



INSIDE THE

FISHBOWL

"We must conduct our affairs at EPA as if we worked inside a fishbowl ..."

— William Ruckelshaus, former Administrator, U.S. EPA

July 1994

Volume 10, Number 7

Local 2050 Executive Board

Bill Hirzy, President
Jim Murphy, President-Elect
Steve Spiegel, Chief Steward
Dwight Welch, Sr Vice President

James Handley, Vice-President
Otto Gutenson, Vice-President
Freshteh Toghrol, Vice-President
Anne Leslie, Vice-President
Alex "El Condor" Arce, Vice-President
Dick Emory, Secretary
Bernie Schneider, Treasurer

"Fishbowl"

Editorial Board

James Handley, Editor
Bill Hirzy
Dwight Welch
Steve Spiegel

Editorial Policy

Articles from any source are considered for publication by the Editorial Board. Items should be submitted on disk to UN-200. Articles indicating authorship reflect the views of the author, not necessarily those of Local 2050. We do not publish anonymously submitted articles, but when requested, may conceal the author's identity.

JULY HIGHLIGHTS

PARTNERSHIP VISION

WATERSIDING RIOS?

NEW OFFICERS INSTALLED

INDOOR AIR RULE

EPA'S IG - NEW ROLES?

National Federation of Federal Employees Local 2050

PO Box 76082
Washington, DC 20013
Offices: WSM-LG-100 & CS-1, Room 249
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-260-3746

Inside the July 1994, Fishbowl

PARTNERSHIP PROGRESS 3

WATERSIDING THE NEW HQ? 6

POISONS FROM PHOTOCOPIERS AND PRINTERS 8

CARPET: LAST CHOICE BY ALL CRITERIA 9

EPA IAQ POLICIES - TOO GOOD FOR EPA EMPLOYEES? 11

HEALTH AND SAFETY NEWS 12
 Waterciding Rios?
 Problems in WSM "Annex"
 Fuel Oil Spill Empties East Tower Basement

LOCAL 2050 OFFICERS' INSTALLATION LUNCHEON HIGHLIGHTS NEW
 LABOR-MANAGEMENT RELATIONSHIP 14

FISHBOWL ARTICLE YIELDS EPA IG CANDIDATES 15

DISINVESTMENT OF EPA INSTITUTE--A RAE OF HOPE REMAINS 16

OSHA PROPOSES INDOOR AIR RULE:
 Local 2050 to Testify 18

PARTNERSHIP AND A NEW ROLE FOR THE INSPECTOR GENERAL 20

NEEDED: OPERATIONS ANALYSTS AND HEALTH & SAFETY OFFICERS 24

PARTNERSHIP PROGRESS

by Bill Hirzy

The EPA labor/management "partnership" is rapidly evolving. I represent Local 2050 on several groups where the partnership is being forged: the Senior Leadership Council (SLC), the Management Committee (MaC), the National Partnership Council (NPC) and the (nascent) Headquarters Partnership Council (HQPC). This is an update on our progress on buyouts and streamlining as well as a vision statement for the future of our partnership:

Buyouts: Decisions are pending about the number of buyouts and who will receive them, considering their impact on the organization as well as the individuals. I serve as liaison between the MaC and other EPA NFFE Locals and our two independent unions (at Narragansett and in Region IX) on buyout issues. Among ourselves, the unions have agreed that 20 percent of buyouts should be reserved for bargaining unit employees, that another 20 percent should be targeted at SES personnel, and that the remaining 60% should be aimed at first line supervisors: Branch and Section Chiefs in order to thin the management ranks. The unions also agreed that early-outs should be eligible for buyouts, and that the unions should nominate bargaining unit employees for buy outs, taking into account employees with special circumstances, such as on-the-job injuries. These proposals are subject to negotiations and further details will need to be worked out. We expect that only a relatively small number of buyouts (several hundred) will become available in FY 1995. When final details become available, which we expect will be very soon, we will relate them directly to you.

Streamlining: Our vision of the unions' role in a streamlined partnership is expressed in a paper that I submitted to the MaC and its parent body, the SLC. This piece was reviewed by Local 2050's Executive Board and is excerpted below for your information and comment.

THE ROLE OF EPA LABOR UNIONS IN A STREAMLINED PARTNERSHIP

Let us look into a future unimagined - indeed, unimaginable - two years ago, and envision the relationship between EPA management and its workers, in a streamlined partnership, mediated by work place democracy. How do we achieve that future through genuine partnership between unions and management?

To date, the primary emphasis of "partnership," in the federal government has been increased pre-decisional involvement by unions. Management's is learning to be open to union involvement in operations, while union leaders are struggling to adapt to

this increased responsibility and opportunity. This is a transitional phase in a more fundamental evolution. A more holistic view of "partnership" is joint action in pursuit of common interests in which EPA management would take an active role in facilitating and encouraging the growth and development of its labor unions to breathe life into partnership. Unions should be viewed by management and employees not only as welcome partners in making EPA a better public service institution, but as prerequisites to achieving that objective.

Unions in the new EPA

Unions will embody work place democracy and employee empowerment. Local unions' elected leaders will have a far different relationship with employees and management than at present. Every non-supervisor will voluntarily belong to a union. Active participation in union affairs will be optional, just as active participation in community, state or national affairs is optional, but it will be substantially greater than at present.

Union leaders will not only operate and administer the locals as at present. They will be elected at each level of the agency we represent, down to division or branch, depending on work unit size. Elected union officials at the lowest (branch or division) level will constitute the voice of the workers on a day-to-day basis, and will participate as equal partners with management in all but political decisions.

Collectively, elected local union officials will comprise a constituent assembly that operates (under democratic principles and the local constitution) in parallel with the local Agency management structure. Management will determine how to carry out political directives in accomplishing Agency missions and will do so without involvement of career employees, and will do so "in private". Unions will also "privately", but with analogous rights, privileges and resources, be responsible for developing programs and policies to further the interests of EPA workers. Time and facilities will be equally available to managers and to elected union officials for carrying out their respective duties.

