghrol, NTEU Chapter 280 Vice President first approached Luis Luna, AA, OARM on this issue. However, despite inquiries from NTEU National, made at Chapter 280’s urging, we have not yet been briefed on the draft policy and management has so far chosen not to negotiate with us. However, this month, November, expect another Town Hall meeting that will be EPA specific as to Flu preparations. It is important to attend and ask questions!

*We understand that EPA’s draft policy uses the language building “evacuation” rather than building “closure”. The significance of this terminology is that under a building closure, such as last year’s flooding at EPA HQ, all HQ EPA employees were put on administrative leave, and received their regular salaries. Under the proposed building evacuation, employees would be required to show that they worked at home in order to be paid.*

One Chapt. 280 member, who read our previous Fishbowl article on Pandemic Flu Preparations had this comment:

I found the differentiation between building “Closure” and “Evacuation” to be interesting. If the building is “evacuated,” is it physically closed? That is, if someone who wants to enter the building to work or pick up something that they forgot to take home (in order to work at home), would they be allowed into the building? If they are not allowed into the building, then the building must be “Closed” and they must be paid even if they don’t work at home.

If people are working at home and have to use the LAN, then someone has to be in the building to run the LAN.

I use an external hard drive to store my EPA work. This would be very easy to take home and use with my home computer. These drives cost about \$100 (retail) for an 80 GB drive bought by an individual.”

Additional information can be found at the following web site: <http://www.pandemicflu.gov/>

For more information and for copies of the presentations used by the speakers, please visit EPA’s new intranet site on pandemic influenza at <http://intranet.epa.gov/pandemic>.

### [Telework Preparations for Pandemic Flu Planning](#)

NTEU Chapt. 280 keeps pressing management to provide necessary funding, computer hardware, software and an internet connection to allow employees to have a telework situation established, should we ever be subject to a Pandemic Flu building evacuation. Now, it appears that an opportunity has arisen to enable employees to use Agency computers at home.

EPA is moving to leased computers. This means that the computers that you are currently using at your desk, which are owned by EPA, will be replaced by leased models. NTEU Chapter 280 has asked Luis Luna, AA OARM, to consider Chapter 280’s request to allow EPA employees to take these computers home for use in a telework situation. Many years ago, that was the status quo. Then some kind of policy emerged that put public schools and other entities in the queue before employees for this surplus equipment. Now is the time to revisit that policy and put our EPA employees first, where they belong.

As for the leasing negotiations, even though we weren’t asked, we will volunteer that we hope the contract permits EPA employees to buy the leased equipment for a token amount when new models are changed out under a leasing agreement.

#### **\*4. Pneumonia Vaccines Available for Free at EPA**

One of the issues raised at the Town Hall meeting was the fact that most Flu fatalities are the result of Pneumonia contracted as a result of the Flu. There is an inoculation available to prevent Pneumonia.

All EPA employees are eligible to get the free pneumonia vaccine at one of EPA's HQ health units, however they must provide a note from their personal physician. Although the vaccine is generally recommended for employees 65 and over or who are immunocompromised, you should check with your doctor to see if they think it is advisable for you. Unlike the annual Flu vaccine, the pneumonia one is generally good for 5 years.

#### **\*5. Reasonable Accommodation for Disabilities**

Many employees have availed themselves of EPA Order 3110.21 A1 ("Providing Reasonable Accommodation for EPA Employees and Applicants with Disabilities and Reasonable Accommodation Procedures for Applicants and Employees with Disabilities")

The National Reasonable Accommodation Program Coordinator, Mr. Bill Haig (202-564-7959) can answer any questions you have about the process. To get a copy of the materials used in the training or to find out when the next training session is scheduled, call Ms. Denise Kemp-Nichols at 202-564-4031. To be successfully accommodated, you need an understanding of the process, the goals and the rules concerning reasonable accommodation. NTEU Chapter 280 Board members recently attended training on the procedures involved. When presented with various scenarios of disability situations that may qualify for reasonable accommodation, the scenarios almost always came down to one phrase "It depends." Determination of these situations is very fact specific, so we hesitate here to give you any general examples. A key part of the presentation was the theme that the disabled applicant is otherwise "qualified" for their job (aside from the disability). For more information contact Diane Lynne at 202-566-2786 or Bill Evans at 202-566-2789.

