



Maconaughey, Kirk D.

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INSIDE THE FISHBOWL

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

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

March 1997

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MARCH HIGHLIGHTS

NEW AWS POLICY

EPA'S PERFORMANCE APPRAISAL SYSTEM

\$4.2 MILLION IN TOXIC CARPET SUIT

PAT SIMS BRINGS LEGAL CLOUT

ARTHUR CHIU LEGAL DEFENSE FUND

"TOXIC DECEPTION" REVIEWED

"ROACHEZ" RETURNS

**National Federation of Federal Employees
Local 2050**

PO Box 76082
Washington, DC 20013
Offices: Waterside, North Plaza
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-401-3139

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New Alternative Workspace Policy Under Development: Cypser and Murphy to Represent Local 2050

Myra Cypser will replace Dwight Welch as one of Local 2050's representatives on the Alternative Workspace (AWS) Partnership Workgroup. (Jim Murphy will continue to serve as the other Local 2050 representative.) At Dwight and Myra's request, the Local 2050 Executive Board approved Myra as our official representative on March 18. Myra, whose health was damaged as a result of working in Waterside Mall, suffers from multiple chemical sensitivity, and has long been an effective and vocal activist advocating improved indoor air quality for EPA employees. She painstakingly documented employee health problems that eventually forced EPA to remove the toxic carpet from Waterside Mall and edited, published and distributed the "Indoor Air News" that showed many sick employees that their health problems were not isolated but were part of an epidemic in Waterside Mall.

The AWS workgroup to which Myra was appointed is developing policy concerning procedures for employees to obtain AWS, including the medical documentation needed and the possible need for periodic re-certification. On behalf of Local 2050, Myra is preparing comments on the current draft policy.

The draft provides that a committee including representatives from both bargaining units, an official from the Facilities Management Services Division (FMSD), an official from Safety, Health and Environmental Management Division (SHEMD), and a rotating chair from one of the AAships would perform administrative duties including reviewing AWS applicants' forms for "completeness and accuracy of information" and would also handle appeals of AWS decisions. Myra is very critical of this proposal because it would involve a Facilities official in both the initial review of applicants' forms for completeness and in the appeal process. She points out that Facilities' activities have the potential for sickening employees and questions whether they can be objective in making determinations of whether sick or injured employees should receive accommodation.

The current proposal would require recertification or medical re-verification every two years or in the event of changed circumstances including change of physical work location, alteration of the workspace, change in medical condition where the employee notifies management and documents the change. Under the proposal all current AWS participants would be required to complete recertification within 6 months of the new program effective date. Myra objects to arbitrarily requiring periodic re-certification when there is no change in the relevant circumstances and feels that re-certification should only be required when circumstances related to the employees' health and workspace require it. Myra is concerned that "changed circumstances" might allow minute changes to trigger re-certification and has asked whether there would be any limit on the number of times each year someone would have to recertify. The draft policy never clearly defines what is meant by "re-certification," and what would be required of employees. Among the bases for rejection of an application for AWS is lack of detail, which could lead to endless requests for more information. Myra points out that 5 CFR 339 governs the types of medical documentation that may be required of employees and suggests this as the standard.

The draft raises the question of whether the AWS program would fulfill the requirement of the 1979 Rehabilitation Act that agencies provide "reasonable accommodation." The draft Agency-wide medical flexiplace provisions exclude those with MCS. Myra feels it is vitally important for the union to obtain an agreement with the agency ensuring that those disabled by MCS continue to receive reasonable accommodations, including AWS arrangements. Other Agencies (SSA and HUD) already treat MCS as disabling.

Myra has also raised concerns that eligibility for AWS as provided in the draft policy narrowly links medical condition to particular locations in a building rather than acknowledging that employees may be unable to work in that building or facility at all, or have a more wide-ranging disability.

The draft states that the ultimate authority and responsibility for determining eligibility for AWS remains with

the immediate supervisor based upon the degree and amount of work that can be performed outside of a formal office structure, as well as the medical information. This leaves open the question of what roles the partnership oversight committee and the Health Unit doctor would play in the decision making.

Members interested in reviewing the draft or in assisting Myra in what promises to be a major undertaking, should please contact her at (703) 765-2707, or send her a LAN message so she can include you on the distribution of the drafts and comments.

EPA's Performance Appraisal System: Where We've Been, Where We Are, and the Proposed Changes

by Bill Garetz

[This is an initial and very preliminary report. We are still getting up to speed on this issue. Expect to hear more about performance systems in the coming months...]

First -- A Bit of History: Prior to the enactment in 1978 of the Civil Service Reform Act, there was a simple system for performance appraisal. I remember a one-sheet form with statements on it like: "Work is submitted on time," "Work is complete and accurate," "Shows initiative," "Gets along well with co-workers." After each statement was a series of boxes with labels something like this: "Never," "Sometimes," "Usually," "Almost always," "Always."

At performance appraisal time, each employee filled out the form indicating how she or he thought she/he had performed on each of these elements over the previous year. Each employee's supervisor did the same. They then met and the supervisor shared her/his rating with the employee, summing things up by saying: "These are the areas where you're doing great... No complaints at all... Here are the areas where I rated you a bit lower... If you'd give some attention to these over the next year, I'm sure you'll improve in these areas as well."

I learned a lot from these appraisal sessions. There were always areas where I expected to be told I was falling short and instead I would be surprised to hear that my supervisor thought I was doing fine. And there would be one or two areas where I thought I was doing great, but for which I would find out that my supervisor thought I needed improvement. In such cases, I would always ask how I had fallen short. I would be given one or two pertinent examples, would be surprised by them, but would instantly understand what the concern was, and would know what I needed to do to be seen by my supervisor as performing better in that area.

In every case, I walked away from the appraisal session: (1) feeling I had been treated fairly, (2) feeling that I had gotten "pats on the back" that I hadn't expected (and that I was still not completely sure I deserved), and (3) knowing that I had gotten insight into aspects of my behavior or performance that I had thought were fine, but that my supervisor didn't; but now I knew, and it was clear to me why he felt that way. It always seemed reasonable to me that he did and I knew exactly what I needed to do to "perform better" and be rated higher next year.

And I would indeed work on those things over the coming year, would perform better on them and would be rated higher on them the next year. In other words, it was a system that seemed fair, that provided useful feedback, and that really did result in improved performance from one year to the next.

What Happened to that Terrific Old System? "The Civil Service Reform Act" (CSRA) happened in 1978, bringing with it such "wonderful" innovations as the Senior Executive Service (SES). Previously, high level managers were on the General Schedule (GS); they just had higher grades than the rest of us. Supergrades, they called them: GS-16's, GS-17's and GS-18's. Now we have SES'ers, who are no longer like us in any

way, shape or form.

The CSRA also brought our "wonderful" new way of doing performance appraisals, complete with performance agreements, critical job elements, performance standards, numerical scores and the new summary descriptions of performance: "Fully Satisfactory," "Exceeds Expectations," and "Outstanding" on the positive end; and "Minimally Satisfactory" and "Unsatisfactory" at the other end.

I still remember the first year we had to put together performance standards: it was incredibly complicated and required an unbelievable amount of time and effort. We each crafted our own performance standards. I had about 5 critical job elements, with maybe nine performance standards all together and, of course, descriptions of the five different performance levels, each completely written out, for each performance standard. Which meant I had to write 45 different performance level descriptions. It was incredibly tedious and time-consuming. I wrote them based on what my projects were at the time.

Then at the end of the performance cycle when we dug my performance standards out of the files (I hadn't looked at them or thought about them at all in the meantime), I discovered that my job assignments had changed radically: hardly anything in the stupid performance standards was still applicable. I still had to do a self-appraisal (i.e., put scores down for each of these no longer applicable performance standards). My situation was far from unique: the word went out from our supervisor to just score each of the original no-longer-applicable performance standards based on what we had actually done during the past year that came closest to what was recorded on the performance standard.

I met with my supervisor and showed him the scores I had come up with, explaining the basis for those scores (what actual project or projects I had taken to correspond to the one described in each performance standard), and he agreed that what I had come up with seemed reasonable. He said he thought I had done well the previous year (without getting very specific about particular projects or particular aspects of my performance on those projects), then said he would get back to me later with what he would propose as my final scores. Two or three weeks later, he got back to me with some scores for specific performance standards which sort of made sense overall, with, in particular, the total points being quite satisfactory, but with strange scores for certain of the elements, scores that he really couldn't quite explain. (I would learn, in later years, that these strange scores were part of the jiggering needed to come up with a pre-established overall point total.)

It was a ridiculously paper-intensive process, one that took inordinate amounts of time, provided little or no useful feedback, and had strange, unexplained, mysterious aspects to it that were unsettling. In other words, the new system for performance appraisal stank. It was much worse than the previous system in every way.

Maybe there are a few people at EPA who actually like the current performance appraisal system, but I haven't met any of them. All of the supervisors and staff I have talked to about this over the years feel jerked around by the current system and are deeply cynical about the whole thing.

The Current Initiative to Fix Things: Here we are caught in this morass and along comes the new team of President Bill Clinton and Vice President Al Gore. Both expressed a commitment to take a critical look at current administrative practices in the Federal Government, especially those that bog things down and those that cost too much (like the central acquisition of office supplies). Vice President Gore in particular took this on as one of his principal areas of focus, calling his review of what's right and what's wrong in such systems and processes "the National Performance Review" (NPR).

Not surprisingly, the eyes of those on his NPR staff lighted on the federal performance appraisal system as one that hit both criteria: it doesn't work, and it's unnecessarily costly (in terms of the time and effort expended by employees and their supervisors in preparing, reviewing, jiggering the scores, complaining, revising, etc.). So Vice President Gore suggested to the Office of Personnel Management (OPM), in so many words: "It looks like

we've got a mess here. Please come up with some things that can be done to fix it." And they did.

The result of these efforts was a new set of OPM regulations with regard to the design and operation of agency "performance management systems" of which performance appraisal systems are supposed to be "only one small part." The other parts are "performance improvement" activities, "performance feedback" systems (apart from the performance appraisal process itself), awards systems, and so on. These regulations were issued on September 22, 1995 and give each Federal agency much more discretion in how to structure and operate its performance management system and, in particular, its performance appraisal process.

The currently-proposed changes in EPA's performance management system, including its performance appraisal system, are EPA's response to this new flexibility. The aspect of the current EPA proposal (known as "PERFORMS") that has received predominately favorable comment is the proposal to change the performance appraisal period from the current cycle which corresponds with the fiscal year (October 1 to September 30) to an appraisal period of "July 1 to June 30." While there are a lot of people at EPA for which this proposed new appraisal period would not work either (i.e., the people who get caught up in the end-of-year contract, grant, and account closeout frenzy), the idea of changing it seems to make sense to most people. It does however seem that a performance appraisal period of "March 1 to February 28/29" or "February 1 to January 31" would work even better for more people.

An aspect of the proposal that few seem to like is the proposal to shift from the current five "Summary Performance Levels" (from "Outstanding" at the top to "Unsatisfactory" at the bottom) to a system of three Summary Performance Levels: "Distinguished" at the top (corresponding to the current "Outstanding"), "Commendable" in the middle (corresponding to the current "Fully Satisfactory"), and "Unacceptable" at the bottom (corresponding to the current "Unsatisfactory"). It would take a full page to describe all the reasons that have been expressed for concern about going to the proposed three level system, and I'm already taking up too much space here, so I'll lay them all out in the next issue of the Fishbowl.

As of this writing, Local 2050 has already held two meetings for our bargaining unit on this issue (February 13 and March 13). From these it is clear that the sentiment against going to three Summary Performance Levels is very strong, so we will be working with our partners in AFGE here at Headquarters and with all our union partners elsewhere in EPA to address this issue. We will be raising this issue in the National Partnership Council and will do everything we can to get our concerns about this addressed there. We will push there to get appropriate changes made in the proposed system before it is put in place.

If we are not "fully successful" in getting appropriate changes by working through the National Partnership Council, then we will work closely with AFGE and support them when they take this to national collective bargaining. (AFGE can do this since they have national bargaining rights with EPA. We in NFFE have local bargaining rights on issues here at HQ, but at the national level, we have only national consultation rights.) The design of an agency's performance appraisal system is subject to the duty to bargain. If appropriate changes are not made in the proposal, then the duty to bargain (at the national level) will be invoked by AFGE and those trying to impose this will have one heck of a fight on their hands. They already know they have a lot of employees who are unhappy with it. And it's not just us -- many supervisors and managers don't like it either, and for the same reasons. (The proposed system of three Summary Performance Levels would apply both to managers and non-managers -- to everyone, that is, except the Presidential appointees, the SES'ers, some in the IG's office, and a few others.) So we seem to have a considerable number of potential allies on this issue and will be pursuing this matter vigorously. We will keep you informed and will continue to seek your input at open meetings. The meetings we have already held have helped us crystallize our thinking on these issues. We will have more such meetings at appropriate points as we move forward in this process.

\$4.2 MILLION AWARDED IN LANDMARK TOXIC CARPET SUIT

"A manufacturer cannot bury its head in the sand and later claim that it did not and could not have known of the danger which it is causing when it has the ability to make these determinations ... Despite the ability to test, DuPont has never done any testing and has never attempted to prevent the introduction of harmful substances into its product ... The evidence at trial also confirmed that despite the presence of dangerous chemicals in its product, DuPont did not provide a warning regarding the potential harmful affects [sic] which the carpet might have on a consumer..." These are some of the comments of the judge who tried a toxic tort case brought by Andre Caubarreaux and others against DuPont and others in the 12th Judicial District Court, Parish of Avoyelles, Louisiana.

Testimony by Dr. Kenneth Reed (an environmental analytical chemist), Dr. Rosalind Anderson (who has shown toxic effects of carpet emissions on mice) and Mr. Caubarreaux's treating physicians, and un-rebutted by DuPont, convinced the judge that DuPont's product (carpet) in this case was "unreasonably dangerous."

Local 2050 petitioned EPA under TSCA section 21 seeking testing, warnings, and other risk control measures by carpet manufacturers after hundreds of EPA employees complained of adverse health effects from new carpet at Headquarters. EPA denied the petition, "officially" stating that there was no scientific evidence that carpet causes adverse health effects - but unofficially saying that if it were to take action it would cost the carpet industry "billions of dollars" (in tort actions). The first installment in those "billions" has been awarded in Louisiana.

In the absence of preventative action by EPA, Mr. Caubarreaux and hundreds like him have been permanently and profoundly injured. An impartial judge in Louisiana admitted the scientific evidence that EPA has refused to act upon. How many other men, women and children will be dreadfully injured unless this EPA re-visits the shameful abrogation of duty by the last administration and takes regulatory action now? It looks like the authors of Toxic Deception have another chapter to write.

[Compiled from "Medical and Legal Briefs" January/February 1997, Environmental Access Network, P.O. Box 1089, Minot, ND 58702-1089. Contact: Cindy Deuhring, (701) 859-6363 Subscriptions, \$30/year.]

ACCORD REACHED ON "PROFESSIONALISM" PROVISION FOR COLLECTIVE BARGAINING AGREEMENT

With the help of mediator Andrea Strimling of the Federal Mediation and Conciliation Service, Local 2050 and EPA management have reached agreement on all provisions of a new three-year Collective Bargaining Agreement (CBA). Strimling assisted Local 2050 negotiators Jim Murphy, John Wheeler, and James Handley as well as EPA representatives Linda Wallace and Drew Moran in understanding each others' interests and in reaching agreement on the contentious issue of employee professionalism and protections for those who report waste, fraud and abuse. The agreed article declares that the "public interest is best served when the Agency performs its functions in a manner consistent with... objective and dispassionate science" and recognizes that "the responsibility to serve the public interest and promote the environmental ethic is the shared responsibility of management and bargaining unit members." The article includes specific references to statutory and regulatory protections available to whistleblowers and includes a supplement in which relevant provisions are quoted and provides that Local 2050 may re-open the subject for mid-term negotiations.

The parties also reached agreement on a provision that spells out some of the law governing performance systems and recognizes that changes in this system will be negotiated. (See related article.) The CBA will be subject to ratification by the Local 2050 membership at the May 1 meeting.

Domestic Partnership Discussed by Congressman Barney Frank at EPA Forum

On March 13, GLOBE, the EPA Office of Civil Rights, and NFFE Local 2050 co-sponsored a talk by Congressman Barney Frank (D- MA) on domestic partnership issues. He predicted that federal insurance benefits would be extended to gay and lesbian domestic partners within five or six years, following trends in industry, but noted that the current climate in the Congress runs more toward the Defense of Marriage Act (DOMA). Mr. Frank observed that American society is not so homophobic as it thinks it should be, and that voting against the Defense of Marriage Act did not hurt the Member's reelection chances. Eight or nine states have enacted anti-discrimination laws for employment of persons with nontraditional sexual orientation and predictions of social disaster did not materialize. He advocated active involvement in the political process, noting that persons who are always negative get written off. In response to a question, Mr. Frank said that civil disobedience is useful only where persons have been excluded from the political process. Congressman Frank discounted security risks from gays, noting that most people spy for money, "...which would make yuppies presumptive security risks." Dwight Welch was recognized by GLOBE at the meeting for his leadership in getting EPA to adopt an explicit policy against discrimination on the basis of sexual orientation.

MARTHA PRICE TO REPRESENT LOCAL ON DISABILITIES COMMITTEE

Local 2050 vice president Martha Price will serve as Local 2050's representative on the newly-reorganized Employees with Disabilities Committee which replaces the Disability Advisory Committee. Now that the disabled community is officially recognized as an EPA "special emphasis group," Martha hopes the committee will have more "punch" to fight for the disabled. On March 6, Local 2050 president Jim Murphy and Raphael Deleon, the new hard-charging director of the Office of Civil Rights (OCR) met and discussed parity for disabled employees in: 1) equipment and communications tools, 2) career development and promotion, and 3) flexibility of work site and work time. Deleon expressed hope (which we share) that the unions and OCR could work collaboratively.

At its March 13 meeting, the Committee brainstormed about how it could be most effective. Ideas included a resume file to assist with promotions, visibility for the disabled, a booth at the Health Fair in May, emergency evacuation plans, equipment and communication matters and new building adaptations. One major problem for the Committee: unless the disabled identify themselves, the Committee may not be able to effectively represent their interests. Martha asked disabled employees to contact her at 260-3473 with any concerns. Watch for further reports in upcoming issues of the Fishbowl.

DISCIPLINARY CHARGES DISMISSED

Last year, Steve Spiegel filed disciplinary charges against three officers of Local 2050: Bill Hirzy, Dwight Welch and Jeff Beaubier. Pursuant to Local 2050's constitution, President Jim Murphy appointed a three member committee to conduct an investigation. After an extensive investigation, the committee reported its findings to Murphy, who determined that a hearing was not warranted and on February 28, 1997 dismissed the charges.

P.E.E.R. SEEKS EPA IG'S SECRET MANUAL

The watchdog group Public Employees for Environmental Responsibility (PEER) has sued in federal district court under the Freedom of Information Act (FOIA) to obtain the EPA Inspector General's investigation manual--its rule book for conducting official inquiries because for six months EPA refused to provide the document claiming it contains sensitive material that would compromise law enforcement "techniques." PEER

sought the manual on May 17, 1996 to challenge what appeared to be an improper Office of Inspector General (OIG) investigation of an EPA scientist in Denver. PEER reports that IG agents threatened witnesses and spread unfounded accusations.

In response to PEER's request, the IG released only a small part of the manual with numerous deletions. EPA's reluctance to release the manual contrasts with other investigative agencies. EPA's OIG has been repeatedly criticized for retaliatory investigations against whistleblowers, harassing its own staff and conducting unprofessional investigations. Congressional hearings have documented OIG's penchant for concentrating on petty offenses while ignoring multi-million dollar fraud and waste. "EPA's IG has a reputation as a place where valid inquiries go to die and vindictive 'gotcha' exercises take on a life of their own," commented PEER counsel Jeff Ruch. [For more information or to join PEER, contact them at 2001 S Street, NW, Suite 570, Washington, D.C. 20009. Phone: (202) 265-PEER.]

EPA BIOLOGIST THREATENED; P.E.E.R. SEEKS PROTECTION

EPA Region 1 biologist and lawyer Kyla Bennett initiated an enforcement action stopping the dredging and filling of a wetland to create a recreational pond in the township of Lynnfield. At a raucous town meeting, a member of the audience proposed that Kyla Bennett be eliminated, saying, "Why don't we kill her? The Mafia kills people. Why can't we?" Local police were called to restore order.

This public threat has brought no formal action from EPA to protect Bennett. Intimidation and threats against environmental agency staff are a growing problem that federal agencies including the Justice Department continue to ignore. Threats against non-peace officers employed by EPA are not even covered by federal law unless the personnel are specifically designated by the Attorney General for protection. PEER is petitioning Attorney General Janet Reno to extend legal protection to EPA as well as other environmental agency staff. Failing that, PEER intends to seek legislation to provide such protection. [For more information, contact PEER at 2001 S Street, NW, Suite 570, Washington, D.C. 20009.]

FROM THE STEWARD CORPS

by Dwight Welch

PATRICIA SIMS BRINGS LEGAL CLOUT TO STEWARDING

As members who attended our last membership meeting know, Ms. Patricia Sims is our new Executive Vice President. No moss is growing under Pat's feet as she hits the job on the run. Pat has extensive labor law experience and will be using it to benefit our members. She already has been of great assistance in helping me to clean up cases which I inherited, sometimes working very late to get the outstanding cases reorganized.

With the help of Ms. Sims, I am implementing a new approach which will not only lighten the load of the Chief Steward, but provide increased relief for grievants. After receiving an initial complaint, I will engage in IBB (interest-based bargaining) in an effort to resolve the problem(s) informally. In my experience, if the manager is progressive and flexible, most disputes can be settled at this level. If he or she would rather play hardball, I will turn the case over to our legal department (Ms. Sims). Having seen Pat in action, I suspect that most managers will, in time, learn that 'tis better to negotiate than litigate.