Emerging weakened from a period of virulent anti-unionism, federal unions are far from strong enough to be effective partners. Anti-union activities and attitudes of past administrations and their appointees have been manifested in EPA programs as well as in labor relations. EPA employees have responded to this climate and as a result, EPA unions generally have less than a majority of eligible workers as dues-paying, voting members. Most EPA employees have not thought very much about being represented by, much less being active members of, a labor union. It will take more than a little reassurance by management and convincing by labor to activate them into union organizations that can be full partners.

A Vision of Partnership in Operation

At the political level of the Agency, directives from the President (generally including budgetary matters) will be translated into Agency policy by the political staff; implementation of those policies will be the job of subordinate echelons operating in the partnership mode. In subordinate echelons, management representatives will have prime responsibility for policy, while labor and its representatives will have prime responsibility for the quality of professional, "line" work and for the welfare of employees. Tension between labor and management interests may develop, and commitment to partnership in public service will be the guiding principle under which labor and management resolve differences.

Work will be accomplished by teams with minimal management or supervision. Managers' principal task will be to assign work to teams, to provide teams with the tools to accomplish the job, to provide policy quality control, and to present - along with the team - finished work for final decision making to the proper official. Elected union officials and managers will constitute the "senior staff" of work units. For example, branch chiefs and branch stewards will be equal members of a division senior staff; division directors and division stewards will comprise an office senior staff, etc. In this organization, employee viewpoints will always be "present" at senior staff meetings; all operations of the unit will benefit from immediate, unfiltered input from employees-- genuine workplace democracy.

The current "partnership councils," which are limited to high organizational echelons, are transitional stages on the path to the genuine, multi-level partnership just described.

The Role of Unions in the Evolutionary Phase

The Administration must accept the general partnership concept. During the evolution from the primitive to the full-bodied partnership, partnership councils will develop at successively lower levels of the organization. The Administration and the unions must make a substantial, joint effort to communicate to employees the benefits of the concept. The Administration must help the unions participate as partners, which means making resources available including FTEs and other budget-related items (training/travel, equipment, office space, etc). Management and the unions should pilot the concept, perhaps in OECA and a science-heavy shop, such as OPPTS or one of its subordinate units and we have begun work on some aspects of that kind of piloting.

During the evolutionary phase, management and the unions will have to keep in mind the goal of building confidence in and

reliance upon the unions. Both subordinate managers and employees will have to come to view the unions as the vehicle for getting employees' views and making them operational. EPA unions will need to grow and develop because "partnership" between parties of grossly unequal capability is not real partnership. Presently, the unions are at a great disadvantage by any measure, including staffing, training, and financial resources. If unions are to accurately and effectively reflect employee views, management must assist the unions and help convey the importance of their role to staff.

Reliance on "human resource councils" or panels and on "quality action teams" should be reduced and finally eliminated. Once true partnership is achieved, HRCs, HRPs and QATs will be obsolete, though the analytical techniques taught under the rubric of "total quality" must be in every employee's "tool-box".

Several immediate, concrete steps are needed:

1. All Partnership Councils need to begin operation as soon as possible. The delays we have so far experienced could be viewed as a tacit refusal by management to commit to true partnership.
2. Agreement on "how to get there", must be reached as soon as possible.
3. A communications strategy for conveying the new role of unions to employees and the rest of management needs to be developed and executed as soon as possible.
4. Additional resources must become available to the unions.

While these steps are being taken, we must realistically confront the fact that various elements of the Agency are moving ahead on streamlining. The guiding principle during this transition, must be to maximize union involvement. "Let us seize the time."

WATERSIDING THE NEW HQ?

by Steven Spiegel

Where is EPA going with its policies and practices for its new headquarters? Developments of the past year raise the spectre that EPA may be repeating mistakes that made Waterside Mall an imminent danger and a national embarrassment. In March, the Unions were alarmed to learn that portions of the floors in the Rios building slated for occupancy by OECA were covered with carpeting containing 4-PC. (4-phenylcyclohexene or 4-PC is a toxic by-product of latex-backed carpeting which has been shown to be a neurotoxin and sensitizing agent and is thought to be

responsible for permanently disabling about 75 EPA employees in Waterside Mall). EPA inherited the carpet in Rios from the Justice Department which was originally slated to occupy the space. After Local 2050 insisted on testing this carpet prior to the Multi-media move in March 1994, Kathy Aterno overruled objections (by Bob Axelrad of the Indoor Air Program) and agreed to have it removed. Ironically, EPA employees would not have been exposed to this dangerous carpet had EPA implemented a government-wide policies on indoor air quality (IAQ) and on reducing toxic chemicals in the federal work place.

We thought 4-PC carpet was out of the picture, but when we reduced our agreement to writing, management informed us that they meant they would remove the 4-PC containing carpet only after Multi-media moved again. That meant that our employees would be exposed for 4 - 5 months. EPA management would not delay their previously-announced move (announced prior to negotiations with the Unions), even one week to allow the carpet to be removed. While the Unions rushed to accommodate management by quickly negotiating an agreement on the move, some management officials surreptitiously changed some of the terms of the negotiated agreement at the last minute in an attempt to prevent the Unions from negotiating over procurement of office furnishings in the future-- a matter that will be addressed in the current negotiations.

Recent fire drills and emergency evacuations in Ariel Rios are reminiscent of the tragedies of the sweatshop era: employees found fire doors locked, fire hoses without any water and on a later drill when a key was eventually obtained, a GSA security guard physically obstructed EPA employees from using the fire exit. That situation has been addressed by the Union. (See related Health and Safety article.)