#### **\*6. Fluoride Update *by Bill Hirzy***

## **BIG VICTORY FOR INTEGRITY IN JUNEAU; knocking Goliath off with a sling shot!**

In spite of the damning evidence contained in the EPA-funded National Research Council report on fluoride toxicity issued over a year ago, proponents of water fluoridation continue unabated to push the outmoded and dangerous practice. But citizens are informing themselves and local media effectively to ward off these assaults on reason and scientific integrity. (Eleven EPA labor unions called for a moratorium on fluoridation in 2005 pending a Congressional hearing involving the cover-up of a link between increased risk of osteosarcoma in pre-adolescent boys and their drinking fluoridated water.) Here is an excerpt from an announcement by Dr. Paul Connett of the Fluoride Action Network about a big victory in Alaska:

“I am very happy to share with you the exciting news that opponents of fluoridation, despite being outspent by opponents 22 to 1 (i.e. \$163,000 versus \$7500) won a huge victory in Juneau, Alaska yesterday. The final tally was nearly 2 to 1 against fluoridation (see story below and more coverage on our home page: <http://www.FluorideAction.net>)

“To beat fluoridation you need:

“1. An informed public – the more people know about this issue the less likely they are to vote for fluoridation.

“2. A well-organized and dedicated grass roots effort.

“3. Some local professional people to get up to speed on the issue and take on the robots turned out by “professional bodies” like the ADA.

“4. Local media who take a genuine interest in the issue and do a professional job covering the story and allowing both sides equal time to have their say.”

### ***\*7. Scientific Integrity Award by Bill Hirzy***

**BURGSTHALER SCIENTIFIC INTEGRITY AWARD TO UNION OFFICERS** Dr. Paul Connett, Emeritus Professor of Chemistry at St. Lawrence University and Director of the Fluoride Action Network recently announced that two former Presidents of this union, Dr. Robert J. Carton and Dr. William Hirzy are this year’s recipients jointly of the Network’s Albert Burgstahler Award for Scientific Integrity.

Dr. Connett had this to say in announcing the award: “Determining this year’s winner of this award was very difficult because there are a number of highly deserving candidates. In the end we have decided to give this award – which sadly carries no monetary value – to two people whose lives and careers exemplify scientific integrity and who have made gigantic efforts to end the sorry practice of fluoridation. These two are **Dr. J. William Hirzy** and **Dr. Robert Carton**.

“Bill Hirzy’s contribution to scientific integrity goes well beyond the issue of fluoridation. According to Dwight Welch, his colleague at the union (National Treasury Employees Union 280) which represents professional employees at the EPA’s headquarters in Washington DC,

“Bill had been pushing our union to get the EPA to adopt the Principles of Scientific Integrity (PSI) before I met him 19 years ago. In fact our union was founded on the idea.”

“During the Reagan Regime, when politics started bending science at EPA, Bill got together with Bob Carton, Bill Coniglio and some other scientists to brain storm how scientific integrity could be protected at EPA. They initially thought some sort of scientific society within EPA, but then decided that such a society would have no legal clout so they formed a Union. Bill put PSI (a much stronger version than the current one) into negotiations for the Collective Bargaining Agreement (CBA). He since also tried to get them into subsequent CBAs, but management wouldn't budge.

“However, during the Clinton Administration, when Carol Browner was Administrator, we started something called the National Partnership Council. Bill was NTEU 280's (then NFFE 2050) rep and he worked with the ORD management partner (Mike Moore) to make it a joint NTEU-ORD project. After much work, a version was approved and acknowledged by Administrator Browner. After George Bush II took over the US presidency, Bill also pushed for acknowledgement by the subsequent Administrators including Christine Whitman, Mike Leavitt, and Stephen Johnson. I believe he was successful with all three. Certainly Whitman and Johnson. Leavitt was here only a short time, so I'm not certain about that.

“Working with ORD, Bill got developed an actual PSI training course on the net and scientists were encouraged to take the course.

“Sadly, EPA only gives lip service to PSI, but that is certainly not Bill’s fault.”

You can access the PSI at <http://intranet.epa.gov/scienceintegrity/principles.html>

### **\*8. Compost Bins: Free or Cheap**

If you live in Montgomery County, stop by one of the many pick up locations found at [www.montgomerycountymd.gov/solidwaste](http://www.montgomerycountymd.gov/solidwaste) to pick up a free compost bin. Arlington residents can stop by their Solid Waste Bureau ([www.Arlingtonva.us/recycle](http://www.Arlingtonva.us/recycle)) to pick up one for the nominal fee of \$10.

Live in D.C? Sorry, the District doesn't have compost bins for distribution.

### **\*9. NTEU Fights Proposed Health Premium Increases**

The average increase of employee premiums for Blue Cross/Blue Shield in 2008 is 8.5%. Nearly 60% of Federal employees, retirees and their families have this plan. The average premium increase across all plans is 2.1%. NTEU President, Colleen Kelley described the Blue Cross increase as “stunning” and said it would have a “staggering impact on employees,” as the increase sharply undercuts the benefit.

Her criticism of the increase was in addition to criticism of OPM's admission that it had used cash reserves to hold down the cost increases in Federal Health Plans. This marks a second year in a row that OPM has allowed insurance companies to draw down cash reserves to offset the cost of their plans. This is a potentially risky practice.