UNION ULP BRINGS OAM TO TABLE OVER MOVE, REORGANIZATION

Local 2050, working with employee representatives of the Office of Acquisition Management (OAM), developed an interest-based bargaining request on the reorganization and move of OAM. Employees raised concerns because one branch is comprised of all African-Americans and another all Euro-Americans, and the Union expressed an interest in promoting cultural diversity. The GAO "Yellow Book" was not being followed, according to the employees, creating a lack of accountability between the auditors and the audited. The Union expressed an interest in adhering to the "Yellow Book." There were also concerns that auditors and statisticians (professional bargaining unit) were being pressured to convert to contract management specialist (non-professionals) and a tendency to open the management positions to only the contract specialists. The IBB (interest-based bargaining) proposal was submitted December 19, 1996.

I was summoned to the office of Director Betty Bailey on the morning of Christmas Eve and was asked to discuss these issues. To learn the facts and issues so I could represent them, I asked for time to consult with the affected employees. On December 26 while I was on holiday leave, I got an E-Mail from Gail Korb indicating that I had not submitted a specific (i.e., position-based, not interest-based) proposal, and therefore it was not a negotiable proposal. I was to respond with a position based proposal by January 6, 1997, a date when most EPA employees were just returning from holiday leave.

I filed an Unfair Labor Practice Charge claiming that: 1) my 12/19 proposal was a legitimate IBB proposal, and 2) that the Agency has spent hundreds of thousands of dollars of tax payer money in IBB training, yet was rejecting an IBB proposal. As a result of the ULP, OAM is now going to the table, perhaps due to the positive influence of Steve Sharfstein, the new National Labor Relations Director who seems to agree that it is better to negotiate rather than litigate.

LONGEST "SHORTS" ASIANS

In the previous issue of the "Fishbowl," I reported that I had sought a meeting with ORD DAA Henry Longest to discuss allegations of discrimination against Asian-Americans in ORD. Two weeks passed without any reply. I then ran into Mr. Longest in the mall and asked him why he had not responded to my request. He claimed LAN trouble and asked me to resend it. I did; still no answer.

There was also no answer to my complaint to Mr. Longest about the retaliatory harassment of Dr. Chiu. Dr. Chiu needed emergency leave, but contrary to normal procedure, was being asked to submit and have his leave slips approved in advance.

THE ARTHUR CHIU/ASIAN-AMERICAN LEGAL DEFENSE FUND

Chief Steward Dwight Welch has established the Arthur Chiu/Asian-American Legal Defense Fund. This special fund is named after and is in support of the brave ORD whistle-blower Arthur Chiu, M.D. Funds collected will initially be used in defense of Dr. Chiu. Any monies not needed for this purpose will be used in defense of other minority union members with preference toward Asian-American members. The fund got a substantial kick-off with a generous \$100 donation from Dr. Jeff Beaubier, a Local 2050 VP and a strong supporter of Dr. Chiu. Please send your donations to Bernie Schneider, Treasurer, (Mail Code) 7509C. Make your check payable to "NFFE Local 2050" and write "Dr. Chiu fund" on the memo line of the check.

TOUGH TIMES FOR EXPERIENCED EPA STAFF

The outlook does not look bright for many minorities here at EPA. In 1995 we had a RIF/Furlough scare. Now in 1997 the Agency has hiring authority, which may not last long. It is our fear, and there is evidence to support it, that there are efforts to push out the "less desirables" in order to hire more compliant new people. One common element of those being pressured is that all are senior employees. A class action suit is being considered.

DOING IT RIGHT

We've heard criticism of Local 2050's news coverage of certain managers in EPA Headquarters. Opponents of the Union declare that the Union is very negative in its approach. This is just not so. As Chief Steward, I have been able to successfully utilize Interest Based Bargaining (IBB) to solve problems rather than pursue confrontational Position Based Bargaining. While many EPA managers have engaged in this positive approach, our recent stories have concerned those whose M.O. is the old Union busting/Union ignoring paradigm. These managers refuse to engage in civilized negotiation, preferring instead the never-give-an-inch approach. When the Union engages in hardball in return, these managers seem to whine the loudest about the Union picking on them.

Because I believe positive reinforcement to be at least as effective as exposing hypocrisy and mismanagement, I offer the following comments on some of the managers and programs engaging in positive negotiations.

Office of Pesticide Programs: While some of our bitterest past battles were waged with the Office of Pesticide Programs (OPP), I now rate OPP at the top for improvement. While the relationship between Local 2050 and OPP is far from perfect and harmonious, this program has made great progress under the progressive leadership of Director Dan Barolo. Compare the OPP reorganization with the simultaneous effort in OPPT: OPPT is technically cooperating with the Union, while OPP is actively cooperating with the Union. In other programs, partnership with the Union seems to be an option that any one manager may or may not exercise; in OPP it is a management directive.

Susan Lewis (OPP) In a recent grievance Branch Chief Susan Lewis not only engaged in IBB but actively suggested progressive solutions.

Frank Sanders (OPP) To a recent complaint by an Asian-American regarding lack of opportunity in rotational assignments to Section Head, Division Director Frank Sanders, after a 20 minute meeting, agreed to make these Acting Section Head rotational assignments open to a larger number of possible candidates including the complainant.

Terry O'Bryan (OPPT) In a recent performance grievance, the Step 1 hearing before Mr. O'Bryan was one of the most civilized I have ever participated in. Mr. O'Bryan has met me half way in the proposed relief and we are still working, hoping to settle the grievance at his level without escalation to Step 2.

OPP Bomb Scares In response to a number of suspicious packages which might have been bombs, a number of members sent me their concerns with the inadequacy of the then current procedures. I relayed these concerns to OPP Director Dan Barolo. Mr. Barolo incorporated these employee suggestions into a new procedure. As a result one of the major commenters on the deficiencies of the old procedures has now indicated his great happiness with the new and improved procedures. Far more important is the fact that OPP employees will be better protected in the event one of these suspicious packages does turn out to be a bomb.

OFCO Reorganization/Move A number of members had problems with the OFCO Reorg/Move. Using the

vehicle of the local partnership council, these members worked through the Office of the Chief Steward to relay their concerns to management. As a result of this partnership effort, the critical interests of both sides have been resolved to the satisfaction of both the employees and management.

Book Reviews

Toxic Deception: How the Chemical Industry Manipulates Science, Bends the Law, and Endangers your Health. By Dan Fagin, Marianne Lavell and the Center for Public Integrity. 294 pages.
Reviewed by Jeff Beaubier, Toxics office

This is a fascinating account of how the chemical industry protects its present and future profits through a series of strategic manipulations that adversely affect the culture of the U.S. EPA. The book project was conceived by the not-for-profit Center for Public Integrity to help shed light on the behind-the-scenes power affecting the chemical regulation process and ultimately public health. The Center received funding for its research from four private foundations and employed its eight researchers as well as two outstanding outside journalists to produce the work. Dan Fagin, a reporter for Long Island's Newsday, was a Pulitzer finalist in 1994 for his reporting of possible links between pesticides and breast cancer. Marianne Lavell, a writer for the National Law Journal, pioneered a 1992 investigation into racial bias in environmental protection that won the Polk Award and six other national prizes.

EPA employees will immediately recognize many of the people quoted in this book including Penny Fenner-Crisp, Bill Waugh, Dan Borolo, Bill Marcus, Peter Voytek, Dr. William Sanders, David Dull, Joseph Reinert and several others. Employees may also recognize some colleagues who are not quoted but whose decisions on key scientific issues affected regulatory outcomes for important chemicals, e.g., Lynn Goldman's role in "reaching out" to more stakeholders in an attempt to end the deadlock over perchloroethylene risk numbers. (See page 99.) Some EPA employees, for example, Vanessa Vu, Pat Kennedy, Sherill Siegel Scott, and many more, will recognize their memoranda cited in the footnotes. All employees will probably recognize, as they quickly turn the pages, that this work sheds light on why many professionals at EPA feel frustrated, even threatened, by the regulatory-scientific-bureaucratic cultural milieu in which they find themselves.

The authors describe the history of four chemicals EPA tried to regulate: formaldehyde, perchloroethylene, alachlor and atrazine, and the powerful financial interests behind these chemicals. EPA's regulation of alachlor, which by the 1980s had become the most widely used farm weed-killer, spotlights how FIFRA puts EPA in the position of relying on data submitted by pesticide registrants, creating incentives for registrants to submit faulty data. Bill Marcus (whose whistleblowing activities have been detailed in this publication) is quoted as saying:

"[Monsanto] would... reach an agreement with EPA about how they would submit the data and what kinds of experiments they were going to do, and they would just submit material that was unacceptable... And every time they did another year went by. They did this for three of four years in a row. It was in Monsanto's interest to screw up every year, and they did, because every time they did, it gave them another quarter billion dollars in profit with alachlor. That's the basic flaw in FIFRA. As long as they're selling the product, it's in their best interest not to make their studies come in with adverse data."

An EPA staffer described what happened when a rumor that Alachlor might be banned drifted out of EPA's West Tower. It reached Wall Street the same day and Monsanto's stock fell so precipitously that the New York Stock Exchange had to halt trading in Monsanto's stock. The entanglement of EPA's regulatory process with corporate competition between Ciba-Geigy (manufacturer of atrazine) and Monsanto (which makes alachlor) for the lucrative herbicides market is also described with interesting anecdotes from staffers.

Toxic Deception makes many references to memoranda written by EPA scientists and managers supporting or justifying their decisions. EPA employees will find interesting the amusing note of Mary Ellen Weber to Joe Carra, on page 95, that helps define a "grazing buffalo," for those not *au courant* with arcane jargon in the Toxics office sub-culture. (Incidentally, the book is not flawless in its scholarship as evidenced when Joe is mistakenly identified as Mary Ellen's deputy.)

Fagin and Lavelle describe how industry hid 10,000 unpublished studies that under TSCA should have been reported earlier. When the Toxics office initiated an amnesty program, so many studies reporting substantial risk were submitted by industry that EPA had to use a triage procedure to handle the deluge. This has been a full employment program for many people who like to build data-bases, but not too useful to other EPA employees who feel trapped without support from "senior management" in determining what the implications are of some of this frankly horrifying information and what should be done about it. Many employees in Toxics will enjoy reading about, and probably understand better, why they have been doing so many reviews the past few years. Agency statisticians involved in quantitative risk assessment, interaction with the Science Advisory Board and Panels, as well as with Senior Science Advisors, may recognize descriptions of important meetings.

The book jacket claims that, "Chemicals are so pervasive in American life that an estimated 98 percent of all families use pesticides, many of them potentially harmful." The book shows how once the Chemical Industries Institute of Toxicology (CIIT) let the first formaldehyde-nasal-cancer study out the door, it spent the next 15 years re-studying the "mechanism" of tumor induction, thereby, in effect, obfuscating the science in defense of entrenched industry interests in the particle-board industry. In fact, the fashion to study mechanisms of action has overshadowed "black box epidemiology," as astutely discussed in a 1996 issue of the journal *Epidemiology* by Dr. Arthur Chiu of the Research office. All this, the book theorizes, delays regulatory action to the benefit of the chemical industry. There are so many facts and so many stories included in this volume, it becomes open to various interpretations. But whether one agrees or not with the main thesis, this book is a "must read" for every EPA employee who struggles to understand what in the world is going on here at 401 M St.

ZAPP! -- the Lightning of Empowerment by William C. Byham and Jeff Cox, paperback, 191 pages, \$10.00, Fawcett Columbine, 1988. Review by Jim Murphy.

Zapp! combines a fable with textbook-style end-of-chapter summaries to advocate empowerment of workers, especially via largely self-directed teams. It uses the metaphor of electricity, lightning and light for shared power among workers and supervisors. This is contrasted with darkness, lack of energy, and proliferating stone walls in top-down, compartmentalized organizations. Factors that increase Zapp! are trust, responsibility, and employees' being listened to. Offering help and encouragement without taking away individual responsibility is the soul of Zapp! Benefits attributed to Zapp! are improved quality, productivity, and employee satisfaction. The boss will lose some of the luster and adrenalin rush of being the head of the organizational "fire brigade," but there will be gains in productivity and benefits to managers in avoiding the frazzling effect of being responsible for everything and everybody.

This Indecision Is Final by Barry Gibbons, hardcover, 166 pages, \$21.95, Irwin Professional Publishing 1996. Review by Jim Murphy.

A breezy compilation of management opinions, based on the author's years as CEO of Burger King, this book contains a herculean amount of name dropping (if you'll pardon my dropping the name of Hercules, a schoolmate of mine). The name-dropping would be off-putting, unless one diligently read the foreword, in which the author admits that he has never met (or even talked to) the people whose names he drops so freely. The book is uneven, as though Gibbons and his editor compiled a list of two dozen trendy management buzzwords and sought to write an essay on each. Provocative sound-bites are highlighted in the text and table of contents, such as, "On Cultural Diversity: Next time, God is contemplating a less ambitious project."

Empowerment is described as "...the biggest single gap between 'walk' and 'talk' in Western business." As in ZAPP!, Gibbons notes that trust can spread through an organization and make it "bright, honest, open, empowered, and effective." Scary thought. Gibbons also has provocative pronouncements on flexiplace, contracting out, and meetings, which merit study.

OPINION AND COMMENTARY:

WELCH HITS BELOW THE BELT ON ORD RACISM CHARGE

In his February 1997 article subtitled "Racism and Retaliation in ORD?" Dwight Welch, Chief Steward of Local 2050 asks for a statistician's opinion about whether it is mere coincidence that out of 16 professionals, only the 3 Asian-Americans would get bad performance evaluations. Welch implies that Center Director, Mr. Michael Callahan (compared by Mr. Welch to a "pre-Civil War plantation owner") and his "overseer" group chief, Dr. Babasaheb Sonawane, (himself an Asian-American whose name Mr. Welch anglicized to "Bob") are involved in racial discrimination. As a statistician, fellow staffer in the bargaining unit, and long-time friend and colleague of the four Asian-Americans and Michael Callahan, I accept Mr. Welch's request for an "opinion."

My opinion: Dwight Welch is a jerk, and a character assassin; he owes a deep apology to two very fine people. Any disagreement or dissatisfaction they as managers may have with these three staffers is not in the least related to racism. Is Mr. Welch forgetting that Mr. Callahan, an Irish-American, chose Dr. Sonawane as Chief in the first place? I am 100% certain, and I believe that at least 90% of my colleagues would agree that Dr. Sonawane was the most qualified of the candidates, most of them Caucasian-Americans.

Racism is a serious charge; the accuser should be cautious and certain of the facts, particularly when the accuser represents a respected union and is writing to a wide audience with great potential impact. It is not enough to allude to a probability that the 3 Asian-Americans out of 16 professionals are the only ones to receive low performance scores. Mr. Welch should have questioned the unaffected staff about whether they thought the low scores might actually be justified. He should have looked for a pattern of behavior on these managers' parts that even hints of racism. And he might have questioned why these staffers were reorganized into Dr. Sonawane's group in the first place, how long they had been there, and whether other factors might explain a poor working relationship. Managers may not be able to foster good working relationships with certain individuals and different accommodations might be made; that doesn't make the manager evil or the staffers victims. It is a cynical leap to ascribe what may be professional or personal disagreement to racism, and it is sinister to imply that Dr. Sonawane may be an "Uncle Tom."

In his role as a union steward, I believe Mr. Welch should be an advocate rather than an adjudicator but there are limits and this accusation is way below the belt. I feel a duty as a human being (a Russian-Jewish-American) to speak up, not only against bigotry, but against false charges of bigotry such as these. For over 10 years I have known Michael and Babasaheb as both friends and caring public servants. I call on all my colleagues and the Union to repudiate Mr. Welch, and to remove this ugly mark.

Steven Bayard
Statistician,
ORD/NCEA-DC

Dwight Welch replies:

My rhetorical request for a statistician's opinion of the odds that the 3 Asian-Americans in a group of 16 professionals would all get the lowest ratings was a way to make a point: Random odds of 1 of 3 in 16 being

the lowest are 3 in 16. Of the remaining 15, odds that the second would be lowest are 2 in 15. And of the remaining 14, the odds would be 1 in 14. Multiplying these together, the probability that this is a random event is 6 in 3,360 or 1 in 560. Yes, it's possible; that's why my title included a question mark. I'm normally very skeptical when people unfurl the flag of racism whenever there's a dispute between those of different races, but this was not the first complaint by an Asian American against Mr. Callahan. It is also noteworthy that when Dr. Chiu testified on behalf on a Korean-American in an EEO case against Mr. Callahan, his research money was taken away and his performance evaluations dropped precipitously from the 400s to the lower 300s, where they remain.

To respond to your other points: I did not compare Bob and Mike to plantation owners and overseers, I compared their arguments. I did not anglicize Babasaheb to "Bob;" Bob identifies himself to me as "Bob." You want me to show you signs of racism? Dr. Chiu regularly publishes articles in the scientific literature, but Callahan and Sonawane say Dr. Chiu is "unable to communicate." Is that "code" for "He has a foreign accent"? Dr. Chiu communicates very effectively with his scientific colleagues; don't you wonder why his supervisors have a problem? Retaliation against Dr. Chiu has intensified: his father is gravely ill, but now his emergency leave must be pre-approved. "Plantation owner," "overseer," "Uncle Tom," were not my terms, they're yours. Are Callahan and Sonawane racists? Neither of us can read minds. They are bullies. When I tried to have a rational discussion of the situation him, Mr. Callahan started yelling at me. If they have a problem with my article, Callahan and Sonawane should take it up with me instead of enlisting others as mouthpieces while they continue their campaign of retaliation against Dr. Chiu.

THE EECO DEBATE

by Dwight Welch

Last month, James Handley and I presented differing views on disposition of EECO and its treasury but I think it's fair to say we are closer than Mr. Handley's reply might have suggested. It matters not to me whether the money collected as EECO dues is returned to the members or to Local 2050. (I would suggest only double dues payers be refunded.) But I was concerned that funds from Local 2050 dues and from a bequest that were transferred to EECO at the time of the Montrose action should be returned to Local 2050. At the end of Mr. Handley's reply he takes a cheap shot by writing "And since Dwight is no longer a member, he should have nothing to say about the subject." Well excuuuuuse me. I only came up with the idea of an independent environmentally oriented Union 7 years ago. I was its founding President. Peter Broida, a top labor attorney has returned EECO's retainer indicating that it's over. I am happy to donate money to a good cause; however, I think it unwise to spend money on a dead issue. As for Mr. Handley's lack of success in getting help from the National, I would suggest persistence, not just one call. At NFFE HQ they are busier than you would believe. Have we got our money's worth? Is any National worth its cut of the pie? In the recent past NFFE National has upheld Local 2050 Executive Board decisions rather than interfere with internal union business, has supplied an attorney-negotiator to the RIF/Furlough negotiations, and has recommended Local 2050 whistleblower Dick Emory to the President of the United States as the next EPA IG. Has NFFE cleaned up its act? At the last convention all but one of the old guard was cast out of office. Only time will tell.

James Handley replies:

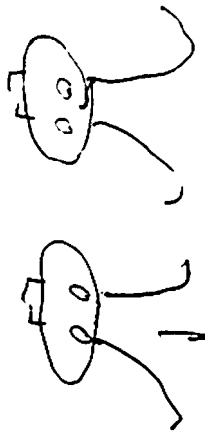
On March 18 the EECO board returned the Local 2050 dues money and the bequest money to Local 2050, so, yes, I agree with Dwight on that. Dwight is no longer a member of EECO, so he could not vote. Attorney Peter Broita did not return our retainer because EECO is "dead," but because his representation before the DOL and the FLRA is over. NFFE put Local 2050 into trusteeship in order to prevent it from leaving NFFE, which is clearly unlawful. Members of EECO will have to decide at an upcoming meeting whether to pursue an appeal and whether to continue the organization, and if not, what to do with the EECO dues money. On Dwight's last point: NFFE national takes lots of our money, why not take our phone calls?

Rocherz

Hey, we're back;
it's been a long time.

Yawn.....

We're just cockroaches.



Refresh my memory,
are we a satire of
union members or management?

Neither.

A definitely superior species.



Some ethnic group?

No way!

Well what should we do now?

Let's have some fun with
Carol Browner and the Administration.



(To be continued)



INSIDE THE FISHBOWL

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

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

May 1997

Volume 13, Number 3

Local 2050 Executive Board

Jim Murphy, President
Pat Sims, Executive Vice-President
Dwight Welch, Chief Steward
Bill Hirzy, Sr Vice President

James Handley, Vice-President
Bill Garetz, Vice-President
Freshteh Toghrol, Vice-President
Martha Price, Vice-President
Jeff Beaubier, Vice-President
Anne Leslie, Secretary
Bernie Schneider, Treasurer

"Fishbowl"

Editorial Board

James Handley, Editor
Dwight Welch
Bill Garetz
Anne Leslie

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.

Election Issue

Election Meeting

Thursday, May 22, 1997

11:30 AM till 1:00 PM

WIC 13N Waterside Mall

**National Federation of Federal Employees
Local 2050**

PO Box 76082
Washington, DC 20013
Offices: Waterside, North Plaza
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-401-3139

The order of candidates' names on the ballot, for contested positions, was chosen by draw of names by the Election Chair, on Tuesday, April 29, following the Executive Board Meeting. The order of candidates' names in this newsletter is alphabetical, to facilitate retrieving the information on the candidate in whom you are interested.

Anne R. Leslie, Election Chair
& Newsletter Editor
this issue

List of Candidates, in order as appearing on the ballot:

President	Dwight Welch	Vice President	Pat Hilgard Martha Price
Secretary	Steven Spiegel Julie Simpson		Freshteh Toghrol Bill Garetz Jeff Beaubier
Treasurer	Bernard Schneider		James Handley Eric Jackson Arthur Chiu
Chief Steward	Steven Spiegel Patricia L. Sims		Patricia L. Sims Bill Hirzy James J. Murphy Jim Goodyear

ROACHEZ *by Dwight*

DWIGHT WELCH
CANDIDATE FOR
PRESIDENT



PAT HILGARD--Candidate for **Executive Vice President and Vice President**
BACKGROUND: Ph.D.(physics, toxicology; medical school), broad research/teaching experience(e.g. 25 life/physical/medical science courses; US EEO tutor progs, etc.) prior to joining Toxics in 1976. Over 35 years in civic work (environ., cultural, TV/radio, fund raising, etc.), receiving a 1996 Public Service Recognition Award from the Administrator. **NFFE SERVICE:** Charter member, service on E.B. as VP, Treas., Member Chair (computerized member/dues records, doubled paid members, held solidarity lunches, etc.).Health & Safety/Security Steward(indoor air/HVAC issues; HQ Facilities Advisory/Stress Lab Comms; held off fees until 2 yrs ago), Elections/Fishbowl Mail Comms, etc. Projects incl. Estab. of HQ Health Plan Fairs, Quiet/Lactation Room Progs, and security upgrades incl. WSM perimeter lights. **NFFE** (trustee) rep for OPPT reorg. and **PERFORMS** WGs. **NFFE/OPPTS** rep for HQ Disability Advisory/OPPT Diversity Steering Comms. and 1995/6 EPA Flexiplace WG. Helped to develop EPA Public Service Recog. Awards Prog. and to advance careers by expanding the current (no cost) OPPT/S in-house tech training prog. (featuring EPA professionals as trainers). **PLATFORM:**I believe I can improve member services by returning to the EB. With the new CBA/ moves to Rios /L-M Partnership Councils at the work unit level, we will need many more members to pledge involvement in day to day affairs -- an area in which I have had previous success. We have much work to improve policies on health and safety/disability (AWS and accommodation issues)-- my current work focus. Finally, expanded tech training for OPPTS (A model for other Offices ?) **I ASK FOR YOUR SUPPORT.**

JIM MURPHY Candidate for Executive Vice-President and VP.