Most recently we've begun discussions about the moves scheduled for this summer. Unfortunately, the bargaining proposal made to the Unions was incomplete and the assignment of office space was presented to employees as a fait accompli, without opportunity for negotiation: indications of a much-too-slow "learning curve" by the Administration. If "partnership" is to mean anything, it must mean involving the Unions before decisions are cast in concrete. Employees cannot be empowered unless they have a meaningful opportunity to comment and make suggestions concerning their working conditions and how they do their work. Much of the portion of the Ariel Rios that EPA is expected to occupy next is already carpeted-- a less healthy and more expensive alternative than might have been negotiated. (We were astounded to hear Mr. Hallman pronounce that the existing hardwood parquet floors had to be carpeted and could not be restored because they are subject to the Historic Preservation Act-- Catch 22!) Many offices are already built out, even though some them violate the GSA guidance on minimum office space for employees. This obviously puts us at

an unfair disadvantage, but we will try to correct these deficiencies to the extent possible.

We plan to press management to make EPA's offices comply with the policies that EPA espouses for the rest of the country concerning office furnishing, equipment and ventilation. We will see that agreements are reached so that the mistakes so painfully evident at Waterside Mall are not repeated in the Federal Triangle building and the ICC/Commerce building. If you care about these issues, we need your help. Consider serving as a Health & Safety officer or participating on other committees to keep the Agency honest. Please contact us. It's your work place. It's your health. It's your Union.

POISONS FROM PHOTOCOPIERS AND PRINTERS

by Steven Spiegel and James Handley

Copy machines and computer printers are a major source of toxic indoor air contaminants. A total of 61 volatile organic compounds (VOCs) have been identified in 9 toner powders for copy machines and computer printers (6 copiers and 3 laser printers). A total of 31 VOCs were identified in 11 types of printer paper from the equipment referenced above, matrix printers and one carbonless copy form.

While the amounts of VOCs emitted by office furnishings and remodeling activities tend to diminish over time, copy machines, printers and carbonless paper constantly emit solvents into the work place as they are used. Amounts and types of VOCs emitted by this equipment varies among models and manufacturers. Several chemicals were found in each toner, including styrene, which is also a major emission from new carpeting, as well as ethyl benzene and xylenes. One toner contained 4-PC, the neurotoxin emitted by latex-backed carpeting. The number of chemicals identified ranged from 10 to 26 from toners for copying machines, and from 13 to 26 from toners for laser printers. The more volatile components from toner powders dominate the paper emissions. These substances include aromatic compounds such as toluene, xylenes, ethyl and propyl benzenes, and styrene. Hexanol was also consistently found in emissions from copied paper. (Wolkoff, et al. "Comparison of Volatile Organic Compounds from Processed Paper and Toners from Office Copiers and Printers" **Indoor Air** 1993; 3:113-123; courtesy of **THE DELICATE BALANCE**, Vol V., Nos. 3-4, Fall/Winter 1993-1994, published by the National Center for Environmental Health Strategies, 1100 Rural Avenue, Voorhees, NJ 08043).

Although EPA, under pressure from the Chemical Manufacturers Association, has resisted studying the neurotoxicological effects of organic solvents, (See, Environment Week, Thurs June 30, 1994,

"EPA Retreats From Neurotoxicity Testing Initiative") many are known carcinogens, mutagens and teratagens. Printers and copiers have proliferated in the work place in the last decade, and to date there has been little or no regulatory response, although OSHA is now proposing a rule on indoor air. (See related story.) To protect its employees in the new buildings, EPA should take the necessary steps to provide separate, positive ventilation for laser printers and copiers, locating them away from areas where people will be spending long periods of time. Local 2050 has raised this issue in the context of the new building and with your support we intend to minimize employee exposure to hazardous solvent emissions from printers and copiers.

CARPET: LAST CHOICE BY ALL CRITERIA

by Steven Spiegel and James Handley

Carpeting is a popular floor covering for both renovations and new construction because it is considered attractive, comfortable and has a low initial installation cost. Nevertheless numerous reports about human health effects, as well as controlled animal studies suggest very serious adverse health consequences associated with carpeting. Moreover, carpet has a limited useful life, and safer, more durable alternative materials are available.

Odors associated with new carpeting can be an indication of dangerous levels of organic compounds. Exposures to the nearly one hundred different chemical gases emitted by new carpeting have caused hypersensitivities and illness in many people. Anderson Laboratories performed controlled experiments wherein mice were exposed to air emitted from carpet with styrene-butadiene latex backing. The experiments, shown on videotape at Congressional hearings last year, dramatically illustrated the neurotoxicological effects: after one hour, exposed mice suffered severe neurological toxicity including loss of balance, and inability to regain balance. After three one hour exposures, some died. Although not all of the specific chemicals which caused injuries to people and death to mice have been identified, Styrene-butadiene (S-B) latex is strongly implicated in many of the adverse health effects; its manufacture produces the byproduct 4-phenyl-cyclohexene, (4-PC), identified as a neurotoxin even at exposures in the parts per billion range. (Anderson Labs has studied the effects of 4-PC on mice and the results were similar to those obtained with the S-B latex carpet, suggesting that 4-PC is at least one of the culprits in carpet toxicity.) S-B latex carpet currently represents about 80% of the carpet sold in the U.S.

While carpet odors and chemical emissions fade over time, no one knows whether or when the levels of volatile chemicals decline

enough to be considered safe. Furthermore, as they age, carpets create another problem. They accumulate dust and dander, and thus become havens for microorganisms: dust mites, fungi, mold, mildew, etc. These allergy-provoking materials can be a significant health concern for the growing number of Americans (approximately one in six) suffering from allergies or asthma. The higher humidity typically found near concrete floors can exacerbate microbiological problems. The National Institute of Medicine concluded that carpeting should be considered a significant source and reservoir of indoor allergens and recommended that the EPA expand its Carpet Policy Dialogue to consider this serious public health problem.

Carpets also act as a reservoir for lead paint dust, animal waste and can accumulate high levels of pesticides, polynuclear aromatic hydrocarbons (PAHs) principally from auto exhaust, as well as asbestos and heavy metals. These toxic and potentially carcinogenic substances are tracked in on shoes and remain embedded in carpeting. PAHs, the by-products of incomplete combustion, persist for long periods due to the absence of sunlight and microorganisms that would break them down in nature. EPA studies of pesticide residues in carpeting show that they persist for similar reasons. These problems can be anticipated in Ariel Rios because it is in a construction zone, there are known lead problems in the building, and the Washington region is a non-attainment area for ambient air quality. While diligent housekeeping can mitigate these problems, normal vacuuming only redistributes the fine dust; only high efficiency vacuums are capable of trapping the fine particles that are most easily inhaled, and even shampooing of carpets can result in further toxic effects.