President Kelley is actively supporting legislation that would increase the government's share of health insurance premiums from an average of 72% to an average of 80%, which would match the level commonly paid in the private sector.

### **\*10. Annual Membership Fee Payment Snafu Causes Cancellation of Health Insurance: Are you covered? *By Bill Evans***

## **Personnel Processing SNAFU Disrupts Employees Health Coverage and Generates Extra Work for Everyone**

Be very careful about making sure that you are covered under your health benefits, especially if you have a plan that requires payment of an annual membership fee in addition to agency deduction of premiums. If such a plan reports that you have not paid this annual membership fee to your Agency, the Agency may cancel your insurance with no prior Agency warning.

Folks in the EPA Personnel Office may go out of their way to make sure they cancel your insurance without notice. Consider one of our employees who was insured under a government health insurance plan. We assume that the preferred provider organization (PPO) attempted to reach the employee by mail, informing them that the annual fee was due. However, the employee doesn't know if the notice (bill) from the PPO was lost in the mail or inadvertently disposed of as junk mail. Apparently, the PPO contacted the EPA personnel office and the office terminated the employee's insurance without even giving the employee a heads up email or phone call. EPA sent the employee a notice postmarked on August 30, 2007 that informed them that their benefits had been terminated on August 4, 2007 (retroactively). By the time the employee received this notice, their pay had been affected for 2 pay periods.

What if the employee had been incapacitated or hospitalized during the time her premiums were not deducted or during the period she was trying to get her insurance reinstated? How much easier would it have been for Personnel to leave a phone message or an email BEFORE they cancelled the insurance? The whole transaction could have been taken care of quickly and easily by the employee and the resulting email and fax traffic could have been curtailed a hundred fold, as the employee will have to wait until year end for DFAS to correct the pay stub totals.

We have asked Ken Venuto, the Director of Human Resources to investigate this situation and agree to institute a notification process that would provide employees with phone and e-mail notification prior to insurance cancellation. We will up-date you when we have a response. In the meantime, if you are enrolled in a PPO that requires an annual fee (in addition to premiums) you may want to arrange for direct withdrawal from your bank account so you won't miss the due date. We also recommend that you check your DFAS statement regularly to catch any changes that may be in error. At least check the direct deposit of your salary on a regular basis to catch any changes that require further investigation.

## \*11. Global Warming Science Bits from the Carnegie Institute

*Thanks to the Carnegie Institution for giving us permission to reprint the following excerpts from their summer 2007 CarnegieScience Newsletter:*

### Rising Carbon Dioxide Emissions threaten Coral Reefs

Climate scientist Ken Caldeira explained at a lecture at the Institution that global warming is no longer the only environmental catastrophe linked to rising carbon dioxide emissions. The gas is also acidifying the world's oceans. Coral Reefs are especially at risk, because the calcium carbonate that corals use to make their skeletons is very sensitive to acidic conditions. Caldeira studies this problem by comparing computer models with evidence from the fossil record. His work has revealed that the Oceans turned acidic before, as a result of the same catastrophe that is believed to have killed the dinosaurs 65 million years ago. Evidence suggests that an enormous meteorite as large as six miles in diameter collided with the Yucatan Peninsula ejecting dust to blot out the Sun for months and launching tons of sulphur compounds into the air which reacted with ocean water to form sulfuric acid. Today, Caldeira sees carbon dioxide as posing a similar threat, and believes that we will soon lose one of the rarest and most treasured ecosystems on Earth if we do not rein in carbon dioxide emissions soon.

For the full story, see

<http://www.ciw.edu/publications/newsletter>

Ken Caldeira is a climate scientist with Global Ecology, which is the smallest Carnegie Department which opened in 2002 on the campus of Stanford University. The new building was completed in 2004 and was named by the AIA as among the top 10 examples of sustainable architecture and green design solutions that promote and enhance the environment.

### Alarming Acceleration in Carbon Dioxide Emissions Worldwide

Between 2000 and 2004, worldwide carbon dioxide emissions increased at a rate of more than three times that of the 1990s – from 1.1% per year during the 1990s to about 3.1% per year beginning in 2000. The scientists found that the accelerating growth rate is largely due to an

increase in the energy required to produce a unit of gross domestic product (GDP) and the carbon intensity of the energy system (the amount of carbon per unit of energy), coupled with increases in population and per-capita GDP.

The increases in energy and carbon intensity constitute a reversal of a long term trend toward greater energy efficiency and reduced carbon intensities. “Despite the scientific consensus that carbon emissions are affecting the world’s climate, we are not seeing evidence of progress in managing those emissions in either the developed or developing countries,” remarked Chris Field, director of Carnegie’s Department of Global Ecology and co-author of a study published May 22 in the Proceedings of the National Academy of Sciences online Early Edition. You may have seen the widely reported study in a front page story in the May 22, 2007 issue of *USA Today*. The study also notes that the acceleration of carbon emissions is greatest in the exploding economies of developing regions, particularly China, where the increases mainly reflect increasing per capita GDP.