I'm grateful for the support I've received from you in Local 2050, who have permitted me to serve as Vice-President (five terms), President-elect and President (one term). Since the President cannot succeed him- or herself, I have thrown my hat in the ring for Executive Vice-President (or, failing that, for Vice-President).

Some of my goals still need work. We need more members, more moderates, and more diversity. We need to reach out and cooperate with the NFFE national office in fighting to hold our own and improve our lot in salaries, retirement, and insurance costs. We need more depth (and a football-style depth chart for each office at headquarters) to make local partnership councils work. We need to push for more training, for career development, for mastering tools to do our jobs, and for improved understanding of and participation in organized labor.

These are tough times, and getting tougher. Working together, we can make a difference.

Julie Simpson

CANDIDATE FOR: Secretary

I have been an attorney in EPA's Office of General Counsel since 1990. My active involvement in the union began about a year ago, when I became a member of the steward corps. I believe the power of the union can and should be used constructively for the benefit of the bargaining unit. I would also like to improve communication between union officers and the membership.

Steven Spiegel

Candidate for: Chief Steward and Secretary

Until this past year, I served 3 years as your Chief Steward. Please vote to return me to office and to restore democracy and responsibility to our Union. Regrettably, the Welch/Hirzy group of incumbents have censored this election-Fishbowl. They insist on violating the election rules, even despite National advising them that committing this election violation will likely require a re-run of this whole election. They would rather censor this statement by 2/3 than allow you access to required free speech.

I have always stood for responsible representation for grievants and the Union as a whole, while working to increase participation and practicing politics of inclusion. I have a record of professional, dedicated and successful service in grievances, negotiations and communications to you. Since space is limited here, I recommend you exercise your rights by asking the Union to send you my May-96 Fishbowl statement so you have an opportunity to read it. In contrast, Mr. Welch has done a terribly irresponsible job as Chief Steward - prejudicing cases near successful completion, as well as failing to respond to employees with new cases. Welch and Hirzy have recruited Pat Sims to run as part of their faction even though she has no steward experience. Her only prior service was filling a secretary vacancy, which she immediately informed us she had no intention of doing the job; and she didn't. Please vote for me and other alternative candidates if you want a responsible union.

BERNARD A. SCHNEIDER, Ph.D., Plant Physiologist. CANDIDATE FOR TREASURER

I have served this Local since 1991 as a Vice-President for 3 years and I have been serving as the Treasurer for the past 3 years. The Treasurer's position is very important to the success of the Union. All expenses and investments must be accurately maintained by the Treasurer as well as dues statements and completing the annual Department of Labor Financial Reporting Forms. This year I would like to standardize the record keeping for the Union records and set up a training module for all Union Treasurer forms. I would like to have your vote, so I can continue in this capacity.

PATRICIA L. SIMS, CANDIDATE FOR CHIEF STEWARD AND VICE PRESIDENT

CONTEXT: More than 250,000 federal jobs lost in five years. This continues -- endangering EPA jobs and our mission. Experienced EPA professionals are at risk as EPA reduces costs and seeks to accommodate regulated industry.

AGENDA: Local 2050 has a 12 year record of protecting EPA professionals committed to EPA's mission when it conflicts with current political agendas. I work to enhance three NFFE strengths: (1) Representing employees targeted by management for their inconvenient professional/ethical positions, or for being in the wrong age/handicap/national origin/gender class. (2) Ensuring workplace health and safety consistent with EPA public pronouncements, e.g. contamination in Watercide Mall; (3) Diversity in Local 2050 leadership.

EXPERIENCE: Over 17 years environmental and employment litigation, 11 years with EPA in Chicago and Washington. Pesticide Worker Protection Standards upheld in my recent litigation enforcing FIFRA in DuPont and Rhone-Poulenc.

UNION SERVICE: James Handley drafted me as Local 2050 Secretary in 1993-94. As Executive Vice President, I now work with experienced EPA professionals targeted when they dare to adhere to environmental commitments, or who dare to be older, of color, female, or health challenged. Member since 1990.

PROPOSED ACTIONS: Further develop NFFE stewards and labor law resources. NFFE must empower each member to advance our common interests with EPA management and the public. Partnership with EPA management if consistent with NFFE member interests. Work with NFFE National and other public interest groups with common goals: environmental health, workplace safety, and professional ethics in public employment. Recruit to diversify NFFE.

STEVEN SPIEGEL, CANDIDATE FOR CHIEF STEWARD: See above statement.

Jeff Beaubier: CANDIDATE FOR VICE PRESIDENT.

A.B. Anthropology Stanford University 1965; M.A. Asian Studies Japanese East-West Center Univ of Hawaii 1967; M.P.H. Epidemiology Sch Public Health Univ of North Carolina 1969; Ph.D. Medical Anthropology-Field Epidemiology U. No. Carolina 1974; Postdoctoral Immunology Ctr Aging@Duke Univ. Med Ctr 1975; Postdoc. Environmental Epidemiology Johns Hopkins Sch.Pub.Hlth 1990.

Athletic scholarship, Freshman record holder, U.S. Olympic Team 880 prospect, G.N Guiberson Scholarship in Soc. Science; Population Fellowship; State Dept Fellow; NIMH Award; CIIT Postdoctoral Fellowships in Epidemiology, declined, 1980 & 1981. Johns Hopkins Postdoctoral Award. Asst Port Captain Everett Steamship Corp. Vietnam 1967. Taught 17 different college & univ courses in 5 yrs of teaching at Univ. No. Carolina campuses and Sweet Briar College VA. Author of book on longevity and coauthor of 4 vol work on US CANCER MORTALITY RATES AND TRENDS, published by EPA & NCI. 1996, Discovered significant correlation between the # of corn acres sprayed with herbicides and white female breast cancer mortality in 100 counties of Illinois, reported finding at Int'l Epidemiology conference, Holland and am following-up.

Have been a long time member of our professionals' Union and served on numerous committees striving for workplace democracy, fairness and scientific integrity. Am presently a member of the Executive Board. Have been an outspoken critic of new EPA policy advocating it's OK to allow carcinogens in the U.S. food supply!--called Food Quality Protection Act. Not afraid to defend professionals against arbitrary action by management. Believe Union Officers must adhere to the highest ethical principles, but work in unison and stick to "bread and butter" issues vital to our members. For the sake of our Union I urge you--vote for Pat Sims, Chf.Steward & Julie Simpson, Secy.

ARTHUR CHIU, M.D., PhD; Candidate for Vice President

If elected, I intend to represent what I call the "Silent Minority". The Silent Minority to which I refer are the Asian-American employees at EPA. Due to our cultural heritages, we tend to suffer in silence discrimination and abuse, which are sometimes directed at us. It is my intention to wake up this Silent Minority. I intend to encourage active minority involvement in the Union.

I am also concerned by allegations that the EPA physician has been used in the past to deny Alternative Workspace accommodations to MCS afflicted employees requiring this type of work arrangement. As a concerned individual, I intend to weigh in on the side of the medically handicapped.

Finally, I feel we need to refocus on the very basic issue of scientific integrity. I have been labeled a "whistle-blower". I am merely an ethical scientist just trying to do his job. What happened to me should not be allowed to happen to others. The Union needs to return with vigor to its founding issue.

I hope that I can count on your support in the upcoming election.

Bill Garetz

Candidate for Vice President

I'm an Operations Research Analyst, B.S., M.S., University of California (Berkeley), Phi Beta Kappa. I've worked at EPA since 1972. I've been a member of NFFE Local 2050 since near the beginning. I'm currently serving as Vice President. My immediate priorities are: (1) For Local 2050 to take effective action with regard to the Agency's performance appraisal system. The current system is terrible. Some of the changes to it now being proposed by management would make it worse. We need to continue to act in concert with others to see to it that the system is not only not made worse but is instead improved to the point that we have a system that works.

(2) I have proposed that Local 2050 initiate an Oral History Project, the purpose of which would be to record the experiences of those who have been injured by sick building conditions here at EPA Headquarters. These would then be published. The purpose would be: to get full acknowledgment of the harm that has been done and of the need to provide full amends and accommodation to those who have been injured, to ensure that no more employees at EPA are harmed, and to create a better understanding in the world at large as to the nature and severity of this problem, so that we can help minimize the likelihood that similar problems will occur elsewhere. Having seen Pat Sims at work in our Local, I know that she will make an excellent Chief Steward. I also strongly support Julie Simpson for Secretary and Arthur Chiu for Vice President. Freshteh Toghrol's accomplishments in OPP are a source of inspiration. Bill Hirzy is our pragmatic visionary in residence; what he contributes is immeasurable. James Handley provides a unique and valuable perspective. Jim Murphy's good sense and even handedness are a big part of what makes our Local work.

JIM GOODYEAR for Vice-President

Employed by EPA since 1987. Previously worked for the District of Columbia "War On Rats" project, Philadelphia Department of Public Health, Peace Corps, Montgomery College, and Bowling Green State University. Has been a Steward since 1994 and negotiated for his Division on reorganization, space allocation, indoor air quality, and the structure of teams. Wrote and filed comments on the "self-certification" of toxicity studies, thus stopping the chemical companies from declaring all their studies "valid" without review.

"Management must provide offices that have sufficient working space and are well lighted and ventilated. This will not only protect the present and future health of EPA professionals, but it will increase their efficiency.

The Union's big issue should be the new performance appraisal system. Under PERFORMS, you will not only be evaluated (from 1 to 3) for your work, but for the work done by the team, committee, QAT, etc. on which

you serve. If someone on your team does a poor job, everyone on the team will receive a '1' for that item on their PA. If you get a single '1,' you won't be able to get a superior rating, even if your other ratings are '3s.' If you will not approve an action because it doesn't meet the legal requirements, what will your teammates do when they get a '1' because of your integrity?"

James Handley, Candidate for Vice President (phone: 564-4171)

1996-97 Accomplishments: Chair, CBA Negotiations with Jim Murphy and John Wheeler. Proposed CBA includes new "Professionalism" article delineating legal protections for employees who expose management abuse, retains existing Alternative Workspace Agreement, clarifies Grievance procedure and retains "peer review" process, includes selected regulations on employee rights under Performance System. Editor-in-Chief, Fishbowl: (Except this issue.) Sharpened format and content; included timely and controversial information and opinions (despite harassment and threats). I regret the demands of the CBA negotiations prevented more regular publication.

Goals: We must recall Local 2050's fundamentals: 1) Protecting members who speak out for integrity and environmental protection, 2) Assuring a safe and healthy workplace for all employees, and 3) Advocating environmental protection (and our jobs) to Congress and voters. When the Executive Board gets distracted, these objectives suffer. I will continue to advocate balance, order, openness and long-term vision. We must and will improve.

Cooperation is key: As president, Jim Murphy's even-handed and even-tempered approach has been a genuine tonic. Bill Garetz is a knowledgeable and much-needed parliamentarian. Martha Price has added a voice of reason. I also welcome brave new talent: Julie Simpson deserves your vote for the crucial job of Secretary. (Anne Leslie served well in that post.) I also look forward to Pat Sims' legal clout as Chief Steward.

PAT HILGARD: Candidate for Vice President: See above statement

BILL HIRZY

CANDIDATE FOR VICE PRESIDENT

I'm a charter member of the Local and have served on its Executive Boards since its founding, including 3 terms as President. I've represented grievants, participated in arbitrations, negotiated agreements on compressed work week, transit subsidy, flexiplace, child care (2 terms on Early Environments Board), toxic carpet removal, and alternative workspace (among others), represented the union in ULP actions and before Congress on, inter alia, ethics, EPA budget, OMB interference with EPA's mission, indoor air quality. If re-elected I will continue to work on matters of vital interest to EPA professionals; performance management, a code of professional ethics, indoor air quality, and bringing work place democracy to life through working-level partnership councils. We must take what we can from partnership, but not forget the immutable nature of the labor-management relationship. I will work to eliminate, the distractions that have plagued the union over the past year. I've been at EPA 16 years, with Monsanto (R&D and environmental management) for 19; 20 years as adjunct chemistry professor. Publications/patents on polymers, monomers, plastics industry, risk assessment, labor-management relations, politics and poetry. I endorse Pat Sims for Chief Steward, Julie Simpson for Secretary, Jim Murphy for Exec. VP and VP's Eric Jackson, Jeff Beaubier, Arthur Chiu, Jim Goodyear and Bill Garetz, who this year did outstanding work. 1996 accomplishments: the "Partnership" amendment; the OPPTS staff placement partnership agreement; and getting two new knees and resuming my dancing career. I will not serve on an Executive Board with Steve Spiegel.

ERIC M. JACKSON

Candidate for Vice President

My name is Eric M. Jackson. I have been an employee at the EPA for ten years. I have tried to work with the Union on various issues and projects over the past four years. I've served as Vice President and as a Steward for NFFE. I would be willing to work hard for all the members and hope to make this the most productive and beneficial year in the Union's history. I look forward to serving you.

In solidarity!!!

JAMES J. MURPHY **Candidate for Vice President: See above statement**

MARTHA PRICE **Candidate for Vice President**

Union officials and members both worked hard for NFFE this year. As a Veep, I was on the Disability Committee, revitalized to include 'hidden' conditions--e.g. diabetes, gout, HIV status. I worked with health and safety, minorities, Flexiplace, AWS, and flexibility in work requirements such as using a remote LAN.

I have found management obdurate, and many times our representatives don't get the respect they deserve. Next year, I want Local 2050's voice to have even more authority--to have punch! I joined the union because I want a strong organization to protect job rights. I will be looking for common ground to resolve issues and for ways to strengthen our power base, including increasing our membership.

We have seen a board in strife over policy and internal matters. In this election you will hear different and conflicting views. Please listen to everyone. Your vote will provide the direction and counterbalance we need. NFFE grows with healthy arguments, but ours could become malignant if we cannot go beyond it and move forward in a reasonable and healing manner.

I've spent 13 years in OPPTS. Last year I was callow enough to tell you that I knew the Agency, the people, and the Union. This year I am candid enough to say I am learning my way. If you elect me, I look forward to working with the new board.

PATRICIA L. SIMS **Candidate for Vice President: See above Statement**

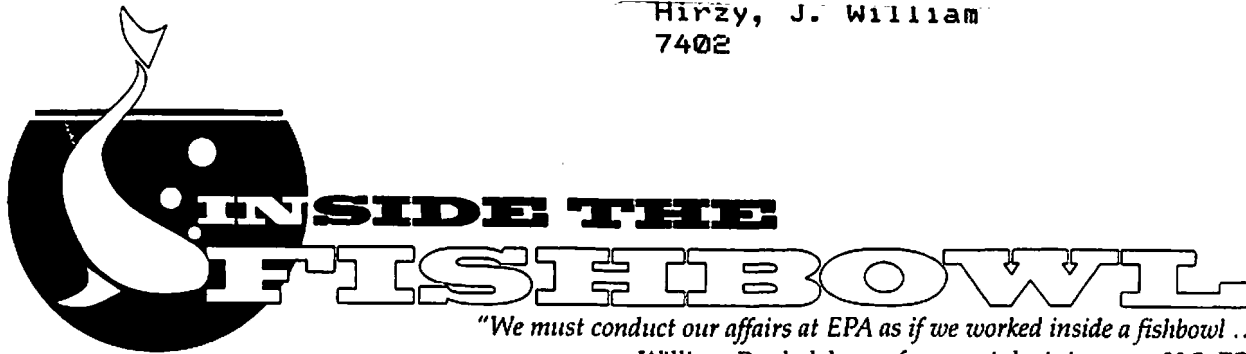
FRESHTEH TOGHROL - CANDIDATE FOR VICE PRESIDENT

Ph.D. in Biochemistry, 10 years of teaching and research, 9 years with EPA, 4 years serving as Vice President of NFFE LOCAL 2050.

During this past year, I was extremely active in the reorganization of the Office of Pesticide Programs, and achieved the following:

1. I negotiated and signed an agreement creating approximately 24 additional Senior Scientist "slots" in OPP, which will be filled by June 1997.
2. I served on the OPPTS Staff Preference Selection and Placement Process Committee that enabled employees to choose their Division and Branch. 92% of OPP staff were assigned to one of their first three choices.
3. As a member of the OPP Employee Move and Space Committee, I have met with numerous employees in order to better understand and represent their concerns regarding their moves.

For the past three years, I have served as the NFFE 2050 Union representative at OPP's streamlining meetings and at the Employee Advisory Group (EAG). I have always been outspoken in support of our members' rights, and was instrumental in obtaining the first Transit Subsidy for the Agency. I would like your vote, and if elected, I will continue to work and negotiate with Management to achieve a better work environment for all EPA employees.



July 1997

Volume 13, Number 4

Local 2050 Executive Board

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Jim Murphy, Executive Vice-President
Pat Sims, Chief Steward
Bill Hirzy, Senior Vice President

Arthur Chiu, Vice-President
Bill Garetz, Vice-President
Freshteh Toghrol, Vice-President
Martha Price, Vice-President
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"Fishbowl"

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Bill Hirzy, Editor
Bill Garetz
Pat Sims
Jeff Beaubier

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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.

NEW CONTRACT RATIFIED

ETHICS-BASED FLUORIDE ACTION

NFFE'S LOBBY WEEK ACTIVITY

MULTI-UNION IAQ/MCS RALLY

MINORITIES MEETINGS

ACCOMMODATIONS

WHITE COLLAR SWEAT SHOP

A KINDER, GENTLER I.G.

BETTY SHABAZZ REMEMBERED

EDITOR'S NOTES

ROACHEZ

**National Federation of Federal Employees
Local 2050**

PO Box 76082
Washington, DC 20013
Offices: Waterside, North Plaza
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-401-3139

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MEMBERSHIP RATIFIES NEW CONTRACT Local 2050 members ratified the new collective bargaining agreement (CBA) with EPA at the membership meeting on July 2, 1997. The CBA was negotiated chiefly by James Handley and John Wheeler. All bargaining unit members owe a debt of gratitude to James and John, for their diligence, insight and plain hard work on the CBA, and to the other members whose input helped produce the finished document, whose highlights appear below.

1. This CBA will be **a three year agreement**, with a number of subjects explicitly reserved for mid-term bargaining. Any changes in working conditions and subjects not addressed in the CBA are subjects that management is required to negotiate if we request it.
2. For the first time, our CBA will specifically recognize your **professional role** in protecting the environment, and it codifies management's commitment to the environmental ethic. Article XXI states explicitly: "The public interest is best served when the Agency performs its functions in a manner consistent with the requirements of law, objective and dispassionate science, competent technical analysis and decisions, and concern for effective and consistent enforcement, voluntary compliance and effective implementation....The responsibility to serve the public interest and promote the environmental ethic is the shared responsibility of management and bargaining-unit members..."
3. Article VIII, titled **Equal Opportunity** precludes discrimination by EPA or the Union based upon "race, color, religion, sex, national origin, age, sexual orientation, union affiliation, political affiliation, marital status, or **disability**." The old agreement used the more restrictive term "qualifying handicapping condition."
4. The new CBA includes an MOU that explicitly recognizes President Clinton's **Executive Order on Partnership** which orders management to negotiate with unions on subjects that federal labor law had previously treated as discretionary subjects of collective bargaining. These subjects include 1) "numbers, types and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty... and methods, means and technology of doing work."
5. **Alternative Workspace Program Retained** The existing AWS provisions (including work-at-home arrangements) have been retained verbatim, with an added provision that the parties will negotiate a new agreement during the term of the contract. (This removes any question of negotiability for this subject.) Myra Cypser, Julie Simpson and Jim Murphy are now engaged in negotiations on a new AWS agreement that would amend the CBA.

6. Indoor Air Protections Provisions on indoor air quality are now included in Article X on Health and Safety which expressly recognizes the need to comply with the ASHRAE (American Society of Heating Refrigerating and Air conditioning Engineers) standard requiring a minimum of 20 cubic feet per minute of fresh (outside) air for each person. The Article also recognizes the need to avoid over-crowding; the GSA space guidance will continue to be a benchmark for density of occupancy.

7. Lengthy negotiations over the grievance procedure left us with a clearer provision that retains your right to have peers review performance-based grievances as a way to minimize the need for arbitration. The grievance procedure explicitly applies to personnel actions of excepted service employees and maintains both the statutory whistleblower remedies and the right to grieve in whistleblower situations. (See Article VII.)

8. The transit subsidy of up to \$60.00 per month has been retained. The program provides a valuable benefit and encourages employees to take advantage of Washington's transit system, reducing automobile-related pollution and traffic. We recently persuaded the Agency to provide an ATM to distribute MetroChecks at the Ariel Rios Building.

9. EPA credit cards for official travel are governed by the government-wide contract between GSA and American Express. This agreement may put at risk the credit ratings of employees who use the program. We were particularly concerned about situations where reimbursement was delayed but the credit card company nevertheless sought payment. Article XX allows employees who can show a valid reason to their Assistant Administrator to opt out of the program and obtain travel advances instead. As a compromise, the term "valid reason" was not defined, allowing us room to argue for travel advances. Furthermore, we obtained an important protection in the last round of negotiations: the agreement specifically states that employees are not subject to EPA disciplinary action for not paying unreimbursed travel expenses if they file their vouchers within 5 days.