While low initial cost may make carpet seem attractive, its short life-cycle makes the long-term cost relatively high. The environmental cost is also high: most carpeting is made from non-renewable petroleum-derived chemicals and will eventually end up in landfills. More durable materials like ceramic tile, hardwood floors and vinyl flooring are attractive and safer alternatives. In rehab work, such as in Ariel Rios and the Commerce/ICC buildings, refinishing the existing wood floors is cheaper than new carpeting if all the long-term costs are considered. Healthier flooring is critical for the millions of people with allergies and chemical sensitivities, and it's a good idea for preventing these conditions in the rest of the population. It was bad enough for EPA to keep installing carpeting its leased space in Waterside Mall. Now that the Agency is moving to its new headquarters, it should show some sense and follow its own studies and policies and plan for the long-term.

(Adapted from *Carpeting: Wall-to-Wall Problems*, by John Bower, drawing on "Better Building", the Housing Resource Center, 1820 W. 48th Street, Cleveland Ohio 44102; John W. Roberts of Roberts

Engineering Plus in Seattle WA, "Chemicals Contaminants in House Dust: Occurrences and Sources: *Indoor Air 1993*; 2:27-32) courtesy of **THE DELICATE BALANCE**; Indoor Allergens - Assessing and Controlling Adverse Health Effects, Institute of Medicine, National Academy Press, ISBN 0-309-04831-1; 1993).

EPA IAQ POLICIES - TOO GOOD FOR EPA EMPLOYEES?

by Steven Spiegel

Many EPA employees may not be aware that EPA has an extensive Indoor Air Quality (IAQ) program. EPA studies have consistently ranked indoor air pollution among the top five environmental risks to public health. EPA's August 1989 report to Congress, its first effort to assess the costs of indoor air pollution, estimated that the costs of indoor air pollution were in the tens of billions of dollars annually through direct medical costs for people affected by poor indoor air quality, lost productivity from resulting absences from work and decreased efficiency on the job.

Several EPA initiatives aim to create safer and healthier workplaces: EPA has published a guide on "Building Air Quality: A Guide for Building Owners and Facility Managers," and has developed a training program in conjunction with this guide. EPA's "Primer for Prevention of IAQ Problems in New and Remodeled Public and Commercial Buildings," reports on studies in new public buildings and building furniture and furnishings. The Agency even has a Partnership Program to implement these programs and guidance, and is working on pollution prevention techniques for low-emitting material and products for indoor use.

Shouldn't these concepts be applied to own new headquarters? For years, EPA employees have been imploring the Agency to get us out of the pathetic and sickening Waterside Mall, and Administrator Browner has indicated that our new headquarters should be a model for the rest of the country. While there has been some attention to IAQ in the new headquarters, the approach has been far from an exemplar. There are serious questions about the adequacy of the ventilation for the Ariel Rios building, especially for areas where the copying machines will be located. The overall ventilation is expected to be an improvement over Waterside Mall, (which is not saying much) but it won't meet the targets set by the Agency's own policy for the rest of the country. The Administration has rushed to buy the same old toxic (formaldehyde-laden particle board) furniture that it has bought in the past, without any negotiations with the Unions and or any discussion of pollution prevention or energy conservation. The Agency is to be commended for the work being done in developing policy on IAQ, but there seems to be a big gap between policy and implementation. Good indoor air policy should begin at EPA headquarters.

HEALTH AND SAFETY NEWS

by Dwight Welch

WATERCIDING RIOS?

"Be afraid....BE VERY AFRAID!" Watercide Mall: a recurring nightmare? Crystal Mall 2, the Fairchild Building, ask your friends and colleagues who work at those buildings; they probably consider them Watercide II and III. It's not a very long stretch to imagine the "Waterciding" of our new Headquarters Building--many of the same folks managing the Watercide work environment will be managing the new building. If we are not to repeat history, then some things have got to change.

Nelson Hallman, the new building coordinator is the same gentleman who indicated in the 1980s that the air in Watercide Mall was as safe as the air in his living room. Either this was a sad commentary on Mr. Hallman's home environment or perhaps he had not caught on yet or was in a state of denial. Now we're told we're in a new ball game--"partnership," working together to solve problems under the "Executive Order" and all that good stuff.

Many EPA employees are understandably anxious to escape Watercide and some of the other substandard quarters where we are housed, preferably some time before the planet becomes uninhabitable due to global warming. But the latest management-induced anxiety is that the Unions are threatening to hold up the show. We want out as bad as anyone, but we will not stand for a recurrence of our nightmares.

Have Mr. Hallman and others learned from past experience? Initial indications were bleak. Mr. Hallman described our early meetings as "information-sharing" sessions rather than negotiations. The fast-talking Hallman seemed more intent on "selling" than on listening.

Item: there's a push to carpet our new headquarters. Item: early fire drills at Rios were thwarted by locked escape doors and a lack of an emergency evacuation plan. Item: Health and Safety Officer Dennis Bushta was kept in the dark regarding the lead abatement program; the first news he heard that it was proceeding was from me. Item: after the initial "show and tell" with pioneer employees in wide open spaces, rumors abound of moving these employees to sardine-style packed cubicles.