#### **\*12. Governor Sues EPA Over Greenhouse Gas Emission Standards**

On November 8, the State of California (CA) sued EPA seeking a waiver from EPA standards so that CA can impose the nation’s first state Greenhouse gas emission standards for cars and light trucks. CA has been waiting almost two years for EPA to grant a waiver under the federal Clean Air Act which would permit the state to implement a 2002 state anti-pollution law regulating greenhouse gases. More than a dozen other states are likely to follow CA’s lead. Maryland is among 14 states that joined California’s lawsuit against EPA.

Automakers, opposed to CA’s effort are concerned that if approved, emission standards would vary by state, complicating their manufacturing by having to adhere to state by state standards instead of one national standard.

#### **\*13. CFC Contributions: Consider the FEEA**

Every day, federal employees work to improve the nation. Every fall, they are given another opportunity to make a difference in other people's lives.

That's because Sept. 1 marks the beginning of the Combined Federal Campaign (CFC), when federal workers can pledge an amount to be withheld from their pay checks, starting January, and contributed to a charity of their choice.

One CFC charity that allows federal employees to help other federal employees is the Federal Employee Education & Assistance Fund (FEEA). Money donated to FEEA helps federal workers and their families through scholarships, emergency grants and loans.

For more information on FEEA, visit [www.feea.org](http://www.feea.org) .

For more on CFC, visit [www.opm.gov/cfc](http://www.opm.gov/cfc) .

#### **\*14. GAO Unionizes**

After 86 years as a non-Union workplace, what could have inspired the Government Accountability Office analysts to Unionize? In an 897 to 445 vote, GAO joined the International Federation of Professional and Technical Engineers. With a 2 to 1 ratio of dues-paying members, this is going to be one powerful union! The reasons behind the Union effort included workplace issues like the way managers conduct job-performance evaluations. What pushed the workers to Unionize included a controversial decision by the head of GAO to split a pay band in half, and the elimination of a cost of living increase impacting many workers. Some analysts took their complaints to Congress. The GAO head ended up authorizing a settlement with 12 employees who had filed grievances over the pay changes. In his column, The Federal Diary, Stephen Barr points out that “The Union vote, to some degree, underscores the difficult nature of overhauling pay and personnel rules in government, especially if employees perceive them as eroding annual raises and reducing credits for retirement.” ([The Washington Post](#), September 21, 2007)

GAO joins the Federal Aviation Administration who unionized with AFSCME in 1999 and 2000 over changes to pay rules, and the Securities and Exchange Commission, Office of the Comptroller of the Currency, and the National Credit Union Administration who all joined NTEU between 2000- 2004.

### **\*15. SEC Pay for Performance System Illegal**

NTEU has obtained a favorable decision in an arbitration challenging the Security and Exchange Commission's implementation of its 2003 "pay-for-performance" program. The arbitrator found that the agency's subjective program for awarding merit step increases violated Title VII of the Civil Rights Act as well as the Age Discrimination in Employment Act. The parties have been directed to submit briefs to the arbitrator addressing the issue of the appropriate remedy for these violations within 60 days.

### **\*16. House of Reps Rejects IRS Contracting Out and FDA Employees Win Round One in Outsourcing Fight**

The House of Representatives, in a bipartisan effort, recently passed legislation to end the use of contracted out debt collectors at the IRS through H.R. 3056, the Tax Collection Responsibility Act of 2007. NTEU President Colleen Kelley thanked all House members who voted to repeal this contracted out program, but, especially recognized Maryland's own District 8 Congressman, Chris Van Hollen for his leadership on this issue. Now, NTEU is focused on the passage of S. 335, the Senate version of the legislation to repeal the program. See [www.nteuirswatch.org](http://www.nteuirswatch.org) for more info.

NTEU's intervention caused the FDA to shelve a plan to close more than half its sample-testing labs. Now NTEU is fighting misguided A-76 efforts for outsourcing FDA work. FDA employees recently won the first four of 13 planned public-private competitions for their jobs. NTEU is calling on the FDA to abandon plans to conduct the remaining studies. Altogether 332 federal jobs are at stake.

### **\*17. NTEU Chapt. 280 Executive Board Opening**

We are soliciting applications for a Vice President vacancy on the Executive Board. Applicants must be dues paying members. Statement of interest and qualifications may be directed to Bill Evans at [Evans.Bill@EPA.GOV](mailto:Evans.Bill@EPA.GOV) by December 1, 2007.