10. The Compressed Work Week program has been extended to the entire Headquarters bargaining unit; employees may schedule their work hours between 6 a.m. and 7 p.m. and flexible evening hours may be extended at management's prerogative. The pilot Flexiplace program remains in effect and will be subject to further negotiations.

11. A new provision on Performance Agreements explicitly states that as required by the Office of Personnel Management and EPA regulations, PAs must be reflective of the actual job, they must be negotiated with supervisors and define at least three performance levels for each job element. The CBA provides that the current EPA regulations will continue to apply until a new

system is negotiated with the Unions. The effort to revise and simplify the Performance System -- which will affect everyone at EPA -- is already underway.

12. The generic RIF/Furlough agreement negotiated in 1995 during the budget battle -- which spells out how the Union would negotiate the impact and implementation of a RIF or Furlough -- is included in the CBA. The Agency has agreed to extend assignment rights to excepted service employees in headquarters.

UNION VOTES CO-SPONSORSHIP OF CALIFORNIA CITIZENS' PETITION In another vote taken at the July membership meeting, Local 2050 resumed and renewed its efforts with respect to promoting good science on the matter of fluoride in drinking water. Following a two hour seminar by Prof. Paul Connett of St. Laurence University and Dr. Robert J. Carton, former Local 2050 President, on recent developments on the fluoride toxicity issue. the membership voted to co-sponsor an initiative petition of the California group, Citizens for Safe Drinking Water. The initiative would ban the addition of fluoride to drinking water supplies in the state.

The request for the Local's co-sponsorship followed two related actions by the Local this year and its previous work in this field. Earlier this year the union sent a letter of support to Dr. Phyllis Mullenix, who had been fired from her position at the Forsythe Research Institute for publishing adverse findings on sodium fluoride's neurotoxicity and who was in court seeking justice. A copy of the letter prompted the California group to ask Local 2050 for help with its initiative. The request was discussed at the May membership meeting, and the members requested a seminar to come back up to speed before deciding.

NFFE NATIONAL "LOBBY WEEK" '97 D.C. Representative Eleanor Holmes-Norton (D) was the keynote speaker at the opening session of this year's annual NFFE Lobby Week, which ran the week of May 12-16. The focus of this year's efforts was contracting out of federal jobs. Representative Norton noted that more money is now spent on contractors than on Federal salaries, and that nobody knows how many contract employees are actually now on the federal payroll.

NFFE President Jim Cunningham welcomed several hundred NFFE members from across the country to Lafayette Park on May 13 -- including EPA's Jim Murphy, Jan Lambert, Dwight Welch, Bill Hirzy, Pat Sims, Bill Garetz, Eric Jackson, and Jeff Beaubier -- for a rally to protest contracting out of federal jobs. President Cunningham ceremoniously presented the NFFE "Giant Screw Award" to Bill Clinton and Al Gore (in absentia) at the rally for abolishing more than 250,000 federal jobs as a politically motivated false economy move, while private sector contractors prosper from displaced federal work. NFFE, by the

way, represents only federal workers, while other unions such as AFGE and NTEU also represent contractor employees.

The rally climaxed with a march in front of the White House and Executive Office Buildings. Other feds on lunch break gave the marchers "thumbs up" and other signs of encouragement and approval. Chants included "Save federal jobs", "No contracting out", and "Bill sold us out."

During the week, NFFE members met in a Question and Answer session with Office of Management and Budget Director John Koskinen and Office of Personnel Management Director Jim King and grilled them over displacement of federal employees. NFFE members pointed out the extravagant oversight and support costs of private contractors who replaced them. Other activities included training by OMB representatives in Out-sourcing, Competition, and Contracting Out of federal jobs, with detailed review of OMB Circular A-76, which is supposed to govern how and when work may be shifted from federal to private contractor workers. There was vigorous discussion of what constitutes "inherently governmental functions," which are not to be contracted out. OMB has held that such sensitive activities as personnel background investigations, prison operations, and some wartime military activities are not "inherently governmental functions".

NFFE extracted a commitment from Rep. John Mica (R-FL), Chair, House Civil Service Subcommittee, who spoke at the Lobby Week banquet, to conduct Congressional hearings on contractor performance of formerly federal functions (see Editor's Notes).

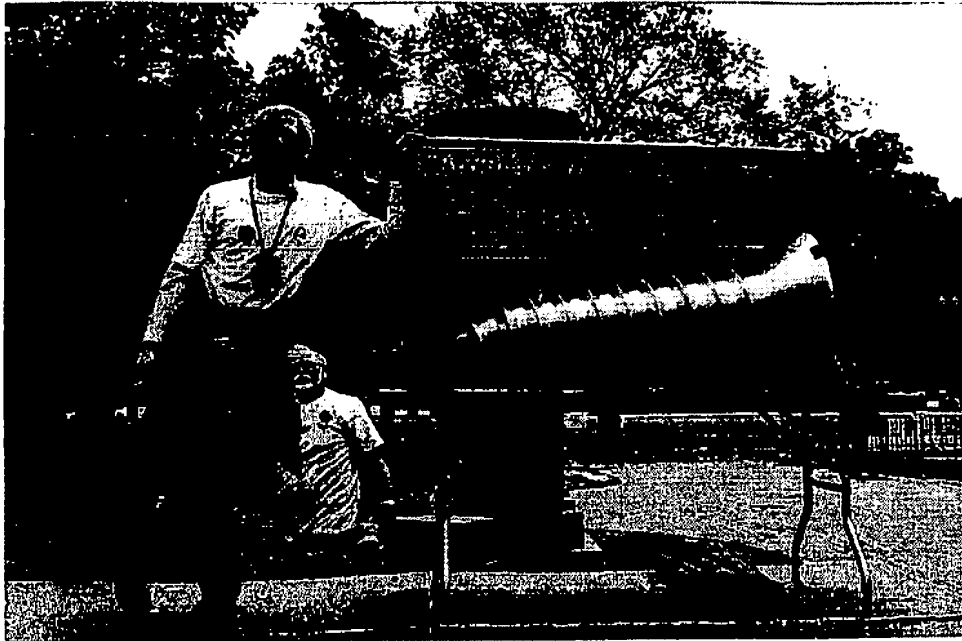
NFFE sponsored Congressional visits for out-of-town delegations, and conducted training in federal sector representation and case law, union leadership, and effective labor-management relations in addition to the OMB training mentioned above.

Following the national meeting, NFFE Executive Director Steve Hantzis conducted a full day leadership training retreat June 26 for Local 2050 officers and stewards. National NFFE Representative John Paolino will provide another day of steward training August 4. Local 2050 is committed to maintain and strengthen ties with other NFFE locals and the National, to increase political effectiveness both at the national and Agency levels. Local 2050 Senior Vice President Bill Hirzy and Executive Vice President Pat Sims participated in the full Lobby Week activities.

LOBBY WEEK DEMONSTRATION PHOTOS ON NEXT PAGE

ABOVE: Dwight Welch and NFFE's SCREW AWARD to Clinton Administration. BELOW, FROM LEFT: Dwight Welch, Ruby Rogers (NFFE Sec'y-Treas.), Jim Cunningham (NFFE Pres.), Jeff Beaubier, Bill Garetz, Eric Jackson, Bill Hirzy, Jim Murphy.

PHOTOS BY PAT SIMS



RALLY FOR IAQ AND MCS RIGHTS AND RECOGNITION On July 7, 1997 Local 2050 co-sponsored a rally in the park at 4th and I Streets, S.W. along with District Council 14 of American Federation of Government Employees, the National Treasury Employees Union, the Oil, Chemical and Atomic Workers Union and MCS Referral and Resources, Inc.. Speakers included Dr. Grace Ziem and Albert Donnay of MCS Referral and Resources, Inc., NFFE National President Jim Cunningham, AFGE District 14 Council President David Schlein, Tony Mazzochi of OCAWU, and Pat Sims, James Handley and Kirby Biggs, all EPA employees who acquired MCS in Waterside Mall. A major thrust of the rally was to point out problems with the draft Interagency Report on MCS, including the apparent conflict of interest of its chief editor, who is connected with MCS nay-sayers like Dr. Ron Gots.

Following the rally, which received broad media coverage including a "60 Minutes" crew, representatives of NFFE, AFGE and MCS Referral and Resources briefed staff personnel from five Congressional Committees on the deficiencies of the Interagency Report, needs of federal workers with MCS, and means of preventing and mitigating the condition. Several very interesting contacts with citizens interested in IAQ/MCS resulted from the media coverage, and we will be following up on these contacts.

AA MINORITY MEETINGS MEET WITH EMPLOYEE SKEPTICISM by Dwight Welch From the beginning the "Assistant Administrators' Minority Meetings" were fraught with problems. For starters, management soliciting employee opinions directly from employees about conditions of employment, while excluding the unions, is an Unfair Labor Practice (ULP). With an all-EPA-unions ULP looming on the horizon, management grudgingly permitted Union involvement.

Next came the question: "What is a 'minority'?" Many employee groups and leaders believed that women, gays/lesbians, and the disabled should be included. Although ethnic groups remained the main focus, after some preliminary scuffling, other self-identified minority groups were finally permitted to attend.

One of the liveliest meetings was that of OARM. Various African- and Hispanic-American leaders spoke up regarding past efforts which were surrounded with a lot of fanfare, but little or no follow up. A similar outcome was expected by many at this meeting. At the meeting Assistant Administrator Alvin Pesachowitz announced his open door/open E-mail policy regarding minority issues. Ironically, just prior to the meeting, Local 2050 submitted to Mr. Pesachowitz a grievance regarding the abused rights of an African-American male we have been representing and who works for OARM. My grievance was returned without action!

An op-ed article giving one perspective of the gay, lesbian and bisexual community on this issue will be featured in next month's newsletter.

FAILURE TO ACCOMMODATE - THE MARTHA PRICE ORDEAL by Dwight Welch

We used to feel pity for people with disabilities or a certain awe when they overcame obstacles of daily life. Today we know they don't want to be either the "polio poster child" or a "superhero"; they want to be themselves. Here at Watercide, that means they want to get the job done. But far too many still face discrimination at EPA.

This article is not about a classic disability, but about what is termed a "hidden" disability, where the individual usually appears to be able-bodied. Many of us are aware of chemically sensitive people who seem in good health, but, after exposure to low levels of common air-borne contaminants, are hit by headaches, breathing difficulties or other maladies.

The case of Dr. Price, member and two-term Vice President, is similar to those afflicted with MCS: She has a hidden disability, Crohn's Disease, a frequently uncomfortable, sometimes painful, and occasionally deadly GI tract disorder. Stress severely aggravates her condition. When she feels OK, she can work hard; when she feels bad, she needs rest and treatment.

For many years she had progressive supervisors who gave her the flexibility to do her job, always getting an "exceeds" or "outstanding" ratings. But she got reorganized! Her new boss had a rigid attitude toward time and attendance and insisted she maintain "9-5" hours.

When I met with her first line supervisor, Terry O' Bryan, an OK guy, my hardest task was to do a bit of education and de-fuse an adversarial relationship. I thought I had it in the bag: Mr. O' Bryan was willing to grant us the relief sought, but was overruled by the next line supervisor, Dr. Oscar Hernandez.

A second OPPT reorganization produced a new Division Director, Vanessa Vu. Dr. Vu met with us and promised relief, but we are still waiting. During my entire term as Chief Steward, Linda Wallace also promised us relief--relief that has never come. Meanwhile, Dr Price has used up all her annual and sick leave and endured quite a lengthy period of leave without pay. A letter from her Congressman yielded the usual say nothing, "we're looking into it", horse fertilizer. All of this due to 19th century attitudes about workers or outdated ideas about people with disabilities..

Last year Dr. Price asked me as the Chief Steward to take up her case. You would think she had an advantage in that her disease, unlike MCS, has been long recognized by the medical

establishment. I'm here to say what I've seen is an outrage. All that Martha is asking for is a medical accommodation to do most of her work at home where she can lie down, a flexible work schedule to best take advantage of her good hours and the same computer support afforded most EPA employees. Martha has not even made demands that EPA supply her with a computer; she purchased her own. However, she has gotten very little technical support and has been forced to work at Watercide at a mainframe computer rather than being remotely connected via telephone lines. She has also had to endure the embarrassment of loose lips as the confidentiality of her malady has been compromised.

RAF'S OCR - PART 1, WHITE COLLAR SWEATSHOP by Dwight Welch Let me begin with a few words about the former Office of Civil Rights Director Dan Rondeau. When Mr. Rondeau first came on, he pledged to me as a Union official that he would try to do the right thing even if it meant retaliation by management. He claimed to have enough years in to retire at any time and should management take action against him, he would just retire. Dan was asked to go out on an IPA; we don't know what this was about, but Dan is out of here.

I can say this about Mr. Rondeau: I heard not a single complaint about him during his entire term. This may seem like a left handed compliment; however, as a senior Union official, I do appreciate managers against whom no complaints are filed. On a more affirmative note, I could always drop in on Dan to discuss the few minor problems I did have with OCR and its complicated processes. OCR was a friendly place, staffed by friendly, helpful people. This has changed.

When I first heard the news that Rafael DeLeon was appointed as acting head of OCR, my blood turned to ice water. "Wasn't he a part of the OGC 'hit squad' (that part of OGC that defends management waste, fraud, abuse, and mismanagement)", I asked. "Yes," I was told. But since I do not assign guilt by association and had no bad experiences with this individual either as a grievant or representative, I decided to take a wait and see attitude. Indeed, at the National Partnership Council, I volunteered to chair a work group to "help Rafael." Since that time I have been trying to advise him how to treat people and he continues to ignore this advice.

Mr. DeLeon seems to confuse running a successful office with cracking the whip. Mr. DeLeon has made public statements indicating that his staff is lax and that he needs to shape them up. While other EPA workers in buildings without a cafeteria get 0.75 - 1.0 hour for lunch, Mr. DeLeon has limited his staff to a half hour. And since only the AFGE Collective Bargaining Agreement deals with 15 minute breaks, only the non-professionals receive these breaks, professionals are denied them.

I gained some real insight into Mr. DeLeon with the OCR "renovation." While all staff that I talked to were comfortable with the past office configuration, Mr. DeLeon decided that the employees should lose their offices and go to cubicles. We had a number of problems with this approach. The cost of such a dubious "improvement" has been estimated at \$120,000 - \$150,000, roughly equivalent to two FTEs. It is a waste of taxpayer money, to reconfigure this space. While employees working at the Agency's newer, plusher real estate are forced to work in cubicles, workers left behind at WSM should at least retain whatever little working conditions advantages as may exist at Watercide Mall.

Part of the "renovation" plan called for employees to be in swing space in the East Tower basement for a couple of months. A number of employees had objections to the ET basement due to health concerns. In his one concession to employees, Mr. DeLeon did allow for an alternate plan for those not wanting to go to the toxic ET Basement - the encapsulated-asbestos laden 2200 corridor. Dennis Bushta tested the area and it came up clean, so we assented to let employees go there.

Above, I mentioned a complaint-free Dan Rondeau OCR (the other Union AFGE, Local 3331 may have a different perspective since they file a lot more EEO complaints). Mr. Rondeau's OCR was a lot different from that of his predecessor Suzanne Olive, about whom we had a lot of complaints. But nothing compares with the "new, improved" OCR. I have heard more complaints during Mr. DeLeon's first few months than in all of Ms. Olive's years; and they are just from the staff! Staff comments have ranged from "No comment" to others far less flattering.

But what about the efficacy of the new OCR? It is perhaps too early to tell yet. I have gotten complaints from the handicapped advisory group that Mr. DeLeon tries to ride roughshod over the Union participants. Regarding EEO complaints, there is a pending request to resolve two outstanding cases, one which has been dragging on for two years despite the consensus of management, the Union, and the employee as to the appropriate relief (see "FAILURE TO ACCOMMODATE-THE MARTHA PRICE ORDEAL" in this issue.)

Mr. DeLeon asked a revealing question when we were looking at office space on the second floor of the Mall. "How long is it before employees just give up....(trying to get some of their requested relief?)" It seems that Mr. DeLeon merely goes through the motions of what he is required to do by law, and won't give an inch on negotiable issues. Such an individual is an unlikely candidate for partnership type activities.

TOWARD A KINDER, GENTLER, AND MORE EFFECTIVE OFFICE OF THE INSPECTOR GENERAL by Richard W. Emory, Jr. This is the seventh in

a series of occasional articles on how the OIG should be reinvented to help the people of EPA to better achieve the mission of the agency.

When Air Force pilot Lt. Kelly Flinn was found in a relationship with a civilian adulterer, in her own words "I had no one to help me...I was questioned intensely by security police...No one in my chain of command took the time to [counsel and mentor me]...I went to see my commander...But he would not talk to me...I went back to see him a second time and he still wouldn't talk to me. The last time I saw him I got read my rights... They made zero attempt to find out if my flying was affected." Newsweek, p. 36 (June 16, 1997)

When EPA employee Jeff Van Ee spoke out to the Department of the Interior in behalf of the habitat of an endangered desert tortoise while serving as an unpaid volunteer representative of his local Sierra Club chapter, the EPA Office of the Inspector General (OIG) opened a criminal investigation into Jeff's allegedly taking a position adverse to the interests of the US Government. We do not know who called the OIG - could it have been the DOI contractor ready to do a \$400,000 study with taxpayer money that Jeff recommended be spent on just buying tortoise habitat? We do know that without even interviewing him, the OIG asked an Assistant United States Attorney to indict him for a felony offense leading to a possible five years of imprisonment. (Fortunately, the AUSA exercised good sense and refused to act.)

In 1996, when EPA employee Brian Rimar, with the full approval of his management chain and the regional ethics official, was detailed to a university to both do work toward an advanced degree and simultaneously study a site contaminated with mining waste and develop an EPA ecological risk assessment, the EPA Office of the Inspector General (OIG) opened a criminal investigation. We do not know who called the OIG - could it have been a mining company wanting to derail a study that could lead to an expensive remediation plan for which it would be responsible? We do know that the OIG flew in two officers who conducted a criminal investigation that led nowhere (since Brian had done nothing wrong), but did delay his research for one year, cost hundreds of thousands of taxpayer dollars, temporarily damaged Brian's reputation, cost him \$10,000 in unnecessary legal fees, and impaired the credibility of the OIG. What could have been resolved with a few phone calls was blown out of all proportion into an act of waste and abuse.

Sometimes EPA employees must feel like a former federal manager, our first President, who wrote, "I had no conception...that every act of my administration would be so tortured...in such exaggerated form and indecent terms as could scarcely be applied to a Nero, a notorious defaulter, or even a

common pickpocket." George Washington, last letter to Thomas Jefferson (July 6, 1796), as quoted by Vice President Al Gore, Harvard Commencement Address (June 9, 1994) According to today's Vice President Gore, "...in...1965, the percentage of Americans who believed that government generally tries to do the right thing was over 60 percent. Today it is only 10 percent. The percentage of Americans believing then that government favors the rich and powerful was 29 percent. Today it is 80 percent." Vice President Al Gore, Harvard Commencement Address (June 9, 1994)

There is little basis for believing that public faith in EPA's Office of the Inspector General is any better than national averages. One of the key recommendations of the 1993 National Performance Review (NPR) Vice President Al Gore, "Creating Government that Works Better and Costs Less," The Report of the National Performance Review, Ch. 1, Step 4 (Sept. 7, 1993) is that the Office of the Inspector General be reoriented. Our Vice President heard at almost every agency visited that the IGs' present approach inhibits innovation and risk taking by too much reliance on heavy-handed enforcement. The NPR says 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 agency employees to provide "customer service" that is effective and efficient.

EPA's Office of Enforcement and Compliance Assurance (OECA) has successfully reinvented itself in some ways that the OIG might emulate. By the early 1990s, OECA was facing outside criticism that EPA enforcement cases were too often "gotcha" exercises that did not provide sufficient information and assistance needed by companies wanting to comply with increasingly complex regulations, that counted non-serious violations as the equivalent of serious ones, and that over-penalized those who self-reported violations. Since then, while maintaining a strong enforcement program to ensure accountability for serious violations, OECA has also developed the flexibility to promote compliance using information and incentives. OECA rewards openness and good intentions with very substantial penalty reductions to companies that discover, disclose, and correct violations. Secrecy, distrust, and unnecessary litigation are declining in favor of increased "voluntary" compliance. OECA is working smarter and costing less.

The OIG's reinvention could start by not "over-criminalizing" matters that should be investigated administratively only as routine personnel matters. A criminal investigation is the most onerous device that a government can apply to its citizens. It is never appropriate in a mere policy debate, and it should not be overused when there are other, more appropriate tools available. The environment will be the winner when creative and protective suggestions or approaches (like

those of Jeff and Brian) are no longer greeted with criminal investigations. On the spectrum between precautionary principle and absolute scientific certainty, within EPA there should be robust debate on scientific issues and policy solutions. When the hotline rings, the OIG should begin by asking itself whether it may be duped by an unknown informant seeking to derail environmental protection. The caller may in fact be some who would may be the target of a needed regulatory action, and who is seeking to use the OIG to chill the debate intended to craft solutions that best serve the agency's customers and mission.

We can change. As our Vice President said recently, "we have the capacity to learn from our mistakes and transcend our past. Indeed...truth ...can set us free." Vice President Al Gore, Harvard Commencement Address (June 9, 1994) As EPA employees, we all can relearn the admonition to do nothing (like the criminal investigations of Jeff and Brian) that we would not want to read about on the front page of a newspaper, because if we ignore this advice that's probably where we will read about it. The dynamics of our open democracy - and grave environmental challenges - require it. The Freedom of Information Act will not be repealed, and Congress is about to strengthen the protections for whistleblowers. Truth liberates from fear, and provides the freedom to do what is right. The Office of Inspector General should become a guardian of truth at EPA.

BETTY SHABAZZ REMEMBERED - James Murphy Local 2050 notes with sadness and respect the passing from this life of Dr. Betty Shabazz, widow of Malcolm X, on June 23. She was a positive role model, who exemplified discipline, self-reliance and perseverance. She took the name Shabazz when Malcolm X went to Mecca and changed his name to El-Hajj Malik El-Shabazz, commemorating pilgrimage and rebirth. Within 10 years after seeing her home fire bombed and her husband assassinated in 1965, Betty Shabazz became a registered nurse and earned bachelor's, master's and doctoral degrees in education, while raising six daughters. She served Medgar Evers College of the City University of New York as public-relations director and director of institutional advancement, and was much sought as a speaker on civil rights. She had a gift for raising people's self esteem. The episodes of tragedy in her life must not distract us from the triumph of her perseverance and example.