Maybe it was our personal lobbying of Kathy Aterno, or perhaps my recent fire safety memo or possibly the Local 2050's memo to Aterno regarding failure to bargain, but our meeting on July 7, 1994 seemed to reflect a hopeful change in direction. Participants included Justina Fugh and Craig Hooks of OECA, Rich

Lemley and John Beecher from Facilities, Julius Jimeno from Health and Safety, Paul Newton from Labor Relations and Union Officials Steven Spiegel, James Handley, Pat Hilgard, myself, and the ever-eloquent and thoughtful Kirby Biggs from AFGE Local 3331. To me, it seemed that a lot of progress was made. The costs and benefits of various flooring materials are to be explored. Fire safety problems are being corrected and fire escape training is being arranged. The joint Labor-Management Health and Safety Committee will be conducting unannounced inspections of the lead abatement process. Space allocations will receive further consideration. And Justina and Craig promised to deliver a move package that will include information to allow the Unions communicate with their respective bargaining units over the various aspects of the coming moves.

Although I have been critical of him in the past, after the meeting I returned to Nelson Hallman's office, shook his hand, and gave him a WELL DONE! I hope this is the beginning of a real dialog that will end the nightmare.

PROBLEMS IN WSM "ANNEX"

Part of what used to be the warehouse is being converted to additional office space. With its close proximity to the parking garage, well-founded fears have been raised that car exhaust may infiltrate. This and associated potential problems are being carefully monitored by the Labor-Management Health and Safety committee. Investigating the space personally, along with Facilities Director Rich Lemley, I discovered an abundance of ventilation outlets in the area. Site personnel claimed that positive air pressure will be maintained with ventilation inlets on the roof of the mall. Positive pressure will keep carbon monoxide out and well placed intakes will assure plenty of fresh air. (At this writing I have not yet inspected the intakes nor the ventilation schematics, but this should take place shortly.) Dennis Bushta promises air testing to which Rich is ready to cooperate. I am also asking for fresh air CFM data.

On an unescorted walkthrough of the annex, my Health and Safety colleague Pat Hilgard and I did our own inspection. Dr. Hilgard picked up a carpet sample for further investigation. We also grabbed the label from a spent pail of carpet adhesive. The label claimed that the stuff was a "green" product, nonetheless, Pat is going to look up the toxicology of the ingredient listed. Keep reading INSIDE THE FISHBOWL for further updates.

FUEL OIL SPILL PRECIPITATES PERMANENT EVACUATION OF EAST TOWER BASEMENT

Originally designed as a storage area, the basement of the East Tower is served by its own ventilation system whose intake and exhaust are not far apart. Despite "NO SMOKING" signs, cigarette smoke and exhaust fumes are often sucked into the intake, located near the front of the ET. Worse yet, the exhaust well contains the exhaust for a diesel powered emergency pump. Also located there is the supply tube for the pump's fuel tank. In June, as the tank was being filled, a leak in the fuel line sent diesel fumes permeating through the ET basement. An inspection by the Health and Safety Team revealed that when started, the emergency pump belched large clouds of black smoke. Indeed, just before the installation luncheon, I was summoned to the ET basement when a test of the pump once again sent fumes through the basement.

This area has been a source of persistent problems through the years. Problems have ranged from leaking raw sewage and mystery illnesses of employees, to the "scourge of the flies" thriving on the urine of the homeless, and now this. We are happy to report that Facilities Director Rich Lemley has made the decision to permanently evacuate the East Tower Basement. With expedited Union concurrence this is being done pronto.

LOCAL 2050 OFFICERS' INSTALLATION LUNCHEON HIGHLIGHTS NEW LABOR-MANAGEMENT RELATIONSHIP

We've come a long way. Just a few years ago, under attack from Charlie Grizzle, Local 2050's installation luncheon was held in a musty-smelling church lobby with only hard core members and officers attending. Last year's function, although successful, was marred by the absence of senior EPA management. This year's gathering was truly memorable.

Enjoying the waterfront view from the outdoor area of Gangplank restaurant were many Local 2050 members, pro-partnership managers, as well as an array of distinguished guests including Carol Browner's Chief of Staff Mike Vandenburg, AA Jon Cannon and his Deputy Kathy Aterno, AA Steve Herman and Deputy Scott Fulton and Special Assistant Justina Fugh. (Mr. Sussman's Chief of Staff Bill Finister sent us a nice letter regretting a conflict leaving him unable to attend.) We were also very pleased to host Jeff DeBonis of Public Employees for Environmental Responsibility, Danielle Brian from the Project on Government Oversight, and Sara Levitt and Becky Sachs from the Government Accountability Project.

Outgoing President Bill Hirzy addressed the gathering. He opened

with a blast at the betrayers of Local 2050 but quickly moved on to praise the accomplishments of "the best Executive Board in Local 2050's history." Dr. Hirzy portrayed his vision of partnership with stewards assigned to every division in the Agency and the realization of true worker democracy and dual career paths. Hirzy also announced the Labor Department's [utterly bizarre] decision to order the Local to re-run its election for the office of president.

If not for the DOL decision, Dwight Welch would have been sworn in as President. Welch delivered a modified speech expressing confidence that the membership would support him in the upcoming special election. He also praised the record number of new members, record number of stewards, and the large and enthusiastic participation by the membership this year. Welch suggested that the cynicism borne of previous Administrations be put aside to give "partnership" a chance, citing an encouraging track record of labor/management cooperation in the Clinton Administration. Mr. Welch also announced the results of Local 2050's search for a candidates to be EPA's new Inspector General.

Welch and Hirzy both cited the numerous accomplishments of other members of Local 2050's executive board. Chief Steward Steven Spiegel was commended for his superb handling of Local 2050's legal affairs, especially for victories in representational matters, Senior Vice President James Handley was cited for his work on the OECA reorganization and as Editor of the Fishbowl, and Vice President Freshteh Toghrol for her groundbreaking work in bringing to fruition the Transit Subsidy and for her record-setting recruitment of new members.

Dwight Welch then administered the oath of office to the new Executive Board. Other speakers, including Kirby Biggs of AFGE Local 3331, praised the accomplishments of Local 2050 and AA Jon Cannon made special note of the leadership and vision of outgoing president Bill Hirzy. In sum, the luncheon was congenial event reflective of a new mood in labor relations at EPA. Left over food was donated to the homeless.