EDITOR'S NOTES by Bill Hirzy There are three seemingly unrelated matters I want to write about: an announcement that Congress is proposing to fund an additional 500 police for the streets of the District; a visit to the Franklin Delano Roosevelt Memorial; and a question-and-answer session with Rep. John Mica (R-FL) at the recent NFFE banquet during the union's annual Lobby week, on May 14.

Rep. Mica, Chairman of the House Subcommittee on the Civil Service, responded to a comment and question of mine at the NFFE banquet Q and A on the false economy of contracting out Civil Service jobs and the vast amount of money available in the U.S. economy today as compared to the days of my penurious youth (contemporary with most of FDR's presidency). His response to the contracting out question is covered in another article in this edition. His response to the comment on available cash was, to the effect, that the country may indeed be awash in money, but the Congress was elected on a platform of not using very much of that money in the public sector (as FDR did).

The week-end following the banquet I visited the FDR Memorial, having attended the dedication ceremony earlier. While there, and as I gazed upon statuary and read words that evoked tumultuous memories in this depression baby, Rep. Mica's response and the TV news item about more cops on the street gelled into a cold rage.

The TV news item on cops for D.C. had ended with a comment from a young black man that the crime prompting the flow of cash for cops is a result of the despair in so many young black men of ever making a decent life for themselves and for a family.

When in the 1930's with some thirty percent of the work force unemployed, and with, in FDR's words, "One third of a nation ill housed, ill clothed and ill fed", this country - in the midst of the most severe economic depression in our history, when the country was NOT awash in money - could and did mobilize to put people to work - building bridges and roads and schools and a host of other worthy structures both material and spiritual.

Today, with the country "awash in cash" (to borrow a phrase from Noam Chomsky) we blithely and at our peril turn our back on the approximately eight percent of our citizens who are chronically unemployed or under-employed. And we commit this social, racist crime while our cities - where the majority of the chronically un(der)employed live - cry out for reconstruction and renewal. FDR and Eleanor must be turning over in their graves.

While Newt Gingrich and Bill Clinton trade snipes about who is a legitimate legatee of FDR, both cynically turn their back on the looming social catastrophe and mouth platitudes about the "end of welfare as we know it". Both expect the private sector and volunteerism to rescue the nation from its selfishness, greed and hedonism.

For those who don't deign to live here in D.C. I suggest that you take a walk, or if your feeling a little nervous, take drive through Anacostia or some of the residential areas of Northeast or near Northwest and see for yourself what could and should be done in these neighborhoods by the people who live

there. There are buildings that need removal, or rebuilding. There are areas that could and should be park land. There are streets and bridges and schools and hospitals that could and should be refurbished.

All it takes is cash, and the United States of America is awash in cash. All it takes is some of that cash and the will of an FDR to lead the country away from the deadly peril of continuing social disintegration and onto the path of social renewal.

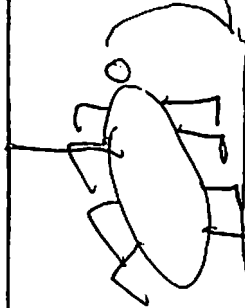
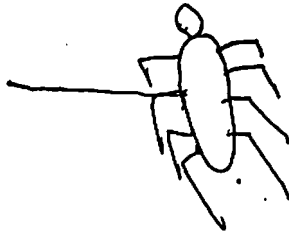
There is work aplenty - and not just manual labor - for the eight percent of chronically un(der)employed in the rebuilding of our cities. And when these people have work and the money that comes with it (you Conservatives, think about the tax revenues that will be generated through that well-known trickle-up process), they will finally be able to fully share in the promise of America - "life, liberty and the pursuit of happiness".

America can become a world leadership in social justice. We can pay now and rebuild our cities, or pay later and build more prisons and put a lot more than 500 new cops on D.C.'s streets. We can have social peace, but only at the price of social justice. We can't have one without the other.

ROACHES

FEATURING THE RETURN OF
NEFFY THE SPIDER

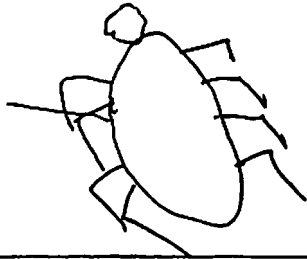
On the Outside Wall
of the West Tower



I'm froze already....
Hey, I'm not Greenpeace
I'm just a spider catching
some bugs, you know IPM!

Well.....uh.....OK
Carry on.

A BROWNER EPA - PART I (EPA vs GREENPEACE)



Yo, Venom Bag,
Up Against the wall



I am against the
wall you twit.

Uh-Uh, Ok Freeze Then

If EPA treated Greenpeace
as well as they treat
industry, perhaps they
wouldn't have to resort
to climbing walls!

Greenpeace is one Enviro
Group with a sense of
humor.

Yeah, but watch out for
that spider.



REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Privacy Act Statement

Section 5525 of title 5 United States Code (Allotments and Assignments of Pay) permits Federal agencies to collect this information. This completed form is used to request that labor organization dues be deducted from your pay and to notify your labor organization of the deduction. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of the Treasury to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate Government agency if the Government is party to a legal suit; 4) an appropriate law enforcement agency if we become aware of a legal violation; 5) an organization which is a designated collection agent of

a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identification).

Executive Order 9397 allows Federal agencies to use social security number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that payroll deductions cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employee (Print or Type Last, First, Middle) X	2. Employee Identification Number (SSN optional) X	3. Employee Mail Code X
4. Home Address (Street Number, City, State and ZIP Code) X	5. Name of Agency (Include Bureau, Division, Branch or Other Designation) X	

Section A-For Use By Labor Organization

Name of Labor Organization (Include Local, Branch, Lodge or Other Appropriate Identification)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL 2050

I hereby certify that the regular dues of this organization for the above named member are currently established at \$ 8.65 per (biweekly pay period) (calendar month) (Strike out whichever period is not appropriate, based on arrangement with the employee's agency.)

Signature and Title of Authorized Official	Date (Month, Day, Year)
--	-------------------------

Section B-Authorization By Employee

I hereby authorize the above named agency to deduct from my pay each pay period, or the first full pay period of each month, the amount certified above as the regular dues of the (Name of Labor Organization):

NFFE Local 2050

and to remit such annual amount to the labor organization in accordance with its arrangements with my employing agency. I further authorize any change in the amount to be deducted which is certified by the above named labor organization as a uniform change in its dues structure.

I understand that this authorization, if for a biweekly deduction, will become effective the pay period following receipt in the payroll office of

my employing agency. I further understand that Standard Form-1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my employing agency, and that I may cancel this authorization by filing Standard Form 1188 or other written cancellation request with the payroll office of my employing agency. Such cancellations will not be effective, however, until the first full pay period which begins on or after the next established cancellation date of the calendar year after the cancellation is received in the payroll office.

Contributions or gifts (including dues) to the labor organization shown as left are not tax deductible as charitable contributions. However, they may be tax deductible under other provisions of the Internal Revenue Code.

Signature of Employee X	Date (Month, Day, Year) X
--------------------------------	----------------------------------

FOR COMPLETION BY AGENCY ONLY. The above named employee and labor organization meet the requirements for dues withholding. (Mark the appropriate box. If "YES", send this form to payroll. If "NO", return this form to the labor organization.)

YES	NO
-----	----

Hirzy, J. William
7402



INSIDE THE FISHBOWL

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

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

August 1997

Volume 13, Number 5

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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.

HIGHLIGHTS

OECA Partnership

Censorship of Science?

Agency Head Review of CBA

Inside News of the UPS Strike

Goldman Prize to Anti-WTI Activist

Raf's OCR Part 2

Dick Emory for I.G.

Greenpeace Action at West Tower

Darwin Award (Humor)

ROACHEZ

**National Federation of Federal Employees
Local 2050**

PO Box 76082
Washington, DC 20013
Offices: Waterside, North Plaza
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-401-3139

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PARTNERSHIP ADVANCES IN OECA An agreement to establish EPA's first Partnership Council at the Assistant Administratorship level has been reached among NFFE Local 2050, AFGE Local 3331 and the Office of Enforcement and Compliance Assurance. OECA's human resources council will be disbanded.

Each party will appoint three members to the Council; NFFE's will be John Wheeler, James Handley and Patricia Sims, with Diane Lynne serving as alternate. The agreement was reached following a two-day conference and training session on improving labor-management (L-M) relations conducted by Dr. Bill Fleischman and Dr. Sol Lubitz, representing the General Counsel's office of the Federal Labor Relations Authority. Attendees included the above named NFFE people plus Bill Hirzy, AFGE Local 3331 representatives Carolyn Lowe, Teresa Little, Suzette Pugliese and Rachel Durant, and management representatives Ann Pontius, Laurie Ford, Mamie Miller, Craig Hooks, Bruce Weddle, Susam Brom, Eric Schaeffer, David Nielsen, Ellen Stough, Greg Snyder and Reggie Cheatam.

The session featured training exercises in active listening and (for lack of a better descriptor) apportioning blame among several parties for an adverse event, the latter being particularly germane to the subject of the two-day conference. Following the "blame" exercise, the parties spend several hours exploring perceptions of the current state of L-M relations in OECA. Then the group divided between management and labor, and each group developed a list of goals and characteristics of a good L-M relationship. The groups got together and discussed the two completed lists, which turned out to be very similar. Next, the groups separated again and each group listed things it could do to help the other group realize the goals/characteristics of a good L-M relationship. After reconvening the entire assemblage one last time and discussing the second listings, the FLRA people posed the question, "Where do you want to go from here?" It was an easy call: "Into an OECA Partnership Council," was the group's reply.

The combined group agreed that the OECA HRC would be replaced by the Partnership Council, that each union and management would appoint three representatives to the Council, and that the initial appointees would be from among the group that had attended the training sessions just completed.

The Local 2050 Constitution requires that union Members vote to establish partnership councils at any level below that of

Headquarters. That vote has taken place. By a unanimous vote of the Members responding to the secret ballot mailing, the OECA partnership council has been approved by the Union Members in OECA.

CENSORSHIP? FRAUD? OR GROSS INCOMPETENCE? - YOU BE THE JUDGE by Dwight Welch

Dr. Brian Dementi, board certified toxicologist: a trouble maker? Not hardly. Dr. Dementi, a soft spoken Southern gentleman from Richmond is about as far as you can get from being a confrontational type of person. But Dr. Dementi has finally endured enough; too much. It is time for his story to be told.

A well respected scientist in the Office of Pesticide Programs, Dr. Dementi has been working on the subject cholinesterase inhibition for more than 10 years. He is also the Agency expert on the insecticide Malathion.

For those of you who don't know what a cholinesterase inhibitor is, here is a brief explanation. Cholinesterase inhibition is how typical nerve gas weapons as well as organophosphate and carbamate insecticides kill. A nerve impulse passes down a nerve cell as a very small (millivolts) spike of electricity. When it reaches the end of the nerve cell (also call a neuron) the gap between it and the next neuron is too large for such a small voltage to jump across. The electrical impulse is transferred chemically. When the impulse reaches the end of the neuron, micro-capsules of acetylcholine are released. The acetylcholine causes an electrical impulse in the next neuron. Soon after, a second set of micro-capsules releases an enzyme called cholinesterase which neutralizes the acetylcholine. Otherwise the presence of the acetylcholine would cause the neuron to continue to fire. Nerve gas weapons and cholinesterase inhibiting insecticides, by inhibiting cholinesterase, cause the animal's nervous system to fire uncontrollably. (This is why a sprayed fly will spin around erratically before it dies.) With the nervous system firing uncontrollably, major body systems such as the lungs and heart fail and the animal dies.

Back to our story. A recent meeting of the FIFRA (the law regulating pesticides) Scientific Advisory Panel (SAP) was charged with reviewing information on cholinesterase inhibiting pesticides. In connection with this effort, Dr. Dementi wrote a 98 page paper

on the subject as commissioned by management. However, a work group which was supposed to forward the paper, decided that Part A of the paper, which contained the paper's conclusions and listed behavioral changes associated with this class of insecticides, should be censored out. Only Part B, pages 24-98 were forwarded to the SAP. Dr. Dementi wrote Pesticide Office Director Dan Barolo regarding this situation. Finally, Brian was offered the "opportunity" to forward Part A under his own name. As Chief Steward I joined into the fray with a letter to the SAP supporting Dr. Dementi, on behalf of Local 2050, which included a listing of the conclusions of the paper and asking the SAP for its response to these conclusions.

After the meeting, a Federal Register Notice was published listing the oral and written commenters. Local 2050 was omitted from this list. I grieved this omission to OPP Director Dan Barolo. In his response Mr. Barolo indicated that it was a judgement call that my submission was considered part of Dr. Dementi's submission, but at my option a revised FR Notice could be issued listing Local 2050 as a commenter. Mr. Barolo also ordered that in future FR Notices of this type that all submitters be listed.

I was content with this explanation but here is where the plot sickens. As you may be aware, a phenomenon of the Gulf War has been veterans returning with the mysterious "Gulf War Syndrome". One theory of GWS is that the troops were exposed to nerve gas agents. Thus the Senate Committee on Veterans Affairs requested all the materials from this symposium. The Committee was particularly interested in the behavioral changes associated with cholinesterase inhibitors (the part of Dr. Dementi's paper that was originally censored). As I understand it, what the committee got was everything but the Part A and Local 2050's comments.

I attempted to resolve this discrepancy with Dan Barolo during the Step 1 phase of the grievance, but he was unable to come up with any answers within the 12 day period of Step 1, so I had to file Step 2, with the AA, Lynn Goldman. We do not believe that Mr. Barolo is part of the problem....yet. In this interim period, however, I did register my indignation with Mr. Barolo, called for some accountability, and indicated that some heads need to roll over this one.

Censorship and fraud perpetrated against Dr. Dementi in connection with this paper is not the only abuse this good scientist has had to endure. Although he is the agency expert on the toxicology of Malathion and its metabolites, Dr. Dementi was for a time, taken off Malathion for expressing his scientific opinions about Malathion. Since one of Malathion's degradation products is carcinogenic, Dr. Dementi has suggested (along with the late Dr. Adrian Gross) that this cholinesterase inhibitor not be sprayed on civilian populations, such as the spraying against the Med-Fly in the Los Angeles basin. After several letters to Administrator Browner, Dr. Dementi was restored to working on Malathion.

What has happened to Dr. Dementi is exactly what Carol Browner promised would not happen: retaliation against whistle-blowers. It is time that Ms. Browner takes a break from being EPA Spin Doctor and takes "hands on" charge of her own Agency and starts exacting some management accountability. Don't hold your breath.

Next Month "The Censorship of Dr. Dementi - Part 2 - The Coverup"

UNION, MANAGEMENT MEET OVER "AGENCY HEAD REVIEW" OF CBA On August 18, James Handley, John Wheeler, Dwight Welch, Bill Hirzy and Pat Sims met with Steve Sharfstein (EPA's chief of labor relations), Linda Wallace and Drew Moran to discuss Mr. Sharfstein's "Agency Head Review" of the collective bargaining agreement ratified by Local 2050 members on July 2. (The Civil Service Reform Act provides for a thirty day period after a contract is signed and ratified during which the agency head may review the agreement for legal or interpretative problems.) Mr. Sharfstein, as the Administrator's designee, had sent Local 2050 the results of his review on August 5, citing fourteen points needing attention.

Most were extremely minor matters, such as inserting "or designee" after "Director of OHROS" in one section, or expressions of management's interpretation of its degree of responsibility for compliance with some IAQ matters because of its status as a lessee. The one major issue raised by Mr. Sharfstein's review was that of inclusion in the contract of a provision in the Article on Reductions in Force setting the D.C. commuting area as the competitive area for us in case of a RIF.

Literally within days of completing negotiations on our former RIF/Furlough Agreement in November, 1995, the FLRA issued a ruling (AFGE Local 32 v. O.P.M., 51 FLRA No. 42, Nov. 6, 1995), to comply with previous court rulings, in which the Authority found that competitive area determinations are not within an agency's duty to bargain. That FLRA ruling was challenged by AFGE in the U.S. Court of Appeals, D.C. Circuit, and the Court issued an order on June 5, 1997 upholding the FLRA's finding of non-negotiability of competitive areas. The significance of these ruling is that the Section of the RIF Article of our CBA that sets the competitive area is null and void.

Mr. Sharfstein said that management has no intention of setting any other, smaller (i.e. AA-ship) competitive area for Headquarters if a RIF should occur, and he suggested we execute a Memorandum of Understanding with the Agency, under the aegis of the Headquarters Partnership Council fixing the competitive area as it was in our CBA. AFGE is in the same boat with us. Their master contract (AFGE has a nation-wide CBA with the Agency) also sets competitive areas as "local commuting areas", so AFGE Local 3331 and we, in the H.Q. Partnership Council will both need to make these changes.

The value of an MOU in this case is less than that of a contract, but it give us the maximum protection we can get under current case law and OPM regulations.

NEWS OF THE UNITED PARCEL SERVICE STRIKE FROM "THE NET"

Here's some news regarding the UPS strike that was definitely not covered in the mass media.

----- Forwarded message -----

Date: Tue, 12 Aug 1997 13:33:00 -0400

From: Phillip Seago <psego@world.std.com

To: psego@world.std.com Subject:

UPS Strike Information

From: Michael Eisenscher <meisenscher@igc.apc.org

I attended the national convention of APALA (Asian Pacific American Labor Alliance) today in San Francisco. It was an impressive event attended by more than 500 delegates from across the country. At the dinner Carolyn Robinson, Secretary-Treasurer

of IBT Local 315 in Martinez gave a revealing report on the UPS Strike. She sits on the national bargaining committee; she's been in negotiations for seven months. She heads up the sub-committee on safety & health. Sister Robinson is the first (and only) woman to serve on the national UPS negotiating team for the Teamsters. She gave a very revealing report with details that have not yet been released to the media. She has given permission to me to relate them to you and intends to break these facts shortly to the public. (I tried to note her comments as Carolyn made them. If there are any errors in this information, it may be that I failed to accurately capture her comments. I believe, however, what follows is factually correct. If others know differently, please provide corrections.)

1. UPS has a rate of occupational injury that is three times that of the transportation industry.
2. UPS has one of the worst hazmat violation records in the industry.
3. EEOC has filed a class action suit against UPS for violating the rights of disabled workers. Workers who suffer eye injury are entitled to be transferred to other jobs, but UPS has refused or failed to accommodate their disabilities.
4. UPS, unlike its competition in the package delivery business, has refused to invest the \$55 per vehicle it would cost to equip their fleet with articulated mirrors at the rear of the trucks. As a consequence, children have been injured and killed because drivers were unable to see them behind their vehicles. Isn't a child's life worth more than \$55?
5. UPS has consistently stone-walled union demands for appropriate safety equipment such as decent seatbelts, seats, and tires, and has refused to retire from their fleet trucks that have only single cylinder brakes.
6. On average, one UPS employee is killed on the job every month.
7. In Chicago a brand new employee (described as barely more than a "boy") serving his 30 day probation died of heat exhaustion while unloading a truck during one of Chicago's heat waves. He was

required to meet the standard of unloading 2000 packages per hour in order to make probation. OSHA fined the company \$5000.

8. Packages presently can weigh up to 150 pounds each. The company has refused to bargain over weight limits, reserving the right to require drivers to unload alone packages that could run 200 or more pounds. When challenged, management told the union that if the driver needed help, s/he could ask the customer to assist. Young, inexperienced workers are becoming disabled for life from injuries received at UPS, often their first real job.

Sister Robinson cited these as only some of the issues that are hung up in negotiations. While the issue of part timers and company demands to withdraw from the union's multi-employer pension plan have gotten press play, they are not the only unresolved problems that led to the strike.

She reports that the strike is 99% effective nationwide.

She also reported that the Teamsters have met with unions representing UPS employees in Europe and they have established a World UPS Union Council. Three strikers are touring Europe now, briefing workers on the strike. They spoke this week in Belgium, where the union at UPS responded by shutting down the company throughout the country in solidarity. She proclaimed, "Belgium is shut down tight!"

Side Notes:

I was at the UPS picketlines in Oakland yesterday where about 1200 workers are out solid. Spirits were high and the mood good natured but whenever a "Brown Alert" was called as a management-driven truck returned (with two managers in each) it became clear that they meant to take care of business. (How many managers does it take to read a map or package address?) In the short time I was there, a delivery driver for the SF Chronicle wheeled up and dropped off free papers, and a driver for Emory pulled up and unloaded fried chicken and sodas he purchased with money collected from coworkers.

A picket captain with whom I spoke told me that he had personally visited very one of his customers to apologize for the inconvenience and explain what the company was doing and how they,

not the union members, were the source of the strike. He is on a first-name basis with all of them, as he has had the same route for 8 years. HE is UPS to those customers. The last thing he did before walking out at the end of his last shift was to pull his name plate off the side of the truck he drives so that no one would assume he was driving during the strike. His sense of obligation and responsibility to his customers is not atypical.

It is early in the strike and union members have yet to miss their first paycheck, but \$55/week in strike benefits will not go far and it won't be too long before they feel the pain. When you go to the picketlines, don't go empty-handed. I was in the Mission District earlier this week and there were several members of one of SF's numerous left groups out on street corners with buckets collecting donations to the UPS strike fund. We could each take up a collection at work, call friends, and get organizations we belong to to pitch in with money or in-kind contributions. Most important of all, however, is that there be a loud and persistent growing crescendo of support for the strikers in letters to the editor, calls to talk shows, ads, email and letters to UPS, etc.

Finally, I realize that I have been cross-posting a lot of material on the strike to several lists, and this may annoy some subscribers (particularly if they are on more than one of the lists and get duplicates). I apologize if this inconveniences you, but you know where the delete key is and can simply trash the messages you identify as duplicates from their subject headers. If I receive a substantial number of complaints from any given list, I will discontinue posting to that list, but hope that you appreciate the importance of this strike to the future of our labor movement and will accept this modest nuisance. (Remember, your inconvenience is minor compared to the 185,000 families that are going without a paycheck.) We can't do anything now about Staley, Caterpillar, or the Detroit newspaper strikes. But we sure as hell can do something about the UPS strike and we ought not wait until it has dragged on for a year before taking our responsibility for solidarity seriously. So bear with me even if it might seem a bit excessive.

In solidarity, Michael

(Another article from "The NET" on the UPS strike and its implications for Labor will appear in next month's issue.--Ed.)

GOLDMAN PRIZE WINNER BLASTS CLINTON, GORE, AND BROWNER

(Introduction by Dwight Welch) One of this year's Goldman Prizes, considered by many to be the Nobel Prize of the environmental movement, was awarded to the indefatigable Terri Swearingen, for her tireless opposition to the WTI toxic waste incinerator. I initially learned of the WTI toxic waste incinerator by running into some community activists from the East Liverpool, Ohio area gathered at the north plaza of Watercside Mall. They showed me a photo - one picture was worth a thousand words - of the toxic monster located on the flood plain of a river, a mere 1100 feet from an elementary school. I was immediately and outraged (but not surprised) that such an obviously ill-sited incinerator had been permitted by EPA. Later that afternoon Terri and some of her neighbors were arrested and jailed for taking over the Administrator's office.

Unlike Bill Clinton, Al Gore, and Carol Browner, I later visited East Liverpool and WTI. It is even more horrifying in person than a picture could ever depict. It is right there, in their neighbors' faces at the end of a residential street.

People in the Ohio Valley have spent 15 years opposing WTI. President Clinton and Vice President Gore visited East Liverpool while campaigning for election in 1992; at that time, Mr. Clinton said that, if he were elected, WTI would never be allowed to operate. Mr. Clinton was elected in 1992.

In 1992, EPA admitted during Congressional hearings that it had illegally issued an operating permit to WTI. The huge incinerator began burning hazardous waste in 1993. Mr. Clinton has not returned to East Liverpool since he became President.

Here is Terri Swearingen's acceptance speech for the Goldman Environmental Prize, given April 14, 1997.

"I am like the turtle on the fencepost. I did not get here alone. In addition to the many caring and courageous people I work with in the Ohio Valley, special recognition goes to Greenpeace, and to Dr. Paul Connett and his wife, Ellen. And all my love, respect and deepest gratitude go to my husband, Lee, my daughter, Jaime, and my family. I accept this award on their behalf, and on behalf of all the environmental activists across the country

who are working just as hard, but whose work has not been recognized in such a profound way. It is appropriate that the work of grass-roots activists be recognized. I am excited about this award, not just for personal reasons, but I believe it vindicates the efforts of thousands and thousands of grass-roots activists in this country, and around the world, who work on environmental issues on a daily basis. To the Goldman family, my most heartfelt thanks.

"I am not a scientist or a Ph.D. I am a nurse and a housewife, but my most important credential is that I am a mother. In 1982, I was pregnant with our one and only child. That's when I first learned of plans to build one of the world's largest toxic waste incinerators in my community. When they began site preparation to begin building the incinerator in 1990, my life changed forever. I'd like to share with you some of the lessons I have learned from my experiences over the past seven years.

"One of the main lessons I have learned from the WTI experience is that we are losing our democracy. How have I come to this sad realization? Democracy is defined by Merriam Webster as 'government by the people, especially rule of the majority,' and 'the common people constituting the source of political authority.' The definition of democracy no longer fits with the reality of what is happening in East Liverpool, Ohio. For one thing, it is on the record that the majority of people in the Ohio Valley do not want the WTI hazardous waste incinerator in their area, and they have been opposed to the project from its inception. Some of our elected officials have tried to help us, but the forces arrayed against us have been stronger than we or they had imagined. Public concerns and protests have been smothered with meaningless public hearings, voodoo risk assessment and slick legal maneuvering. Government agencies that were set up to protect public health and the environment only do their job if it does not conflict with corporate interests. Our current reality is that we live in a 'wealthocracy'-- big money simply gets what it wants. In this wealthocracy, we see three dynamics at play: corporations versus the planet, the government versus the people, and corporate consultants or 'experts' versus common sense. In the case of WTI, we have seen all three.

"The second lesson I have learned ties directly to the first, and that is that corporations can control the highest office in the

land. When Bill Clinton and Al Gore came to the Ohio Valley, they called the siting of the WTI hazardous waste incinerator -- next door to a 400 student elementary school, in the middle of an impoverished Appalachian neighborhood, immediately on the bank of the Ohio River in a flood plain--an "UNBELIEVABLE IDEA." They said we ought to have control over where these things are located. They even went so far as to say they would stop it. But then they didn't! What has been revealed in all this is that there are forces running this country that are far more powerful than the President and the Vice President. This country trumpets to the world how democratic it is, but it's funny that I come from a community that our President dare not visit because he cannot witness first hand the injustice which he has allowed in the interest of a multinational corporation, Von Roll of Switzerland. And the Union Bank of Switzerland. And Jackson Stephens, a private investment banker from Arkansas. These forces are far more relevant to our little town than the President of the United States! And he is the one who made it that way. He has chosen that path. We didn't choose it for him. We begged him to come to East Liverpool, but he refused. We begged the head of EPA to come, but she refused. She hides behind the clever maneuvering of lawyers and consultants who obscure the dangers of the reckless siting of this facility with theoretical risk assessments.

"I always thought of the President of the United States as an all-powerful person, who could even, if necessary, launch a war to protect his nation's people. But in the case of WTI, we have this peculiar situation where the President dare not come to East Liverpool, Ohio. It may be the one place in the whole of this country, maybe even the world, where he cannot go. He cannot go to East Liverpool to see for himself what he has allowed. He cannot go to East Liverpool to see with his own eyes where this incinerator is operating. We know that if he came to East Liverpool to see it for himself, he would not be able to say that it is okay. We know that he would never have allowed his own daughter, Chelsea, to go to school in the shadow of this toxic waste incinerator. And that's precisely why he dare not come to East Liverpool. He knows that it is wrong. He knows that it is unacceptable. The decision to build the incinerator there was political, and the decision to allow it to operate, despite the stupidity of its location, is political. The buck stops with President Clinton. No child should have to go to school 1000 feet from a hazardous waste facility, and no president should allow it.

He cannot shove off the responsibility to a bureaucracy. I believe you cannot have power without responsibility.

"The third thing that I have learned from this situation, which ties in with the first two, is that we have to reappraise what expertise is and who qualifies as an expert. There are two kinds of experts. There are the experts who are working in the corporate interest, who often serve to obscure the obvious and challenge common sense; and there are experts and non-experts who are working in the public interest. From my experience, I am distrusting more and more the professional experts, not because they are not clever, but because they do not ask the right questions. And that's the difference between being clever and being wise. Einstein said, "A clever person solves a problem; a wise person avoids it." This lesson is extremely relevant to the nation, and to other countries as well, especially in developing economies. We have learned that the difference between being clever and being wise is the difference between working at the front end of the problem or working at the back end. Government that truly represents the best interest of its people must not be seduced by corporations that work at the back end of the problem -- with chemicals, pesticides, incinerators, air pollution control equipment, etc. The corporate value system is threatening our health, our planet and our very existence. As my good friend, Dr. Paul Connett, says "WE ARE LIVING ON THIS PLANET AS IF WE HAD ANOTHER ONE TO GO TO." We have to change the way we look at the world. We must change our thinking and our attitude. This is so important. We MUST change the value system. We have to live on this planet assuming that we do not have another one to go to! We must get to the front end of problems so that we avoid the mistakes of the past. Thinking about our planet in this way puts a whole new perspective on what we do and how we act. For example, if we are dealing with issues of agriculture, we need to be thinking about sustainable agriculture with low chemical input. If we are looking at energy, we need to look at solar energy, energy that is sustainable. If we are discussing transportation, we should be looking at ways of designing cities to avoid the use of cars. And when it comes to hazardous waste, we should [be] talking about clean production, not siting new incinerators. We should be trying to get ahead of the curve.

"People at the grass-roots level get taught this lesson the hard way --they get poisoned by back-end thinking. They learn that

we have to shift to front-end solutions if we are to save our communities and our planet. Citizens who are working in this arena -- people who are battling to stop new dump sites or incinerator proposals, people who are risking their lives to prevent the destruction of rain forests or working to ban the industrial uses of chlorine and PVC plastics -- are often labeled obstructionists and anti-progress. But we actually represent progress -- not technological progress, but social progress. We have become the real experts, not because of our title or the university we attended, but because we have been threatened and we have a different way of seeing the world. We know what is at stake. We have been forced to educate ourselves, and the final exam represents our children's future. We know we have to ace the test because when it comes to our children, we cannot afford to fail. Because of this, we approach the problem with common sense and with passion. We don't buy into the notion that all it takes is better regulations and standards, better air pollution control devices and more bells and whistles. We don't believe that technology will solve all of our problems. We know that we must get to the front end of the problems, and that prevention is what is needed. We are leading the way to survival in the 21st century. Our planet cannot sustain a 'throw-away society.' In order to survive, we have to be wise, not just clever. This is why, ultimately, it is so disastrous that there are people who think that they've solved the WTI problem with more technology. You cannot patch up an injustice -- an unjust situation -- with technology. The developers behind WTI made a fundamental mistake in the beginning by building the incinerator next door to an elementary school and in the middle of a neighborhood. This is a violation of human rights and common decency. As Martin Luther King said, 'INJUSTICE ANYWHERE IS INJUSTICE EVERYWHERE.' Even after seeing so much abuse of the system that I have believed in, I still hold on to the slender hope that my government could once again return to representing citizens like me rather than rapacious corporate interests. If they do, then perhaps there is a future for our species; if they don't, we are doomed.

Editor's Note: The owners of WTI Von Roll have filed a \$32 million slapp ("strategic lawsuit against public participation") suit against the citizens of East Liverpool.

AN OPEN LETTER TO CAROL BROWNER by William Sanjour

July 4, 1997

Dear Ms. Browner:

I am writing voice strong objections to a recently published EPA document entitled "Prospective Employment, Outside Employment, and Post-Employment". This is an official EPA document signed by Nikki L. Tinsley, the acting Inspector General, promulgating rules for EPA employees. This document contains the chilling threat that employees who violate these rules "are subject to a wide range of penalties, including criminal sanctions" and EPA employees are encouraged to turn in violators to the Inspector General. However, a portion of these rules have been declared unconstitutional and a violation of the rights of government employees by the United States Court of Appeals for the District of Columbia Circuit. Furthermore, the publication misstates the content of the federal regulations cited to support these rules, i.e. 5 CFR 2635.807. In fact the federal regulations say almost the exact opposite of what the Inspector General says they say. The EPA publication states:

Despite the Supreme Court's decision and the subsequent OLC ruling, all employees remain subject to the general restriction at 5 CFR 2635.807 against receiving compensation for outside "teaching, speaking, and writing" that "relates to" their official duties. The restriction applies to all types of speaking and writing (not just "appearances, speeches, and articles"). You should consult your Deputy Ethics Official on questions relating to teaching, speaking, and writing activities prior to receiving any compensation or engaging in the activity.

In fact 5 CFR 2635.807 actually says:

Note: Section 2635.807(a)(2)(i)(E) [i.e. the paragraph defining "teaching, speaking, and writing" that "relates to" their official duties] does not preclude an employee, other than a covered non-career employee, from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline

or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

In other words, according to 5 CFR 2635.807, unless the compensation can be construed as an attempt to influence the actions of a government official or unless he makes use of information not available to the public, a government employee is pretty much free, on his own time, to write, teach and speak as he pleases, even about agency business, even if it offends some agency officials, and to collect expenses, royalties and honoraria for doing it. Quite the opposite of the chilling tone of the EPA publication.

This reform came about as a result of my four-year fight in the federal courts against the previous federal regulations which stated:

An employee is prohibited by the standards of conduct from receiving compensation, including travel expenses, for speaking or writing on subject matter that focuses specifically on his official duties or on the responsibilities, policies and programs of his employing agency.

In its final decision in Sanjour v. EPA, 56 F. 3d 85 (1995), the United States Court of Appeals for the District of Columbia Circuit *en banc* concluded:

Government employee speech is protected by the First Amendment, and can only be infringed when the government demonstrates that the burden on such speech is "outweighed by [its] necessary impact on the actual operation of the government." See *id.* (internal quotations and citation omitted). The regulations challenged here throttle a great deal of speech in the name of curbing government employees' improper enrichment from their public office. Upon careful review, however, we do not think that the government has carried its burden to demonstrate that the regulations advance that interest in a manner justifying the significant burden imposed on First Amendment rights. We therefore reverse

the decision of the district court, and remand the case for proceedings consistent with this opinion.

The previous Inspector General was noted for his KGB-like suppression of discussion and dissent within the agency even to the point of suppressing scientific discourse when it differed from EPA orthodoxy as in his persecution of Dr. William Marcus for raising scientific questions concerning the use of fluoride in drinking water. I had hoped that this Stalinist reign would end with the retirement of John Martin but it appears that Ms. Tinsley may be from the same school. Coming down, as she does, with a heavy handed list of forbidden practices and threatened punishments.

I'm sure you will agree that free and open discussion of issues, especially scientific issues, will, in the long run, improve our ability to protect the environment and improve employee morale, even if there is some short-term embarrassment to some agency officials. To that end I ask that you require the withdrawal of this document and that a new version be issued which correctly states the law, and instead of threats, enlightens EPA employees on their First Amendment rights, as well as their duties and responsibilities as free Americans. I hope that I can receive a written response to my request within twenty days.

Sincerely,
William Sanjour

(Editor's Note: No response has been received by press time.)

**CONGRESS MULLS CONTRACTOR DEBARMENT BASED ON
WORKER SAFETY AND LABOR LAW VIOLATIONS**

Representative Lane Evans (D-IL) has introduced legislation providing for debarment or suspension of contractors that violate labor and occupational safety laws from Federal procurement, financial and nonfinancial assistance and benefits. House Bill 1624 provides debarment for violating National Labor Relations Act, Fair Labor Standards Act, Occupational Safety and Health Act, or 38 U.S.C. § 4212(a). Debarment would depend on nature and extent of compliance, single or multiple violations of the specified laws or other labor or safety laws; and whether violations occur at one or several facilities, or throughout the company.

Introduction of the Bill, H.R. 1624, (text available from the union) followed GAO publication in August 1996 of OCCUPATIONAL SAFETY AND HEALTH - Violations of Safety and Health Regulations by Federal Contractors, GAO/HEHS-96-157. The Report to Congressional Requesters Senators Paul Simon and Edward Kennedy, noted that the federal government spends roughly \$200 billion each year in contracts for goods and services. Some private sector companies continue to be awarded contracts even though they violate federal laws to protect worker health and safety.

For fiscal year 1994, GAO's study revealed 261 federal contractors with 345 worksite inspections where a proposed penalty of \$15,000 or more was assessed for OSHA violations. These 261 federal contractors received \$38 billion in federal contract dollars, some 22% of federal contracts \$25,000 or more awarded in FY94. Nearly 5% of the 261 violating contractors had over \$500 million each in federal contracts. In 88% of the 345 inspections, OSHA identified at least one serious violation posing a risk of death or serious physical harm to workers. In 69% of the inspections, OSHA found at least one willful violation where the employer intentionally and knowingly committed a violation. At 50 federal contractor worksites in FY94, 35 fatalities and 85 injuries occurred.

Senator Simon introduced the Federal Contractor Safety and Health Enforcement Act of 1995 (S. 781) in May 1995, proposing debarment of contractors with a clear pattern and practice of OSHA violations. In April 1996, Senator Kennedy introduced the American Workers Economic Security Act (S. 1668), proposing to reward companies for responsible behaviors.

RAF'S OCR - PART 2. BUSTED BY THE OIG by Dwight Welch About 10 years ago, OPP's Steve Schatzow did it, got busted and exposed by Jack Anderson. OCR's DeLeon is living proof that management does not learn from experience. What I am speaking of is illegal alcohol parties.

Although parties where alcohol is served are technically illegal (without an appropriate permit), the Union is not opposed to parties, to people having fun, or even to people downing a few brewskis at these parties. What the Union is opposed to is

involuntary participation. According to complaints filed with the Union, Mr. DeLeon compelled employees to not only participate but to donate money towards a party at which alcoholic beverages were served. The intent of this party was to impress the 12th floor. The effect on the employees is that those who did not want to participate had to anyway.

The reasons for opposing such activities should be obvious. Not everyone drinks. Indeed, some are morally opposed, and for others such as alcoholics on the wagon, such parties pose a severe temptation into relapse. One can theoretically refuse, but then one risks being labeled as not being a "team player", etc.

OCR employees used the Union as the liaison to the OIG. I phoned the complaint into the OIG "Hotline". I have not been able to follow this up as the OIG has refused to return my calls. (The spirit of John Martin lives on!) What we have gathered is that alcohol will no longer be served at these parties. What we deduce from this is that Mr. DeLeon got served with a form IG letter which instructs partiers to obtain the proper permit from the OIG prior to the party.

In closing, I would like to state, "Don't take this out on your employees Rafael, I'm your man."

READER FEEDBACK ON "RAF'S OCR - PART 1" by Dwight Welch

The article that seemed to draw the most attention in the July issue was "RAF'S OCR - PART 1, WHITE-COLLAR SWEATSHOP". Some managers approached me and asked me why I was picking on Rafael. But employees including civil rights activists and the secretary network gave the thumbs up signal. Rafael, I hear is mad at me. Trouble is, he just wasn't listening to what I was saying. As a manager, you can try to steamroll over the Union's rights, but don't expect this Union to take such bully tactics lying down. The employees had a right to legitimate negotiations, they didn't get it. OCR employees have a right to respect and acknowledgment of their good work; they don't receive it. To Rafael I say, "Treat OCR employees the way you wish to be treated. You will be successful if your employees are pumped up, proud of their work, and proud of their office. You will ultimately fail if your employees feel put down and intimidated."

LAP DOG OR WATCH DOG? - 10 REASONS WHY DICK EMORY OUGHT TO BE IG

by Dwight Welch Inside information has it that the short list of IG candidates includes Richard Emory who is currently with OECA. Dick Emory, a whistle-blower, testified at the request of Congressional investigators working for John Dingell regarding favoritism in the handling of EPA's criminal enforcement cases. On that same day, Dick was removed from his position as top legal advisor for criminal investigations on the order of President Bush's AA Herb Tate. This, despite the fact that Mr. Emory received two awards in that same year for outstanding achievement. The reports of three Congressional committees vindicated Mr. Emory's actions. Here are 10 reasons why I believe Mr. Emory to be the best choice of the three:

1. As indicated above Mr. Emory is a bonafide whistle-blower. Of the 10 reasons, this is perhaps the most important. Government regulations require federal employees to report waste, fraud, abuse, and mismanagement. Until now such reporting of malfeasance has had to be a heroic act, and the reason is this. Generally, little or nothing is done to correct the abuse, and they who report abuse often experience retaliation. Reporting waste, fraud, abuse, and mismanagement should be a routine part of an employee's job, not a heroic act. Mr. Emory - having experienced the negative effects of acting responsibly in the face probable abuse - is in the best position to understand what needs to be done to protect disclosers of fraud and abuse.

2. Mr. Emory has a long employment history of successfully investigating criminal polluters. The current acting I.G., Ms. Tinsley, lacks this in-house experience. Indeed, many outsiders brought in to the Browner EPA have displayed an incredible lack of understanding of EPA issues.

3. Mr. Emory is the only candidate advocating partnership with the Unions. The previous IG, John Martin, had a long and hostile history with the Unions including instructing investigators to ignore any complaints filed by the Unions. For example, when this union reported the mass exposure to asbestos in CM-2 a couple of years ago, with lives at stake, the I.G.'s office did not so much as acknowledge much less investigate the complaint. Under Ms. Tinsley, it seems to be business as usual since none of my

repeated calls regarding a complaint I filed has been returned. John Martin made no attempt to partner with the Unions and under the acting I.G. there continues to be no representation of the OIG at either the National or Headquarters Partnership Councils.

4. Mr. Emory is a Union member.

5. Mr. Emory is endorsed by all or most of EPA's 20 plus Union Locals from all across the Nation.

6. During John Martin's long and checkered history as I.G., employee doubt and cynicism regarding the OIG ran deep. Retaliation and compromise of the identities of complainants were routine modes of operation of the OIG. Indeed, the OIG has often done the bidding of industry thugs in keeping EPA professionals from exposing the truth about dangerous products. I have experienced this first hand actually once seeing an industry letter from a pesticide manufacturer requesting an investigation of me because I was testifying, pro bono, against an unsafe pesticide product. Others such as EPA Las Vegas' Jeff Van Ee were retaliated against by the OIG because their volunteer work to help the environment conflicted with the interests of industry. (Jeff was merely trying to protect desert tortoise habitat; the OIG's retaliation against him was precipitated by the tortoise's habitat being over possible oil reserves.) Martin's successor has taken no effective action to reverse this doubt and cynicism.

7. Richard Emory is respected by and has a good working relationship with EPA's scientists.

8. The appointment of the I.G. needs to be made by the President, not the Administrator. We need a watch-dog not a lap-dog.

9. Dick Emory has the endorsement of national environmental watchdog groups such as the Sierra Club, Public Employees for Environmental Responsibility (PEER), and the Government Accountability Project.

10. The OIG is in great need of reform and reinvention; Mr. Emory seems to be the only candidate with both the inclination and the ability to effect such changes. What we don't need is another

person who is just a pseudo-cop dedicated to harassing EPA employees.

We are at a cross-roads in our attempts to have a partner relationship with the Agency. Many skeptics believe that partnership was designed by this Administration for the sole purpose of getting unions to share in the blame for loss of Federal jobs.

In choosing a new I.G., the Administration has an opportunity to walk the walk and not just talk the talk. The appointment of Richard Emory as I.G. will be a tremendous step toward building trust between EPA upper management and employees and their Unions. Appointment of one of the other candidates will discourage the too small trust that now exists from growing. Indeed, the appointment of a John Martin clone could precipitate another era of bleak relations between the Unions and the Agency.

OIG HUMOR From the actual OIG Hotline recording: "If you used our 800 number to reach us, please be advised that the Office of Inspector General no longer has this number in effect" Huh?

THE UNION AS A BRIDGE TO THE OIG by Dwight Welch Do you know of waste, fraud, abuse, or mismanagement? Are you afraid to report it to the Inspector General? Are you afraid that you will be retaliated against, that your boss will know you have blown the whistle on him or her before you have even returned from the I.G. to your office? If you are afraid, you have good reason to be. However, if you know of abuse, fraud, etc. it is your duty to report it. Therefore, I suggest that you report your charges to the Union. I have been there and done that. Fear is no longer a part of my vocabulary. I will act as your intermediary, keeping your name confidential from the Inspector General.