FISHBOWL ARTICLE YIELDS EPA IG CANDIDATES

by Dwight Welch

Last month, we called for nominations of candidates for Inspector General of EPA. We plan to petition Congress and the President to replace the current IG who has had a record of abuse and persecuting EPA whistle-blowers. Following are the nominations we have received:

Debra Jacobson, who serves on Rep. John Dingle's staff. Ms. Jacobson thanked us for the nomination but declined because she

has an eleven year old with whom she needs to spend quality time. She felt that cleaning up EPA would not leave any time for her child.

Gary P. Jordan, U.S. Attorney in Maryland. Mr. Jordan prosecuted the FDA Generic Drug Scandal. Mr. Jordan has declined the EPA IG position but is interested in being an Inspector General in another Agency.

Michael Walker, former Toxics Litigation Enforcement Counsel, Walker has a superb enforcement record and has won respect in the regulated community and academia. Mr. Walker has indicated he would be proud to serve and is intent upon cleaning up waste, fraud, abuse, and mismanagement at EPA.

Richard Emory, a nationally recognized whistle-blower, has called attention to weak criminal prosecution involving EPA and the Justice Department. Represented by the Government Accountability Project, Emory prevailed in his whistle-blower complaint against EPA and DOJ. Emory feels that it will take a whistle-blower to clean up EPA. Emory who currently serves on as Secretary to Local 2050's Executive Board has written a series of articles concerning the new role for the EPA OIG, the first of which is featured in this issue.

With acceptances by three fine candidates, our search for a replacement IG is well under way. Perhaps we can make one the IG and the other two deputies (audit and criminal).

The Government Accountability Project with the cooperation of whistle-blowers throughout EPA, is preparing a white-paper exposing mismanagement and abuse by current Inspector General John Martin. Watch THE FISHBOWL for details on how to obtain copies, which will be free to members.

DISINVESTMENT OF EPA INSTITUTE--A RAE OF HOPE REMAINS

by Dwight Welch

Even if you have not heard of the EPA Institute you may have heard of Upward Mobility, Greater Leadership Opportunities, Goalsetters Reaching Opportunities, Women's Executive Leadership Program, or the Certified Professional Secretary Program, all of which are programs administered by the EPA Institute. The EPA Institute also administers graduate-level career enhancement programs from the University of Maryland, Howard University, George Washington University and Johns Hopkins University. These programs and EPA's affiliation with these Universities provide us all training opportunities to improve ourselves and our contributions to our Agency. A casualty of streamlining, the EPA Institute is to be "disinvested," without loss of functions, we

are assured. But why weren't the Unions consulted?

The EPA Institute under the directorship of Renelle Rae focuses on programs to help staff obtain training. My first encounter with the EPA Institute was a course to try to quit smoking. I met Renelle Rae when she coordinated a course to teach Union officials and Labor Relations managers the art of win-win bargaining. Union officers were enthused about the course, which seemed to be lost on some of the managers. Nevertheless, it was a pre-Clinton Administration attempt at partnership.

The "disinvestment" of the EPA Institute is being justified as an elimination of duplicate functions: similar training allegedly occurs in Mr. Don Sadler's Division: Executive Resources and Special Programs. While no criticism of Mr. Sadler is intended, his training focuses on management training. Will the innovative, incurably enthusiastic, hard working, and dedicated Renelle Rae will be the director to take the fall when management ratios are cut to 11 to 1? We hope this is not retaliation for her outspokenness on training issues.

Does this mark a shift away from staff training towards management training? Is a reduced training staff consistent with management calls call for increased training, multiple career tracks, and increased professionalism? Will the Unions have a say on the final cut? Will employee input be considered?

The EPA Institute offers a wide variety of training opportunities including career planning counseling. Ms. Rae's latest offering is a speech therapist visiting EPA on an IPA. Local 2050 has noted a high degree of discrimination against naturalized Americans. This discrimination often takes the form of accusations of employees not being able to communicate properly. This training opportunity offers these employees an opportunity to shed their accent thus diffusing the discriminatory criticism while increasing communications skills.

Take that course you've been wanting to take now, folks. It may be the EPA Institute's "going out of business" sale: by 1996 the Institute may close its doors for good. [Late news: Assistant Administrator Jon Cannon has indicated interest in a possible rescue of the EPA Institute.]

OSHA PROPOSES INDOOR AIR RULE:

Local 2050 to Testify

by James Handley

OSHA has proposed a rule to address indoor air quality in nonindustrial work environments. Local 2050 is submitting comments on the rule, and outgoing president Bill Hirzy plans to

testify at the hearing, now scheduled for September. The proposal, initiated as a result of a petition by the AFL-CIO, and published in the Federal Register on April 5, 1994, addresses sick building syndrome (SBS), building-related illness (BRI) and environmental tobacco smoke (ETS) commonly called second-hand smoke.

Sick Building Syndrome: OSHA's proposal defines SBS in terms of symptoms and problems in building design, operation or maintenance rather than linkage to a specific contaminant. SBS is characterized by eight symptoms, which decline or disappear when the individual leaves the building:

- 1) irritation of eyes, nose and throat;
- 2) dry mucous membranes and skin;
- 3) erythema (abnormal skin redness due to capillary congestion);
- 4) mental fatigue and headache;
- 5) respiratory infections and cough;
- 6) hoarseness of voice and wheezing;
- 7) hypersensitivity reactions; and
- 8) nausea and dizziness.

OSHA notes that SBS has been objectively demonstrated using the Digit Span Test to measure concentration. In the test, the subject views a series of random digits which he or she is asked to repeat backward. In double blind tests, low levels of exposure to volatile organic chemicals resulted in significant declines in performance. Subjects reacted in proportion to mucous membrane irritation and not to odor intensity. Reactions to SBS vary among individuals, some of whom "experience relatively mild and treatable symptoms such as headache, [and] may be able to cope with the sick building environment for extended period, although suffering from increased stress. Other individuals, more seriously affected, may find symptoms so severe that they may be unable to be in the building for extended periods, or at all. Still others may become temporarily or permanently disabled." The proposed rule notes that some individuals become sensitized, unable to tolerate highly scented products and that "so-called air fresheners prove to be particularly troublesome," and some people are "sensitive to odors from hot plastic-coated wires in electronic equipment."