GREENPEACE: FREE SPEECH 250 FEET ABOVE CONCRETE by Jeff Beaubier Using ropes and climbing gear, two Greenpeace workers descended from the rooftop of the twelve story West Tower, rappelled down the side of the building and unfurled a large banner protesting EPA's latest "scientific-regulatory" decision, this one on dioxin. Greenpeace, known for its fiercely dedicated,

mostly militant and younger staff members, is selective in both the issues it researches and the sites where it demonstrates. Greenpeace has demonstrated over the slaughter of baby seals (prized for their soft fur), in the former Soviet Union for the dumping of radioactive wastes in the Arctic, and against multinational oil giants Shell and Exxon for their oil spills and drilling leaks in the world's oceans.

Here at EPA, senior executives kept mum about the May 19 Greenpeace visit and declined even to call police. Nor would they accept a written plea by demonstrators to reconsider EPA's decision, which essentially lets the paper and pulp industry continue polluting the nation's streams with toxic dioxin, albeit at a level claimed by industry to be lower than their present effluents. Mrs. Browner, Vice-President Al Gore's former legislative assistant and point-person for implementing President Clinton's vote-catching policies on the environment, refused to meet with the climbers or their colleagues.

Two days later by means of an all hands e-mail announcement issued by Facilities and Services manager Rich Lemley, EPA vaguely referred to the demonstration as a "security violation incident", called for beefed up security in the building, and warned EPA employees to "stay alert". But no mention of the name of the perpetrators or their reason for trespass.

The two climbers who risked their lives to make a statement about the dangers of dioxin in the environment are Nathan Santry, 26, and Dan Rudie, 31.

The Fishbowl will be following-up on EPA's scientific-regulatory activities on the dioxin conundrum, including why it took 12 years to produce the dioxin risk assessment supporting its controversial regulation and the role played by former EPA chief Lee Thomas in knocking out the "Cluster Rule" that would have further diminished dioxin pollution. Mr. Thomas and former Assistant Administrator Tom Jorling led the lobbying effort on behalf of the two top chlorine dioxide users, Georgia Pacific and International Paper. (Chlorine dioxide is a bleaching agent used in paper manufacture and provides the chlorine atoms found in tetrachlorodibenzo-p-dioxin, a.k.a. "dioxin".)

In the book Toxic Deception, reviewed in this year's March issue of Inside the Fishbowl, the "revolving door" mechanism for influencing environmental regulations--industry employment of ex-EPA executives to influence the outcome of environmental regulations--was discussed. It looks like the "revolving door" was spinning overtime in this latest dioxin scientific-regulatory result, which pits corporate interests against environmental and environmental health concerns.

FROM "THE NET": DARWIN AWARD WINNER FOR 1997

ANNOUNCED You'll recall a Darwin Award winner not long ago - a former air force sergeant who decided to strap a cargo plane rocket booster to his car to see how fast it would go and ended up killing himself (hence the "Darwin" award...in the struggle for survival only the fittest survive...) when his car didn't negotiate a curve in on the road in northern New Mexico where he had set up this experiment. The car smashed into the side of a cliff several hundred feet above the roadbed.

Here's the 1997 winner: Larry Waters of Los Angeles. Larry is one of the few to win the award and still be alive. Larry's boyhood dream was to fly. When he graduated from high school, he joined the Air Force in hopes of becoming a pilot. Unfortunately, poor eyesight disqualified him. When he was finally discharged, he had to satisfy himself with watching jets fly over his backyard. One day, Larry, brightened up. He decided to fly.

He went to the local Army-Navy surplus store and purchased 45 weather balloons and several tanks of helium. The weather balloons, when fully inflated, measured more than four feet across. Back home, Larry securely strapped the balloons to his sturdy lawn chair. He anchored the chair to the bumper of his jeep and inflated the balloons with the helium. He climbed on for a test while it was still only a few feet above the ground. Satisfied that it would work, Larry packed several sandwiches and a six-pack of miller lite, loaded his pellet gun - figuring he could pop a few balloons when it was time to descend - and went back to the floating lawn chair where he tied himself in along with his pellet gun and provisions. Larry's plan was to lazily float up to a height of about 30 feet above his back yard after severing the anchor and in a few hours come back down.

Things didn't quite work out for Larry. When he cut the cord anchoring the lawn chair to his jeep, he didn't float lazily up to 30 or so feet.

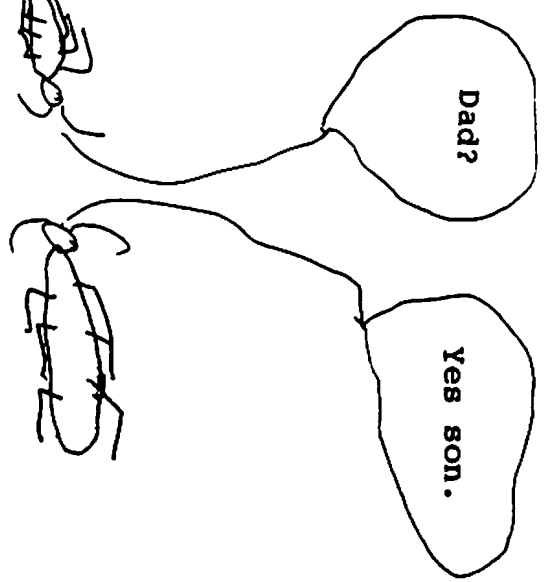
Instead he streaked into the LA sky as if shot from a cannon. He didn't level off at 30 feet, nor did he level off at 100 feet. After climbing and climbing, he leveled off at 11,000 feet. At that height he couldn't risk shooting any of the balloons, lest he unbalance the load and really find himself in trouble. So he stayed, there, drifting cold and frightened for more than 14 hours when he found himself in the primary approach corridor of LAX (Los Angeles International Airport).

A Pan Am pilot first spotted Larry. He radioed the tower and described passing a guy in a lawn chair with a gun. Radar confirmed the existence of an object floating 11,000 feet above the airport. LAX emergency procedures swung into full alert and a helicopter was dispatched to investigate. LAX is right on the ocean. Night was falling and the offshore breeze began to flow. It carried Larry out to sea. Right on Larry's heels was the helicopter. Several miles out, the helicopter caught up with Larry. Once the crew determined that Larry was not dangerous, they attempted to close in for a rescue but the draft from the blades would push Larry away whenever they neared.

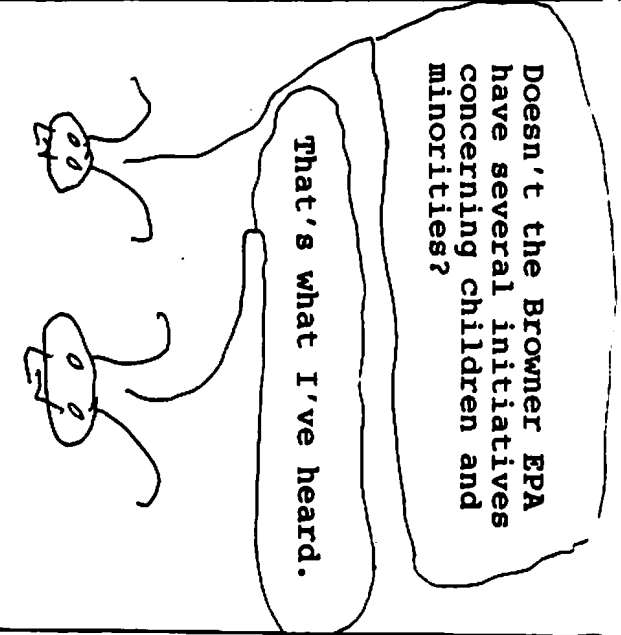
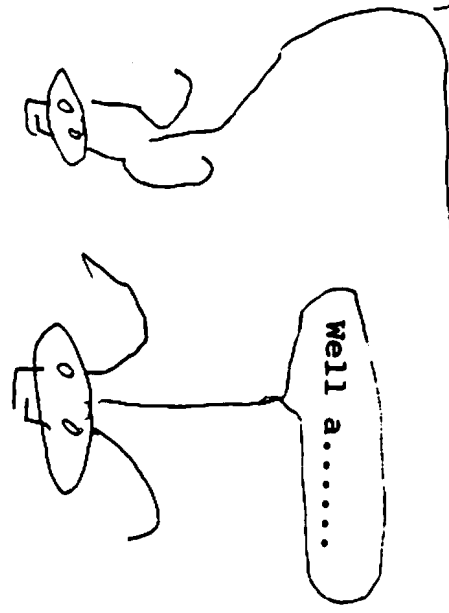
Finally, the helicopter ascended to a position several hundred feet above Larry and lowered a rescue line. Larry snagged the line, with which he was hauled back to shore, a difficult maneuver, flawlessly executed by the helicopter crew.. As soon as Larry was hauled to earth, he was arrested by waiting members of the LAPD for violating LAX airspace.. As he was led away in handcuffs, a reporter dispatched to cover the daring rescue, asked him why he had done it. Larry stopped, turned and replied nonchalantly, "A man can't just sit around." Here's a salute to Larry Walters, the 1997 Darwin Award Winner.

ROACHEZ

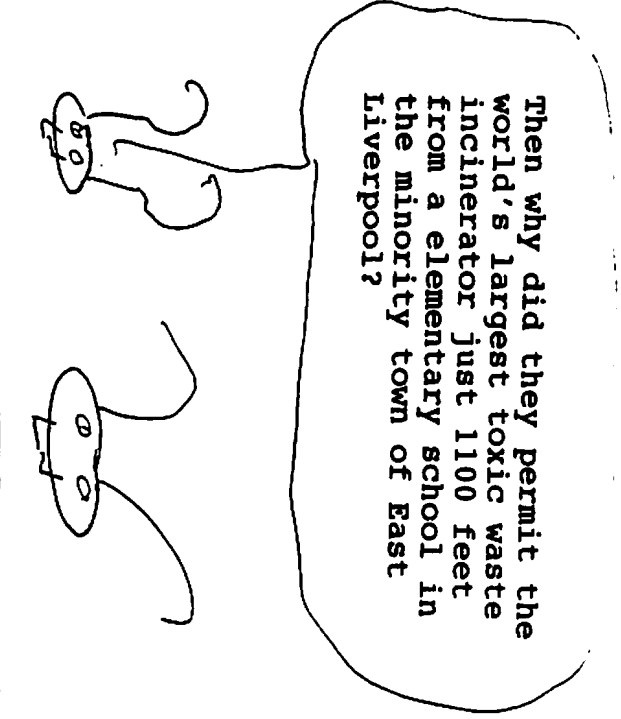
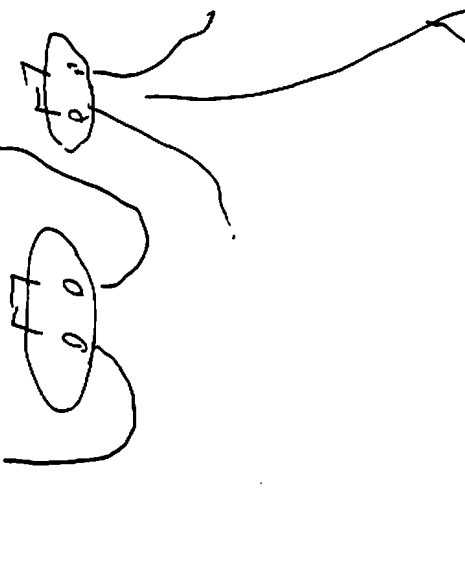
A BROWNER EPA - PART 2- EPA VS CHILDREN AND MINORITIES



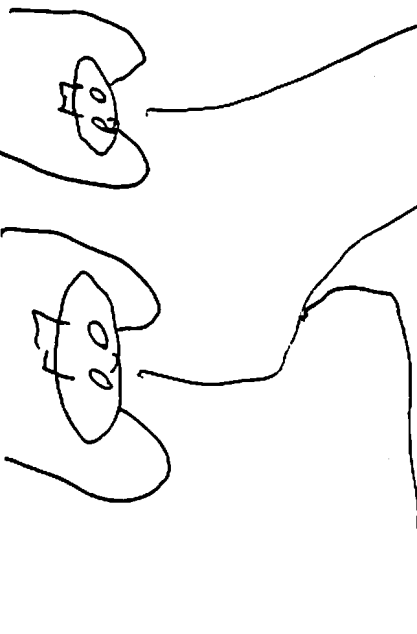
And why do they allow carcinogens to be aerially sprayed on the Los Angeles Basin; aren't there any children in LA?



And why are they allowing higher dioxin levels to be discharged into rivers on tribal lands?



Shut up son, the stock market is up isn't it.





INSIDE THE FISHBOWL

"We must conduct our affairs at EPA as if we worked inside a fishbowl ..."
— William Ruckelshaus, former Administrator, U.S. EPA

December 1997

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FLUORIDE DEVELOPMENTS

SUPPORT FOR EMORY AS I.G.

NATIONAL PARTNERSHIP COUNCIL

NEW FULL TIME STEWARD

TURMOIL AT NFFE NATIONAL

"WHEN CORPORATIONS RULE
THE WORLD" - BOOK REVIEW

**National Federation of Federal Employees
Local 2050**

PO Box 76082
Washington, DC 20013
Offices: Waterside, North Plaza
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-401-3139

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OPPTS REORGANIZATION DRAWS FIRE FROM EMPLOYEES - Two Views from Local 2050

A View from Dwight Welch Being invited - via the grapevine rather than through official channels - to the Lynn Goldman meeting with Office of Pesticide Programs staff, I had a number of questions to pose to Assistant Administrator Goldman. I didn't need to - the employees did it for me. Several major concerns really outraged many OPP employees. One was, "Why another reorganization, when the previous reorganization was not yet completed?" Many employees had just unpacked their boxes, still others were moving or about to move and here they go changing everything around again. A number of questions bordered on the blunter question I would have asked, "Was the last reorganization such a dismal failure that a new one was needed to correct the problems of the previous one?" Dr. Goldman's explanation was that she wanted to have OPPTS under four rather than two Office Directors. The tremendous responsibilities of the current Office Directors diluted severely the time individual directors could devote to any one issue.

Another question on everyone's mind was, "Why all the secrecy?" Indeed, even Office and Division Directors were left in the dark. Dr. Goldman's response is that she wanted everyone to hear it from her first and not through the rumor mill. Concerns were also great concerning the fact that Office Directors and other important positions were already filled. Dr. Goldman's response was that the reorg was not set in stone, that there was plenty of room for "adjustments". One comment which did not surface at the meeting, but is being discussed among employees is, "Why did industry know about it, while employees, managers, and the Unions were left in the dark?"

A major concern among OPPs scientists was the selection of Marcia Mulkey as OPP Director. Everyone thought and most hoped that Acting Office Director Stephen Johnson would become the OPP Director. These scientists are outraged at a lawyer being appointed the head of an essentially scientific program. Mr. Johnson, a scientist himself, was more acceptable to these folks. Furthermore, why was Mr. Johnson being appointed to a Directorship which could properly be run by an attorney?

When I finally got to ask my question, it was "What happened to predecisional involvement by the Unions?" Dr. Goldman informed me that OPPTS would be working closely with the Unions.

Since approximately two thirds of both Local 2050 leadership and membership comes from within OPPTS, you can bet that this will be a major issue for our Union in the coming year. Thus far we have started organizing for a survey of all bargaining unit employees in the AA-ship. However, after a survey of OPPT employees during the last reorganization, management rammed its reorg down our throats despite **OVERWHELMING** opposition - not only by surveyed employees (80% in favor of a "union plan" and 17% in favor of management's) but by OPPT managers as well (60% for the union plan, 40% for management's).

High on the Unions current list of priorities for a reorganized AA-ship will be to recover some of the environmental functions lost during the Reagan/Bush era. One example is the Pesticide Incident Monitoring System. Eliminated in the early days of the Reagan era, this program, run by only two individuals, gave the Agency a handle on how many people and domestic animals were being poisoned and by what pesticides. In the absence of this system there was a major run of pet deaths from Hartz Blockade before EPA was even aware of it; the States needed to educate the Federal Government. Another high priority is our support for Steve Johnson as OPP Director. Though, strictly speaking, position assignments are a management right, maybe management might reflect upon the idea that employees, grossly upset with the selection of Mulkey, might not perform as well as employees happy with the appointment of Steve Johnson.

A View from Bill Hirzy Assistant Administrator Lynn Goldman's proposal to reorganize the Office of Prevention Pesticides and Toxic Substances into four Offices has met with mixed reviews, at best, from people within her AA-ship. Most employees who so far have spoken with Local 2050 leaders have expressed grave concern over the proposal, which has its biggest impact on the pesticides program. The chief concern is that splitting the pesticides operations into what amounts to two plus new Offices will make it harder for staff to deal with registrants and other members of the public. Both Pesticides and Toxics Offices have just completed reorganizations at the branch level and there is considerable feeling among those so far expressing a viewpoint that the Offices have not yet "digested" these reorganizations, and now they are faced with yet another new game plan.

On the other hand, OPP is as large as several full AA-ships, and getting senior management (OD and AA) attention focused on important issues is harder than it should be or could be if another Program Office were created to help ease the senior management work load. It appears that the new proposal would not affect organizations at the Division level or below, minimizing impact on individual staff members (except for that pesky issue of dealing with irate registrants who may be trying to find where their applications should be handled).

Management has the right under the Civil Service Reform Act to "determine the organization" of the Agency, but also has the obligation under Executive Order 12871 to operate in partnership with its labor unions in exercising that right.

Local 2050 will be conducting a survey of OPPTS professional to get an accurate sense of staff feel about the reorganization. The union has been invited to help design the process for getting staff input to decisions on the proposed reorganization and it will use the survey results accordingly. If you would like to help in this effort, please call the union office at 260-2383.

**"THE SCIENCE IS WHAT THE SCIENCE IS" SAYS STEVE JOHNSON
IN RESOLVING DEMENTI COMPLAINT - by Dwight Welch** On

December 11, 1997 Dr. Brian Dementi and I met with interim OPP Director Steve Johnson. As reported in the last INSIDE THE FISHBOWL, there were some suspicious goings on regarding OPPs response to a Freedom of Information Act request about a paper by member Dementi. Our meetings with Dan Barolo and Jim Aidala resolved most of these issues. But once again, issues surrounding Malathion are plaguing Dr. Dementi.

As the Agency expert on this pesticide, he was a major participant in a Hazard ID meeting on malathion. Inexplicably, his participation was not noted in the minutes of the meeting. Dr. Dementi was also not given an opportunity to comment on the meeting minutes. An examination of the conclusions by the Hazard ID committee *versus* those of Dr. Dementi is revealing as to why he was cut out of the loop. The committee lists Data Gaps as "None". In Dr. Dementi's notes on the meeting, he lists 6 significant shortfalls.

In our meeting with Stephen Johnson, after hearing Dr. Dementi's concerns, Mr. Johnson offered to provide all of the relief requested. With the wisdom of a Zen master, the director indicated "The science is what the science is." To explain, Mr. Johnson understands the inherent conflict between science and risk management. He understands that upper management cannot ask the scientist to change his or her review, but sometimes must overrule adverse scientific opinion due to other considerations.

Mr. Johnson agreed to correct the situation by talking to appropriate folks not only to have Brian Dementi's name and contributions entered into the minutes, but to make sure such failures do not happen again. Mr. Johnson also agreed that Dr. Dementi's comments must be dealt with and, if worse came to worst, and the scientific disagreements could not be reconciled, that Brian's comments would remain attached to the package as a minority opinion. Mr. Johnson felt strongly that such a minority opinion might be very critical to the decision making of higher-up managers in determining policy. Mr. Johnson also suggested a follow up meeting to be sure that Dr. Dementi's concerns were all dealt with.

One cannot ask for any more than that. What could have been an ugly grievance was settled using interest based bargaining and partnership principles. This is an example of why Local 2050 has consistently rated Steve Johnson high on the list of those who walk the partnership walk and has made that rating very clear to Assistant Administrator Lynn Goldman. (Editor's Note: This is also an example of how the union and Dwight Welch effectively represent ethical scientists who are just trying to do their jobs.)

DAN BAROLO: OPP's LOSS IS ANOTHER OFFICE'S GAIN - by Dwight Welch I believe I speak for most of the OPP Bargaining Unit

Employees when I say that Dan Barolo was probably the best thing ever to happen to the Office of Pesticide Programs. During Dan's unfortunately too short tenure, he turned OPP around from being the black sheep of EPA HQ to one of its more outstanding programs. Dan instituted much reform in OPP and was very popular with the scientific community within OPP for opening up many new career ladder opportunities for otherwise dead ended OPP scientists. The majority of OPP scientists and managers I talked to all regarded Dan's departure with considerable glum.

First impressions of Mr. Barolo are often quite the same. He initially comes off as a gruff, terse, and humorless individual. Upon closer inspection, however, a different picture emerges. Dan is a very conscientious person. Inheriting an Office of Pesticide Programs in really bad shape gave Dan little to laugh about. His very busy schedule left him, in his own words, with "only about 20 minutes each per important issue." He is a very caring individual and perhaps it was his strong sense of duty pitted against the high stress of being the OPP director, that made him sometimes seem angry and probably led to his leaving OPP. (Though Dan is not talking about that.) Dan is not prone to sophistry, but rather is a "tell it like it is" individual.

Our initial contacts with Dan, were not exactly optimal. At first Dan and Local 2050 clashed. But after a rough start, once the director was educated as to partnership and cooperation with the Union, Dan became one of the most highly respected (by Local 2050) managers at EPA HQ. Although we felt the need to complain about the influence of OPP's illegal Employee Advisory Group usurping the role of the Unions, Dan, for the most part was one of the best in terms of predecisional involvement of the Unions. Dan also worked with VP Freshteh Toghrol to develop and increase the number of Senior Science positions.

VP Bill Garetz, a senior staffer in OPPE, reports than Dan has been very well received by OPPE, where he has been working on a short term, high level assignment in support of the new Center for Environmental Information and Statistics. Bill and other OPPE employees have greatly appreciated the strong, positive role Dan has played in OPPE since his departure from OPP. It is not clear what Dan's next position will be, but whatever Office he goes to will be lucky to get him.