Building-Related Illness: OSHA's proposed rule distinguishes building-related illness (BRI) from SBS. BRI is defined as "specific medical conditions of known etiology [causation] which can often be documented by physical signs and laboratory findings." Examples include Legionnaire's disease and conditions that can be traced to a "specific contaminant source such as mold infestation and/or microbial growth in cooling towers, air handling systems and water-damaged furnishings." In contrast to SBS, BRI symptoms do not necessarily disappear or decline when the individual leaves the building, and mitigation of BRI requires "identification and removal of the source, especially in

cases involving hypersensitivity responses," (e.g., asthma and related airway reactions).

Information submitted to OSHA indicates that 30% of office buildings have indoor air quality problems and 20 - 30% are "sick," having environmental effects which may lead to [either SBS or BRI]." OSHA cites EPA estimates that pollutants in indoor air are responsible for 2,500 to 6,500 cancer deaths each year.

Environmental Tobacco Smoke: OSHA's proposal includes a lengthy discussion devoted to ETS and its health effects. The number of people exposed to ETS is very large: approximately 70% of people who are employed are exposed to ETS. OSHA data suggests that of employees exposed to work place ETS for a 45 year working lifetime, one in 1000 will develop lung cancer, and 7 to 16 will develop heart disease.

Prevention of Indoor Air Pollution: The rule recognizes that "control of pollutants at the source is the most effective strategy for maintaining clean indoor air." It notes that ventilation rates specified in building codes are "based primarily upon the need to control odors and carbon dioxide levels (e.g., occupant-generated contaminants or bioeffluents)," and may therefore be inadequate to remove other contaminants.

Proposed Rule: The specific requirements of the rule include:

- A written work place **Indoor Air Quality (IAQ) compliance program**, with a person designated to assure implementation,
- **recordkeeping**, including records of employee complaints about indoor air quality and symptoms, which must be available to employees,
- **maintenance** of ventilation systems so they meet original design specifications or building codes or those applicable when the most recent renovation occurred, based upon actual levels occupancy,
- assurance that **ventilation is operated during all working shifts**. The preamble notes that "energy conservation and temperature control strategies must not interfere with providing minimum outside air ventilation when the building is occupied."
- where necessary, alterations to assure that ventilation systems **meet design specifications or building codes**,
- use of **general or local exhaust ventilation** whenever housekeeping and maintenance activities use equipment or products that could be expected to result in hazardous chemical or particulate exposures,

- monitoring of carbon dioxide levels when routine maintenance is performed,
- where smoking is not prohibited, designation of smoking areas that are enclosed and exhausted directly to the outside,
- informing employees at least 24 hour in advance of treatment with hazardous chemicals,
- notification 24 hours in advance of work to be performed that may introduce contaminants into work areas, and isolation or containment of work areas to prevent entry of contaminants into the HVAC system.

Comments: Local 2050 is preparing written comments on the proposed rule, and we invite your participation. As drafted, the rule would be a real breakthrough because of its recognition of the indoor air problem, but it does have shortcomings. Most obvious is the limited monitoring requirement which applies only to carbon dioxide. The preamble cites formaldehyde, vehicle exhausts, carpet associated chemicals, combustion gases, pesticides and man-made mineral fibers as serious health-impairing contaminants, as well as biological contaminants such as molds and mycotoxins from fungi. We intend to press for a broader monitoring requirement, especially in buildings where complaints have already surfaced. Such monitoring could help pinpoint sources of contaminants and enable effective remedial steps. Additionally, the rule is not specific enough about minimum fresh air requirements, relying upon building codes which, as the rule notes, are based upon the need to remove occupant-generated contaminants and do not account for contaminants generated by the building materials and equipment. Further, while the preamble notes that new materials produce the largest quantities of contaminants, it does not require an "air out" time for new components and construction, as is required in many countries as part of the building codes.

PARTNERSHIP AND A NEW ROLE FOR THE INSPECTOR GENERAL

by Richard Emory

The Origins of "Partnership"

Executive Order 12871, signed Oct. 1, 1993 by President Clinton, begins:

The involvement of the Federal Government employees and their union representatives is essential to achieving the National Performance Review's Government reform objectives.

The President's Order directs employee unions to be "full partners" with management to "craft solutions to better serve the agency's customers and mission." Management and unions both want fewer layers of management, efficient employees, and labor peace. Fewer managers and decentralization mean greater trust and empowerment to employees to act directly to meet the needs of our "customers," the taxpayers and citizens. The new "partnership" could be good news to the many EPA employees who want better working conditions. We look forward to EPA management that puts sound physical science before political science, and that fosters employee creativity and initiative in problem solving.

Some aspects of partnership are reminiscent of "Total Quality Management" (TQM), Japanese style. But TQM did not quite work. Although management talked "bubble up," all was still "trickle down" and as authoritarian as ever. Unions saw TQM as thinly-veiled effort by management to deal directly with employees on quality issues and thus to bypass the unions, which are legally the exclusive representatives of employees under the Federal Service Labor-Management Relations Act, 5 U.S.C. § 7114(a).

We hope that things are different now. President Clinton has directed management, for the first time ever, to negotiate with unions over the "numbers, types, and grades of employees or positions assigned to any organizational subdivision, [or] work project," and on the "technology, methods, and means of performing work." The President also directed management to provide union-management training on "consensual methods of dispute resolution, such as alternative dispute resolution and interest-based bargaining," implying that we all are to use these tools in solving a very wide range of labor-management issues.

The "partnership" mandate is enormous, and it falls heavily on unions which have been weakened by years of indifference and in some instances by outright assault. The unions need additional resources to fulfill their new responsibilities as full partners. The unions' first priority must be case work: helping bargaining unit members with serious job-related problems. Will lack of resources limit unions' to their traditional role of crisis intervention? We don't know yet whether "full partnership" will become reality, or whether it will just become hollow rhetoric or "TQM2". How can we find the resources to implement full partnership?