PERFORMS IS COMING In early October a three day workshop on the new performance management system, PERFORMS, was held in Alexandria. Dwight Welch and Bill Hirzy attended for the Local. By now, most of you have gotten the word that PERFORMS is scheduled to take effect across EPA on January 1, 1998.

The system, which has been blessed by OPM, has these key new features: 1) a two level summary rating (Satisfactory and Unacceptable), a new rating period corresponding to the calendar year, and de-linking of awards from performance rating of record. Service credit for performance for RIF purposes will be changed as well; Satisfactory ratings will get 12 year service credit.

Until the system has been in place long enough to generate three new ratings of record (presumably Satisfactory for virtually everyone, thus creating three 12 year credits), the RIF service credits earned under the old system will still have an impact on RIF retention registers.

The OPM-sanctioned PERFORMS system retains three- and five-level summary rating options that theoretically could be instituted at some future time.

Local option for various types of fine tuning of PERFORMS is permitted under the new system, but the general sentiment at the workshop, at least among the union representatives, was to minimize such variations at this juncture. Word is that Headquarters management will agree on one uniform system for Headquarters. Impact and implementation bargaining may take place once detailed proposal of a system for Headquarters comes to the union. The AFGE National EPA Council of Locals is now bargaining with management over PERFORMS.

The de-linking of awards from performance rating of record generated considerable discussion. Office of Human Resources and Organizational Services (OHROS) management assured everyone that there would not be any diminution of money available for awards strictly as a result of adoption of PERFORMS. It is expected that awards would be written up and given during the course of the year, rather than having the bulk of awards done at the close of the fiscal year, tied to the performance appraisal period. This is expected to make awards more timely and therefore more of an immediately recognizable incentive for outstanding work. Peer nominations will be part of the award system, though involvement of unions/employees in decisions on awards will be subject to local bargaining and has its upside and downside. In other agencies there hasn't been much controversy about the desirability of having union input on who gets awarded - but in some agencies having non-managers involved in deciding how much goes to which employees has led to disputes among staff.

NEGOTIATED SETTLEMENT OF GRIEVANCE Here's a classic example of how Local 2050 can help ethical scientists. A scientist came to the Local after the September rating period complaining that his historical Outstanding rating had been downgraded to Exceeds Expectations because his professional analysis of a problem did not please management. Dwight Welch met with the employee and management and explained the options that could be exercised in the matter. After a few hours of contemplation, management called Dwight and agreed to rate the employee Outstanding. Case closed. Member happy. Ethics preserved. Managements hands clean. Everyone a winner. (Editor's Note: Way to go, Dwight.)

FLUORIDE DEVELOPMENTS - by Bill Hirzy The action taken by Local 2050 in July to co-sponsor the California Citizens For Safe

Drinking Water initiative to ban fluoridation in that state has had profound repercussions benefiting both public health and the union. Using our Local's action as inspiration and ammunition, citizens around the country have renewed efforts to stop disposal of an industrial waste, hydrofluosilicic acid and its derivatives, in their drinking water supplies.

Taking over this union project from former President and fluoride guru, Dr. Robert J. Carton, Bill Hirzy appeared on radio talk shows on the issue in California (2 programs), North Carolina, Massachusetts and New York (NPR). Along with neurotoxicologist Dr. Phyllis Mullenix, Prof. Paul Connet of St. Lawrence University and Attorney John Graham, Hirzy also participated in a citizens meeting in Methuen MA in October. He also attended a meeting of the Institute of Medicine/National Academy of Sciences in September with Prof. Connett where he and Dr. Connett challenged NASS attempt to anoint fluoride an "essential nutrient" along with calcium, magnesium, phosphorus, and vitamin D. At that ghastly affair, Hirzy got IOM Committee Chairman Vernon Young, in public, to seemingly back away from an "essential nutrient" claim for fluoride when he would not affirm that fluoride was "essential"; Young kept repeating over and over instead, the mantra, "Fluoride is a beneficial element", finally throwing in the spine-chilling epithet, "...BUDDY!"

These union actions have drawn praise from around the country and from Great Britain as well (a letter from the British National Pure Water Association is below). When Hirzy spoke in Methuen and said, "Im not here from the Government to help you, Im here from the union to help", the room broke into applause and cheers. We are making lots friends at the grass roots simply by standing up for ethical scientific analysis of this issue.

In some cases citizens' efforts to stop or reverse fluoridation have already been successful, as in Bellingham, Washington, where the City Council passed a resolution to keep fluoride out of the water supply, citing NFFE 2050's July 2 vote, and in Methuen MA, where the citizens voted Nov. 4 against fluoridation; in some cases the battle continues, as in Natick, Massachusetts.

In California, where the union's renewed efforts on fluoride began this year, insufficient signatures were obtained to put the initiative on the November ballot in that state. It appears likely that the effort will be renewed at a later time.

For anyone interested, video tapes of the Methuen and IOM/NAS meetings and audio tapes of most of the radio shows are available for your review. Call Bill Hirzy at 260-4683.

Letter from Britain:

National Pure Water Association 8 July, 1997

Dear Bill:

I want to thank you for sending me a copy of your letter to Jeff Green (California).

A press release went from here overnight to every national and regional newspaper in England, Ireland (North and the Republic), Scotland, and Wales. It went to MPs, Lords, Councillors, lawyers, water company chairmen, independent journalists, radio stations, Associated Press and Reuters. It also went to Europe - to Ziegelbecker, Dr. Madeleine Petrovic (Austrian Green Party in Parliament) and Frau Breyer of the European Parliament.

Will you please convey to your members the thanks of the National Pure Water Association for having the courage of their convictions.

With Best Wishes

/s/

Jane Jones, Administrator.

[Editor's Note: The Association sent along this quote from Journal of the American Dental Association XXIII 574 (1936):

"Fluorine is a general protoplasmic poison, but the most important symptoms of chronic fluorine poisoning known at present are mottling of the teeth and interference with bone formation. It is virtually impossible to avoid a small fluorine intake, just as it is virtually impossible to avoid a small lead intake, but when the threshold value is exceeded, as it is in drinking water containing one or more part of fluorine per 1,000,000, detectable signs of toxicity appear"

Of course this appeared in JADA before the propaganda blitz of the 1940's and 1950's that turned this potent toxicant (and registered pesticide) into a "beneficial element". Spokesmen for the ADA and the National Academy, such as Professor of Dental Theology Jim Bawden and Vernon Young, now contend that there is no evidence of fluoride toxicity after "years of searching" for such evidence.]

"THE SCIENCE IS WHAT THE SCIENCE IS" - STEVE JOHNSON AND LOCAL 2050

NATIONAL SUPPORT FOR RICHARD EMORY AS INSPECTOR

GENERAL The following text is from a letter written by the late John Sturdivant, President of the American Federation of Government Employees on behalf of Richard Emory's candidacy for EPA Inspector General. Its significance lies in its display of the high respect in which Dick is held by the union representing

the majority of EPA employees and indeed, the largest number of organized Federal workers nation-wide. It makes a cogent and irrefutable argument for Dick's timely appointment, and it should be read by all EPA employees and executives.

EPA's other labor unions have also endorsed Dick's candidacy. There is true solidarity among EPA's workers in wanting this courageous, ethical and effective leader in the post of Inspector General.

Bob J. Nash
Assistant to the President and
Director of Presidential Personnel
Old Executive Office Building Room 159
Washington, D.C. 20500

October 1, 1997

Dear Mr. Nash:

It is my understanding that President Clinton will soon be selecting a new Inspector General for the Environmental Protection Agency (EPA). AFGE's National Council of EPA Locals represents the employees of EPA, and the Council strongly supports Mr. Richard Emory, a senior counsel in EPA's International Compliance and Enforcement Division for the position.

Clearly, the IG position requires an individual with a working knowledge of criminal investigations. In addition, given the importance to EPA's mission of scientific integrity, the selectee should also be someone who has the respect and support of EPA's professional scientists; a person with strong environmental values who has demonstrated experience with environmental protection and dedication to EPA, its mission and its people. Dick Emory, in addition to being a friend of labor during his tenure at EPA, possesses those qualities. Mr. Emory's reputation for action is well known at EPA. In 1992 he disclosed evidence to a congressional subcommittee that the Bush Administration's Department of Justice had interfered with the aggressive criminal prosecution of major polluters. This action generated immediate and serious reprisals by management, which Mr. Emory fought and won.

We believe that while Mr. Emory will aggressively ferret out fraud and wrongdoing, he will also support employees' freedom of speech, and guarantee openness in OIG activities to the greatest extent allowed by law. We are confident too that he will focus on eliminating the suppression of scientific disagreements within EPA, and protecting the identity of employees reporting waste, fraud, or abuse.

In view of the above, AFGE strongly and proudly supports Richard Emory for the position of EPA Inspector General.

Sincerely and in solidarity

/s/

John N. Sturdivant, National President

NATIONAL PARTNERSHIP COUNCIL MEETS EPAs National Partnership Council (NPC) met in Chicago November 18-20. All Local unions and their corresponding management partners were presented except for the AFGE unit of Headquarters and the NFFE unit in Region VII. Bill Hirzy was Local 2050's representative.

Acting AA for Administration and Resources Management Al Pesachowitz reported on budget and other management matters. The Operating Plan for FY 1998 has been completed, and it is \$200 million less than the Presidents request but about \$200 million more than for FY 1997. The FY 1999 pass-back from OMB is expected in December. EPA has asked OMB for permission to manage FTE based on available payroll money, which is sufficient to cover all present staff and anticipated hires. Our annual attrition rate is about 2%. The Agency has acquired six floors of the District Building to handle personnel who wont fit into the Ariel Rios and Ronald Reagan buildings (which space is referred to by many EPA staffers as the Rachel Carson Space). We need 1.4×10^6 ft² but expect to get only 1.15×10^6 . Due to budget cuts to GSA, there will be a delay in completing all EPA moves until the end of 2001.

There will be a conference on diversity in Chicago next May 11-14. A national policy on Flexiplace is nearing completion covering episodic, medical and regular Flexiplace use. The policy will be subject to bargaining when work on it is finished. The union representatives and management both agree that the NPC should have been involved in this program earlier and more fully. One hopes that in future issues like this will not slip through the cracks (dare I say crevasses?...Editor) in partnership. A work group on violence in the workplace is drafting a letter for the Administrator on that issue. If a policy is developed on the issue, the NPC should be the place where it is done. A new communication is also coming on drug testing, but no changes are anticipated in the limited number of Testing Designated Positions, e.g. drivers, Super Fund Response Teams and just a few others.

An update on PERFORMS implementation was given (discussed above) along with a report on the Agencys study of its GS-14 and 15 population. In addition a round robin presentation of successes and difficulties in implementing partnership at the local level was given by each union-management group. Region I (Boston) reported in detail on use of an awards board that includes union representatives - the board decides who gets awarded and the Human Resources people decide how much That

Region is also in the midst of a major move and is using partnership to manage it.

Region II (New York) has no partnership activity at present. Region III (Philadelphia), in contrast, has disbanded its Human Resources Council and created a 10 union reps/10 managers Workforce Resource Council that will pick up the duties of the ex-HRC and will also engage fully in partnership activities - such as: defining what first-line supervisors will do under flattening; career development; fairness in promotions; and secretarial issues. A great model for H.Q. Offices.

In Region IV (Atlanta) the ARA is the primary partnership person for management. There are four union and four management people on their partnership council. Flexiplace is going well there - especially after the experience gained during the Olympics, and they have a generic move policy basing priority on grade, step and seniority. Management has invested \$50,000 in a Career Empowerment Center, which has been extremely popular with staff.

Region V (Chicago) is newly organized and is now focussing its partnership efforts on a minority action plan that includes alternative discipline, recruitment, rating/selection panels and career development. Region VI (Dallas) is even newer to the ranks of organized bargaining units, and its managers are still getting used to the idea of a union presence. They have had some success with 360° evaluations of supervisors. Region VII (Kansas City) was absent.

In Region VIII (Denver), where the partnership council is three years old, the union is represented on the Science Council and is working on an ethics policy with management. All communications with employees go through the union before dissemination in Region VIII. The Region has a functioning Flexiplace policy and has been successful in negotiating space assignments. The HRC in that Region is dying on the vine (R.I.P. - Ed.) In Region IX (San Francisco) partnership has been spotty. There has been some recent training in Interest Based Bargaining; the partnership council is doing career development work and was involved in flattening the Water Division. They are also working on a method for getting quality science into Regional decision making processes. Region X (Seattle) is unorganized.

Regarding Headquarters, Bill Hirzy reported on the creation of the first EPA partnership council at the AA-ship level (our OECA partnership council), on the problems in getting OPPTS to consider creating a partnership council (even after the highly successful staff placement exercise run in that AA-ship this year), on the successful adoption of the Generic Move Agreement and on the very difficult time the Headquarters is having in reaching agreement on a new Alternative Work Space policy.

ARTHUR CHIU ATTENDS ORD HRC MEETING Vice-President Arthur Chiu represented Local 2050 at the national meeting of ORDs Human Resources Council in Narragansett, RI October 14 and

15. That HRC has monthly teleconferences and quarterly meetings in different regional offices. Representatives from management and unions gather together with the intent to identify their mutual needs and find ways to realize the interests of these groups.

At this meeting there was a brief opening discussion summarizing recent meetings and developments since the last meeting. The group then separated into four focus groups with interests in scientific research, advancement and promotions, and equal opportunity. The outcome of these sessions was an expectation of some improvement over the current situation, in which there are many problems.

ROSEZELLA CANTY-LETSOME JOINS FULL-TIMERS Rosezella has joined the full time union staffers Dwight Welch, James Murphy and Bill Hirzy as a steward and is working in the union office at Waterside Mall. Rosezella is an attorney who has been most recently working in the Office of Civil Rights, and before that in the General Counsels Office. She brings a rich educational and job experience background to the union. In addition to her training as an attorney, she holds degrees in education from Howard University and an LLM degree from Harvard Law School in legal history. She was General Counsel of Infinity Factory, a Massachusetts based television production group that developed children's programs on mathematics much as Sesame Street does for spelling and reading. She also taught law in California before coming to EPA in 1988. She has worked in Region IV as well as Headquarters and is already a valued addition to the Locals staff.

TURMOIL AT NFFE NATIONAL NFFE President James Cunningham and Secretary-Treasurer Ruby Rogers have left office after reaching agreement with the National Executive Council to do so. Jim left in September and Ruby in November. The terms of office to which they were elected would have ended in November 1998. An ongoing series of disputes among the National Executive Council - which is still continuing - led to Jims and Ruby's early departure from office. This was a profound disappointment to many NFFE members. Local 2050 was a strong supporter of Jim and his work against contracting out and toward re-building a strong national union. Ruby also was doing a good job. We wish them the best as they resumes their private lives. Kate Swiencki, the go-getter Director of Public Relations for the union, also resigned in November, though she agreed to stay on and finish a pending issue of The Federal Employee, NFFE's newsletter.

No replacement for Ruby has been named as yet. Al Schmidt, National Vice-President from Region 9, is serving as Acting President, though there is an internal battle now between him and Region 4 National Vice-President Thomas Ray for presidential authority. In two November memoranda, Ray claimed that as the National Vice-President with the most seniority he would take

over presidential authority, but would not assume the title of Acting President, which would presumably still reside with a powerless Al Schmidt. It was pointed out to him that the NFFE Constitution did not provide for that sort of thing, and Ray seems to have backed away from the claim as of now, while he still attacks Schmidt.

Ray led his Local out of NFFE and into the Laborers International Union of North America about a year ago, yet was restored to his National office by a D.C. Superior Court Judge in September after Jim Cunningham had ousted him for his role in the Locals secession. Interestingly, Al Schmidt testified before that judge - before he was made Acting President - that he thought any NFFE Local that wanted to change affiliation from NFFE to another national union, such as the Laborers, should be free to do so without interference from the National Federation. How times do change.

Region 5 National Vice-President Sara Senns, a voice of sanity on the National Executive Council, also resigned during the November battles.

BILL HIRZY APPOINTED TO NFFE NATIONAL CONSTITUTION

COMMITTEE In September, NFFE National President Jim Cunningham appointed an eight person committee of NFFE members from around the country to study the National Constitution and make recommendations for changes that will be put before the Federation at its 1998 Convention. Also serving on the committee in addition to Bill Hirzy are NFFE Historian and past National Secretary-Treasurer Abraham Orlofsky of Virginia, Frank Haselton of Arizona, Raymond Westerdahl of New Jersey, Georgia Maitland and Helen Ryan of Maryland, Claude Daley of Washington State, and Debbie Witherspoon of Pennsylvania. If any Local 2050 members have thoughts on improvements to the National Constitution or would like to review that document please get in touch with Bill Hirzy at 260-4683.

BOOK REVIEW: "When Corporations Rule the World" by David C Korten.

Reviewed by James Handley Korten, a former International Monetary Fund economist, makes a compelling case that trans-national corporations, now freed of national boundaries by GATT and NAFTA and aided by the IMF and World Bank have superseded governments as the most powerful forces in the world and are not accountable to anyone but their largest shareholders. These super-wealthy "cloud minders" who utilize corporations, technology (and government) to efficiently extract resources and labor, can now enslave and impoverish everyone else and decimate the environment in the process because they can force everyone to compete for their crumbs (low wage jobs) while they are free to monopolize all the major consumer markets without government interference... (cf. "fascism.")

Middle class North Americans who previously saw this exploitation as limited to Third World countries, are not exempt... the first wave of the industrial revolution displaced manual laborers with machines. In the second wave, the office workers and managers are being replaced by machines and those that remain are forced to compete internationally in a race to the bottom.

Korten describes the "model" mega-corporation: it contracts out as much of its productive activity as possible so these functions can easily be shifted to the low bidder, freeing it of obligations to pay salaries and benefits, while it reaps profits by licensing technology and information to subsidiaries or contractors. (DuPont started doing this about 10 years ago) The same model is apparently being adopted by government at all levels, as noted in Bill Hirzy's article August issue of Inside the Fishbowl.

Korten reminds readers that corporate charters are grants of limited liability granted in the public interest and that until about the 1860s were often revoked by states. The Founding Fathers were keenly suspicious of corporations because they had been used by the English kings to extract wealth from the colonists. After the civil war, corporations had amassed enough wealth (often as suppliers to the war effort) to exert great influence on state legislatures, persuading them to grant perpetual corporate charters. During this era, the Supreme Court held that corporations are entitled to the protections of the Bill of Rights despite the fact that corporations are not mentioned in the Constitution or Bill of Rights. Korten suggests that citizens begin challenging corporate charters when corporations do not behave in the public interest. But he points out that the international system of finance treats corporations that act in socially responsible ways as "inefficient." Socially responsible corporations are the choice targets for leveraged buyouts because corporations that preserve resources for the future or which treat employees fairly, can be quickly restructured to produce immediate profits.

The compromise that Franklin D. Roosevelt struck among progressives (particularly the labor movement), the middle class and the industrialists has been utterly repudiated. Can class warfare be far behind?

[Note: James Handley is interested in starting a reading and discussion group for progressives which would focus, at least initially, on Korten's book. If you are interested, please contact him at home at (202) 546-5692.]

GAP RELEASES NEW BOOK - WHISTLEBLOWER SURVIVAL GUIDE: COURAGE WITHOUT MARTYRDOM Don't leave for work without it! After 20 years assisting whistleblowers, The Government Accountability Project (GAP) proudly announces the release and availability of the 1997 Whistleblower Survival Guide (WSG):

Courage Without Martyrdom (WSG). Published by the Fund for Constitutional Government, this new edition offers readers the most up-to-date and comprehensive guide to the complicated and tumultuous process of blowing the whistle on waste, fraud, and abuse. Tom Devine, the book's author and GAP's Legal Director, said, "Our goal is to keep new whistleblowers from having to personally learn the lessons of their predecessors. We are sharing the experiences, the mistakes and the strategies that have worked or failed, so that they can accomplish more with less pain."

GAP is a nonprofit, public interest organization providing legal and advocacy assistance to concerned citizens who witness dangerous, illegal or environmentally unsound practices in their workplaces and communities and choose to blow the whistle. Since its founding in 1977, GAP has helped hundreds of public and private employees and grassroots organizations expose threats to public health and safety and the environment. The WSG combines case histories; whistleblower survival tips; reprisal and coverup tactics to expect; detailed descriptions of their rights; resources; legal options; allies and outlets; and three primary criteria whistleblowers should consider before carrying their action forward.

Under the Whistleblower Protection Act (WPA), whistleblowing is defined as disclosing information that an employee reasonably believes is evidence of illegality, gross waste, gross mismanagement, abuse of power, or substantial and specific danger to public health or safety. Whistleblowers' actions have and will continue to save lives and billions of dollars. What whistleblowers witness may jeopardize the health, safety or lives of others. They may see managers at a nuclear facility violate a safety code, a chemical company dump hazardous waste unlawfully, or a food processing plant attempt to sell contaminated, dangerous meat to consumers.

Litigation is not GAP's main tactic in providing advocacy for whistleblowers. Instead, GAP emphasizes breaking the cycle of isolation through legal campaigns connecting whistleblowers with the majority of citizens who should be benefiting from their dissent. The WPA, the False Claims Act and rights guaranteed to federal workers under collective bargaining agreements are the most prevalent legal means of recourse. The WSG goes on to describe reforms needed to bridge the gap between paper and reality for whistleblower protection laws - 1) jury trials in reprisal cases; 2) closing the national security loophole; and 3) breaking the government's bureaucratic monopoly on law enforcement by giving whistleblowers and citizens the right to file suit against any misconduct they expose.

Copies of the Whistleblowers Survival Guide and a condensed version of the book are available from GAP. GAP experts can also answer your questions about free speech, due process rights and other matters of justice, integrity and accountability in the government or private workplace. Contact Marik or Lisa at GAP for more information or to schedule an interview, 202-408-0034.

FROM THE PRESIDENT: THANK YOU - by Dwight Welch I would like to thank the many members who stood by me in the past several months. The orchestrated vendetta against me by certain members within the Union extracted a very high toll on me physically, emotionally and mentally. Were it not for the moral support of members throughout Headquarters, I doubt if I would have made it without resignation. I would also like to thank the membership for taking charge of their Union and making it clear as to what behaviors they considered intolerable. This intent was made clear by the many e-mails sent to the Union's officers, the landslide recall election, and unfortunately, by the resignation of about 10% of the membership, who said they could no longer tolerate the flood of noxious e-mails.