Some resources may already be available. One of the key recommendations of Vice President Gore's National Performance Review, is that the Office of the Inspector General be reoriented. (See, "Creating Government that Works Better and Costs Less," Ch. 1, Step 4 (Sept. 7, 1993.)) Gore heard at almost every agency he visited that the IGs' present approach inhibits innovation and risk taking by too much reliance on heavy-handed enforcement. IGs should bolster their auditing capacity and

better help managers to evaluate their management control systems. IGS should develop new systems not only to prevent fraud, waste, and abuse, but to enable agency employees to provide "customer service" that is effective and efficient.

"To provide leadership . . . to promote economy, efficiency, and effectiveness in the administration . . . of programs and operations" has been a duty of the IGS since the original Inspector General Act of 1978. (5 U.S.C. Appendix 4.) Our President's new "partnership" with labor is key to achieving a government that works better and costs less. Now customer service is to be provided directly by federal employees who are trusted, empowered, and represented by unions in partnership with management. The National Performance Review seems to invite the IGS to do much more to contribute to a better labor-management relationship.

In the past, EPA's OIG has acted as a management tool, lacking the vision and the spine to address management's abusive and wasteful mishandling of the problem of EPA's sick buildings. This shocking saga is an unforgettable example of what not to do. By learning from the past, and implementing "partnership," OIG has the opportunity to redirect its conduct to foster productive relationships between employees and managers.

The IG's Role in Addressing EPA's Sick Buildings Problem

An exodus from Waterside Mall to new headquarters on Pennsylvania Avenue has begun. These moves, together with interim house-cleaning measures to protect employees until the evacuation is complete, should end the sorry episode of EPA's mishandling of the sick buildings mess. After years of prodding by Local 2050, management is to be credited for beginning to take the steps needed to stop permanent injury to employees. New management seems ready to observe the provisions of the Federal Service Labor-Management Relations Act 5 U.S.C. § 7102(2) making a safe work place a "condition of employment . . . affecting working conditions," subject to collective bargaining rights.

Despite the prospect of improved working conditions, those who have suffered serious injuries can never be completely healed. Understandably, they seek redress through a lawsuit against the owners of Waterside Mall, a dispute that must wind its way through the legal system. Prior administrations' years of bungling the toxic "condition of employment" injured labor-management relations almost as much as chemical fumes injured the stricken employees themselves. Many will never forget former management's unyielding callousness, exacerbated by chronic, utter incompetence that compounded the damage year after year. Only because EPA's unions persisted in raising the issue, was management forced to react. The sagas of EPA's toxic carpet,

friable asbestos, and building ventilation quagmire are astonishing and shocking, made even more remarkable for having happened at the very headquarters of the United States Environmental Protection Agency. They were also missed opportunities by the Office of the Inspector General.

Of course OIG was busy carrying out its many responsibilities to protect the taxpayers. Over the years, EPA's IG has done much to root out waste, fraud, waste and abuse, particularly in the area of contracts. Still, like all of us, the OIG could perform better. It is fair to ask, "where was our OIG when EPA's buildings were endangering the health of hundreds of employees?"

Physical abuse to employees and waste of taxpayer dollars continued for years, as employees disabled by multiple chemical sensitivity were rendered unable to perform their duties to protect the environment. Could there have been a larger cause of waste and abuse at EPA during the late 1980s than sick buildings that literally decimated the EPA headquarters workforce? An enormous loss of efficiency and effectiveness was the direct consequence. In any normal agency, with functioning checks and balances, such a scourge at least would have provoked an audit of the situation if not the very managers that allowed the manifest waste and abuse to compound.

But EPA was not "normal," and the sickness was too widespread. In facing this enormous threat to good government, the IG appears to have ignored the duty, "to provide leadership . . . to promote economy, efficiency, and effectiveness in the administration . . . of programs and operations," that was an original goal of the Inspector General Act of 1978. No audit was ever performed.

One of the key recommendations of the National Performance Review is that the Office of the Inspector General be "reoriented." The report stresses that IGs should now bolster their auditing capacity and better help managers to evaluate their management control systems. IGs should develop new systems not only to prevent fraud, waste, and abuse, but to enable the employees to provide "customer service" that is effective and efficient. The President's new "partnership" with labor is key to achieving a government that works better and costs less, and the National Performance Review seems to be inviting the IGs to contribute to a better labor-management relationship. If the mis-management that allowed EPA's sick buildings problem were to arise again today, the IG would have to do an audit of why employees were sick and why management was not capably dealing with the problem.

In upcoming issues, I will suggest other new ways in which the IGs can work better. I will describe a new role for IGs to handle disputes between partners in a partnership that cannot be dissolved. When partners have their inevitable disagreements, a reoriented IG's office could serve as an independent, impartial

mediator rather than just a traditional tool of management rights. Using the existing resources of the IGs, partnership and labor/management peace can now be fostered rather than ignored or threatened.

NEEDED: OPERATIONS ANALYSTS AND HEALTH & SAFETY OFFICERS by Jim Murphy

Local 2050 needs your help. The President's Executive Order 12871 established a new labor-management relationship as a full partnership. Labor has a role in reinventing government, defining the work of the Agency along with management. The officers of Local 2050 are already very busy with meetings on streamlining. In order for our Union to participate effectively, we need people to step forward in every office at EPA headquarters. In particular, we can use operations analysts to help "reinvent" government, health and safety officers to monitor moves into new office space, and traditional stewards to serve as the Union's hands, eyes and ears in this time of significant change. Your career is being reshaped. Be a participant in the process.

READERS: WE INVITE YOUR FEEDBACK: We would like to know what you think about the "Fishbowl." Please send comments or suggestions to the attention of James Handley, Fishbowl Editor, at Mailstop UN-200.

We also welcome submissions on topics of interest to our members, which we will consider for publication.